

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of Monday, April 6, 2009
Deering Estate Visitor's Center
16701 SW 72 Avenue

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

Mayor Eugene P. Flinn, Jr.
Vice Mayor Brian W. Pariser
Council Member Ed Feller
Council Member Howard Tendrich
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 7:30 p.m. Mayor Flinn led the pledge of allegiance

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Perrine Elementary School – Magnet Program: This matter was deferred.
- B. Declaration of Water Conservation Month (South Florida Water Management District): Mayor Flinn welcomed Ed Hernandez from the South Florida Water Management District and thanked him for his efforts. He read the Proclamation declaring Water Conservation Month.

Mr. Hernandez thanked the Council. He stated that while there has been some rain, the levels are still not where they should be and that conservation is an important part of our sustainable future. He provided some examples and remarked that small changes make big differences.

Mr. Hernandez advised that nine properties are being focused on for bank restoration. He noted that SFWMD is working on 22 properties in the area, through this ongoing effort.

- C. Declaration of National Library month: This matter was deferred.

3. APPROVAL OF MINUTES

- A. Minutes of the March 2, 2009 Regular Council Meeting
B. Minutes of the March 11, 2009 Special Council Meeting

Councilman Feller moved to approve the Minutes, as submitted. Seconded by Councilman Tendrich. All voted in favor.

4. CONSENT AGENDA

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO OFFICE EQUIPMENT; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A 36-MONTH LEASE AGREEMENT WITH RICOH FOR TWO PHOTOCOPIERS AT A COST OF \$834.00 MONTHLY FROM IKON OFFICE SOLUTIONS, INC., THROUGH MIAMI-DADE COUNTY CONTRACT (128-FF11); PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; APPOINTING MR. RICHARD L. DOODY, ESQ. TO SERVE AS A SPECIAL MASTER FOR CODE COMPLIANCE FOR THE VILLAGE OF PALMETTO BAY FOR A ONE YEAR TERM; AND 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 FBM LAW OFFICES IN THE AMOUNT OF \$43,648.18; PROVIDING AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; SPONSORING THE JUVENILE DIABETES RESEARCH FOUNDATION; AUTHORIZING THE VILLAGE MANAGER TO DISBURSE AN AMOUNT NOT TO EXCEED \$1,000.00; PROVIDING AN EFFECTIVE DATE. (Sponsored by Council Member Shelley Stanczyk)
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; AUTHORIZING THE VILLAGE MANAGER TO DISBURSE AN AMOUNT NOT TO EXCEED \$3,500.00 FOR EARTH DAY/WEEK; PROVIDING AN EFFECTIVE DATE.
- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL MAIL-IN ELECTION; AUTHORIZING THE VILLAGE MANAGER TO DISBURSE AN AMOUNT NOT TO EXCEED \$7,000.00 FOR EDUCATION MATERIALS/MAILINGS; PROVIDING AN EFFECTIVE DATE.

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO STIMULUS FUNDING FOR TRAFFIC CALMING ON SW 168TH STREET AND SW 87TH AVENUE AND OLD CUTLER ROAD AND SW 152ND STREET WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT WITH THE CORRADINO GROUP, INC. TO PREPARE CONCEPTUAL PLANS AND A RFQ FOR DESIGN-BUILD CONSTRUCTION FOR THE AREAS DESCRIBED ABOVE; AND TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$36,600 ON ELIGIBLE TRANSPORTATION STIMULUS PROJECTS THAT WILL SUBSTANTIALLY IMPROVE THE EFFECTS OF TRAFFIC INTRUSION INTO NEIGHBORHOOD STREETS; AND PROVIDING FOR AN EFFECTIVE DATE.

Clerk Rader reported that Items B and C of the Consent Agenda had been pulled. Mayor Flinn noted that the items would be heard at the conclusion of the Resolutions listed under Item 9.

Councilman Feller moved to approve Items A, D, E, F, and G and have items B and C moved to become Items 9 E and F. Seconded by Councilwoman Stanczyk. All voted in favor. The Resolutions passed unanimously (5-0).

