

VILLAGE OF PALMETTO BAY  
Minutes of the Local Planning Agency Meeting of Thursday, November 19, 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 7:15 p.m. Mayor Flinn asked Councilman Feller to lead the pledge of allegiance.

Mayor Flinn asked individuals who may wish to be heard to speak at this meeting and to be assured that their comments will be included in the record for the Special Council meeting to follow.

**2. ORDINANCES FOR FIRST READING (PUBLIC HEARING)**

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TELECOMMUNICATIONS TOWERS, ANTENNAS AND SATELLITE DISHES; AMENDING SECTION 30-60.52 OF THE CODE AND REPLACING SAME; RELATING TO LOCATION, CO-LOCATION, SETBACKS, LANDSCAPING, MINIMUM REQUIREMENTS, MINIMUM STANDARDS, DISTANCE REQUIREMENTS; APPEALS; PROCEDURES; APPLICATION FEE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Planning and Zoning Director Julian Perez and Attorney Boutsis offered staff report.

Mayor Flinn remarked that telecommunications is an area wherein local control has been eroded due to federal government guidelines. He thanked staff for finding areas within the Council's jurisdiction that would allow control. He expressed that he was pleased with notice and public hearing requirements included in the ordinance. Mayor Flinn also noted that he felt that the site prioritization and aesthetic guidelines were appropriate.

Director Perez noted that with new technology, the provider can install towers so that they are camouflaged and virtually undetectable.

Vice Mayor Pariser questioned the classifications for placement. Attorney Boutsis advised that if a prioritization fails, the provider can seek the next prioritization on the list.

Councilman Feller asked who would make the decision as to why a particular prioritization is not appropriate. Director Perez noted that the applicant must provide reason for the prioritization.

Vice Mayor Pariser asked if the Village can mandate installation on public land. Attorney Boutsis noted that the Village can not force a provider to contract with the Village; however, the provider must provide reason why the criteria for the particular prioritization can not be met.

Vice Mayor Pariser noted that the primary consideration for a telecommunication provider is location; and, if a church is the best location, will the Village be able to prevent the installation at that location. Attorney Boutsis replied that the Federal Communications Commission ("FCC") will allow a tower to be installed if it meets a particular wave length; however, staff will require camouflaging.

Vice Mayor Pariser asked for clarification of the safety factors involved. Attorney Boutsis noted that the provider has to show FCC compliance. She advised that staff also focuses on the co-location factor in order to allow co-existing towers to prevent the Village from being littered with equipment.

Manager Williams noted that signal strength is important to the vendor and if an option is reasonable and more aesthetically pleasing and does not compromise signal strength, then that site will be the best option.

Following brief comments, Mayor Flinn opened the public hearing. Eric Tullberg, 7884 SW 179 Terrace, approached the Council to urge that hedges installed to camouflage should be installed several feet back from sidewalk right-of-ways. Mayor Flinn closed the public hearing.

Mayor Flinn called the question. All voted in favor of the passing the proposed Ordinance on first reading (5-0.).

### **3. ORDINANCES FOR SECOND READING (PUBLIC HEARING)**

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE'S CODE OF ORDINANCES, CHAPTER 30 ENTITLED "ZONING," CREATING DIVISION 30, ENTITLED "DEVELOPMENT APPROVAL PROCEDURES"; WHICH DIVISION SHALL BE PART OF THE VILLAGE'S LAND DEVELOPMENT CODE; PROVIDING FOR ZONING

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APPLICATION PROCESS, PUBLIC HEARING NOTICE REQUIREMENTS, PROCESS FOR REVIEWING VARIANCES, CODE AMENDMENTS, COMPREHENSIVE PLAN AMENDMENTS, ADMINISTRATIVE MODIFICATIONS, AND APPEAL PROCEDURES; REVIEWING THE PROCEDURES ORDINANCES AS THE LAND PLANNING AGENCY AND AS THE VILLAGE COUNCIL; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis noted that matrixes are provided, including a page and line number for ease of discussion.

Mayor Flinn asked if this item would require a third reading. Attorney Boutsis advised that it would.

Councilman Feller asked if the portions that are complete and without question could be severed and voted upon, only requiring public hearing for the remainder. Attorney Boutsis stated that the Courts have found, in the event of a challenge, it would not be appropriate to sever.

Director Perez provided staff report.

Mayor Flinn opened the public hearing. Eric Tullberg, 7884 SW 179 Terrace, stated that he believes mandated size of plans should be modified, as appropriate for the type of application. Attorney Boutsis noted that the suggestion was included on the matrix as Item 23. Building Official Ed Silva noted that the size of an application is dictated by the South Florida Building Code and by Miami-Dade County.

Manager Williams advised that staff has not added any costs to the permitting process with this ordinance.

Attorney Boutsis asked the Council to consider the matrix and decide whether they agree with the items suggested and recommended by staff.

Mayor Flinn asked if staff were comfortable with the recommendations that are included. Attorney Boutsis advised that they were.

Following brief discussion, Councilman Tendrich moved to accept and include all revisions included in the matrix that are recommended by staff in the ordinance. Seconded by Councilman Feller. All voted in favor. The motion carried (5-0.)

Councilman Tendrich moved to direct staff to include that all definitions are as provided in the South Florida Building Code and Chapter 8 of the Miami-Dade County Code. Seconded by Councilwoman Stanczyk. All voted in favor. The motion carried (5-0.)

Councilman Feller thanked staff for their extensive work on this ordinance. Vice Mayor Pariser concurred.

Councilman Tendrich moved to accept all modifications and pass this item to third reading. Seconded by Councilwoman Stanczyk. All voted in favor. The motion carried (5-0.)

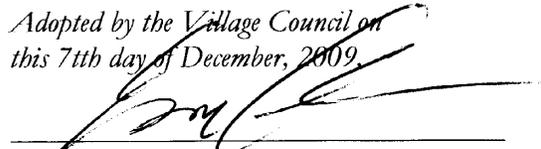
#### 4. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 8:10 pm.

*Prepared and submitted by:*

  
Meighan J. Rader, CMC  
Village Clerk

*Adopted by the Village Council on  
this 7th day of December, 2009.*

  
Eugene P. Flinn, Jr., Mayor

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