

**VILLAGE OF PALMETTO BAY, FLORIDA
MINUTES OF THE THURSDAY, APRIL 16, 2009
SPECIAL MEETING OF THE VILLAGE COUNCIL**

DEERING ESTATE VISITOR CENTER
16701 SOUTHWEST 72 AVENUE
PALMETTO BAY, FLORIDA

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

Vice Mayor Pariser called the meeting to order at 7:30 p.m. The following members of the Village Council were present:

Vice Mayor Brian W. Pariser
Councilman Ed Feller, MD
Councilman Howard J. Tendrich
Councilwoman Shelley Stanczyk

The following staff members were present:

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

2. VILLAGE MANAGER'S REPORT

- A. Presentation by State of Florida, Department of Forestry regarding Tree City USA Designation: Manager Williams asked the Council to defer this matter until the arrival of Mayor Flinn, as this designation was very important to the Mayor.

3. RESOLUTIONS

- 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 \$42,610.33; PROVIDING AN EFFECTIVE DATE.

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

Attorney Boutsis noted that she had reduced fees on one specific item.

Councilwoman Stanczyk called the question. The Resolution passed unanimously (4-0).

4. 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 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.

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

Mayor Flinn entered the meeting.

A brief recess was taken.

Presentation by State of Florida, Department of Forestry regarding Tree City USA Designation: Manager Williams introduced Mark Toureck, from the State of Florida Department of Forestry. Mr. Toureck expressed that he was honored to be present, and congratulated the Council for moving so quickly to achieve the Tree City USA award. He noted that the Council's quick action reflects the importance of trees to this community. He presented the award to the Mayor and Council.

Mayor Flinn remarked that he was very proud to receive the designation. Councilman Tendrich also expressed how happy he was with the Village's desire to achieve the designation. The Council echoed those sentiments.

Manager Williams advised that the Village has been presented with the flag designating the village as a "Tree City" and staff will display the flag prominently.

(Return to the Ordinance concerning the Budget) Manager Williams provided staff report. He noted that the amendment/adjustment addresses modifications in the Building Department, Village Clerk and Manager's office with regard to the reporting chain of the Public Information Officer, and the Planning and Zoning Department including a full time director position.

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

Councilman Feller stated that the Public Information Officer may report to the Manager, but that individual also works for the Council.

Vice Mayor Pariser stated that he had met with Building Official Silva and feels comfortable that the changes are positive and will promote continuity. He stated that the position of Chief Inspector will be beneficial, the savings justify the change, and the accountability is a great benefit.

Mayor Flinn remarked that the modifications will improve customer service. Councilwoman Stanczyk agreed.

All voted in favor of the proposed Ordinance. The Ordinance was adopted unanimously (5-0).

- 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 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 STUDENT ENROLLMENT EXPANSION"; REQUIRING 4/5 VOTE OF COUNCIL AND APPROVAL OF 75% OF ELECTORATE RESIDING WITHIN 2,000 FEET OF THE SCHOOL PRIOR TO APPROVING ANY STUDENT 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.).

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

Attorney Boutsis stated that the special election will be called for June 25, 2009. She provided staff report. She asked the Council to approve the revisions to the ballot question concerning private school expansion to reflect "student enrollment", rather than "population" and the words "electors residing", rather than "homeowners".

Councilwoman Stanczyk moved to amend the section of the ordinance as stated by Attorney Boutsis. Seconded by Vice Mayor Pariser. All voted in favor. The motion carried unanimously (5-01).

Vice Mayor Pariser asked for clarification concerning the run-off election date question.

Attorney Boutsis and Clerk Rader explained that State law dictates that run-off election dates be established by Ordinance; however, the Charter prevents the Village from scheduling a run-off election date that would coincide with the Miami-Dade County Election Department's schedule.

Mayor Flinn opened the public hearing. The following individuals spoke in opposition to the private school expansion question contained in the proposed Ordinance: Eileen Mehta, 200 S. Biscayne Boulevard, Miami, representing Palmer Trinity; and, Thomas McGee, 8621 SW 142 Street, Palmetto Bay representing Alexander Montessori. Attorney Tucker Gibbs, 2980 McFarlane, Coconut Grove, representing the petitioners, spoke in support of the legality of the process. Mrs. Linda Robinson, 15645 SW 77 Court., congratulated the Council on its success in the mitigation matter.

