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**RESOLUTION NO. 2010-16**

**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.].**

**WHEREAS**, throughout the years, the Village Council of Palmetto Bay has been committed to supporting education, insuring the safety of its citizens, and preserving environmentally sensitive lands; and,

**WHEREAS**, as part of the Village's 2009-10 Legislative Agenda, the Village Council is desirous of re-affirming and including several past actions that remain important to the quality of live of our residents and all surrounding communities; and,

**WHEREAS**, the Mayor and Village Council finds that reaffirmation of the attached Resolutions is in the best interest and welfare of the residents of the Village of Palmetto Bay, and all of Miami-Dade County, Florida.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**

**Section 1.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2.** The Mayor and Village Council hereby re-affirm the following attached Resolutions:

**Education:** Resolution 09-27 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, URGING THE GOVERNOR AND FLORIDA LEGISLATURE TO SUPPORT AND FULLY FUND EDUCATION AND THE PERSONNEL WHO DELIVER THE EDUCATIONAL PRODUCT; PROVIDING AN EFFECTIVE DATE (Sponsored Eugene P. Flinn, Jr.) (Passed by unanimous vote on March 2, 2009.)

**Safety:** Resolution 07-24 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; CONCERNING PUBLIC SAFETY; REQUESTING THAT THE STATE OF FLORIDA LEGISLATURE MODIFY STATE LAW SO AS TO

1 AS TO PRECLUDE CELLULAR TELEPHONE USAGE  
2 BY MOTOR VEHICLE DRIVERS WHILE LOCATED IN  
3 A SCHOOL ZONE; AND PROVIDING AN EFFECTIVE  
4 DATE. (Passed by unanimous vote on March 5, 2007.)  
5

6 Resolution 09-83 A RESOLUTION OF THE MAYOR AND VILLAGE  
7 COUNCIL OF THE VILLAGE OF PALMETTO BAY,  
8 FLORIDA, SUPPORTING A STATE BAN ON TEXT  
9 MESSAGING WHILE OPERATING A MOTOR  
10 VEHICLE, OR ALTERNATIVELY SUPPORTING  
11 STATE LEGISLATION PERMITTING LOCAL  
12 MEASURES TO BAN TEXT MESSAGING WHILE  
13 OPERATING A MOTOR VEHICLE; AND PROVIDING  
14 FOR AN EFFECTIVE DATE. (Passed by unanimous vote  
15 on October 5, 2009.)  
16

17 **Environment:** Resolution 08-119 A RESOLUTION OF THE MAYOR AND VILLAGE  
18 COUNCIL OF THE VILLAGE OF PALMETTO BAY,  
19 FLORIDA, RELATING TO CANAL EROSION;  
20 REQUESTING THE STATE TO FUND AND  
21 UNDERTAKE THE RESTORATION AND  
22 PERMANENT HARDENING OF CANALS WITHIN  
23 THE VILLAGE OF PALMETTO BAY; PROVIDING AN  
24 EFFECTIVE DATE. (Sponsored by Mayor Eugene P. Flinn,  
25 Jr). (Passed by unanimous vote on December 1, 2008)  
26

27 Resolution 09-04 A RESOLUTION OF THE MAYOR AND VILLAGE  
28 COUNCIL OF THE VILLAGE OF PALMETTO BAY,  
29 FLORIDA, SUPPORTING THE STATE OF FLORIDA'S  
30 PURCHASE OF NEARLY 300 SQUARE MILES OF  
31 LAND FOR EVERGLADES RESTORATION; URGING  
32 THE SOUTH FLORIDA WATER MANAGEMENT  
33 DISTRICT TO CONTINUE PURCHASING  
34 ENVIRONMENTALLY SENSITIVE LAND IN THE  
35 TOWN OF CUTLER BAY; PROVIDING FOR  
36 TRANSMITTAL TO THE STATE; PROVIDING AN  
37 EFFECTIVE DATE. [Sponsored by Mayor Eugene P.  
38 Flinn, Jr.]. (Passed by unanimous vote on January 12, 2009.)  
39

40 **Section 3.** The Mayor and Village Council hereby urges the State of Florida to adopt  
41 legislation that would enact these matters in order to benefit its constituents.  
42

