

VILLAGE OF PALMETTO BAY
Minutes of the Special Council Meeting of Wednesday, June 18, 2008
Deering Estate Visitor's Center
16701 SW 72 Avenue
Palmetto Bay, FL

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 6:10 p.m. Mayor Flinn lead the pledge of allegiance.

II. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES:

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, PURSUANT TO ARTICLE 6.1 OF THE VILLAGE CHARTER RELATING TO AMENDING SECTION 5.2(A)(3) OF THE CHARTER, ENTITLED "INITIATIVE AND REFERENDUM," OF THE VILLAGE OF PALMETTO BAY'S CHARTER TO ADD A SUBSECTION 5.2(A)(3) RELATING TO VILLAGE COUNCIL REFERENDUM REQUIREMENT RELATING TO PRE-ANNEXATION PROCEDURES FOR POPULATION OVER FIVE PERCENT OF VILLAGE'S EXISTING POPULATION; INCLUDING PUBLIC HEARING AND FACT FINDING PRIOR TO VOTE OF THE VILLAGE ELECTORATE; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS OF THE PROPOSED AMENDMENT TO THE VILLAGE CHARTER; PROVIDING FOR COPIES OF THE CHARTER AMENDMENT BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE VILLAGE CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS TO PLACE THE CHARTER AMENDMENT ON THE BALLOT; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Council Person Dr. Ed Feller).

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

Attorney Boutsis provided staff report. She noted that the County has procedures for changes in municipal boundaries and this charter amendment would require that the Village has a vote prior to annexation. She advised that the County does not object to our including this procedure in our code; however, must not be a straw ballot issue.

Councilman Feller remarked that this charter modification is intended to insure that a future seeking of annexation would not be decided upon solely by council, rather by the electorate. He provided history of how the Falls and Fairway Estates came to the Village seeking to be annexed. He stated that the previously approved resolution was an add-on item that allowed Fairway to come forward and the Falls was added at the meeting without public input. Dr. Feller noted that the resolution passed 3 to 2 and he had asked for the matter to be placed on a town hall meeting which was subsequently canceled by a 3 to 2 vote (via telephone) by Manager Williams. He opined that the resolution was intended to seek information, not to move forward with annexation. He reported that he spoke with the former members of the charter review committee and asked them how they would have voted on the issue and he stated that 4 of 5 of the individuals stated that they would have recommended a charter change and the 5th member stated that extensive public meetings should be required. He suggested consideration of this ordinance on first reading be a public hearing.

Mayor Flinn stated that public comment should be held at the beginning of council meetings and all ordinances should include public comment on first reading. Councilwoman Stanczyk concurred, as did Councilman Feller.

Councilwoman Stanczyk stated that the representatives of the Falls came to individual council members and met. She stated that she was told that every Council person expressed that they would be in favor of annexation and there was discussion held at a Committee of the Whole (COW) meeting. She noted that the Fairway Estates representatives came to that meeting and heard the discussion. Councilwoman Stanczyk advised that she volunteered to sponsor a resolution that would allow consideration of Fairway Estates after receiving an email from the Clerk. She stated that she did not see the resolution prior to the Council meeting, as it was prepared that day and brought to the meeting. She stated that there was nothing secretive about the issue; rather, she believed that all were supportive of annexation due to the conversations held at the COW and the resolution was intended to convey that support to the neighborhoods requesting to be annexed. Councilwoman Stanczyk asserted that to draw a conclusion that the Council does not want public participation is incorrect, as she has always been in favor of extensive public input.

Mayor Flinn opened the public hearing.

The following individuals came forward: Steve Kreisher, 18201 SW 98 Avenue; James Woodard, 17001 SW 90 Avenue; Brian Pariser, 15300 SW 78 Court; Gunther Karger, 14950 SW 86 Avenue; Donna Latshaw, 8825 SW 154 Terrace;

Gary Pastorella, 6940 SW 142 Terrace; Arlene Feller, 7960 SW 144 Street; and, Eric Lamore, 17920 SW 83 Avenue.

Mayor Flinn closed public hearing.

Mayor Flinn asserted that he has always been in favor of investigating and having dialogue and discussion on issues. He stated that when incorporation began, we promised as a steering committee to do all and more than the County with the current tax rate and he does not want this annexation issue to become a distraction to the budget. He remarked that the annexation is not moving forward, but we are spending a great deal of time on this issue and he is offended by the email received wherein some suggest that the Council is not allowing the public to speak. Mayor Flinn stated that the Village should also allow public comment at the Committee of the Whole meetings. He suggested that a moratorium on annexations should be mandated until there is a proper procedure in place.

Vice Mayor Robinson concurred, as did Councilwoman Stanczyk.

Discussion concerning annexation and the possible county action ensued.

Vice Mayor Robinson suggested bringing back an ordinance for a moratorium with language to include that only a unanimous Council vote could lift the moratorium until there is a completed procedure ordinance.

A roll call vote was taken, as follows: Mayor Flinn: no; Vice Mayor Robinson: no; Councilman Feller: yes; Councilman Neidhart: yes; and, Councilwoman Stanczyk: no. The Ordinance failed (3-2).

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, PURSUANT TO ARTICLE 6.1 OF THE VILLAGE CHARTER RELATING TO AMENDING THE CHARTER; BY CREATING SECTION 5.2(A)(4) OF THE CHARTER, ENTITLED "REFERENDA REQUIRED FOR ADOPTION AND AMENDMENT OF LOCAL GOVERNMENT COMPREHENSIVE LAND USE PLANS EXCEPT AS PROVIDED FOR UNDER 163.3167(12), FLORIDA STATUTES AS IT RELATES TO A DEVELOPMENT ORDER AS TO THE COMPREHENSIVE PLAN OR AMENDMENT THEREOF, AFFECTING FIVE OR FEWER PARCELS OF LAND;" RELATING TO VILLAGE COUNCIL REFERENDUM REQUIREMENT RELATING TO COMPREHENSIVE PLAN AMENDMENTS; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS OF THE PROPOSED AMENDMENT TO THE VILLAGE CHARTER; PROVIDING FOR COPIES OF THE CHARTER AMENDMENT BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE VILLAGE CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS TO PLACE THE CHARTER AMENDMENT ON THE BALLOT; PROVIDING FOR ORDINANCES IN CONFLICT,

CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.
(Sponsored by Mayor Eugene Flinn).

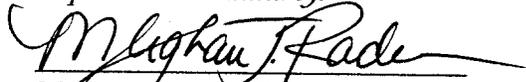
Councilwoman Stanczyk moved this item forward. As there was no second, the matter was not heard.

- C. 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 144TH STREET; SW 152ND STREET; SW 168TH STREET; SW 184TH STREET; SW 67TH AVENUE; SW 77TH AVENUE; SW 82ND AVENUE; SW 87TH AVENUE; AND SW 97TH 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.

This item was withdrawn by staff.

III. NEXT MEETING AND ADJOURNMENT: The meeting adjourned at 7:25 p.m.

Prepared and submitted by:


Meghan J. Rader, CMC
Village Clerk

*Adopted by the Village Council on
this 7 day of July, 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.