

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of October 1, 2012
Village Hall Chambers
9705 East 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 7:15 p.m.

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

A. Recognition of 2012 Counselors in Training

Parks and Recreation Director Fanny Carmona thanked the Counselors in Training who assisted this Village by volunteering at Summer Camp this past summer:

Alana Arabitg	Deirdre Lynch
ShaQuelle Ballou	Sarah Medor
Max Barkow	Emily Mendez
Alessia Bencomo	Brandon Mirambeau
Jeremy Ceballo	Kayla Patron
Jonnathan Cintra	Jared Perlman
Nicholas Copa	Evelin Rodriguez
Bianca Corgan	Christopher Ruiz
Katie Emad	Courtney Sever
Darbel Gonzalez	Jorge Sevilla
Jennifer Georges	Neal Simmons
Michael Gordon	Elizabeth Sodemann
Nicole Jarauta	Shane Valfre
Precious Johnson	

The Mayor and Council thanked the children for their service.

Councilwoman Lindsay moved to table the regular council meeting and return to the Local Planning Agency meeting. Seconded by Vice Mayor Pariser. All voted in favor. The motion passed unanimously (5-0.)

Councilwoman Lindsay moved to re-open the Regular Council Meeting. Seconded by Vice Mayor Pariser. All voted in favor (5-0.)

3. APPROVAL OF MINUTES

- A. Minutes of the Local Planning Agency Meeting of September 10, 2012
- B. Minutes of the Regular Council Meeting of September 10, 2012

Councilman Tendrich moved to approve the Minutes, as drafted. Seconded by Councilman Fiore. All voted in favor. The Minutes were unanimously approved (5-0.)

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 FIGUEREDO & BOUTSIS, P.A. IN THE AMOUNT OF \$30,886.14; PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO AWARDED A CONTRACT TO E. RODRIGUEZ LANDSCAPING INC., TO EXECUTE THE VILLAGE OF PALMETTO BAY LAWN MAINTENANCE AND SERVICES CONTRACT FOR A PERIOD OF TWO (2) YEARS WITH TWO (2) ADDITIONAL ONE (1) YEAR TERMS NOT TO EXCEED A TOTAL CONTRACT TERM OF FOUR (4) YEARS; ESTABLISHING THE RATE OF PAY FOR SERVICES TO BE PROVIDED; AND PROVIDING AN EFFECTIVE DATE.

Clerk Alexander reported that no items were pulled from the Consent Agenda.

Councilman Tendrich moved to approve the Consent Agenda items. Seconded by Vice Mayor Pariser. All voted in favor.

- ### **5. REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: County Court Judge Andrea Wolfson; Denise Gordon, 14900 SW 88 Avenue; and Beatriz Herrmann, 17251 SW 86 Avenue.

6. VILLAGE MANAGER'S REPORT

- A. Village Police Commander Update

Manager Williams reminded all of the State of Village address scheduled for October 17 at 6:30 p.m.

Commander Greg Truitt of the Palmetto Bay Policing Unit provided an update with regard to crime and police activities.

Mayor Stanczyk thanked Commander Truitt, noting that she recently received two letters wherein one individual had stolen goods recovered by our officers and another woman's father's life was saved by an officer.

Clerk Alexander provided the calendar update.

7. VILLAGE ATTORNEY'S REPORT

- A. October, 2012 Update: Attorney Boutsis noted that her report was provided to the Council and she is available to respond to any questions.

Vice Mayor Pariser moved to include the add-on item to the Agenda. Seconded by Councilwoman Lindsay. All voted in favor.

8. BOARD AND COMMITTEE REPORTS: None at this time.

9. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING MIAMI-DADE COUNTY SCHOOLS' CAPITAL BOND REFERENDUM TO MODERNIZE AND CONSTRUCT SCHOOLS, INCLUDING TECHNOLOGY UPGRADES AT ALL SCHOOLS; PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Mayor Shelley Stanczyk; co-sponsored by Councilman Howard Tendrich.)

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

Mayor Stanczyk reported that she had attended several meetings and feels this is an important issue to support. She stated that combining debt is the appropriate action to take and many schools are in poor condition.

Councilwoman Lindsay stated that she would also like to co-sponsor. She added that as a former school teacher, she is very supportive of providing assistance to the schools.

Councilman Tendrich opined that Palmetto Bay needs to support the local schools. He stated that this bond equates to only \$5 per \$100K of the value of your home annually, but it will greatly benefit the schools.

Vice Mayor Pariser also asked to co-sponsor. He stated that he is shocked by the age of the school facilities; many are over 40 years old. He opined that the State legislators and the governor do not return a fair share of tax dollars to South Florida.

Councilman Fiore concurred that South Florida does not receive its fair share and passage of the bond would also bring much-needed jobs.

Following brief comment, Mayor Stanczyk called the question. All voted in favor. The Resolution passed unanimously (5-0.)

