

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of Monday, December 7, 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 7:00 p.m. Mayor Flinn led the pledge of allegiance.

Manager Williams announced that staff is requesting deferral of Item 9A.

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

A. Recognition of the Boys Swim Team of Miami Palmetto Senior High School: Mayor Flinn came forward with the members of the Council and congratulated the boys swim team for their victory at the State Championship match.

Cooch David Booher and Coach Cullen Bullock introduced the team and thanked the young men and their parents for their dedication.

3. APPROVAL OF MINUTES

- A. Minutes of the Regular Council Meeting of November 2, 2009
- B. Minutes of the Local Planning Agency Meeting of November 2, 2009
- C. Minutes of the Local Planning Agency Meeting of November 19, 2009
- D. Minutes of the Special Council Meeting of November 19, 2009

Councilman Tendrich moved to approve. Seconded by Councilman Feller. All voted in favor. The Motion carried.

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 \$49,436.04; PROVIDING AN EFFECTIVE DATE.

Councilman Tendrich moved to approve the Consent Agenda item. Seconded by Councilwoman Stanczyk. All voted in favor (5-0.)

Councilman Tendrich moved to table the meeting and open the Local Planning Agency Meeting. Seconded by Councilman Feller. All voted in favor. (The meeting was tabled at 7:10 p.m.)

Councilman Feller moved to re-open the Regular Council Meeting. Seconded by Councilman Tendrich. All voted in favor. The meeting was re-opened at 7:55 p.m.

5. **REQUESTS, PETITIONS AND PUBLIC COMMENTS:** No one requested to be heard.

6. **VILLAGE MANAGER'S REPORT**

Manager Williams reported that Item 9B will also be withdrawn, as it is directly connected to Item 9A. He asked the Chair of the Historic Preservation Committee to address the Council.

Mr. Victor Vincent, Chair of Historic Preservation Advisory Board, thanked the Council and the members of the Board, Jack Fell, Bev Gerald, Frances Sicius, and Jorge Zamanillo, for their service on the Board. He provided a notebook containing information on board's activities and also oral history of the founders of this area.

Mayor Flinn thanked Mr. Vincent and the members of the Board. Councilman Tendrich noted that the Thalatta site may be a good location for the historical archives of the Village. Vice Mayor Pariser thanked Director Perez, Zoning Administrator Efren Nunez, and Administrative Assistant Jian Santana for their assistance to this Board.

Manager Williams provided details concerning the holiday food drive, reporting that staff will distribute flyers, seeking assistance from the community. Mayor Flinn thanked staff for assisting him with the food drive, noting that this community is very generous, as evident by the great success had in the past with hurricane relief efforts. He stated that he will also be participating in a Toys for Tots event and suggested that people can donate new, unwrapped toys also.

Clerk Rader provided an update of the calendar: December 16th, Committee of the Whole Meeting; December 21st, Special Council Meeting; and January 11th, Regular Council Meeting.

7. **VILLAGE ATTORNEY'S REPORT**

A. December Update: Attorney Boutsis provided a written report for the 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 THE DESIGN/BUILD OF A TRAFFIC CIRCLE AT THE INTERSECTION OF SW 168 ST/RICHMOND DRIVE AND SW 87 AVE/GALLOWAY ROAD AND PEDESTRIAN CROSSWALK IMPROVEMENTS AT SW 152 ST/CORAL REEF DRIVE AND OLD CUTLER ROAD; APPROVING THE SELECTION OF TENEX ENTERPRISES, INC., TO PROVIDE DESIGN/BUILD SERVICES; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$550,000; AND PROVIDING FOR AN EFFECTIVE DATE.

Manager Williams noted that staff has withdrawn this item.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH THE CORRADINO GROUP, INC. FOR CIVIL ENGINEERING INSPECTION SERVICES AND TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$65,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Manager Williams advised that staff has withdrawn this item.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE CLERK; AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT WITH MEIGHAN RADER; PROVIDING AN EFFECTIVE DATE.

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

Vice Mayor Pariser noted that he had been charged with reviewing the Clerk's employment agreement and negotiating with her. He noted that the agreement is for the employee with the longest tenure with a mid-level salary (as compared to other Miami-Dade County Clerks). He reported that a salary increase is not being recommended; however, an increase in phone and vehicle allowance, additional time off, and a three year contract should help with continuity.

Mayor Flinn stated that he would like the Council's opinion concerning a three year contract for an employee that currently has served since the Village's inception.

Councilwoman Stanczyk remarked that the Clerk has been loyal and consistent with her service and believes the contract should automatically renew without term limit.

Councilman Tendrich suggested a five year contract, which is the term provided to the Manager.

Councilman Feller concurred with Councilman Tendrich.

Following discussion, Councilman Tendrich moved to amend the contract to a five year term. Seconded by Councilman Feller. The Motion carried (3-2, Vice Mayor Pariser and Councilwoman Stanczyk opposed.)

