

VILLAGE OF PALMETTO BAY  
Minutes of the Meeting of Monday, October 1, 2007  
Deering Estate Visitor's Center  
16701 SW 72 Avenue  
(305) 259-1234

**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

Meeting called to order at 7:03 p.m. Mayor Flinn recognized Finance Director Desmond Chin's birthday and asked him to lead the pledge of allegiance.

**II. PROCLAMATIONS, AWARDS, PRESENTATIONS**

A. Presentation by Miami-Dade County regarding Sadowski Park: Ms. Barbara Falsey of Miami-Dade County provided information regarding the new Planting and Management Plan for the Park. She provided a history of the park and advised that the new plantings will fill in the area and be comparable to the area to the east with native trees and shrubs that tolerate wet conditions and will be butterfly and bird attractors. She asserted that the result will be a natural area comparable to the rest of the site – a habitat for butterflies, birds, grey fox and opossum. She asked residents to consider helping by volunteering for planting and maintenance.

Mr. Andy Newman, resident, asked about the timing of the project.

Ms. Falsey stated that it would be approximately 5 months until they are able to secure the species.

Mr. Newman asked if the plantings would be completed by the summer of 2008.

Ms. Falsey stated that she believed so.

Mr. Joseph McGuire of Miami-Dade County Parks noted that the County plans to install 10 to 12 foot tall trees and approximately 360 plants.

Mr. Eric Tullberg, 7884 SW 179 Terrace, stated that the lights need to be screened from the houses for the astronomers that use the park.

### **III. APPROVAL OF MINUTES**

- A. Minutes of the September 10, 2007 Council Meeting
- B. Minutes of the September 17, 2007 Special Council Meeting

Vice Mayor Robinson moved to approve. Seconded by Councilman Feller. All voted in favor. The Motion carried.

### **IV. VILLAGE MANAGER'S REPORT**

Clerk Rader advised that the Zoning hearing for October 15, 2007 has been canceled. She announced the Committee of the Whole meeting on October 17, 2007 and the next Regular Council Meeting will be held on November 5, 2007.

Manager Williams provided staff report. He encouraged citizens to take advantage of the police service wherein officers will visit your place of business and/or home to conduct a safety survey. He advised that staff is investigating alternative spaces for Village Hall to alleviate space concerns.

**V. VILLAGE ATTORNEY'S REPORT:** None at this time.

**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 ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR NAGIN GALLOP FIGUEREDO, P.A. IN THE AMOUNT OF \$22,650.85; PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE PASSAGE OF H.R. 1459/S. 543, THE "PRESERVING PATIENT ACCESS TO INPATIENT REHABILITATION HOSPITALS ACT" OR SIMILAR LEGISLATION; PROVIDING AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; APPROVING AN AMENDMENT TO THE SAFE NEIGHBORHOOD PARKS SERIES 04 DISCRETIONARY FUNDS GRANT AGREEMENT FOR AN EXTENSION; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AMENDMENT ON BEHALF OF THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE.

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO SURPLUS EQUIPMENT; DECLARING 2000 LAND ROVER, TO BE SURPLUS; AUTHORIZING THE VILLAGE MANAGER TO DISPOSE OF THE EQUIPMENT IN ACCORDANCE WITH THE PROVISIONS OF THE FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

Councilman Neidhart moved to approve the Consent Agenda. Seconded by Councilman Feller. All voted in favor. The Consent Agenda passed.

## VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BOARDS AND AGENCIES; APPOINTING AN ADDITIONAL MEMBER TO THE SPECIAL EVENTS COMMITTEE AND RE-APPOINTING CURRENT MEMBERS FOR THE FISCAL YEAR 2007-08 TERM; PROVIDING AN EFFECTIVE DATE.

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

Manager Williams provided staff report.

Mayor Flinn stated that many people have volunteered and hopes that they continue to do so. Vice Mayor Robinson concurred.

Mayor Flinn suggested Christine Berdion. Seconded by Vice Mayor Robinson. All voted in favor. The Resolution passed (5-0).

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE ART-IN-PUBLIC-PLACES PROGRAM, APPOINTING MEMBERS TO THE ART-IN-PUBLIC-PLACES ADVISORY BOARD; AND, PROVIDING AN EFFECTIVE DATE.

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

Manager Williams introduced Efren Nunez, Zoning Administrator, who provided staff report.

Councilman Feller suggested that the Board could be improved by including two board members who are non-artists.

Attorney Boutsis advised that two members would hold one-year terms, while the other three would have two-year terms in order to have staggered terms.

Mayor Flinn suggested that the District 2 and Vice Mayor appointees should have the shorter terms.