5. REQUESTS, PETITIONS AND PUBLIC COMMENTS

Mr. Eric Tullberg, 7884 SW 179 Terrace, addressed the Council, suggesting installation of a linking pathway from the library to the Palmetto Bay Village Center's walkway.

6. VILLAGE MANAGER'S REPORT

Manager Williams introduced Commander Greg Truitt of the Palmetto Bay Policing Unit and asked him to introduce the newest member of the command staff. Commander Truitt introduced Sergeant Manual Munoz who will be serving as the Village's relief sergeant. He noted that Sergeant Munoz recently served with the Miami-Dade County Court Services Bureau and he provided information concerning Sergeant Munoz's significant experience.

Sergeant Munoz expressed that he is looking forward to working with Palmetto Bay and is happy to be part of the Palmetto Bay team.

Mayor Flinn asked Commander Truitt for the status of the crime watch organizations throughout the Village. Commander Truitt noted that three groups were currently organized and provided information regarding the success and benefits of crime watch organizations.

Councilman Tendrich thanked the Commander and his staff, particularly Officer Pete Judge, for fingerprinting children at the recent Deering Estate Seafood Festival.

Vice Mayor Pariser concurred. He noted that a friend of his son's was recently the victim of a gang-related drive-by shooting in Homestead. He asked Commander Truitt to provide information with regard to gang violence in the community. Commander Truitt advised that he has an extensive amount of experience with gangs and that, currently, no "true gangs" are operating out of Palmetto Bay. He stated that while there have been some instances of graffiti; the graffiti has not been linked to an organized gang. He stated that while no community is immune to gang violence, he has not witnessed any evidence of organized gang activity in Palmetto Bay. Commander Truitt noted that a group of juveniles banded together for auto theft activity, the juveniles had been apprehended and auto theft has significantly reduced.

Councilman Feller asked if there was evidence of gang activity in the local schools. Commander Truitt stated that due to the feeder patterns, it is possible that there are some gang members, but there currently is no organized gang activity in our local schools or in the community high schools.

Mayor Flinn asked status of the DARE program and the Officer Friendly program. Commander Truitt stated that both programs are sufficiently budgeted and have been, and continue to be, effective.

Manager Williams asked for an update with regard to the task force working on auto thefts. Commander Truitt noted that his staff has been working on recent incidents concerning theft of rims. He stated that the MDPD is working to seek legislative assistance to make those who purchase stolen rims be as accountable as pawn shops that receive stolen merchandise.

A. Manager Williams introduced Adriana Lamar from the Miami-Dade County Water & Sewer Department. Ms. Lamar provided an update with regard to the three basins and pump station work that is being completed. She noted that hedges will be installed at the pump station located at US-1 adjacent to the site of the future Village Hall. She reported that Basin A is under construction with an expected completion date of 2011 and Basin C is pending. She advised that funding is available and currently earmarked for all projects.

Mayor Flinn noted that these projects are important for the future success of the charrette area.

Councilwoman Stanczyk asked the status of providing assistance to the area north of SW 168 Street.

Ms. Lamar advised that she would check into the matter and report back to the Councilwoman.

Manager Williams continued his report, advising that due to Council's efforts, Palmetto Bay has received the State designation to be named a Tree City. He advised that a representative from the Department of Forestry will be coming to the April 16th Special Council meeting to make a formal presentation. He thanked Mayor Flinn for his assistance in this matter. He also thanked Public Works for their diligence in pursuing the application.

With regard to the Library Community Room at Ludovici Park, Manager Williams noted that construction is complete and the contractor is working on the "punch list." He advised that there is a meeting scheduled for April 15 with the County library staff in order to provide documentation with regard to the condominium arrangement and common expenses. He also noted that the art work will be installed tomorrow and staff intends to hold the next Committee of the Whole meeting at the community room.

Mayor Flinn expressed that he was happy with the success of the library project. He noted that the library and park will be an outstanding addition to the Village, as many families will come out to enjoy the facility and it will be a wonderful amenity to the current park system. He thanked the Feller's for their hard work.

