

**RESOLUTION NO. 09-10**

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3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE  
4 VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PALMETTO  
5 BAY PARK; RELATING TO PARKS MASTER PLAN; REQUIRING  
6 COMPLIANCE WITH THE PARKS MASTER PLAN AS IT RELATES TO  
7 THE PROPOSED USE OF THE FIELDS AT PALMETTO BAY PARK FOR  
8 GIRLS' SOFTBALL USE; REQUIRING FOUR-FIFTH (4/5) VOTE OF THE  
9 VILLAGE COUNCIL TO MODIFY OR REMOVE THE PREFERENCE FROM  
10 THE PARKS MASTER PLAN; PROVIDING AN EFFECTIVE DATE.  
11 [Sponsored by Council Person Shelley Stanczyk].  
12

13 **WHEREAS**, the Village of Palmetto Bay holds the fee simple title to park land known as  
14 Palmetto Bay Park; and,

15 **WHEREAS**, the Village of Palmetto Bay in compliance with its Parks Master Plan has built  
16 its first softball fields, that supports girls softball; and,

17 **WHEREAS**, the fields can be multi-use, therefore accommodating either baseball or  
18 softball (for certain age groups); and,

19 **WHEREAS**, as the demand is great for even more fields in the entire community, actually,  
20 the demand is great for all types of recreational fields, of good quality; and,

21 **WHEREAS**, the Village Council desires to safeguard the use of the softball fields for  
22 primarily girls, in compliance with the Parks Master Plan, in order to ensure that the fields are not  
23 pre-booked or taken over by the great number of boys' baseball or other sports programs within the  
24 County; and,

25 **WHEREAS**, the softball facility is the only facility of its kind in the County - it can hold  
26 tournaments as there are sufficient fields to do so unlike other areas of the County; and,

27 **WHEREAS**, there is a disparate need and lack of availability of sports programs and  
28 locations for providing programs for girls/women within the Village, Miami-Dade County and the  
29 State; and,

30 **WHEREAS**, it is the desire of the Village Council to create a preference at Palmetto Bay  
31 Park for girls softball activities, where other facilities are provided in other parks for boys' baseball  
32 and other sports; and,

33 **WHEREAS**, the Village has contacted the Office of Information and Recreation Services,  
34 Department of Environmental Protection, to confirm that the Village would not be in violation of  
35 any grant agreement with the state relating to FRDAP funds used in the park, as the Village would  
36 "not discriminating based on sex but rather creating an opportunity for fairness"; and,

1           **WHEREAS**, the Mayor and Village Council desire to specifically affirm its Park Master Plan  
2 design to maintain the primary use of Palmetto Bay Park field for girls' softball use, having girls use  
3 be the right of first refusal at the park; and to amend the Parks Master Plan relating to this use via a  
4 four/fifth (4/5) vote of the Village Council.

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6           **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**  
7 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**


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9           Section 1.       The above whereas clauses are incorporated by reference into this resolution.

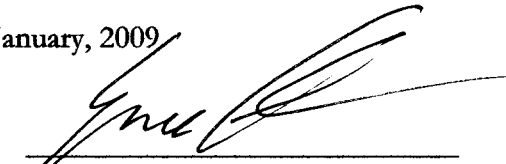
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11           Section 2.       A 4/5ths vote of the Village Council would be required to change the Parks  
12 Master Plan as it relates to the use of the fields at Palmetto Bay Park by girls softball groups. A copy  
13 of this resolution shall be attached to the Parks Master Plan.

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15           Section 3.       Any substantive change to the Parks Master Plan and this resolution shall  
16 require a 4/5ths vote of the Village Council and this resolution.


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18           Section 4.       This resolution shall take effect immediately upon approval.

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20           PASSED and ADOPTED this 12<sup>TH</sup> day of January, 2009

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22           Attest:   
23                           Meighan Rader  
24                           Village Clerk

  
Eugene P. Flinn, Jr.  
Mayor

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26           APPROVED AS TO FORM:

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28             
29                           Eve A. Doutsis,  
30                           Nagin Gallop Figueredo, P.A.  
31                           Office of Village Attorney

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33           FINAL VOTE AT ADOPTION:

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35           Council Member Ed Feller                           YES  
36  
37           Council Member Howard Tendrich                   YES  
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39           Council Member Shelley Stanczyk                   NO  
40  
41           Vice-Mayor Brian W. Pariser                       YES  
42  
43           Mayor Eugene P. Flinn, Jr.                           NO