

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of Monday, February 1, 2010
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 7:40 p.m. Mayor Flinn asked Mr. Joe Corradino to lead the pledge of allegiance.

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Presentation by The Corradino Group of the American Planning Association's Outstanding Transportation Study for the Village of Palmetto Bay's Bicycle Pedestrian Master Plan Award

Mayor Flinn thanked Mr. Corradino for his hard work and noted that this is the second award that his company has brought to Palmetto Bay.

Councilman Feller thanked resident Eric Tullberg for bringing the importance of bicycle/pedestrian safety to the public. Councilwoman Stanczyk echoed his sentiment.

3. APPROVAL OF MINUTES

- A. Minutes of the Special Council Meeting of December 14, 2009
B. Minutes of the Regular Council Meeting of January 11, 2010

Councilman Tendrich moved to approve the Minutes, as submitted. Seconded by Councilman Feller. 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 ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR FBM LAW

OFFICES IN THE AMOUNT OF \$27,332.29; PROVIDING AN EFFECTIVE DATE.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LEGISLATIVE AGENDA; RE-AFFIRMING ACTIONS BY THE VILLAGE COUNCIL THAT ENCOURAGE AND SUPPORT EDUCATION, SAFETY, AND THE ENVIRONMENT; PROVIDING FOR TRANSMITTAL; PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Eugene P. Flinn, Jr.].

Councilman Feller moved to approve the Consent Agenda. Seconded by Councilman Tendrich. All voted in favor. The Resolution passed unanimously (5-0.)

5. REQUESTS, PETITIONS AND PUBLIC COMMENTS

Mr. Eric Tullberg, 7884 SW 179 Terrace, addressed the Council.

6. VILLAGE MANAGER'S REPORT

Manager Williams provided a report concerning the First Quarter FY 09-10 Budget to Actuals. He noted that all departments are currently approximately 19% under budget, as the Directors are adhering to the Manager's directive to pay close attention to the budget in during these difficult economic times. He stated that staff will continue to cautious and aware.

Manager Williams provided an update concerning status of foreclosed/liened lots clean-up activity. He advised that the Village has spent approximately \$53,000 and while the Village has received less than that, as satisfaction of liens come in with the properties being sold, the Village should receive more funds in the future. He noted that between 25-30 properties are being taken care of at this time and while there may be more properties coming into foreclosure, banks and realtors are currently beginning to take care of many homes.

Manager Williams advised that staff is working diligently to plan the picnic; however, it may be difficult to get the "ever-popular" corn, due to recent serious weather activities affecting the crop.

Clerk Rader announced there will be a Special Council meeting on February 24th at Deering, just prior to the Committee of the Whole Meeting.

7. VILLAGE ATTORNEY'S REPORT

A. February Update

Attorney Boutsis noted that staff will be concluding the Land Development Code with the final ordinance to be presented this evening and at the Special Council

Meeting. She noted that staff is working with her office to draft the ordinance concerning the citizens' initiative.

8. BOARD AND COMMITTEE REPORTS

- A. Art-in-Public-Places Advisory Committee Update: Director of Planning and Zoning Julian Perez advised that the Committee' Chair was sick this evening and requested deferral of their update until March. The Council agreed.

9. RESOLUTIONS

- A. 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 168 STREET THAT FALLS WITHIN THE BOUNDARIES OF THE VILLAGE OF PALMETTO BAY, ESSENTIALLY FROM SW 90 AVENUE TO SW 87 AVENUE AS "PANTHER PARKWAY"; PROVIDING FOR AN EFFECTIVE DATE. [Sponsored by Councilwoman Stanczyk.]

Councilwoman Stanczyk moved this item forward. Seconded by Vice Mayor Pariser.

Manager Williams advised that this Resolution would be transmitted to Commissioner Sorenson's office for consideration, as SW 168 Street is under the County's jurisdiction.

Mayor Flinn asked if the school had requested this co-designation.

Councilwoman Stanczyk stated that they had and that Principal Ferrer is available for comment.

Principal Maileen Ferrer, Perrine Elementary School, explained that the school had asked the children to vote on a name and the children chose "Panther Parkway." She further announced that the school won the Magnet School of Excellence award again.

Councilman Tendrich noted that Palmetto Senior's mascot is the panther. He asked if this was Perrine's mascot, too. Principal Ferrer responded affirmatively.

Mayor Flinn stated that Palmetto Bay has three outstanding elementary schools and the other schools should be contacted, as well. Councilwoman Stanczyk concurred. Vice Mayor Pariser volunteered to reach out to the other schools.