Mayor Flinn closed the public hearing.

Following discussion, Vice Mayor Pariser asked if the 75% approval indicated in the private school expansion ballot includes 75% of the registered voters or 75% of the total votes cast.

Attorney Gibbs stated that it would be 75% of those individuals who voted. Attorney Boutsis concurred.

Mayor Flinn asked if the date of June 25th was now firm. Attorney Boutsis replied that it was.

Mr. McGhee reiterated his disapproval.

Councilman Feller remarked that the issue regarding mitigation/specialized policing is clear, the run-off date should comply with Florida Statutes, and the citizens' petition matter is beyond their control. He stated that the matters need to be moved forward for public vote.

All voted in favor of the proposed Ordinance. The Ordinance was adopted unanimously (5-0).

- C. 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.

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

Attorney Boutsis provided staff report. She advised that installation and use of the cameras would permit law enforcement resources to be more efficient and the hiring of a company to provide the service would be the next step. She advised that the Ordinance would sunset three years from enactment, with a review to be performed following the first year and one-half.

Commander Gregory Truitt, Palmetto Bay Policing Unit, remarked that statistics have shown that citations will drop and the program will allow Village officers to be able to focus more on preventing property crimes. He stated that this system will save lives.

Mayor Flinn asked Commander Truitt if he was of the opinion that this program is intended for public safety, rather than a revenue source. Commander Truitt stated that the purpose is safety.

Mayor Flinn opened the public hearing. Eric Tullberg, 7884 SW 179 Terrace; and, Jim Araiza, 15755 SW 86 Avenue, addressed the Council.

Mayor Flinn closed the public hearing.

Mayor Flinn noted that synchronizing signalization is the County's complete responsibility. He remarked that this matter should not be delayed.

Commander Truitt remarked that education is key and the six month period allows for a warning, educational period. He remarked that the program is revenue neutral and positive.

The Council spoke in support of the program. All voted in favor of the proposed Ordinance. The Ordinance was adopted unanimously (5-0).

- 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].

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

Attorney Boutsis provided staff report and stated that this matter was heard with the Council sitting as the Local Planning Agency; however, it must also be heard by the full Council. She offered an amendment at page 3, end of Section 2, to add, "building permit applications filed in good faith, pending final action of the ordinance, be accepted".

Councilman Feller moved to approve the amendment. Seconded by Councilwoman Stanczyk. All voted in favor. The Motion carried (5-0).

Mayor Flinn opened the public hearing. Eileen Mehta, 200 South Biscayne Boulevard, representing Palmer Trinity School, and James McGhee, 8621 SW 142 Street, representing Alexander Montessori School, spoke in opposition. Mayor Flinn closed the public hearing.

Mayor Flinn remarked that the Village is close to finishing the code; however, it remains incomplete. He stated that he would prefer a moratorium across the Village, rather than limiting it to five contiguous acres. He remarked that this is a temporary matter until the Land Development Code is completed, no later than six months.

All voted in favor of the proposed Ordinance. The Ordinance was adopted unanimously (5-0).

- E. 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. (Deferred – discussion to be held at April 22, 2009 Committee of the Whole Meeting)

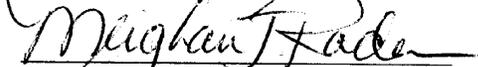
Clerk Rader explained that the matter was advertised in anticipation of being heard; however, the Council at the April 6th meeting had moved to have this matter discussed at the April 22nd Committee of the Whole meeting.

Councilman Feller moved to defer the matter. Seconded by Councilman Tendrich. The Council agreed to defer unanimously (5-0).

6. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 8:40 pm.

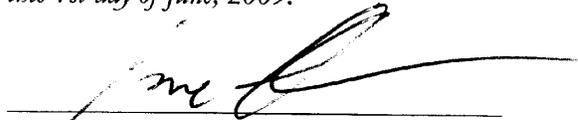
Prepared and submitted by:



Meighan J. Rader, CMC

Village Clerk

*Adopted by the Village Council on
this 1st day of June, 2009.*



Eugene P. Flinn, Jr., Mayor

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