Following brief discussion, the following members were appointed:

Vice Mayor appointed Mary Elizabeth Maggio – 1 year term.

Councilman Neidhart approved Stefanie Blockreed – 1 year term.

Councilwoman Stanczyk appointed Dana Pizoldt – 2 year term.

Mayor Flinn appointed Amey B. Elias – 2 year term.

Councilman Feller appointed Marco A. Lopez – 2 year term.

All voted in favor of the appointments. The Resolution passed unanimously.

Attorney Boutsis indicated that she would draft an Ordinance to include the non-artist members.

- C. 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 DECEMBER 31<sup>ST</sup>, 2007; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Robinson moved the item forward. Seconded by Councilwoman Stanczyk.

Director Weintraub provided staff report.

Mayor Flinn asked if the positions had been posted.

Manager Williams stated that he is in the process of approving the job descriptions and as soon as they are final, the positions will be advertised and posted.

All voted in favor of the proposed Resolution. The Resolution passed unanimously.

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACCEPTING STREET IMPROVEMENT STANDARDS, AS ATTACHED HERETO, FOR FUTURE STREETSCAPES IN THE FRANJO TRIANGLE & U.S. 1 ISLAND (FT&I) ZONING DISTRICT; AND, PROVIDING AN EFFECTIVE DATE.

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

Director Weintraub provided staff report.

Councilwoman Stanczyk asked the effective date.

Director Weintraub stated that they could be implemented immediately.

All voted in favor of the proposed Resolution. The Resolution passed unanimously.

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO THE LUDOVICI PARK PROJECT; ACCEPTING AND APPROVING THE GUARANTEED MAXIMUM PRICE PROPOSED BY A2 GROUP, INC. FOR DEVELOPMENT OF THE PARK SITE; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE GUARANTEED MAXIMUM PRICE PROPOSAL AND PROCEED WITH THE CONSTRUCTION PHASE OF THE PROJECT; AND PROVIDING AN EFFECTIVE DATE.

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

Manager Williams provided staff report. He noted that staff is proceeding with the library portion of the project; however, there is a need to have the projects proceed simultaneously.

Mayor Flinn stated that the budget appropriations should stay with the project until completed.

Following brief discussion, all voted in favor of the proposed Resolution. The Resolution passed unanimously.

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO CONTRACTS; APPROVING THE THIRD ADDENDUM TO THE EXISTING CONTRACT WITH RECREATIONAL DESIGN & CONSTRUCTION, INC. TO PROVIDE DESIGN-BUILD SERVICES FOR THE PALMETTO BAY PARK PROJECT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE ADDENDUM; AND PROVIDING AN EFFECTIVE DATE.

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

Manager Williams asked Director Ana Garcia, Parks and Recreation Department, to provide staff report.

Director Garcia noted that staff has been able to locate funds through reducing the scope of service based upon need. She provided information as to how permanent fencing is more productive and fiscally responsible.

Mayor Flinn asked if staff had realized any savings on the storage facility at this time.

Manager Williams advised that this effort is continuing; however, improvements are needed, as the structure is infested with termites.

All voted in favor of the previous Motion. The Resolution passed unanimously.

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PERMANENT TRAFFIC CALMING DEVICES ON SW 92<sup>ND</sup> AVE. FROM SW 174<sup>TH</sup> STREET TO SW 184<sup>TH</sup> STREET IN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT WITH THE CORRADINO GROUP, INC. TO PROVIDE DESIGN AND CONSTRUCTION MANAGEMENT SUPPORT SERVICES FOR THIS AREA; AND TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$92,306.00 AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams provided staff report.

Attorney Boutsis advised that the contract is legally sufficient.

Councilwoman Stanczyk stated that residents in her district are looking forward to having their traffic concerns resolved.

Councilman Feller noted that the funds are for design and construction management, not for building. He asked how much funds will be needed for construction.

Manager Williams stated that a construction estimate will be provided upon insuring that the design will be effective and fit within the community and the budget.

Councilman Feller noted that approximately \$90,000 was spent for the design and planning of an area road that was of great concern as a traffic fatality had occurred there. He asked staff to return the cost of the construction for this roadway to Council for consideration when the amount is determined.

All voted in favor of the previous motion. The Resolution was adopted unanimously.

- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO A TRAFFIC CALMING IMPROVEMENTS IN THE VILLAGE OF PALMETTO BAY;

AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT WITH THE CORRADINO GROUP, INC. TO PROVIDE PLANNING SERVICES FOR PERMANENT TRAFFIC CALMING DEVICES ON SW 174<sup>TH</sup> STREET BETWEEN US-1 AND SW 90<sup>TH</sup> AVENUE AND THE INTERSECTION OF SW 148<sup>TH</sup> STREET AND SW 82<sup>TH</sup> AVE TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$20,023.00; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Clerk Rader noted that the item should read "82" avenue, not "87".