Mayor Flinn called the question. All voted in favor. The Resolution was adopted unanimously (5-0.)

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE TREE

ADVISORY BOARD, APPOINTING TWO (2) MEMBERS TO THE TREE ADVISORY BOARD; AND, PROVIDING AN EFFECTIVE DATE.

Clerk Rader provided staff report.

Mayor Flinn suggested the re-appointment of Mr. John Dubois. Councilwoman Stanczyk suggested the re-appointment of Henry Clifford.

Councilman Feller moved to amend the Resolution to include those two individuals and pass same. Seconded by Councilman Tendrich. All voted in favor. The Resolution, as amended, passed unanimously (5-0.)

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GRANTS; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE METROPOLITAN PLANNING ORGANIZATION IN THE AMOUNT OF \$40,000 FOR THE DEVELOPMENT OF A SAFE ROUTE TO SCHOOL STUDY AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams provided staff report.

Following brief discussion, Mayor Flinn called the question. All voted in favor. The Resolution passed unanimously (5-0.)

Mayor Flinn recognized Mayor Horace Felieu of the City of South Miami. He asked Council to consider taking Item 11 A out of order. Councilman Tendrich moved to do so. Seconded by Councilman Feller. All voted in favor.

ORDINANCES FOR FIRST READING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CHAPTER 2, ADMINISTRATION; CREATING DIVISION 3 RELATING TO DOMESTIC PARTNERSHIPS; PROVIDING FOR EMPLOYEE BENEFITS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE (Sponsored by Mayor Eugene P. Flinn).

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

Attorney Boutsis provided staff report. She noted that this ordinance provides specific provisions in order to recognize domestic partnerships. She explained that the Village, upon next open enrollment, shall seek a carrier with a comparable benefit level, provided it does not increase cost of coverage more than 10%.

Mayor Flinn asked if any Councilmembers wished to co-sponsor. Councilwoman Stanczyk and Councilman Tendrich stated they would.

Mayor Felieu thanked Mayor Flinn for his leadership and stated this is a “great idea” to include domestic partnership protection, without considering sexual orientation. He noted that the more enrolled in any given insurance pool, the lower the premium.

Vice Mayor Pariser and Councilwoman Stanczyk thanked Mayor Felieu.

Mayor Flinn asked all to consider passing this internal policy ordinance on first reading and further discuss at a Committee of the Whole Meeting.

Councilman Feller stated that the concept is sound; however, he asked for data regarding the increase in the premium if the Village were to implement this policy. He asked for the current premium.

Finance Director Desmond Chin noted that the insurance costs approximately \$25,000 monthly.

Councilman Feller noted that a 10% increase could increase the plan to \$330,000 annually.

Councilwoman Stanczyk stated that insurance is always a volatile subject and she is in favor of asking the insurance companies to do what is right.

Following brief discussion, all voted in favor of the proposed Ordinance on first reading.

Councilman Feller and Vice Mayor Pariser directed staff to bring further information concerning the options. Vice Mayor Pariser asked that the matter be placed on the Committee of the Whole Agenda.

(Return to Resolutions – Item 9 D)

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO FEDERAL LOBBYING AGENDA; REQUESTING REFORMATION OF FEDERAL LAWS RELATING TO INSURANCE CARRIERS AND EXCLUSIONS; URGING ALL INSURERS TO RECOGNIZE DOMESTIC PARTNERSHIP BENEFITS; PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Eugene P. Flinn, Jr.].

Councilwoman Stanczyk moved this item forward. Seconded by Councilman Tendrich. The entire Council stated their intent to co-sponsor.

Councilwoman Stanczyk stated that this resolution encourages the federal government to work on this matter.

Vice Mayor Pariser stated that he was surprised to discover that insurance is regulated on a state level, and there is nothing that prohibits the state from discriminating against domestic partners.

Councilman Feller noted that the federal government has very little to do with insurance coverage.

Mayor Flinn stated that the federal lobbyist's comments concerning this issue were encouraging.

Following brief discussion, Mayor Flinn suggested amending the caption and body to include the language "and/or State". Councilman Feller so moved. Vice Mayor Pariser seconded. The Council voted unanimously to amend (5-0.)

Mayor Flinn suggested adding this to the legislative agenda. Councilman Feller moved to do so and to approve the Resolution, as amended. Seconded by Councilwoman Stanczyk. All voted in favor (5-0.) The Resolution passed unanimously.

