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RESOLUTION NO. 2013-41

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING A SPECIAL ELECTION PURSUANT TO SECTION 10.1 OF THE VILLAGE CHARTER, AS REQUESTED BY THE APPLICANT, ALEXANDER SCHOOL, INC., TO INCREASE ITS PREVIOUSLY APPROVED STUDENT POPULATION OF 270 TO 329; PROVIDING FOR THE SPECIAL ELECTION ON JUNE 25, 2013, TO BE CONDUCTED VIA MAIL-IN BALLOT; PROVIDING FOR REQUISITE BALLOT LANGUAGE OF THE PROPOSED REFERENDUM VOTE FOR THOSE ELECTORS WITHIN 2000 FEET OF THE APPLICANT'S PROPERTY, LOCATED AT 14850 SW 67TH AVENUE, PALMETTO BAY FLORIDA; PROVIDING 75% VOTER APPROVAL REQUIRED FOR PASSAGE OF THE REFERENDUM PRIOR TO VILLAGE COUNCIL CONSIDERATION OF THE APPLICANT'S ZONING REQUEST AT A FUTURE QUASI-JUDICIAL PUBLIC HEARING; PROVIDING FOR COPIES OF THE BALLOT QUESTION BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE VILLAGE CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS TO PLACE THE QUESTION ON THE BALLOT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Alexander School, Inc., is a pre-k through grade 6 private school that has operated at 14850 SW 67th Avenue since its inception in 1969; and,

WHEREAS, in 2000, the school was permitted a total student population of 270 and is now requesting to increase it to 329; and,

WHEREAS, in 2009, the Mayor and Village Council of the Village of Palmetto Bay received a mandate from the electorate of the Village which electorate voted to amend the Village's Charter to include section 10.1 entitled "Private School Expansion"; and,

WHEREAS, the Charter Amendment states in relevant part:

The number of enrolled students of any private school within the Village of Palmetto Bay shall not be increased without prior approval by a fourth-fifths (4/5) vote of the Village Council. No such approval shall be adopted by the Village Council until the request to increase enrolled students is submitted to a vote of Village of Palmetto Bay electors living within a 2,000 foot radius of the applicant school property by referendum, and 75 percent of the electors voting approve of such increase in enrolled students.

1 A list of Village of Palmetto Bay registered voters within the 2,000-foot radius of the
2 school property shall be prepared by the Village Clerk. Any elector who resides on
3 property or a portion of property that is within the 2,000 foot radius of the school
4 seeking to increase the number of its enrolled students shall be eligible to vote in the
5 election required under this provision. The cost of the election (including
6 reimbursement to the city for all costs relating to the preparation of the list of
7 eligible electors) required under this provision shall be borne by the school seeking
8 to increase the number of its enrolled students.

9
10 And,

11
12 **WHEREAS**, Due to the above referenced charter amendment, the Alexander School, Inc.,
13 must first request that an election be held in accordance with Section 10.1 of the charter before the
14 zoning application request may be considered by the Mayor and Village council at a quasi-judicial
15 hearing; and,

16
17 **WHEREAS**, Alexander School, Inc., has submitted an application making such a request;
18 therefore the Village Council must now authorize such an election. Pursuant to Village Charter,
19 Section 10.1, cost of the election shall be borne by the applicant, Alexander School, Inc.; and,

20
21 **WHEREAS**, the Village Council has determined to hold a special election as per the
22 requirements of the Village Charter, Section 10.1, for approval or disapproval by the qualified
23 electors within 2000 feet of the Alexander School; and,

24
25 **WHEREAS**, the Mayor and Village Council desire to provide requisite ballot language for
26 submission to electors for a special election to be held on June 25, 2013 via mail-in ballot, providing
27 for copies of this ballot be available for public inspection and providing for the Village Clerk to
28 utilize the services of Miami-Dade County Supervisor of Elections.

29
30 **BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE**
31 **OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**

32
33 **Section 1.** *Whereas Clauses.* The above whereas clauses are incorporated by reference
34 into this Resolution.

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5 **Section 2.** *Form of Ballot.* The form of ballot provided for in this resolution shall be as
6 follows:

7
8 Student Enrollment Expansion at Alexander School, Inc.

9
10 Alexander School, Inc., located at 14850 SW 67th Avenue, filed a zoning application
11 to increase student enrollment from 270 to 329. For the application to proceed, it
12 must first receive 75% approval of the Palmetto Bay voting electorate within 2,000
13 feet of its property. If the referendum succeeds, student enrollment may only be
14 increased upon a 4/5 vote of the Village Council.

15 Should the application proceed?

16
17 YES []

18 NO []
19
20

21 **Section 3.** *Ballot Question to be Available for Public Inspection, and for the Village Clerk to Utilize*
22 *the Services of Miami-Dade County Supervisor of Elections.* The place, information and the full text of the
23 proposed ballot question is available at the office of the Village Clerk located at 9705 East Hibiscus
24 Street, Palmetto Bay, Florida 33157. Copies of this resolution providing the ballot question subject
25 to the referendum approval pursuant to Section 10.1 of the Village Charter is on file in the office of
26 the Village Clerk and available for public inspection during regular business hours. The Village
27 Clerk is authorized to utilize the services of Miami-Dade County Supervisor of Elections for any
28 assistance required in the administration of the election.
29

30 **Section 4.** *Effective Date.* This resolution shall become effective upon adoption, and the
31 ballot measure being voted on will proceed to public hearing on the increase in the number of
32 students only upon 75 percent approval of the electors voting on the measure within 2000 feet of
33 the school, effective upon certification of the election results.
34

35 **Section 5.** If any section, clause, sentence, or phrase of this resolution is for any reason
36 held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the
37 validity of the remaining portions of this resolution.
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39 **Section 6.** The Village of Palmetto Bay will schedule the mail-in ballot Special Election
40 for:

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42 **June 25, 2013**
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Section 7. This resolution shall take effect immediately upon enactment.

PASSED AND RESOLVED this 6th day of May 2013.

Attest: Meighan Alexander
Meighan Alexander
Village Clerk

Shelley Stanczyk
Shelley Stanczyk
Mayor

APPROVED AS TO FORM:

Eve A. Boutsis
Eve A. Boutsis
Village Attorney

FINAL VOTE AT ADOPTION:

- Council Member Patrick Fiore YES
- Council Member Tim Schaffer YES
- Council Member Joan Lindsay YES
- Vice-Mayor John DuBois YES
- Mayor Shelley Stanczyk YES