

VILLAGE OF PALMETTO BAY  
Minutes of the Meeting of Monday, July 7, 2008  
Deering Estate Visitor's Center  
16701 SW 72 Avenue

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

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

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

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

**II. PROCLAMATIONS, AWARDS, PRESENTATIONS**

Mayor Flinn recognized State Senator Larcenia Bullard, former Senator/Miami-Dade County Commissioner Javier Souto, who brought the family of Shannon Melendi with him.

Councilman Feller moved to revise the order of the Agenda to hear Item XI A as the next item. Seconded by Vice Mayor Robinson. All voted in favor.

**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 "PARK AND RECREATION DEPARTMENT RULES AND REGULATIONS"; ADOPTING COUNTY AMENDED PARKS CODE, BY ADOPTING THE CREATION OF ARTICLE III TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR ALL PERSONS WORKING OR VOLUNTEERING ON COUNTY PARK PROPERTY; PROHIBITING SEXUAL OFFENDERS, SEXUAL PREDATORS, CERTAIN VIOLENT FELONS, AND CERTAIN CONTROLLED SUBSTANCE TRAFFICKERS AND NON-LEGAL IMMIGRANTS FROM WORKING OR VOLUNTEERING ON PARK PROPERTY OWNED OR OPERATED BY THE VILLAGE OF PALMETTO BAY; PROVIDING AUTHORITY FOR ENFORCEMENT BY CIVIL PENALTY; PROVIDING SEVERABILITY, INCLUDING IN THE CODE, AND AN EFFECTIVE DATE. (Sponsored by Mayor Flinn)

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

Attorney Boutsis provided staff report.

Commissioner Javier Souto introduced the parents of Shannon Melendi and her sister, Monique Melendi. He provided history of the devastating events that lead to the murder of Shannon Melendi. He stated that he was hopeful that this law will result in people being more focused on insuring safety of children.

Ms. Monique Melendi came forward and thanked the Council for bringing this important issue to life. She stated that in 1994, her sister was murdered by a fellow employee, a convicted child molester, who kidnapped Shannon, raped her, and murdered her. She asked the Council to adopt the law and not allow her sister to die in vain; but, rather bring awareness that could save a life.

Mayor Flinn opened the public hearing. The following individuals spoke: Eric Tullberg, 7884 SW 179 Terrace; and Ronald Book, 2994 NE 191 Street.

Mayor Flinn closed the public hearing.

Vice Mayor Robinson remarked that the matter is critical and all employees and volunteers should be checked.

Councilwoman Stanczyk called the question.

A roll call vote was taken, as follows: Mayor Flinn: yes; Vice Mayor Robinson: no; Councilman Feller: yes; Councilman Neidhart: yes; and, Councilwoman Stanczyk: yes. The Ordinance was adopted unanimously (5-0).

Mr. Melendi thanked the Council.

A two minute recess was taken.

## **PROCLAMATIONS, AWARDS, PRESENTATIONS**

- A. Senator Larcenia Bullard was recognized. She began by publicly thanking Don Noe for his service to Palmetto Bay and Miami-Dade County. She read the Senate Resolution that acknowledged his years of service and provided him with a framed certified copy of the congressional resolution, adopted April 23, 2008.

Mr. Noe thanked Senator Bullard, the Palmetto Bay Council, and all the behind-the-scenes individuals who work very hard and do not receive proclamations.

Senator Bullard provided a legislative post-session report. She acknowledged Senate President Pruitt's assistance and thanked her staff, the Council, and the public.

Mayor Flinn thanked the Senator for her efforts and her hospitality when they visit Tallahassee.

- B. Legislative update – Book and Levy: Mr. Ron Book thanked his staff and Mr. Levy for their assistance. He provided the legislative update. He noted that the Old Cutler historic road bill is still pending. He thanked the following legislators: J.C. Planas, Larcenia Bullard, Julio Robaina, and Alex Diaz de la Portilla. Mr. Levy added that many bills that were presented would have been detrimental to local government. He added that in November, cities will face budget cuts resulting from amendment 1; additional, amendment 5 is expected to be placed on the November ballot, which could be significantly problematic to the schools.