10. RESOLUTIONS REQUIRING PUBLIC HEARING

11. ORDINANCES FOR FIRST READING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPONSORSHIP PROGRAM; CREATED ARTICLE VIII, SECTION 2-300 RELATING TO SAME; PROVIDING FOR TERMS, CONDITIONS, EXEMPTIONS RELATING TO ACCEPTING DONATIONS, SPONSORSHIP AND PARTICIPATION IN EVENTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Mayor Stanczyk stated that she is in favor of this Ordinance, as it provides control for the Village's active sponsorships. She asked for a motion to remove Section 4 of 2-304 (page 5 of 9) – naming opportunities. Councilwoman Lindsay so moved. Seconded by Vice Mayor Pariser.

Attorney Boutsis stated that staff would be providing modifications to the co-naming ordinance in the future. She opined that this ordinance is not intended to hamper free speech; rather it allows editorial control for those who wish to be part of the Village's events. She stated that it allows the Village to remove itself from politics, religion, and other matters.

Vice Mayor Pariser asked if this ordinance was modeled after another city's. Attorney Boutsis advised that this ordinance is similar to one existing in Coral Gables.

Mayor Stanczyk called the question on the pending motion. The motion passed unanimously (5-0.)

Vice Mayor Pariser inserted the words "and alcohol" to line 4. Councilman Tendrich seconded the motion. All voted in favor. The motion passed (5-0.)

Councilman Fiore asked who manages this ordinance. Attorney Boutsis stated that for amounts under \$25,000, the Manager; for amounts greater than \$25,000, the Council.

Following brief remarks, Mayor Stanczyk called the question. All voted in favor. The ordinance passed on first reading (5-0.)

Mayor Stanczyk noted that for the following Ordinances, she would like a motion to incorporate the report, discussions and comments from the hearing of the Local Planning Agency held prior to this meeting. Vice Mayor Pariser so moved. Seconded by Councilwoman Lindsay. All voted in favor.

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE'S GREEN INCENTIVE PROGRAM; MODIFYING SECTION 5-54 ENTITLED "SCOPE OF GREEN PROGRAM"; TO INCLUDE USES OF PUBLIC ASSEMBLAGE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Mayor Stanczyk opened the public hearing. No one wished to be heard. The public hearing was closed.

As there was no discussion among the Council, Mayor Stanczyk called the question. All voted in favor. The Ordinance passed on first reading (5-0.)

- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO REMOVAL OF DUPLICATE PROVISION RELATING TO CHARTER SCHOOLS; REMOVING CHAPTER 9 PROVISIONS AND RESERVING THE CHAPTER AS CHARTER SCHOOLS ARE REGULATED UNDER 30-120 OF THE VILLAGE'S LAND DEVELOPMENT CODE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Vice Mayor Pariser moved this item forward. Seconded by Councilman Tendrich.

Mayor Stanczyk opened the public hearing. No one wished to be heard. The public hearing was closed.

As there was no discussion among the Council, Mayor Stanczyk called the question. All voted in favor. The Ordinance passed on first reading (5-0.)

- D. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; MODIFYING SECTION 30-30.2 RELATING TO DEVELOPMENT APPROVAL PROCEDURES; MODIFYING SECTION 30-30.2(q) RELATING TO FINES TO BE CONSISTENT WITH CHAPTER 162, FLORIDA STATUTE; MODIFYING DIVISION 30-50 ENTITLED "ZONING DISTRICTS"; MODIFYING PERMITTED AND CONDITIONAL LIST OF USES WITHIN THE ZONING DISTRICTS; CONSOLIDATING SECTION 30-60.15 INTO DIVISION 30-110 RELATING TO RELIGIOUS FACILITIES, PRIVATE SCHOOLS, CHILD CARE FACILITIES, AND OTHER NON-GOVERNMENTAL PUBLIC ASSEMBLY USES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Mayor Stanczyk opened the public hearing. No one wished to be heard. The public hearing was closed.

Councilman Tendrich asked the Village Attorney to review the wording as to how a school can use their fields, swimming pools, etc. Attorney Boutsis stated that she would

Mayor Stanczyk called the question. The Ordinance passed on first reading (4-1, Councilman Fiore opposed.)

- E. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; MODIFYING DIVISION 30-60, ENTITLED "GENERAL REGULATIONS"; REVISING SECTION 30-60.6 RELATING TO LIGHTING; PROVIDING HEIGHT LIMITATIONS FOR RESIDENTIAL DISTRICTS OF LIGHT POLES TO 15 FEET; AND PROVIDING FURTHER CLARIFICATION OF STANDARDS FOR RESIDENTIAL DISTRICTS, AND GENERAL REGULATIONS RELATING TO LIGHTING; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Vice Mayor Pariser moved this item forward. Seconded by Councilman Tendrich.

Mayor Stanczyk opened the public hearing. No one wished to be heard. She closed the public hearing.