Manager Williams provided staff report. He stated that staff is not planning any improvements on the size of the traffic circle on SW 160 and 82 Ave, rather, concentrating on smaller areas that will be proportional to the available right-of-way.

Councilwoman Stanczyk stated that she is in favor of the project.

All voted in favor of the previous Motion. The Resolution passed unanimously.

- I. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO A DRAINAGE IMPROVEMENT PROJECT IN THE AREA OF SW 178<sup>TH</sup> TERRACE BETWEEN SW 88<sup>TH</sup> COURT AND SW 87<sup>TH</sup> AVENUE IN THE VILLAGE OF PALMETTO BAY; AUTHORIZING CORZO CASTELLA THOMPSON SALMAN (C3TS), INC. TO PROVIDE PLAN REVIEW/VALUE ENGINEERING AND CONSTRUCTION SUPPORT SERVICES; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT UP TO EXCEED \$9,800; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams provided staff report. He noted that this firm provided the drainage services recently at Coral Reef Park. He stated that staff has been working diligently on improving drainage conditions throughout the village.

The Council expressed their support. All voted in favor. The Resolution was adopted unanimously.

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

**X. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES:**  
None at this time.

## **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 THE VILLAGE'S CODE OF ORDINANCES, CHAPTER 30 ENTITLED "ZONING," CREATING DIVISION 60, ENTITLED "GENERAL 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 Feller.

Director Weintraub provided staff report. She noted that several revisions had been made to address public and Council comments, such as removing vinyl coating for fences and including fence regulations to mirror the County for barbed wire. She advised that a new section was included concerning maximum height of walls/fences, the boat cleaning parking time was modified and extended. She noted that staff removed the section on entry features to include in sign regulations. Director Weintraub advised that the home office section mirrors the County and hasn't changed. She advised that with regard to generators, the Village's noise ordinance section is exactly as it has been adopted by council years ago. She advised that with regard to multiple cars in residential districts, staff followed the county regulation: vehicles must park on approved surfaces - driveways and half-driveways.

Attorney Boutsis noted that Councilwoman Stanczyk had asked for clarification concerning Page 11 "special event tents". She advised that language was added "or in conjunction with a special events permit" to insure the definition is not too narrow and the business could allow for a tent with a special event.

Councilwoman Stanczyk suggested adding (at Page 6 of 38) "in new construction" to the screen enclosure section.

Attorney Boutsis advised that that sentence would be stricken.

Eve - strike Page 6, line 19-last sentence.

Discussion ensued regarding PODS.

Director Weintraub noted that staff needs to insure that they are located properly.

Vice Mayor Robinson suggested that "awnings and canopies" should be defined.

Councilman Feller concurred, adding that people may put up an awning permanently and not take it down – particularly in front of the house over the driveway.

Director Weintraub stated that if the item is attached to the ground, it is permanent.

Councilman Feller stated that he does not object to a temporary structure, but it would not be appropriate to have a non-attached temporary structure for permanent use.

Attorney Boutsis stated that the modification could be made.

Discussion ensued concerning “swales”. Attorney Boutsis advised that swales should be used and are designed to retain run-off, not for personal landscaping. Mayor Flinn concurred.

Councilman Neidhart stated that while there is no question that there is a need to recover the swales, he concerned with being too heavy-handed initially. Brief discussion ensued.

Councilwoman Stanczyk asked for clarification regarding repeated incidences with dumpsters being emptied during illegal operating hours.

Director Weintraub provided the section.

Mayor Flinn opened the public hearing. The following individuals addressed the Council: Arleen Feller, 7950 SW 144 Street; Mr. Berrens, 8525 SW 176 Street; Eric Tullberg, 7884 SW 179 Terrace; James Woodard, 17001 SW 90 Avenue; Henry Clifford, 8875 SW 171 Street; Kemberly Horowitz, 16425 SW 89 Avenue; Randy Burns, 7420 SW 174 Street; Mike Steadman, 15750 SW 77 Avenue; Peter James, 17083 SW 92 Avenue; Alice Gomez, 9141 SW 171 Terrace; Steve Kreisler, 18201 SW 98 Avenue; Joseph Miorelli, 8481 SW 182 Street; Richard Lopez, 7605 SW 164 Street; Cyndi Hewett, 16630 SW 80 Avenue; Pamela Reid, 7201 Mitchell Drive; and, Stewart Guthrie, 6960 SW 144 Street.