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

- A. Minutes of the June 2, 2008 Regular Council Meeting
- B. Minutes of the June 9, 2008 Special Council Meeting
- C. Minutes of the June 18, 2008 Special Council Meeting

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

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

Manager Williams noted that the Village is aggressively continuing the tree planting program. Staff is continuing to revise the IBus schedule to improve ridership, which is increasing daily.

Clerk Rader provided an update regarding future meetings.

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

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

### **VII. CONSENT AGENDA**

Clerk Rader announced that Mayor Flinn had timely pulled the Item numbered VII C on the agenda.

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AUDITING SERVICES; AUTHORIZING THE SELECTION OF RACHLIN LLC AS

AUDITORS FOR THE FISCAL YEARS 2008 THROUGH 2010; AND PROVIDING 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 LOTT & LEVINE IN THE AMOUNT OF \$1,275.50; 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 \$30,227.50; PROVIDING AN EFFECTIVE DATE – **Item Pulled by Mayor Flinn**
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A PURCHASE ORDER WITH ADKINS & ASSOCIATES, INC. FOR PREPARATION OF A COMMUNICATIONS STANDARDS MANUAL FOR THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$12,500; AND PROVIDING AN EFFECTIVE DATE.
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRAFFIC IMPACT ANALYSIS; AUTHORIZING THE VILLAGE MANAGER TO PROVIDE FUNDING FOR REQUIRED TRAFFIC IMPACT ANALYSIS PROVIDED BY THE CORRADINO GROUP AS IT RELATES TO ZONING APPLICATION NO. 06-272 PALMER TRINITY SCHOOL; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$33,519.29; AND PROVIDING FOR AN EFFECTIVE DATE.
- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH ATLANTIC CIVIL, INC. TO PROVIDE SIDEWALK IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$30,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.
- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRAFFIC

CALMING IN THE AREA OF SW 141<sup>ST</sup> STREET BETWEEN SW 77<sup>TH</sup> AVENUE AND SW 74<sup>TH</sup> COURT; APPROVING THE SELECTION OF MIGUEL LOPEZ JR. INC., TO PROVIDE CONSTRUCTION SERVICES FOR PERMANENT ASPHALTIC TRAFFIC TABLES; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$17,290.00; AND PROVIDING FOR AN EFFECTIVE DATE.

- H. 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; APPROVING THE COLOR SELECTION AND FINISHES FOR THE LIBRARY; AUTHORIZING THE VILLAGE MANAGER TO SUBMIT A LETTER OF APPROVAL TO MIAMI-DADE COUNTY ON BEHALF OF THE VILLAGE; AND PROVIDING AN EFFECTIVE.

Vice Mayor Robinson moved to approve Items A, B, D, through H and renumber Item VII C to Item VIII F. All voted in favor (5-0). The Consent Agenda items were approved unanimously.

## VIII. RESOLUTIONS •

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AD VALOREM TAXES; ESTABLISHING THE PROPOSED MAXIMUM MILLAGE RATE AND SETTING THE DATES, TIMES AND LOCATION FOR THE FIRST AND SECOND BUDGET HEARINGS FOR FY 08-09; FURTHER DIRECTING THE VILLAGE CLERK TO FILE SAID RESOLUTION WITH THE MIAMI-DADE COUNTY PROPERTY APPRAISER; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams provided staff report.

Mayor Flinn expressed his opposition to the matter.

Councilman Neidhart remarked that staff needs to be able to work with an appropriate maximum millage.

Councilwoman Stanczyk commented that residents are used to a high quality of service in parks/police and there may be changes to the level of service. She encouraged staff to try to keep the rate as low as possible.