Councilwoman Stanczyk moved to include language that the contract would be automatically renewed and that it would be the Clerk's responsibility to remind the Council of the renewal period. The motion failed for lack of second.

Mayor Flinn called the question on the Resolution and contract, as amended. The motion passed (4-1, Councilwoman Stanczyk opposed.)

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COUNCIL MEETING PROCEDURES; ANNOUNCING THE MEETING SCHEDULE OF THE VILLAGE COUNCIL AND OF LAND DEVELOPMENT PERMIT HEARINGS FOR THE YEAR 2010; PROVIDING AN EFFECTIVE DATE.

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

Clerk Rader provided staff report.

Mayor Flinn called the question. All voted in favor. The Resolution passed 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, FLORIDA, ACTING AS THE LAND PLANNING AGENCY, RELATING TO ZONING; EXTENDING THE EXISTING MORATORIUM BY TWO MONTHS ON THE ISSUANCE OF BUILDING PERMITS FOR DEVELOPMENTS OF MORE THAN FIVE CONTIGUOUS ACRES SO THAT THE VILLAGE CAN ADOPT THE FINAL PORTIONS OF THE VILLAGE'S LAND DEVELOPMENT CODE, INCLUDING BUT NOT LIMITED TO ZONING PROCEDURES, TELECOMMUNICATIONS AND GREEN/LEED DESIGN CRITERIA; 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.

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

Councilman Feller moved to incorporate the record, staff report, and all public comments made at the Local Planning Agency Meeting of December 7, 2009, into this proceeding. Seconded by Councilwoman Stanczyk. All voted in favor. The Motion carried.

No further staff report.

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

Mayor Flinn called the question. The Ordinance passed on first reading unanimously (5-0.)

12. ORDINANCES FOR SECOND READING (AND THIRD READING) AND PUBLIC HEARING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SWIMMING POOL SAFETY BARRIERS; TO REQUIRE EITHER A WALL, FENCE, AND/OR SCREEN ENCLOSURE SURROUNDING THE POOL STRUCTURE FOR CHILD SAFETY REASONS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Director Perez provided staff report, noting that subsection h defines that pool screening is not an appropriate safety caution.

(Mayor Flinn briefly left the meeting.) Vice Mayor Pariser opened the public hearing. No one wished to be heard. Vice Mayor Pariser closed the public hearing.

Councilwoman Stanczyk asked for clarification regarding gate height. Attorney Boutsis and Director Perez confirmed that the height for fences is for the locking mechanism – a height of 54 inches. Mayor Flinn moved that the definition of height be clarified to include screen enclosures, also. Seconded by Councilman Feller. All voted in favor.

Councilman Feller moved to approve the Ordinance, as amended. Seconded by Councilman Tendrich. All voted in favor. The Ordinance was adopted (5-0.)

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ALSO ACTING AS THE LAND PLANNING AGENCY, 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.

Councilwoman Stanczyk moved this matter forward and also moved to incorporate the record, staff report, and all public comments made at the Local Planning Agency Meeting of December 7, 2009, into this proceeding. Seconded by Councilman Tendrich. All voted in favor. The Motion carried.

No further staff report.

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

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

- C. 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 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. (3rd Reading – Public Hearing Required)

Councilman Feller moved this matter forward and also moved to incorporate the record, staff report, and all public comments made at the Local Planning Agency Meeting of December 7, 2009, into this proceeding. Seconded by Councilman Tendrich. All voted in favor. The Motion carried.

No further staff report was given.

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

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

13. OTHER BUSINESS

Mayor Flinn remarked that he intends to bring forward to the Committee of the Whole meeting on December 16 a proportional fee policy for use of village fields. He explained that for those groups who use both parks, we charge per head for entire season, but if the team plays in Pinecrest, the fee could be reduced. He stated that he is hopeful that other jurisdictions will follow.

14. COUNCIL COMMENTS

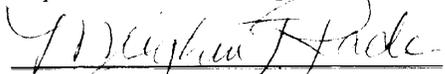
Vice Mayor Pariser asked if Commander Truitt would provide an update concerning the police service in the Village. Commander Truitt noted that emergency response time is 6.18 minutes, which is slightly higher than last year and the police are working hard to reduce this time. He also noted that overall crime is down by 13% annually. He stated that the only crime increase has been in aggravated assaults, commonly due to domestic violence. Commander Truitt provided information concerning how to avoid being a victim of crime during this holiday season.

Councilman Feller wished all a happy holiday. Councilwoman Stanczyk added that there is a water project meeting on December 9th from 6 to 8 pm at 900 Perrine Avenue.

15. NEXT MEETING AND ADJOURNMENT

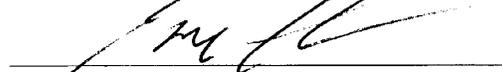
The Meeting was officially adjourned at 9:10 pm.

Prepared and submitted by:



*Meighan J. Rader, CMC
Village Clerk*

*Adopted by the Village Council on
this 11th day of January, 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.