43 **Section 4.** The Village Clerk is hereby authorized to transmit this resolution to the  
44 Governor's office and the Florida legislators.  
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**RESOLUTION NO. 09-27**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, URGING THE GOVERNOR, AND FLORIDA LEGISLATURE TO SUPPORT AND FULLY FUND EDUCATION AND THE PERSONNEL WHO DELIVER THE EDUCATIONAL PRODUCT; PROVIDING AN EFFECTIVE DATE (Sponsored Eugene P. Flinn, Jr.)**

**WHEREAS**, the Village of Palmetto Bay is home to active and participating families, which values education and development of healthy and productive children, home to excellent private and public schools, and remains concerned with maintaining the quality of life for all residents in our community; and

**WHEREAS**, the Florida Constitution provides that the education of children is a fundamental value of the people of Florida and a paramount duty of the state;

**WHEREAS**, the Constitution creates a clear mandate for a uniform and high quality education system and for the State to make adequate provision for this purpose;

**WHEREAS**, The School Board of Miami-Dade County, Florida, has experienced significant budget reductions of nearly \$300 million;

**WHEREAS**, Florida employers consistently rank improving education and workforce development as top concerns to the success of their business, and a highly qualified, trained workforce as critical to strengthening our business climate; Whereas, the education system needs to respond to the workforce needs of Florida's employers, including programs that expand career academies in high schools, align career education with industry standards and workforce demands, and expand options for students to continue their education and enter the workforce;

**WHEREAS**, the Pre-K-20 education system is the foundation for Florida's future, providing the talent base for economic diversification and an economic engine for the knowledge economy, and Florida should continue to move its education system at all levels (Pre-K-20) into the top quartile in education quality, student rankings and graduation rates based on national standards;

**WHEREAS**, The Village Council of Palmetto Bay believes that funding a high-quality education system including special attention to the personnel who deliver the educational product, is an investment in our state, both in providing quality jobs for Floridian's as well as preparing our students for success and our community's ability to compete nationally and globally in the marketplace; and;

**WHEREAS**, The Village Council of Palmetto Bay believes that adequate funding is needed to achieve a high-quality education system measured by gains in student achievement;

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**

1 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**

2  
3 Section 1. The Village of Palmetto Bay, Florida, supports Miami-Dade County Public  
4 Schools' legislative initiative and request that the Florida Legislature:

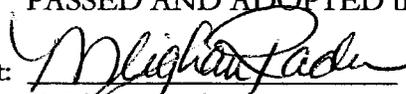
- 5
- 6 • Fulfill its commitment to hold school district operational and capital funding
- 7 harmless from the impact of property tax reform and budget shortfalls by funding
- 8 the student enrollment at minimally 2008-2009 levels of \$6,968.29;
- 9
- 10 • Restore the local Discretionary Capital Outlay levy to 2-mills;
- 11
- 12 • Oppose legislation that reduces the number of in-service hours required of teachers
- 13 providing instruction to English Language Learners; and,
- 14
- 15 • Support the Our Pay Teachers First Bill officially filed in the House and the Senate
- 16 on Friday February 27, 2008 (H.B. 1323 "School Districts" and S.B. 2466) including
- 17 paying Educational Support Personnel, in addition to teachers.
- 18

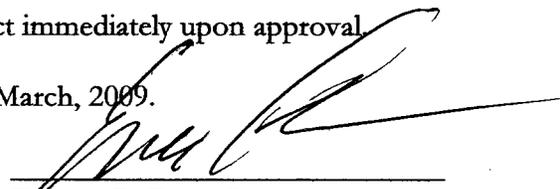
19 Section 2. The Village Clerk is requested to transmit certified copies of this resolution to the  
20 Governor, and Clerks of the State of Florida House of Representatives and Senate.

21  
22 Section 3. This resolution shall take effect immediately upon approval.

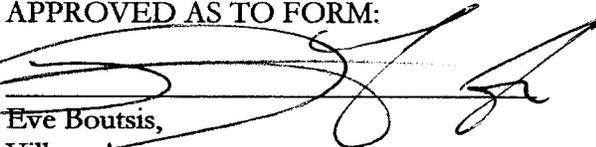
23  
24 PASSED AND ADOPTED this 2nd day of March, 2009.

