

**VILLAGE OF PALMETTO BAY
MINUTES OF THE THURSDAY, APRIL 12, 2007
SPECIAL MEETING OF THE VILLAGE COUNCIL**

Village Hall
8950 SW 152 Street
Palmetto Bay, FL 33157

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

Mayor Flinn called the meeting to order at 6:30 p.m. The following individuals were present:

Mayor Eugene P. Flinn, Jr.
Vice Mayor Linda Robinson
Councilman Ed Feller, M.D.
Councilman Paul Neidhart
Councilwoman Shelley Stanczyk

Staff present:
Acting Village Manager Ron E. Williams
Village Attorney Eve A. Boutsis
Village Clerk Meighan J. Rader

II. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE BISCAYNE BAY COASTAL WETLANDS ACCERLER8 PROJECT AT THE DEERING ESTATE; EXPRESSING STRONG SUPPORT FOR THE FULL FUNDING AND COMPLETION OF THE 3 ACRE WETLANDS ENVIRONMENTAL EDUCATIONAL PROJECT ON THE POWERS PROPERTY; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Flinn)

Councilman Feller moved this item. Seconded by Vice Mayor Robinson.

Mayor Flinn provided an explanation of the matter.

Councilman Feller moved to approve the proposed Resolution. Vice Mayor Robinson seconded the motion. All voted in favor of the proposed Resolution. The motion passed unanimously (5-0).

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO THE NEW FIRE STATION SITE IN PALMETTO BAY; STRONGLY URGING MIAMI-DADE COUNTY TO ACCEPT AND APPROVE THE RECOMMENDED SITE SELECTED BY THE FIRE DEPARTMENT AT THE PALMETTO BAY VILLAGE CENTER AND PROMPTLY PROCEED WITH SITE ACQUISITION AND DEVELOPMENT OF THE PROJECT; PROVIDING AN EFFECTIVE DATE (Sponsored by Mayor Eugene Flinn.)

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

Attorney Boutsis provided staff report. She advised that she was going to meeting with representatives of DERM, Mr. Williams, Scott Silver to discuss DERM's concerns with the project.

Brief discussion ensued.

Councilman Neidhart asked if there was a covenant on the property concerning the buffer.

Attorney Boutsis advised that the height – the visual buffer – must be kept by covenant.

Councilman Neidhart called the question. A roll call vote was taken, as follows: Mayor Flinn: yes; Vice Mayor Robinson: yes; Councilman Feller: yes; Councilman Neidhart: yes; and, Councilwoman Stanczyk: yes. The Resolution was adopted unanimously (5-0).

III. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CREATING CHAPTER 15 ENTITLED WATER CONSERVATION AND EMERGENCY WATER RESTRICTION ENFORCEMENT; PROVIDING FOR CODE ENFORCEMENT AND POLICE ENFORCEMENT OF EMERGENCY WATER RESTRICTION DECLARATIONS ISSUED BY THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT; PROVIDING FOR POLICE ENFORCEMENT VIA CRIMINAL PROCESS OF STATE LAW; AND DIVISION OF CODE COMPLIANCE ENFORCEMENT THROUGH THE VILLAGE'S CIVIL CITATION SYSTEM UNDER SECTION 2-205, OF THE VILLAGE'S CODE OF ORDINANCES; PROVIDING FOR FINES AND APPEAL PROCESS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Vice Mayor Robinson moved the item forward. Seconded by Councilman Neidhart.

Attorney Boutsis explained the item. She stated that although the State of Florida gives local jurisdictions authority to enforce, Chapter 32 of the Miami-Dade County Code allows for enforcement by police officers, but there is not any provisions for enforcement by the Village's code officers. She advised that with police enforcement, the person who violated the water restriction may get a criminal record, rather than be fined civilly. Attorney Boutsis noted that under the proposed Ordinance, there are provisions for warnings and that if a person is a repeat violator, then a misdemeanor charge or a civil fine can be levied.

Councilman Feller asked if a person could be dual prosecuted by the Village's adoption of this Ordinance.

Attorney Boutsis replied that dual prosecution could be possible if there are different dates of violation.

Councilman Feller asked if the County Code supersedes the Village's.

Attorney Boutsis replied that it did not.

Councilman Feller asked what would occur if a resident is away for a month and their auto sprinkler system brings a criminal charge.

Attorney Boutsis stated that two warning notices are given prior to charging a misdemeanor. The warnings would be sent to code enforcement and the resident could be fined daily.

Mayor Flinn suggested that the fines after warnings should be higher: \$150, \$250 and \$500 – after 2 notices had already been issued.

Councilman Neidhart moved to amend to include the higher fines. Seconded by Vice Mayor Robinson. All voted in favor of the amendment. The Motion carried (5-0).

Mayor Flinn called the question on first reading as amended. A roll call vote was taken, as follows: Mayor Flinn: yes; Vice Mayor Robinson: yes; Councilman Feller: yes; Councilman Neidhart: yes; and, Councilwoman Stanczyk: yes. The Resolution was adopted unanimously (5-0).

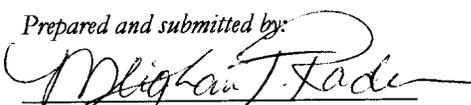
IV. MAYOR AND COUNCIL COMMENTS

Mayor Flinn provided an update with regard to the opposition to mitigation vote currently being considered in the Florida legislature. He expressed his gratitude to the Miami-Dade delegation for their support. He thanked Council for their hard work.

Mr. Williams noted that he will be visiting with Senator Larcenia Bullard on Tuesday to insure that the \$250,000 for stormwater remains in the Village.

V. NEXT MEETING AND ADJOURNMENT

The meeting adjourned at 7:00 pm

Prepared and submitted by:

Meighan J. Rader, CMC
Village Clerk

Adopted by the Village Council on
this 7 day of May, 2007.


Eugene P. Flinn, Jr., Mayor

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