Clerk Rader provided the calendar update.

Manager Williams noted that staff will be providing information in the near future to the Council with regard to the activities scheduled for Earth Week.

7. **VILLAGE ATTORNEY'S REPORT:** Attorney Boutsis noted that her April Update was provided for Council's review.

8. **BOARD AND COMMITTEE REPORTS**

9. **RESOLUTIONS**

A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BOARDS AND AGENCIES; APPOINTING _____ TO SERVE AS LIAISON TO THE MIAMI-DADE COUNTY SCHOOL BOARD FOR A TWO YEAR PERIOD; PROVIDING AN EFFECTIVE DATE.

Mayor Flinn withdrew the item, noting that he is still receiving emails concerning this position. He stated that he will bring the item forward at the next meeting.

B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE HISTORIC PRESERVATION ADVISORY BOARD, APPOINTING

TWO (2) MEMBERS TO THE VILLAGE OF PALMETTO BAY HISTORIC PRESERVATION ADVISORY BOARD; AND, PROVIDING AN EFFECTIVE DATE.

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

Vice Mayor Pariser suggested appointing Victor Vincent for a two year term. He noted that Mr. Vincent had served well and, as the Board did not start immediately after being established, he felt it appropriate to allow Mr. Vincent to continue his service.

Councilwoman Stanczyk suggested Francis Sicius, noting that Dr. Sicius has been an asset to the Board and is currently working on an oral history project.

Mayor Flinn suggested the Resolution be amended to include the two names.

All voted in favor of the Resolution, including the names of Victor Vincent and Dr. Francis Sicius. The Resolution passed unanimously (5-0).

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LEGISLATIVE SERVICES; APPROVING THE SELECTION OF GREENBERG TRAUIG TO PROVIDE LEGISLATIVE SERVICES AT THE FEDERAL LEVEL PURSUANT TO REQUEST FOR QUALIFICATIONS NO 2009-01; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE A CONTRACT WITH SAID FIRM FOR A ONE YEAR PERIOD; AND PROVIDING EFFECTIVE DATE.

Manager Williams asked for the item to be withdrawn.

Councilwoman Stanczyk moved to withdraw. Attorney Boutsis noted that a motion was not necessary.

Councilman Feller suggested that this matter be expedited.

Manager Williams concurred.

- D. A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RATIFYING THE APPLICATION FOR LOCAL AGENCY PROGRAM CERTIFICATION AND THE LOCAL AGENCY CERTIFICATION QUALIFICATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS OR AGREEMENTS IN ASSOCIATION WITH THE VILLAGE'S PARTICIPATION IN THE LOCAL AGENCY

PROGRAM; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL STEPS NECESSARY FOR PARTICIPATION IN THE LOCAL AGENCY PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams provided staff report. He noted that the Village was required to become LAP certified in order to participate in the program. He advised that due to the constraints of the timeline provided, it was necessary for him to sign the application documents. Manager Williams reported that the Village is eligible for two projects. He stated that, additionally, due to time constraints, he has requested authority to be able to execute documents required for participation in the program. He noted that he would provide updates and reports, as necessary.

Mayor Flinn stated that correspondence should be sent to the Miami-Dade County Board of County Commissioners, expressing objection to the 5% fee that the County is imposing. The Council concurred.

The Council congratulated staff for their effort.

All voted in favor of the Resolution. The Resolution passed unanimously (5-0).

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; APPOINTING MR. RICHARD L. DOODY, ESQ. TO SERVE AS A SPECIAL MASTER FOR CODE COMPLIANCE FOR THE VILLAGE OF PALMETTO BAY FOR A ONE YEAR TERM; AND PROVIDING AN EFFECTIVE DATE.

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

Mayor Flinn expressed his concern that only one person had applied for the position. He remarked that the Manager is also in the process of selecting a replacement for the Director of Planning and Zoning. He suggested tabling the matter and continuing the month-to-month agreement with Mr. Doody.

Councilman Tendrich asked why only one individual applied. Attorney Boutsis replied that the RFQ required insurance and she had heard from a potential candidate that a separate liability policy was difficult.