E. Vice Mayor Pariser asked the Council to consider include the following Resolution into the legislative agenda:

Resolution 09-19: A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BOATING SAFETY AND CANAL EROSION; REQUESTING THE STATE OF FLORIDA FISH AND WILDLIFE COMMISSION TO UNDERTAKE BOATING SAFETY ENFORCEMENT WITHIN THE CANALS LOCATED WITHIN THE VILLAGE OF PALMETTO BAY AND ELSEWHERE; PROVIDING AN EFFECTIVE DATE.

Councilman Feller moved to include the Resolution. Seconded by Councilwoman Stanczyk. All voted in favor. The motion carried unanimously (5-0.)

Councilwoman Stanczyk moved to include the Resolution concerning "Green Corridors" into the legislative agenda. Seconded by Councilwoman Stanczyk. All voted in favor. The motion carried unanimously (5-0.)

10. RESOLUTIONS REQUIRING PUBLIC HEARING: None at this time.

11. ORDINANCES FOR FIRST READING

A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY ACTING AS THE LAND PLANNING AGENCY, FLORIDA, RELATING TO SUSTAINABLE BUILDING STANDARDS FOR CONSTRUCTION AND PERMITTING; RELATING TO U.S. GREEN BUILDING COUNCIL'S LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) CERTIFICATION AND GREEN CONSTRUCTION; PROVIDING FOR MANDATORY REQUIREMENTS

AND VOLUNTARY INCENTIVES FOR COMMERCIAL, MIXED USE AND GOVERNMENTAL CONSTRUCTION PROJECTS; EXEMPTING SINGLE FAMILY AND SINGLE RESIDENTIAL UNIT CONSTRUCTION; ESTABLISHMENT OF PROGRAM; PROVIDING FOR LEED CERTIFICATION FOR VILLAGE CONSTRUCTION; PROVIDING FOR DENSITY BONUS INCENTIVES; PROVIDING FOR ADMINISTRATION AND CERTIFICATION; PROVIDING FOR STANDARDS, TRAINING, CERTIFICATION, AND REVIEW; PROVIDING FOR SEVERABILITY, ORDINANCES IN CONFLICT; AND AN EFFECTIVE DATE. (Public Hearing required)

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

Councilman Feller moved to incorporate the record, staff report, and all public comments made at the Local Planning Agency Meeting of February 1, 2010, into this proceeding. Seconded by Councilman Tendrich. All voted in favor. The Motion carried.

Attorney Boutsis reminded all of the Special Council meeting of February 24th.

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

All voted in favor of the Ordinance on first reading. The matter passed unanimously (5-0.)

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 BUILDING PERMIT FEES; AMENDING THE VILLAGE'S PERMIT FEE SCHEDULE FOR BUILDING, ZONING AND PUBLIC WORKS PERMITS; PROVIDING FOR A FEE EXEMPTION FOR ALCOHOL LICENSES AND SPECIAL EVENT PERMIT FEE EXEMPTIONS FOR NONPROFIT SPECIAL EVENTS, INCLUDING SPECIAL EVENTS BY HOMEOWNER'S ASSOCIATIONS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Mayor Eugene P. Flinn, Jr.].

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

Attorney Boutsis advised that staff incorporated the modifications suggested by Council, including language "block party type groups" for those who act in a non-profit manner.

Mayor Flinn asked if the modifications require third reading. Attorney Boutsis advised that they did not.

Councilman Feller suggested a “modifying word” to allow party to invite their friends. Attorney Boutsis suggested “purpose is not intended to be held out to the general public.” Councilman Feller moved to amend. Seconded by Councilman Tendrich. All voted in favor (5-0.)

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

Mayor Flinn called the question. All voted in favor. The Ordinance was adopted unanimously (5-0.)

13. OTHER BUSINESS

Mayor Flinn noted that as he is term limited and the installation of new representatives to the Miami-Dade County League of Cities is February 20th, he suggested nominating Councilman Tendrich.

Councilman Feller moved to do so. Seconded by Vice Mayor Pariser. All voted in favor. Councilman Tendrich was appointed to serve as the Village’s representative to the Miami-Dade County League of Cities.

14. COUNCIL COMMENTS: None at this time.

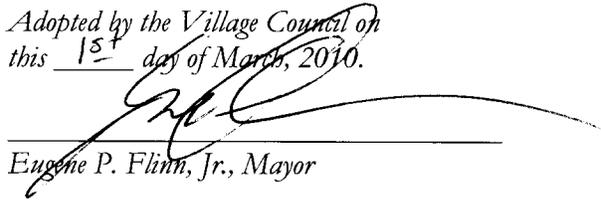
15. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 9:00 pm.

Prepared and submitted by:

Meighan J. Rader, EMC
Village Clerk

*Adopted by the Village Council on
this 15th day of March, 2010.*


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.