25  
26 Attest:

  
27 Meighan Rader  
28 Village Clerk

  
Eugene P. Flinn, Jr.  
Mayor

29  
30 APPROVED AS TO FORM:

31  
32   
33 Eve Boutsis,  
34 Village Attorney

35  
36 FINAL VOTE AT ADOPTION:

- 37 Council Member Ed Feller YES
- 38
- 39 Council Member Howard Tendrich YES
- 40
- 41 Council Member Shelley Stanczyk YES
- 42
- 43 Vice-Mayor Brian W. Pariser YES
- 44
- 45 Mayor Eugene P. Flinn, Jr. YES



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PASSED and ADOPTED this 5<sup>th</sup> day of March, 2007.

ATTEST:   
Meighan Rader  
Village Clerk

  
Eugene P. Flinn, Jr.  
Mayor

READ AND APPROVED AS TO FORM:

  
Eye A. Boutsis  
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller	<u>YES</u>
Council Member Paul Neidhart	<u>YES</u>
Council Member Shelley Stanczyk	<u>YES</u>
Vice-Mayor Linda Robinson	<u>YES</u>
Mayor Eugene P. Flinn	<u>YES</u>

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2  
3 **RESOLUTION NO. 09-83**

4 **A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF**  
5 **THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING A**  
6 **STATE BAN ON TEXT MESSAGING WHILE OPERATING A**  
7 **MOTOR VEHICLE, OR ALTERNATIVELY SUPPORTING STATE**  
8 **LEGISLATION PERMITTING LOCAL MEASURES TO BAN TEXT**  
9 **MESSAGING WHILE OPERATING A MOTOR VEHICLE; AND**  
10 **PROVIDING FOR AN EFFECTIVE DATE.**

11 **WHEREAS**, recognizing that operation of a motor vehicle in a safe manner is crucial to  
12 the quality of life of all visitors and residents of Palmetto Bay and, in particular, school children,  
13 the Village in March of 2007 passed Resolution 07-24, which requested the State to preclude  
14 cellular telephone usage in a school zone; and

15  
16 **WHEREAS**, the Village of Palmetto Bay further finds that text messaging while  
17 operating a motor vehicle on any roadway is a grave threat to the well-being of motor vehicle  
18 operators, passengers, and other persons, including pedestrians and cyclists; and

19  
20 **WHEREAS**, the Village Council is deeply concerned about the continued state pre-  
21 emption of local action, provided by 316.0075 Florida Statutes., with regard to this issue without  
22 corresponding legislation banning or otherwise regulating text messaging while operating a motor  
23 vehicle; and

24  
25 **WHEREAS**, as reported by the Miami Herald, in July of this year the National Highway  
26 Traffic Safety Administration reported that even back in 2002 – before text messaging was as  
27 widespread as it is today – there were 955 deaths and 240,000 crashes attributable to drivers using  
28 cell phones, either through the use of text messaging or talking on their cell phone; and

29  
30 **WHEREAS**, there are already ten states (as well as Washington, D.C.) that have  
31 recognized the danger in this practice and have banned text messaging while driving: Alaska,  
32 Arkansas, California, Connecticut, Louisiana, Minnesota, New Jersey, Utah, Virginia, and  
33 Washington; and

34  
35 **WHEREAS**, as reported by the Miami Herald, according to a study authored by the  
36 Transport Research Laboratory in the United Kingdom – and confirmed by Car and Driver  
37 Magazine – drivers reaction time slowed by as much as 35 percent when reading or text  
38 messaging, almost triple the effect on reaction time of drinking enough alcohol to be legally  
39 impaired; and

40  
41 **WHEREAS**, the Village Council believes that it is in the best interest of the health safety,  
42 and welfare of residents of the Village for the State to either ban the practice of text messaging  
43 while operating a motor vehicle or in the alternative to allow local communities to enact their  
44 own ban.

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46 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**  
47 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**



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**RESOLUTION NO. 08-119**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CANAL EROSION; REQUESTING THE STATE TO FUND AND UNDERTAKE THE RESTORATION AND PERMANENT HARDENING OF CANALS WITHIN THE VILLAGE OF PALMETTO BAY; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene P. Flinn, Jr).**

**WHEREAS**, on November 2<sup>nd</sup>, 2008, the Mayor and Village Council heard first reading of a “no wake” ordinance for canals located in the Village; and,

**WHEREAS**, Florida Fish and Wildlife Conservation Commission (FWC), Division of Law Enforcement, Office of Boating and Waterways regulates speed waterway speed zones within Florida waterways; and,