Councilman Feller concurred, noting that mitigation seriously impacts the funds available to Palmetto Bay. He stated that he supports the maximum rate, although the Manager may be able to return with a lower rate in September.

Mayor Flinn opened the matter to public comment:

The following individuals expressed their opinion: Gunther Karger, 14950 SW 86 Avenue; Warren Lovely, 15323 SW 74 Place; Eric Tullberg, 7884 SW 79 Terrace; Stanley Kowlessar, 8360 SW 140 Drive; Mary Pettit, 15325 SW 89 Ct.; John Pettit, 15395 SW 89 Ct.; Henry Clifford, 8875 SW 171 Street; John DuBois, 17550 Old Cutler Road; Howard Tendrich, 16500 SW 74 Avenue; Brian Pariser, 15300 SW 78 Ct.; and, Shirley Karger, 14950 SW 86 Avenue.

Brief discussion ensued.

Councilman Neidhart moved to approve the resolution with the millage rate of 2.5582. Seconded by Councilman Feller. A roll call vote was taken, as follows: Mayor Flinn: no; Vice Mayor Robinson: no; Councilman Feller: yes; Councilman Neidhart: yes; and, Councilwoman Stanczyk: yes. The Resolution passed (4-1), Mayor Flinn being the sole opposition.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, APPROVING AN AGREEMENT WITH ISI WATER COMPANY TO PROVIDE CONSULTANT SERVICES TO ANALYZE AND MAXIMIZE THE BILLABLE UTILITY REVENUE OF STORMWATER MANAGEMENT CHARGES FOR PARCELS OF LAND WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams provided staff report.

Mayor Flinn asked the fiscal impact.

Manager Williams noted that the firm has a history of being able to find unbilled accounts or accounts that have been paying less than they should pay. We are hopeful that this company will find new revenue.

Vice Mayor Robinson noted that it does not cost the Village for the company to investigate, only their commission on lost revenue.

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

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO REAL ESTATE; APPROVING THE PURCHASE OF THE REAL PROPERTY LOCATED AT 9495 SW 180<sup>TH</sup> STREET, PALMETTO BAY, FLORIDA FOR THE PRICE OF \$574,900, PLUS REASONABLE CLOSING COSTS; DISBURSING SAID PURCHASE AMOUNT, PLUS CLOSING COSTS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND ALL OTHER APPLICABLE DOCUMENTS REQUIRED TO FINALIZE THE TRANSACTION ON BEHALF OF THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE.

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

Manager Williams provided staff report.

Vice Mayor Robinson moved to amend the resolution to state that closing costs not exceed \$5,000. Seconded by Councilman Feller. All voted in favor.

Vice Mayor Robinson called the question on the amended Resolution. All voted in favor. The Resolution was approved unanimously (5-0).

Mr. Juan Romero, 17140 SW 92 Avenue, noted that he had spoke to the owner a year ago and was told the property would cost \$1.3 million. He asked how the village was able to purchase the home at such a low cost.

Manager Williams replied that the Village will be a "good neighbor" and the negotiations were successful.

- D. 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; APPROVING THE OVERALL BUDGET FOR THE PROJECT; AUTHORIZING THE VILLAGE MANAGER TO APPROVE CHANGE ORDERS FOR THE PROJECT; AND DIRECTING THE VILLAGE MANAGER TO ALLOCATE THE REMAINING AVAILABLE FUNDS; AND PROVIDING AN EFFECTIVE DATE.

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

Manager Williams provided staff report.

Councilman Feller remarked that a Change Order as low as 2% is "excellent". He expressed his support.

Councilman Neidhart stated that he is pleased that Commissioner Sorenson will be giving "greening" funds. He expressed displeasure with the architect's error.

Councilman Feller noted that a large piece of equipment was needed on the stage area.

Building Official Ed Silva further explained that the storage area on the ground floor turned into a fire pump area.

Councilman Neidhart asked why lighting the sculpture and furniture would cost \$15,000.