Mayor Flinn closed the public hearing.

Councilwoman Stanczyk asked for clarification concerning the length of Recreational Vehicles.

Following brief discussion, Mayor Flinn suggested deferring consideration of the swale issue.

Councilman Feller suggested that generator testing be performed at any day of the week. Seconded by Vice Mayor Robinson. All voted in favor.

Councilman Feller moved to defer consideration of swales. Seconded by Councilman Neidhart. All voted in favor.

Councilman Neidhart moved to include the Dade County approved vinyl fencing in the section for fences/walls/hedges. Seconded by Councilwoman Stanczyk. All voted in favor.

Vice Mayor Robinson moved section 30-60-2 as amended. Seconded by Councilman Neidhart. All voted in favor.

Councilwoman Stanczyk moved to strike the subsection regarding screen "in new construction" in Section 30-60-3 – Accessory building. Seconded by Councilman Neidhart. All voted in favor.

Councilman Feller moved Section 30-60-4 – safety barriers as drafted. Seconded by Vice Mayor Robinson. All voted in favor.

Councilman Feller moved Section 30-60-5 - permanent generators as drafted. Seconded by Vice Mayor Robinson. All voted in favor.

Councilman Feller moved Section 30-60-6 outdoor lighting as drafted. Seconded by Councilman Neidhart. All voted in favor.

Councilwoman Stanczyk moved Section 30-60-7 – outdoor storage as drafted. Seconded by Councilman Feller. All voted in favor.

Councilwoman Stanczyk amended Section 30-60-8 – line 28 "or in conjunction with a special events permit". Seconded by Vice Mayor Robinson. The Section was approved unanimously as amended.

Councilwoman Stanczyk moved to increase the Recreational Vehicle length (page 11 of 38 – line 18) to 40 feet. Seconded by Councilman Neidhart. All voted in favor.

Councilman Feller moved to define the maximum length of a trailered boat to be 35 ft. Seconded by Vice Mayor Robinson. All voted in favor.

Councilman Feller moved to include that two personal watercrafts or another trailered boat must screened from view from the street and from the adjoining neighbors. Seconded by Vice Mayor Robinson. Following discussion, Councilman Feller moved to defer the matter. Seconded by Councilman Neidhart. All voted in favor to defer the Section.

Vice Mayor Robinson moved Section 30-60-9 as drafted. Councilman Feller seconded. All voted in favor.

Councilman Feller moved 30-60-14 – Home Office as drafted. Discussion ensued. Vice Mayor Robinson seconded. The motion carried (4-1) – Councilwoman Stanczyk opposed.

Vice Mayor Robinson moved Sections 30-60-15 through 30-60-28. Seconded by Councilman Feller. All voted in favor.

Mayor Flinn asked for amendment to Section 30-60-29 – Noise. He suggested including at page 27 - “or if the animal is places in a single family home or a garage.” Councilman Feller moved the amendment. Seconded by Vice Mayor Robinson. All voted in favor.

Councilwoman Stanczyk asked for line 37 and 38 at Page 29 to be removed. Seconded by Vice Mayor Robinson. All voted in favor.

Councilman Neidhart moved Sections 30-60-30 through 30-60-34. Seconded by Vice Mayor Robinson. All voted in favor.

Councilwoman Stanczyk moved to defer the section concerning swales. Seconded by Councilman Neidhart. All voted in favor. The Ordinance, as amended, deferring swales and boats, was adopted by roll call vote, as follows: Mayor Flinn, Vice Mayor Robinson, Councilman Feller, Councilman Neidhart, and Councilwoman Stanczyk voting in favor.

- 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 70, ENTITLED “PARKING AND LOADING STANDARDS”; 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 noted that there have been no modifications since first reading.

Mayor Flinn opened the public hearing. The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Steve Kreischer, 18201 SW 91 Terrace; and, Henry Clifford. Mayor Flinn closed the public hearing.

Councilwoman Stanczyk suggested modification of Page 4, Residential Driveways, to revise that 50% construction would trigger modification of driveway.

Attorney Boutsis noted that there is no requirement to install a driveway; rather, only that if there is a driveway entrance, it would be paved.

Councilwoman Stanczyk withdrew her motion. The Ordinance was adopted by roll call vote, as follows: Mayor Flinn, Vice Mayor Robinson, Councilman Feller, Councilman Neidhart, and Councilwoman Stanczyk voting in favor.

- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING ORDINANCE NO. 06-06 ADOPTED MAY 1, 2006, ENTITLED "FRANJO TRIANGLE & U.S. 1 ISLAND ZONING DISTRICT" (FT&I); PROVIDING FOR PARKING REQUIREMENTS RELIEF PURSUANT TO A VARIANCE PROCESS AFTER PUBLIC HEARING; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Director Weintraub provided staff report, noting that no changes had been made since first reading.

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

A roll call vote was taken, as follows: Mayor Flinn: No, Vice Mayor Robinson: Yes, Councilman Feller: Yes, Councilman Neidhart: Yes, and Councilwoman Stanczyk: Yes. The Ordinance was adopted 4-1.

- D. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, CREATING CHAPTER 7 RELATING TO BURGLAR ALARMS; DELETING SECTION 14-19 THROUGH 14-28 OF THE VILLAGE CODE; PROVIDING FOR ALARM PERMITTING, PERMITTING FEES AND FINES FOR NON-COMPLIANCE, ISSUANCE OF FALSE ALARM REPORTS AND APPEALS OF FALSE ALARM REPORTS; AMENDING THE REGISTRATION PERIOD AND REGISTRATION REQUIREMENT, MODIFYING THE FEE SCHEDULE FOR PERMITTING AND FALSE ALARMS; AND CLARIFYING RESPONSIBILITIES AS TO REPORTING FALSE ALARMS; AND PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Director Chin provided staff report.

Mayor Flinn asked for the cost of the software to implement this program.

Director Chin stated that it cost approximately \$20,000.

Attorney Boutsis provided explanation of the proposed Ordinance.

Mayor Flinn stated his opposition to this proposed ordinance.

Manager Williams stated that some residents are neglecting to maintain their alarm systems and it is unreasonable for the police to go to false alarms.

Lieutenant Truitt concurred, adding that the large majority of alarm calls the police respond to are false, and the response requires two officers on the scene.

Councilman Feller and Councilman Neidhart concurred that the ordinance allows for an incentive to keep your system functional; otherwise, a false alarm will result in a fine.

Mayor Flinn objected to a yearly fee.

Mayor Flinn opened the public hearing. The following individuals addressed the Council: Carolyn Berrin, 8525 SW 176 Street; Carol Vega, 8845 SW 178 Terrace; Arlene Feller, 7850 SW 144 Street; and Henry Clifford. Mayor Flinn closed the public hearing.

Councilman Feller suggested returning the word "waived" and removing the fee of \$15.00 (page 4 of 12). Seconded by Councilman Neidhart. All voted in favor of the motion.

Mayor Flinn suggested sunsetting the ordinance after two years if it proves to be not worthwhile.

A roll call vote was taken, as follows: Mayor Flinn: No, Vice Mayor Robinson: Yes, Councilman Feller: Yes, Councilman Neidhart: Yes, and Councilwoman Stanczyk: Yes. The Ordinance was adopted 4-1.

**XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Terry Horner, 8825 SW 165 Terrace; and James Horner, 8825 SW 165 Terrace.

**XIII. MAYOR AND COUNCIL COMMENTS**

- A. Vice Mayor Robinson thanked Attorney Boutsis and Director Weintraub for their diligence with the Land Development Code Ordinances. She reported that she had visited Tallahassee hoping to be successful with funding requests for Thalatta Park, but she was not successful.
- B. Councilwoman Stanczyk reported that she had attended a CITT meeting and was also not successful is having the CITT board agree to support retaining 33%

of the \$20M that was to be spent on 4-laning of 87 Avenue. She noted that County Commissioner Sorenson had indicated support, but it now seems that only \$350,000 may be spent by the County in Palmetto Bay on County roads.

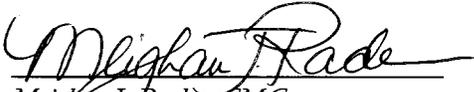
- C. Councilman Feller thanked residents for attending and providing opinion with regard to the various ordinances.

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

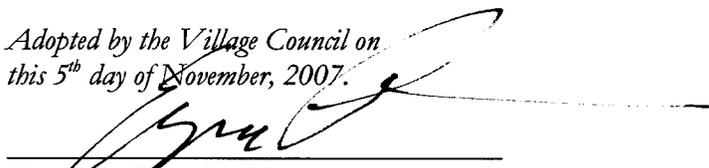
**XV. NEXT MEETING AND ADJOURNMENT**

The Meeting was officially adjourned at 11:15 pm.

*Prepared and submitted by:*

  
Meighan J. Rader, CMC  
Village Clerk

*Adopted by the Village Council on  
this 5<sup>th</sup> day of November, 2007.*

  
Eugene P. Finn, 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.