**WHEREAS**, Speed regulations and establishment of no wake zones by the FWC is statutorily authorized under chapter 327, Florida Statutes; and,

**WHEREAS**, the Army Corps. Of Engineers also has jurisdiction over the canals in order to ensure protection of the drainage canals and protect against further erosion of the canals; and,

**WHEREAS**, pursuant to section 324.70, Fla. Stat., local law enforcement have the inherent power to regulate the waterways after the designation of no wake zones as provided under the Florida Administrative Code (FAC), section 68(d) 23.105l; and,

**WHEREAS**, the FAC provides that no wake zone needs to be for public safety, either due to blind corner, vegetation, manatee protection, or for some other recognized purpose; and,

**WHEREAS**, a recognized purpose is not ordinarily for the protection of dock or seawall integrity, as such a concern would trigger an Army Corps of Engineers inspection and requirement that the dock or seawall property owners have engineers certify as to soundness of the specific structure to withstand wakes; and,

**WHEREAS**, Army Corps of Engineers have required the dock or seawall structure to be removed and required that the condition brought back to natural state; and,

**WHEREAS**, the FAC also provides that a local ordinances may be crafted that comply with certain criteria including:

- (1) for no wake zone the area has to be within 500 feet of any boat ramp, hoist, marine railway or other launching or landing facility for use by general boating public

1 on waterways more than 300 feet wide and within 300 feet of any public boat ramp,  
2 etc., of waterway less than 300 feet wide;  
3 (2) within 500 feet of fuel pumps, of waterway over 300 feet; or within 300 feet  
4 of waterway less than 300 feet wide;  
5 (3) inside or within 300 feet of locked structure; and  
6 (4) an area where boating accident reports, uniform boating citations, vessel  
7 traffic studies, or other creditable data demonstrate a high risk of collision or where  
8 any significant vessel wake would be likely to endanger life, limb, vessel traffic safety  
9 or maritime property; and,  
10

11 **WHEREAS**, the representatives of the South Florida Water Management District  
12 (SFWMD) discussed the significant erosion that has occurred to its easements and the canal banks  
13 of the various C100 canals within the Village of Palmetto Bay and the urgent need to stop speeding  
14 boats, creating greater impact to eroding softened banks; and  
15

16 **WHEREAS**, the Village desires to work with the state in order to protect the health, safety  
17 and welfare of its residents, those using the canals; desires to protect access to public ramps or  
18 access ways; desires to protect life, limb, vessel traffic safety and maritime property; and further  
19 desires to protect the canals from further erosion; and,  
20

21 **WHEREAS**, the Village petitions the State of Florida to fund and permanently restore the  
22 eroded canals of the Village due to years of hurricane and water run off damage, recreational vessel  
23 use; and normal erosion; and  
24

25 **WHEREAS**, the Mayor and Village Council also seeks for the State of Florida to enforce  
26 the Florida Administrative Code and Chapter 327, Florida Statutes, as it relates to funding the  
27 staffing of the Florida Fish and Wildlife Conservation Commission, so that the officers can patrol  
28 the canals of the Village and Miami-Dade County, as they were mandated to do; and,  
29

30 **WHEREAS**, the Mayor and Village Council desire to approve this resolution and to  
31 forward this resolution to the Florida House and Senate, and to Governor Charlie Christ for action.  
32

33 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**  
34 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**  
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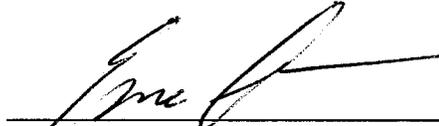
36 Section 1. The above whereas clauses are incorporated by reference into this resolution.  
37

38 Section 2. This resolution shall take effect immediately upon approval.

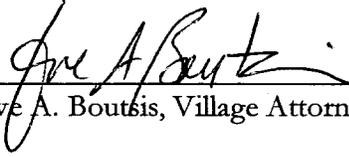
39 Section 3. The Village Clerk is directed to provide a copy of this resolution to the  
40 Florida House, Florida Senate, to Governor Charlie Crist, to the Directors and Legal Counsels for  
41 Florida Fish and Wildlife Conservation and South Florida Water Management District.  
42

43 **PASSED and ADOPTED** this 1<sup>st</sup> day of December, 2008.