Councilwoman Stanczyk stated that she has concerns with the value-added items. She noted that it will cost \$384,000 to retrofit an unfinished building.

Manager Williams stated that there is not a firm commitment for State funding at this time.

Mr. Sean McCrackin, Commissioner Sorenson's office, noted that State funding is in "flux", but there are solar energy rebates available.

Mayor Flinn asked the cost to retrofit the electrical system.

Mr. Silva stated that it is included in the electrical portion and the retrofit reduces the cost of operation to the county library.

Vice Mayor Robinson expressed concern with the green elements, landscaping costs, and lighting fixture upgrades.

Mr. Jason Biondi, consultant, explained that the lighting includes dim-able ballasts; ballasts that would be programmed to preserve foot-candles based upon how much natural light comes in, which in turn reduces the demand on air conditioning.

Councilwoman Stanczyk asked the percentage of savings.

Mr. Biondi stated that minimum energy is 14% annual savings. He explained that energy modeling software was used based upon the design and used the minimum code requirements, lighting, insulation, etc., which was how they determined the percentage.

Mayor Flinn asked if there was a chance that the Village spent the funds and still not receive green certification.

Mr. Biondi stated that if the changes listed are included, then the Village will have a green building.

Brief discussion ensued.

Councilwoman Stanczyk moved to approve the change orders, excluding the greening elements and the exterior storage/furniture/signage. Seconded by Councilman Feller. All voted in favor.

Councilwoman Stanczyk moved to table the items concerning storage/furniture/signage. Seconded by Councilman Feller. All voted in favor.

Discussion ensued regarding the \$384,000 for greening items.

Councilwoman Stanczyk stated that she would be supportive of matching Commissioner Sorenson's \$60,000 "greening" offer to have a total of \$120,000 for greening elements.

Councilwoman Stanczyk moved to approve greening in the amount of \$384,000. Seconded by Councilman Feller. The Motion failed (1-4), Councilman Feller being the sole supporter.

Councilwoman Stanczyk moved to deny and sever the \$384,000. Seconded by Councilman Feller.

Councilwoman Stanczyk asked Mr. McCrackin if Commissioner Sorenson would agree to the match.

Mr. McCrackin stated that he can not speak for the Commissioner.

Councilwoman Stanczyk moved that upon receipt of funding from Commissioner Sorenson, the Village would match dollar for dollar. Vice Mayor Robinson seconded.

Councilman Feller stated that there is no guarantee for the minimum green standard.

All voted in favor of the motion, which passed unanimously (5-0). All voted in favor of the amended Resolution. The Resolution was approved unanimously (5-0).

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, RELATING TO THALATTA PARK; INSTRUCTING THE VILLAGE MANAGER TO NEGOTIATE AN AGREEMENT WITH GURRI MATUTE, P.A., TO PROVIDE ARCHITECTURAL AND ENGINEERING SERVICES RELATIVE TO THE DESIGN OF A NEW OPEN AIR STRUCTURE, SITE INFRASTRUCTURE, AND ANCILLARY SITE WORK, COVERING THE REMAINING SCOPE OF SERVICES; ADDITIONALLY INSTRUCTING THE VILLAGE MANAGER TO IDENTIFY AND SEEK ADDITIONAL

FUNDING FOR REMAINING SCOPE OF SERVICE; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Mayor Flinn)

Mayor Flinn provided a report, noting that the Village would not be committing additional unbudgeted funds.

Attorney Boutsis noted that it is acceptable to authorize the Manager to do this.

Discussion ensued.

Daphne Gurri, 2261 NW 66 Avenue, and Caesar Matute, of the firm, were recognized.

Mayor Flinn advised that the Village would be going forward with the plan recently approved, using the firm of MC Harry; however, the original portion of the house will be rehabilitated. He stated that this resolution does not require funding, rather allows staff to negotiate as funding becomes available.