Councilman Tendrich asked (page 3 or 4, line 8-12) whether it is required to light parking lots. Attorney Boutsis noted that Miami-Dade County home rule allows it.

Mayor Stanczyk called the question. The Ordinance passed on first reading (4-1, Councilman Fiore opposed.)

- F. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; MODIFYING DIVISION 30-60, ENTITLED "GENERAL REGULATIONS"; REVISING SECTION 30-60.11 RELATING TO PRE-CONSTRUCTION AND CONSTRUCTION STANDARDS TO PROVIDE ADDITIONAL DETAILED REQUIREMENTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Mayor Stanczyk opened the public hearing. No one wished to be heard. The public hearing was closed.

As there was no discussion among the Council, Mayor Stanczyk called the question. All voted in favor. The Ordinance passed on first reading (5-0.)

- G. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; MODIFYING DIVISION 30-60 ENTITLED "GENERAL REGULATIONS"; REVISING SECTION 30-60.29 RELATING TO NOISE STANDARDS; REVISING HOURS OF OPERATION OF TEMPORARY PUBLIC ADDRESS SYSTEMS; DELETING NOISE ORDINANCE FROM CHAPTER 15 OF THE CODE OF ORDINANCES AS IT IS A DUPLICATE PROVISION OF 30-30.29; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Mayor Stanczyk opened the public hearing. No one wished to be heard. She closed the public hearing.

Councilman Tendrich stated that he cannot support this ordinance, as is, without more information concerning the hours of the games, etc.

Vice Mayor Pariser concurred.

Attorney Boutsis advised that staff will provide information for second reading.

Mayor Stanczyk asked if this matter can go forward, with it being less restrictive for second reading.

Councilwoman Lindsay opined that residents should not be subjected to loud speakers at all hours of the night.

Councilman Tendrich noted that individuals who rent Thalatta Park may use amplified sound for weddings and events.

Attorney Boutsis asked Council to move the title amendment referenced at the Local Planning Agency meeting. Councilwoman Lindsay so moved. Seconded by Councilman Tendrich. All voted in favor. The motion carried (5-0.)

Mayor Stanczyk called the question. The Ordinance passed on first reading (4-1, Councilman Fiore opposed.)

- H. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; MODIFYING DIVISION 30-70 ENTITLED "PARKING REGULATIONS"; REVISING SECTION 30-70.4 TO PROVIDE FURTHER CLARITY IN THE REQUIREMENTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Mayor Stanczyk opened the public hearing. No one wished to be heard. The public hearing was closed.

As there was no further discussion among the Council, Mayor Stanczyk called the question. The Ordinance passed on first reading (4-1, Councilman Fiore opposed.)

- I. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; MODIFYING DIVISION 30-100 ENTITLED "ENVIRONMENTAL REGULATIONS"; REVISING SECTION 30-100.3 RELATING TO LANDSCAPING BUFFER AND MAINTENANCE STANDARDS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Mayor Stanczyk opened the public hearing. No one wished to be heard. The public hearing was closed.

As there was no further discussion among the Council, Mayor Stanczyk called the question. The Ordinance passed on first reading (4-1, Councilman Fiore opposed.)

12. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; AMENDING ORDINANCE NO. 09-04, AND 2012-12, TO MODIFY PARK RENTAL FEES RELATING TO ALL PARK COMMUNITY ROOMS; PROVIDING FOR AN ADMINISTRATIVE WAIVER OF RENTAL FEES FOR ALL NONPROFITS OR COMMUNITY GROUPS FOR USE OF THE COMMUNITY ROOMS; 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.

Mayor Stanczyk asked for Council's support. She opined that it was not fair for community groups and non-profits to be able to use the Edward & Arlene Feller Community Room, but not the other parks community rooms.

Vice Mayor Pariser stated that the Ordinance would be reviewed in six months.

Councilman Tendrich asked who is using the room currently.

Councilwoman Lindsay and the Mayor noted that local community groups have been using the room.

Mayor Stanczyk opened the public hearing. Ms. Beatriz Herrman and Mr. Eric Tullberg, 7884 SW 179 Terrace, addressed the Council.

Mayor Stanczyk called the question. The Ordinance was adopted unanimously, following roll call vote: Vice Mayor Pariser: yes; Mayor Stanczyk: yes; Councilman Fiore: yes; Councilman Tendrich: yes; and Councilwoman Lindsay: yes.

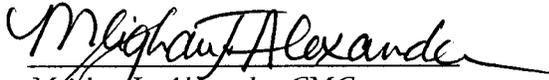
13. OTHER BUSINESS: None.

14. COUNCIL COMMENTS: None.

15. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 10:55 pm.

Prepared and submitted by:


Meighan J. Alexander, CMC
Village Clerk

*Adopted by the Village Council on
this 5th day of November, 2012.*


Shelley Stanczyk, Mayor

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