Councilman Feller asked what would be the Village's liability if the special master is uninsured. Attorney Boutsis noted that the Special Master would be covered by the Village's liability policy. He asked her to find out the cost involved in covering the Special Master.

Councilman Tendrich moved to table the matter for a period of six months and extend Mr. Doody's contract on a month-to-month basis. Councilwoman Stanczyk seconded the matter. The Motion carried 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 FBM LAW OFFICES IN THE AMOUNT OF \$43,648.18; PROVIDING AN EFFECTIVE DATE.

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

Vice Mayor Pariser stated that he would like more time to review the billing.

Mayor Flinn suggested that the matter be tabled and heard on April 16th at the Special Council meeting. Councilman Feller so moved. Seconded by Councilman Tendrich. All voted in favor. The Motion carried.

10. RESOLUTIONS REQUIRING PUBLIC HEARING

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, CO-DESIGNATING S.W. 80 AVENUE BETWEEN S.W. 160 STREET AND S.W. 168 STREET IN HONOR OF SOUTHWOOD MIDDLE SCHOOL; PROVIDING FOR INSTALLATION OF APPROPRIATE SIGNAGE; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Flinn stated that he had spoken to representatives of Southwood Middle School, who are in favor of this action. He suggested "Superstar Way". He mentioned that although it is Spring Break for the local public schools, the Village's ordinance requires that co-designation matters be brought forward in April.

Manager Williams provided staff report, noting that this co-designation is appropriate and does not change anyone's address, rather recognizing this outstanding school.

Following discussion concerning the naming convention, Mayor Flinn opened the public hearing. Mr. Eric Tullberg, 7884 SW 179 Terrace, remarked that the co-designation should be brief.

Councilwoman Stanczyk moved the naming to be "Southwood Superstar Way". Seconded by Councilman Feller.

Public Works Director Corrice Patterson advised that the lettering would be small with a long co-designation. Mayor Flinn noted that the school was in favor of "Superstar Way", as the Superstar is their symbol/mascot. He noted that the legislation would indicate that the co-designation is in honor of Southwood Middle School.

Following discussion, Manager Williams informed the Council that Miami-Dade County could not locate legislation that designated 80th Avenue as Kuhn Road.

Mayor Flinn suggested that Section 1 of the Resolution could read that 80th Avenue would be named in honor of Southwood Middle School, as follows: "Superstar Way". Councilwoman Stanczyk so moved. Seconded by Vice Mayor Pariser. All voted in favor of the Resolution, as amended. The Resolution passed unanimously (5-0).

11. ORDINANCES FOR FIRST READING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AMENDING ORDINANCE NUMBER 08-18; ADOPTING THE VILLAGE'S BUDGET FOR THE 2008-2009 FISCAL YEAR; 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.

Manager Williams provided staff report.

Mayor Flinn suggested that further information be provided at the Committee of the Whole meeting.

Councilman Tendrich asked if the current Building Department personnel would be replaced. Manager Williams responded affirmatively.

All voted in favor of the matter on first reading. The matter was scheduled for the Committee of the Whole meeting.

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO RELATING TO SOLID WASTE; CREATING CHAPTER 13; PROVIDING FOR ISSUING NON-EXCLUSIVE FRANCHISES FOR COMMERCIAL SOLID WASTE COLLECTION; PROVIDING DEFINITIONS AND FRANCHISE NOT TO CONSTITUTE A PROPERTY RIGHT; RESERVING TO THE VILLAGE THE POWER TO REVOKE FRANCHISES; PROVIDING WAIVER OF CERTAIN