Mayor Flinn moved to reconsider the previous motion and allow MC Harry to go forward with the plan, as it was recently presented – with parking lot and pavers. Seconded by Councilman Feller. All voted in favor. The Motion carried unanimously (5-0).

Mayor Flinn called the question. 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 ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR NAGIN GALLOP FIGUEREDO, P.A. IN THE AMOUNT OF \$30,227.50; PROVIDING AN EFFECTIVE DATE. (Pulled from Consent.)

Councilman Neidhart moved the item forward. Seconded by Councilman Feller. Mayor Flinn stated that the Council should establish policy to reduce legal fees and that the invoice should be modified to track the cost per project.

Vice Mayor Robinson suggested that before an individual Council member seeks legal advice, it should be discussed at a Committee of the Whole meeting.

Discussion ensued regarding holding a budget workshop or Committee of Whole meeting. The Clerk was instructed to contact the Council to schedule a meeting.

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

**IX. RESOLUTIONS REQUIRING PUBLIC HEARING**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACCEPTING THE FINAL PLAT OF AXELAJA ESTATES, LOTS 1, 2, AND 3, BLOCK 1, OF "AXELAJA ESTATES," LOCATED AT SW 83<sup>RD</sup> AVENUE AND 184<sup>TH</sup> STREET, PALMETTO BAY, FLORIDA, MORE SPECIFICALLY THE SOUTH 237 FEET OF THE WEST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ LESS THE NORTH 202 FEET OF THE EAST 215 FEET, WHICH INCLUDES AND IS NOT LESS THAN THE SOUTH 237 FEET OF THE EAST ½ OF THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ LESS THE EAST 215 FEET IN SECTION 34, TOWNSHIP 55 SOUTH, RANGE 40 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

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

Manager Williams provided staff report.

Mayor Flinn opened the matter for public hearing.

The representative of the property, 8220 SW 187 Street, provided a history of the matter. He asked the Council for approval.

Mr. Eric Tullberg, 7884 SW 179 Terrace, stated that the sidewalks on the plat need to remain.

Councilman Neidhart called the question. The Resolution was approved (4-1), with Mayor Flinn being the sole opposition.

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

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BUDGET ORDINANCE NUMBER 07-30; HEREBY AMENDING THE VILLAGE'S BUDGET FOR THE 2007-2008 FISCAL YEAR AND 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.

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

Manager Williams provided staff report.

All voted in favor of the Ordinance on first reading. The matter passed unanimously (5-0).

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRAFFIC; PROVIDING FOR GOLF CART USE ON CERTAIN DESIGNATED STREETS OR ROADS, WHICH DESIGNATED STREETS SHALL BE ALL RESIDENTIAL STREETS IN PALMETTO BAY OTHER THAN OLD CUTLER ROAD, U.S. 1; SW 136 STREET; SW 144<sup>TH</sup> STREET; SW 152<sup>ND</sup> STREET; SW 168<sup>TH</sup> STREET; SW 184<sup>TH</sup> STREET; SW 67<sup>TH</sup> AVENUE; SW 77<sup>TH</sup> AVENUE; SW 82<sup>ND</sup> AVENUE; SW 87<sup>TH</sup> AVENUE; AND SW 97<sup>TH</sup> AVENUE; PROVIDING FOR PERMITTING FEES AND INSPECTION OF GOLF CARTS; DESIGNATING HOURS OF USE AND ENFORCEMENT PROVISIONS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Councilman Paul Neidhart)

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

Attorney Boutsis introduced Oneki Ababyu from Miami-Dade Police Department, who was available for comment. Attorney Boutsis provided staff report.

Mayor Flinn asked if Miami-Dade Police Department concurred with the language of the Ordinance. Attorney Boutsis replied affirmatively.

Councilman Neidhart expressed his support.

Mayor Flinn allowed public comment. The following individuals spoke: David Wasser, 15321 SW 82 Avenue; John Pettit, 15395 SW 89 Court; Brian Pariser, 15300 SW 79 Court; Eric Tullberg; Mary Pettit, 15395 SW 89 Court.

