

VILLAGE OF PALMETTO BAY
Minutes of the Local Planning Agency Meeting of Monday, March 12, 2012
Village Hall Chambers
9705 E. Hibiscus Street

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

Mayor Shelley Stanczyk
Vice Mayor Brian W. Pariser
Council Member Patrick Fiore
Council Member Howard Tendrich
Council Member Joan Lindsay

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

Mayor Stanczyk called the meeting to order at 7:05 p.m. Mayor Stanczyk asked the Gladiator Patrol, Boy Scout Troop 457 to lead the pledge of allegiance. She welcomed the Troop and their Leader, Jack Simmons, and announced that the young men were present to earn their Citizenship in the Community Badges.

2. ORDINANCE FOR SECOND READING (PUBLIC HEARING)

A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AMENDING DIVISION 30-160 ENTITLED "ART IN PUBLIC PLACES" TO CLARIFY APPLICATION OF COUNTY CODE SECTION 2-11.15(2), INCREASING FEE FOR GOVERNMENT PROJECTS TO BE CONSISTENT WITH COUNTY CODE FROM 1.25 TO 1.5 PERCENT; AND CLARIFYING PROCEDURAL APPLICATIONS OF THE DIVISION; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Vice Mayor Pariser moved this item forward. Seconded by Councilwoman Lindsay.

Planning & Zoning Director Darby DeSalle reported that nothing has changed from first reading.

Attorney Boutsis remarked that this Ordinance would put the Village into compliance with the County's mandate. She stated that the remaining modifications clarify the ordinance.

Vice Mayor Pariser remarked that the residential impact is only for construction projects over \$750,000. Director DeSalle confirmed this fact.

Mayor Stanczyk opened the public hearing.

Mr. Peter England, 7620 SW 171 Street, addressed the Council.

Mayor Stanczyk clarified that the fee applies to commercial projects, government projects, and residences in excess of \$750,000. Attorney Boutsis advised that the increased fee applies to all.

Mayor Stanczyk closed the public hearing. A roll call vote was taken, as follows: Vice Mayor Pariser: yes; Mayor Stanczyk: yes; Councilman Fiore: no; Councilman Tendrich: yes; and Councilwoman Lindsay: yes. (4 to 1) The matter will be heard at the Regular Council Meeting to immediately follow.

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, PURSUANT TO SECTION 30-30.7(b) MODIFYING DIVISION 30-30, ENTITLED "DEVELOPMENT APPROVAL PROCEDURES"; TO FURTHER DELINEATE SUBSECTION 30-30.2(p) THE PROCESS FOR REVOCATION, SUSPENSION OR ZONING DENIAL AS IT RELATES TO THE DEVELOPMENT ORDER OR ADMINISTRATIVE DETERMINATION BEING APPEALED AND IMPLEMENTED UNTIL FINAL RESOLUTION OF THE APPELLATE LITIGATION, IN PART OR IN WHOLE; PROVIDING AN EXCEPTION DUE TO LIFE, SAFETY, OR MATERIAL DETERIORATION AS DEFINED UNDER THE FLORIDA BUILDING CODE OR WHERE PROHIBITED BY STATE STATUTE OR COUNTY ORDINANCE; AND ACCORDINGLY UPDATE SECTION 30-30.14; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Mayor Shelley Stanczyk].

Vice Mayor Pariser moved this item forward. Seconded by Councilwoman Lindsay.

Attorney Boutsis provided staff report. She stated that the Ordinance was originally modeled after the County Code. She noted that the "Development Order" is the resolution in place after a zoning hearing and that Order can be appealed, which may change the result of that resolution.

Vice Mayor Pariser asked if the Ordinance applies to an appeal only by the applicant or does it also apply to an appeal by a third party. Attorney Boutsis stated that it would apply to any appeal, regardless of who files the appeal.

Mayor Stanczyk opened the public hearing.

Mr. Henry Clifford, 8875 SW 171 Street, addressed the Council.

Attorney Boutsis clarified that if an item is being appealed, work ceases until the appeal has concluded.

Mayor Stanczyk closed the public hearing.

Councilman Tendrich asked how often this would occur and who would it affect. Attorney Boutsis stated that the intent was already in place and it currently is only affecting Palmer Trinity and the Charter School, as the cases are on appeal.

Councilman Fiore stated that he believes this ordinance would draw further litigation and does not foster business development. He stated that passage of the ordinance could result in half-completed projects and there is no leeway. He stated that ADA compliance may be affected by restricting "life safety" issues.

Mayor Stanczyk opined that "life safety" is not the same as ADA compliance. She stated that the intent was clear, this Ordinance will result in the language being clear. She opined that clarifying the intent saves applicant's effort and distress.

Attorney Boutsis clarified that if there is an existing structure on the site and ADA compliance is required, it will be performed.

Mayor Stanczyk provided the example of installation of a pool fence as an example of public safety.

A roll call vote was taken, as follows: Mayor Stanczyk: yes; Councilman Fiore: no; Councilman Tendrich: no; Councilwoman Lindsay: yes; and, Vice Mayor Pariser: yes. (3 to 2) The matter will be heard at the Regular Council Meeting to immediately follow.

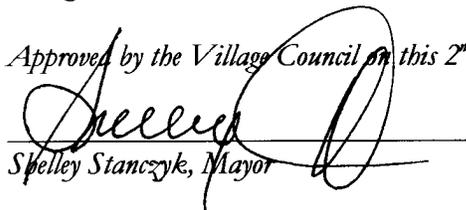
3. NEXT MEETING AND ADJOURNMENT

The meeting adjourned at 7:30 p.m.

Prepared and submitted by:


Meighan J. Alexander, CMC
Village Clerk

Approved by the Village Council on this 2nd day of April, 2012.


Shelley Stanczyk, Mayor

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