FRANCHISE FEE COLLECTION TO THOSE ESTABLISHMENTS WITH A AN ESTABLISHED RECYCLING PROGRAM, AS IDENTIFIED IN SECTION 15-2.2 OR 15-2.3 OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES; PROVIDING FOR TRANSFERABILITY OF FRANCHISES; PROVIDING FOR FIVE YEAR FRANCHISES; LIMITATIONS ON CONTRACTS; PROVIDING OF LICENSING FEES FOR TEMPORARY ROLL-OFF CONTAINERS AND COMMERCIAL SOLID WASTE; APPLICATION PROCEDURES; REPORTING REQUIREMENTS, INSURANCE, SERVICE STANDARDS, PROVIDING FOR CODE ENFORCEMENT PROCEDURES, APPEAL OF VILLAGE MANAGER DIVISION TO DENY FRANCHISE TO BE HEARD BY VILLAGE COUNCIL; SCHEDULES AND ROUTES, TERMINATION; ENFORCEMENT AND ADMINISTRATIVE FINES; PROVIDING FOR ORDINANCES IN CONFLICT; CODIFICATION; SEVERABILITY; AND AN EFFECTIVE DATE.

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

Manager Williams provided staff report.

Vice Mayor Pariser asked for clarification regarding a "recycling program". He asked who would be responsible for reviewing the program and insuring compliance.

Attorney Boutsis stated that the information was contained in the ordinance.

Manager Williams noted that the collection process will come through the Finance Department and staff will insure that the business is complying.

Vice Mayor Pariser, Mayor Flinn, and Councilwoman Stanczyk each expressed their concern with increasing fees on the business community.

Manager Williams stated that most haulers are aware of the modifications that they must make in order to participate in a recycling program. He stated that there would be an increase to the businesses.

Mayor Flinn suggested tabling the matter to the Committee of the Whole meeting. Councilman Feller so moved. Seconded by Councilman Tendrich. All voted in favor. The motion carried (5-0).

- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PROCUREMENT; AMENDING THE VILLAGE'S PROCUREMENT CODE TO CLARIFY BID PROTEST REQUIREMENTS UNDER

SECTION 2-175(o); PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Vice Mayor Pariser moved this item forward. Seconded by Councilman Feller.

Manager Williams provided staff report.

Following discussion concerning the appropriate amount of a protest bond, the Council unanimously passed this matter on first reading and suggested that it be heard at the Committee of the Whole meeting prior to second reading.

- D. 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 CHARTER AMENDMENTS; REMOVING SECTION 9.5 OF THE CHARTER, ENTITLED "MUNICIPAL SERVICE TRUST FUND, AND SECTION 9.8 "FAVORED NATIONS STATUS" TO ELIMINATE FUTURE PAYMENTS TO THE MUNICIPAL SERVICE TRUST FUND, OTHERWISE KNOWN AS "MITIGATION"; AND REMOVING SECTION 9.3 ENTITLED "SPECIALIZED LAW ENFORCEMENT SERVICES"; CREATING ARTICLE X OF THE CHARTER, SECTION 10.1 ENTITLED "PRIVATE SCHOOL EXPANSION"; REQUIRING 4/5 VOTE OF COUNCIL AND APPROVAL OF 75% OF ELECTORATE WITHIN 2,000 FEET OF THE SCHOOL PRIOR TO APPROVING ANY EXPANSION REQUEST; AMENDING SECTION 5.1 ENTITLED "ELECTIONS" TO REMOVE ANY FUTURE, ACTUAL RUNOFF ELECTION DATES FROM THE CHARTER AND TO ESTABLISH RUNOFF ELECTION DATES BY ORDINANCE IN ORDER TO ENSURE COMPLIANCE WITH STATE LAW; 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 MAIL-IN BALLOT, WHICH ELECTION AS TO MITIGATION, SPECIALIZED POLICE SERVICES AND RUNOFF ELECTION SHALL BE PAID FOR BY MIAMI-DADE COUNTY; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Mitigation and Specialized Police Ballot Questions Sponsored by Mayor Eugene P. Flinn, Jr.).

Councilman Feller moved this matter forward. Seconded by Councilman Tendrich.

Attorney Boutsis provided staff report, and requested Council schedule the matter for second reading at the April 16, 2009 Special Council meeting.

Councilman Feller moved to pass the matter on first reading and schedule second reading for April 16, 2009. Seconded by Councilwoman Stanczyk. All voted in favor. The Motion passed unanimously (5-0).