Ms. Ababyu noted that the Ordinance appears to be in compliance with the Florida Statutes and advised that the penalty would be a civil fine, not criminal.

Attorney Boutsis advised that appeal of the citation would be under the jurisdiction of the special master.

Councilman Neidhart called the question. All voted in favor of the Ordinance on first reading. The matter passed unanimously.

- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ANNEXATIONS; PROHIBITING THE FILING OR CONSIDERATION

OF ANNEXATION REQUESTS FOR THE VILLAGE FOR A DEFINED PERIOD OF TWELVE MONTHS OR FOR AS LONG AS IT TAKES TO CREATE A PRE-ANNEXATION REFERENDUM PROCESS; CREATING CHAPTER 31 ENTITLED "ANNEXATIONS" OF THE VILLAGE'S CODE OF ORDINANCES; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. [Sponsored by Mayor Eugene P. Flinn, Jr.; co-sponsored by Councilwoman Shelley Stanczyk].

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

Attorney Boutsis provided staff report.

All voted in favor (5-0). The Ordinance shall be scheduled for second final reading.

- D. AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE COUNCIL; AMENDING THE ESTABLISHED COUNCIL MEETING AND AGENDA PROCEDURES TO MOVE REQUESTS, PETITIONS AND PUBLIC COMMENTS TO BEGINNING OF THE AGENDA; AND TO REQUIRE PUBLIC HEARING ON FIRST READING OF ALL ORDINANCES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Mayor Eugene Flinn].

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

Attorney Boutsis provided staff report. She noted that public comment concern with ordinances on first reading – there is notice requirements for this. Attorney Boutsis suggested that public comment remain at the beginning of the hearing and individuals could discuss anything on the agenda they wish.

Councilwoman Stanczyk moved to amend the Resolution. Seconded by Councilman Feller. All voted in favor. The Council then considered the amended Ordinance. It was approved on first reading unanimously (5-0).

- XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Donna Latshaw, 8825 SW 154 Terrace; Eric Tullberg, 7884 SW 179 Terrace; David Hefernen, 14675 SW 78 Avenue; and Miguel Lido, 14140 SW 69 Avenue.

**XIII. MAYOR AND COUNCIL COMMENTS**

Mayor Flinn asked for staff to investigate the stage area. Councilwoman Stanczyk suggested someone from Southwood drama program be considered. She moved to direct Manager Williams to seek professional assistance in reviewing the present condition of the stage area for the purpose of assigning storage. Councilman Feller second. All voted in favor (5-0).

#### XIV. OTHER BUSINESS

- A. Conceptual design for Thalatta Park (Vice Mayor Robinson and Mayor Flinn)
- B. Discussion of legal services

It was noted that these matters were previously addressed.

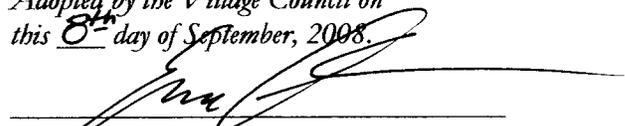
#### XV. NEXT MEETING AND ADJOURNMENT

The meeting adjourned at midnight.

*Prepared and submitted by:*

  
Meighan J. Rader, CMC  
Village Clerk

*Adopted by the Village Council on  
this 8<sup>th</sup> day of September, 2008.*

  
Eugene P. Flinn, Jr., Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW. WHILE THE FLORIDA STATUTES DO NOT REQUIRE TAPE RECORDINGS, TO THE EXTENT THAT TAPE RECORDINGS ARE MADE, THE TAPES MAY BE REQUESTED FROM THE VILLAGE CLERK FOR REVIEW AND/OR COPYING. THE VILLAGE OF PALMETTO BAY CAN NOT GUARANTEE QUALITY OF ANY RECORDING.