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Attest:    
Meghan Rader Eugene P. Flinn, Jr.  
Village Clerk Mayor

APPROVED AS TO FORM:

  
Eve A. Boutsis, Village Attorney

FINAL VOTE AT ADOPTION:

- Council Member Edward Feller YES
- Council Member Howard Tendrich YES
- Council Member Shelley Stanczyk YES
- Vice-Mayor Brian W. Pariser YES
- Mayor Eugene P. Flinn, Jr. YES

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**RESOLUTION NO. 09-04**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE STATE OF FLORIDA'S PURCHASE OF NEARLY 300 SQUARE MILES OF LAND FOR EVERGLADES RESTORATION; URGING THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO CONTINUE PURCHASING ENVIRONMENTALLY SENSITIVE LAND IN THE TOWN OF CUTLER BAY; PROVIDING FOR TRANSMITTAL TO THE STATE; PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Eugene P. Flinn, Jr.].

WHEREAS, on June 24, 2008, the State of Florida announced its intentions to purchase nearly 300 square miles of land for Everglades restoration; and,

WHEREAS, this purchase of land is considered to be one of the largest land conservation purchases in the history of the United States of America; and,

WHEREAS, the Village of Palmetto Bay recognizes this outstanding accomplishment as well as the importance of Everglades restoration and enthusiastically supports the state of Florida in its efforts to purchase this land; and;

WHEREAS, it is anticipated that the South Florida Water Management District (SFWMD) will use tax dollars to pay off bonds that would help finance the purchase of this land, which may cause the delay of other conservation purchases of land by SFWMD; and,

WHEREAS, the Village and SFWMD have been great partners in working together to preserve environmentally sensitive lands within the Village that are adjacent to Biscayne National Park and the Village urges SFWMD to support Cutler Bay in its efforts to preserve environmentally sensitive lands; and,

WHEREAS, the Village urges SFWMD to continue to maintain the priority of purchasing such environmentally sensitive lands within Cutler Bay in order to help further preserve and protect Biscayne National Park; and,

WHEREAS, the Mayor and Village Council finds that this Resolution is in the best interest and welfare of the residents of the Village of Palmetto Bay, and all of Miami-Dade County, Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Support of the State of Florida's Land Purchase.** The Mayor and Village Council hereby provide its enthusiastic support of the State of Florida and the South Florida Water

1 Management District's efforts to purchase nearly 300 square miles of land for Everglades  
2 restoration.

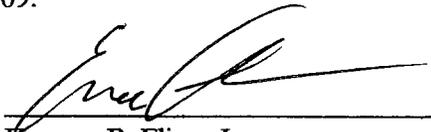
3  
4 **Section 3. Urging the District to Continue to Purchase Land in Miami-Dade**  
5 **County.** The Mayor and Village Council hereby urges the South Florida Water Management  
6 District to continue to maintain the priority of purchasing environmentally sensitive lands within  
7 Miami-Dade County and, more specifically, the Town of Cutler Bay, the Village's neighbor to the  
8 South, in order to help further preserve and protect Biscayne National Park.

9  
10 **Section 4. Transmittal to the State.** The Village Clerk is hereby authorized to  
11 transmit this resolution to the Governor's office and the South Florida Water Management District  
12 and to also transmit a copy of Town of Cutler Bay resolution 08-44.

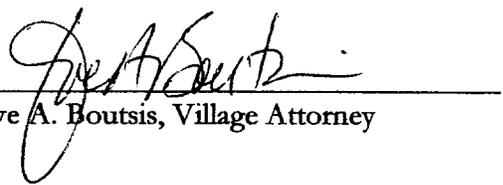
13  
14 **Section 5. Effective Date.** This resolution shall take effect immediately upon  
15 adoption.

16 PASSED and ADOPTED this 12<sup>th</sup> day of January, 2009.

17  
18 Attest:   
19 Meighan Kader,  
20 Village Clerk

  
Eugene P. Flinn, Jr.,  
Mayor

21  
22  
23 APPROVED AS TO FORM:

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26  
27 Eve A. Boutsis, Village Attorney

28  
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31 FINAL VOTE AT ADOPTION:

32  
33 Council Member Ed Feller YES  
34  
35 Council Member Howard Tendrich YES  
36  
37 Council Member Shelley Stanczyk YES  
38  
39 Vice-Mayor Brian W. Pariser YES  
40  
41 Mayor Eugene P. Flinn, Jr. YES