



VILLAGE OF PALMETTO BAY

Mayor Eugene P. Flinn, Jr.
Vice Mayor Brian W. Pariser
Council Member Edward Feller
Council Member Howard Tendrich
Council Member Shelley Stanczyk

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

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Village Clerk at (305) 259-1234 for assistance no later than four days prior to the meeting.

VILLAGE COUNCIL MEETING AGENDA

Monday, July 13, 2009 - 7:00 P.M.

Deering Estate Visitor's Center

16701 SW 72 Avenue

(305) 259-1234

1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

3. APPROVAL OF MINUTES

- A. Minutes of the June 1, 2009 Regular Council Meeting
- B. Minutes of the June 29, 2009 Special Council Meeting

4. CONSENT AGENDA

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; APPOINTING RICHARD L. DOODY, ESQ., TO SERVE AS A SPECIAL MASTER FOR CODE COMPLIANCE FOR THE VILLAGE FOR A PERIOD OF TWO (2) YEARS WITH TWO ADDITIONAL ONE (1) YEAR OPTIONS TO EXTEND; ESTABLISHING THE RATE OF PAY FOR SUCH POSITION; 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 FBM LAW

OFFICES IN THE AMOUNT OF \$53,686.22; PROVIDING AN EFFECTIVE DATE.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; ESTABLISHING FACILITY RENTAL RULES AND REGULATIONS AND A FACILITY RENTAL APPLICATION/ AGREEMENT, SETTING FEES, TERMS AND CONDITIONS FOR COMMUNITY ROOM, AMPHITHEATRE AND GAZEBO RENTALS AT LUDOVICI PARK; AND PROVIDING FOR AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RESCINDING RESOLUTION 08-118; REQUESTING THE BOARD OF COUNTY COMMISSIONERS AND THE MPO TO DELAY ANY FURTHER STUDY RELATED TO CREATING A TOLL ROAD OF PART OF US HIGHWAY 1 THROUGHOUT MUNICIPALITIES CONTIGUOUS TO THE PROPOSED TOLL LANE AREAS, INCLUDING BUT NOT LIMITED TO PINECREST, PALMETTO BAY, CUTLER BAY, HOMESTEAD AND FLORIDA CITY, UNTIL SUCH TIME AS CONFIRMATION HAS BEEN RECEIVED FROM THE FEDERAL GOVERNMENT WITH REGARD TO THE FISCAL VIABILITY OF SUCH PROJECT; PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Eugene P. Flinn, Jr.].

5. REQUESTS, PETITIONS AND PUBLIC COMMENTS

6. VILLAGE MANAGER'S REPORT

- A. External Audit Financial Report – 2007-08 – Marcum Rachlin

7. VILLAGE ATTORNEY'S REPORT

- A. July Update
- B. Request for Special Council Meeting – August 10, 2009

8. BOARD AND COMMITTEE REPORTS

9. RESOLUTIONS

- A. RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AD VALOREM TAXES; DETERMINING THE PROPOSED MAXIMUM MILLAGE RATE AND SETTING THE DATES, TIME AND LOCATION FOR THE FIRST AND SECOND BUDGET HEARINGS FOR FY 2009-10; DIRECTING THE VILLAGE CLERK TO FILE SAID RESOLUTION WITH THE MIAMI-DADE COUNTY PROPERTY APPRAISER; AND PROVIDING FOR AN EFFECTIVE DATE.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGE OF PALMETTO BAY ENTRANCE MONUMENTS; APPROVING THE SELECTION OF ACOLITE AND CLAUDE UNITED SIGNS CO. INC., TO PROVIDE CONSTRUCTION SERVICES FOR ENTRANCE MONUMENTS; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$92,500.00; AND PROVIDING FOR AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LITIGATION; PROVIDING AUTHORIZATION FOR THE VILLAGE TO JOIN THE CITY OF WESTON IN ITS LITIGATION TO CHALLENGE THE CONSTITUTIONALITY OF THE GROWTH MANAGEMENT ACT ENACTED UNDER SENATE BILL 360; PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Eugene P. Flinn, Jr.].
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RESPECTFULLY REQUESTING THAT MIAMI-DADE COUNTY CO-DESIGNATE THE PORTION OF SW 152 STREET THAT FALLS WITHIN THE BOUNDARIES OF THE VILLAGE OF PALMETTO BAY, ESTENTIALLY FROM OLD CUTLER ROAD EAST TO SW 67 AVENUE AS "WARRIOR WAY"; PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Mayor Eugene P. Flinn, Jr.)

10. RESOLUTIONS REQUIRING PUBLIC HEARING

11. ORDINANCES FOR FIRST READING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CHAPTER 30, DIVISION 60 ENTITLED "GENERAL REGULATIONS" BY ADOPTING SECTIONS 30-60.10 AND 30-60.11 RELATING TO DEMOLITION AND CONSTRUCTION FENCING REQUIREMENTS; REQUIRING FENCING OF CONSTRUCTION AND DEMOLITION SITES; REQUIRING SITE MANAGEMENT PLANS FOR CONSTRUCTION AND/OR DEMOLITION ACTIVITIES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.
- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AMENDING CHAPTER 15 ENTITLED WATER CONSERVATION AND EMERGENCY WATER RESTRICTION ENFORCEMENT; AMENDING THE VIOLATION/CITATION FEE SCHEDULE FOR WATER VIOLATIONS, REDUCING THE VIOLATION FEE SCHEDULE FOR FIRST, SECOND AND THIRD OFFENSES; PROVIDING FOR ORDINANCES IN CONFLICT,

CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored
by Vice-Mayor Brian W. Pariser and Council Person Howard Tendrich].

12. **ORDINANCES FOR SECOND READING AND PUBLIC HEARING**
13. **OTHER BUSINESS**
14. **COUNCIL COMMENTS**
15. **NEXT MEETING AND ADJOURNMENT**

PURSUANT TO FLORIDA STATUTES 286.0105, THE VILLAGE HEREBY ADVISES THE PUBLIC THAT 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.