- E. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; CREATING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR DEVELOPMENTS OF MORE THAN FIVE CONTIGUOUS ACRES BY THE EARLIER OF SIX MONTHS OR THE FINAL ADOPTION OF THE VILLAGE'S LAND DEVELOPMENT CODE; SUCH TEMPORARY MORATORIUM TO APPLY TO ALL PROPERTIES OVER FIVE ACRES IN CONTIGUOUS SIZE LOCATED WITHIN THE VILLAGE OF PALMETTO BAY; EXEMPTING PUBLIC FACILITIES DEVELOPED FOR THE PUBLIC HEALTH, SAFETY, AND WELFARE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. **PUBLIC HEARING REQUIRED**

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

Attorney Boutsis advised that this matter was heard by the Council, sitting as the Local Planning Agency, and that the Florida Statutes require a public hearing on the matter.

Mayor Flinn opened the public hearing. No one wished to be heard. The public hearing was closed.

Councilwoman Stanczyk called the question. All voted in favor of passing the Ordinance on first reading (5-0).

- F. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PUBLIC SAFETY; CREATING THE DANGEROUS INTERSECTION SAFETY ACT; PROVIDING FOR RECORDED IMAGE MONITORING AND ENFORCEMENT OF RED LIGHT INFRACTIONS; PROVIDING FOR RELATED PROCEDURES AND PROVISIONS; CREATING ENFORCEMENT MECHANISMS; ADMINISTRATIVE CHARGES; COLLECTION OF FINES, PENALTIES; TO FACILITATE USE OF CODE ENFORCEMENT MECHANISM FOR DANGEROUS INTERSECTION SAFETY; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Manager Williams provided staff report. Commander Truitt came forward and added that statistics have shown that red light camera programs are successful in reducing traffic accidents.

Councilman Feller stated that he was told that the images from the cameras could be available for other uses.

Mr. Pete Cucaro from American Traffic Solutions stated that the images can be used to assist with crash reconstruction or other criminal events.

Vice Mayor Pariser asked which intersections would have the cameras. Mr. Cucaro stated that the locations would be selected based on the Village's research.

Vice Mayor Pariser asked information regarding the fees charged by Mr. Cucaro's company. Mr. Cucaro stated that there would be no upfront cost to the Village; however, his company would take 20% of the fines collected.

Councilman Feller remarked that he believed the State was considering a grandfather clause. Attorney Boutsis reported that the legislation at the State level is to include a revenue sharing with the State, and pre-enactment of the law is for cities to be grandfathered from revenue sharing until 2010.

Vice Mayor Pariser moved to amend to include a 3-year sunset/review provision. Following discussion, Councilman Tendrich seconded the motion. All voted in favor of the amendment.

The Council voted unanimously (5-0) to pass the matter on first reading and schedule for second reading on April 16, 2009.

Councilwoman Stanczyk moved to reconsider Ordinance 11 A concerning the budget. She suggested severing the Public Information Officer position. Vice Mayor Pariser seconded the motion.

Manager Williams advised that the ordinance is time sensitive as staff needs to be hired in the Building Department and the hiring of a Planning and Zoning Director is equally important.

Councilman Feller suggested that the matter could be severed at seconding reading. He moved that the matter be passed on first reading and scheduled for second reading at the April 16, 2009 Special Council meeting.

Councilwoman Stanczyk stated that she is not in favor of Councilman Feller's motion.

Councilman Tendrich seconded the motion. Following discussion, the Council voted to pass the matter on first reading and schedule same for second reading at the Special Council meeting of April 16th. The matter passed 4 to 1, Councilwoman Stanczyk being the sole opposition.

12. 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 PROCUREMENT; AMENDING ORDINANCE 07-02 (PALMETTO BAY CODE 2-175(f)).

Vice Mayor Pariser moved this item forward. Seconded by Councilman Tendrich.

Attorney Boutsis noted that the Ordinance was amended slightly to allow Manager Williams authority to procure between \$12,500 and \$25,000; however, the requirement to have Manager report on those items is included.

Mayor Flinn opened the public hearing. No one wished to be heard. The public hearing was closed.

The Council unanimously (5-0) adopted the Ordinance.

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE LOCAL PLANNING AGENCY, RELATING TO ADOPTION OF AMENDMENTS TO THE COMPREHENSIVE PLAN TO INCLUDE A NEW WATER SUPPLY ELEMENT AND AMENDMENTS TO THE INTERGOVERNMENTAL COORDINATION, FUTURE LAND USE, CONSERVATION, AND CAPITAL IMPROVEMENTS ELEMENTS; PROVIDING FOR TRANSMITTAL OF COMPREHENSIVE PLAN AMENDMENTS TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, TO OTHER UNITS OF LOCAL GOVERNMENT AND TO OTHER REVIEW AGENCIES AS REQUIRED BY LAW; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE

Councilman Feller moved this item forward. Seconded by Vice Mayor Pariser.

Attorney Boutsis noted that second reading is required. She advised that the amendment to include "houses of worship" in place of "churches" was included.

Mayor Flinn opened the public hearing. No one wished to be heard. The public hearing was closed.

The Council unanimously (5-0) adopted the Ordinance.

- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; ESTABLISHING THE REGISTRATION FEE SCHEDULE FOR THE 2009 SUMMER CAMP PROGRAM; PROVIDING EXCEPTIONS; AUTHORIZING THE VILLAGE MANAGER, IN ACCORDANCE WITH SECTION 4.3(A)(5) OF THE VILLAGE CHARTER, TO MODIFY, UPDATE OR AMEND THE SUMMER CAMP FEE SCHEDULE HEREINAFTER VIA RESOLUTION; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Mayor Flinn asked that staff complete all three necessary camps for residents – summer camp, Fall break camp, and spring break camp in the next budget year.

Manager Williams concurred.

Mayor Flinn opened the public hearing. No one wished to be heard. The public hearing was closed.

The Council unanimously (5-0) adopted the Ordinance.

- D. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; CREATING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS OR DEVELOPMENT ORDERS FOR DEVELOPMENTS OF MORE THAN FIVE CONTIGUOUS ACRES BY THE EARLIER OF SIX MONTHS OR THE FINAL ADOPTION OF THE VILLAGE'S LAND DEVELOPMENT CODE; SUCH TEMPORARY MORATORIUM TO APPLY TO ALL PROPERTIES OVER FIVE ACRES IN CONTIGUOUS SIZE LOCATED WITHIN THE VILLAGE OF PALMETTO BAY; EXEMPTING PUBLIC FACILITIES DEVELOPED FOR THE PUBLIC HEALTH, SAFETY, AND WELFARE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Council Person Stanczyk]. – **WITHDRAWN – FIRST READING REQUIRED – SEE ITEM 11 E.**

Clerk Rader advised that this matter was heard on first reading; however, the advertisement had been placed, which was the reason for the withdrawal. Second reading shall be held on April 16, 2009.

13. **OTHER BUSINESS:** None at this time.

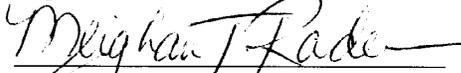
14. **COUNCIL COMMENTS**

Vice Mayor Pariser remarked that the recent trip to Tallahassee for Dade Days was worthwhile.

Councilman Feller noted that he was in Tallahassee the week prior to Dade Day and thanked the village's lobbyist Bob Levy and his staff for their assistance.

15. **NEXT MEETING AND ADJOURNMENT:** The meeting adjourned at 9:30 p.m.

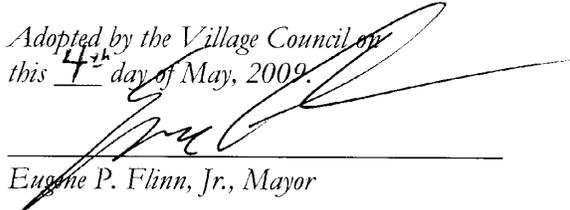
Prepared and submitted by:



Meighan J. Rader, CMC

Village Clerk

Adopted by the Village Council on
this 4th day of May, 2009.


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.