



VILLAGE OF PALMETTO BAY

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

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

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter, or hearing impaired to participate in this proceeding should contact the Village Clerk at (305) 259-1234 for assistance no later than four days prior to the meeting.

VILLAGE COUNCIL MEETING AGENDA

Monday, March 12, 2012 - 7:00 P.M.
Village Hall Chambers
9705 E. Hibiscus Street
(305) 259-1234

1. **CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE**
2. **PROCLAMATIONS, AWARDS, PRESENTATIONS**
3. **APPROVAL OF MINUTES**
 - A. Minutes of the Local Planning Agency Meeting of February 6, 2012
 - B. Minutes of the Regular Council Meeting of February 6, 2012
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 \$33,179.50; PROVIDING AN EFFECTIVE DATE.
 - B. 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 WHITE & CASE IN THE AMOUNT OF \$12,272.27; PROVIDING AN EFFECTIVE DATE.
5. **REQUESTS, PETITIONS AND PUBLIC COMMENTS**

6. VILLAGE MANAGER'S REPORT

7. VILLAGE ATTORNEY'S REPORT

A. March, 2012 Update

8. BOARD AND COMMITTEE REPORTS

9. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE ECONOMIC DEVELOPMENT COUNCIL OF SOUTH MIAMI-DADE'S GOAL TO CREATE A LONG TERM STRATEGIC PLAN TO PROVIDE BUSINESS ASSISTANCE, BUSINESS TRAINING, AND ECONOMIC DEVELOPMENT FOR SOUTH MIAMI-DADE; PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilman Howard Tendrich)
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO FRIENDS OF THALATTA COMMITTEE PROVIDING FOR MEMBERSHIP; PROVIDING FOR MISSION; PROVIDING FOR SECRETARY, MEETINGS AND REPORTS; PROVIDING FOR AN ACCOUNT FOR FUNDS AND PROCEDURES RELATING TO DONATIONS; PROVIDING FOR AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS & RECREATION; ACCEPTING THE RECOMMENDATION OF THE VILLAGE MANAGER IN APPROVING THE CONTRACT WITH SILVA MANAGEMENT OF MIAMI, INC., DBA JUNIOR'S CATERING OF MIAMI, TO PROVIDE CONCESSION SERVICES AT VILLAGE PARKS PURSUANT TO BID NO. 2011-PR-005; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE GOVERNING AGREEMENT PURSUANT TO RECOMMENDED AWARD; AND PROVIDING FOR AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; SUPPORTING THE MIAMI-DADE COUNTY PROPOSED ORDINANCE (FILE NO: 120044); URGING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS TO APPROVE AND SUPPORT THIS IMPORTANT LEGISLATION; PROVIDING AN EFFECTIVE DATE. [Sponsored by Councilman Howard Tendrich]

10. RESOLUTIONS REQUIRING PUBLIC HEARING

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PALMETTO BAY PARK; RELATING TO PARKS MASTER PLAN; AUTHORIZING REVISIONS TO THE PARKS MASTER PLAN - PALMETTO BAY PARK TO INCLUDE TWO OUTDOOR BEACH VOLLEYBALL COURTS AND OUTDOOR FITNESS STATIONS; AND PROVIDING AN EFFECTIVE DATE.

11. ORDINANCES FOR FIRST READING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, PURSUANT TO 30-30.7(b), OF THE VILLAGE'S CODE, RELATING TO REVISING 30-30.3(C) AND 30-30.11 RELATING TO NOTICE PROVISIONS; TO PROVIDE ADDITIONAL CLARIFICATION AS TO MAILED NOTICE TO NEIGHBORS; REPEAL OF CONFLICTING PROVISIONS FOUND AT SECTION 30-1, 30-2, 30-3, AND 30.1 AND 30.2; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Council Person Joan Lindsay].
- 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 AMEND SECTION 30-60.6 ENTITLED "VARIANCES' TO MODIFY THE STRICT HARDSHIP STANDARD TO THE GENERAL STANDARD PROVIDED BY MIAMI-DADE COUNTY; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Council Person Patrick Fiore].
- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, PURSUANT TO SECTION 30-30.7(b) RELATING TO CHAPTER 30, DIVISION 100, ENVIRONMENTAL REGULATIONS, REPEALING THE EXISTING PROVISIONS OF 30-100.6 TO REPLACE SAME WITH THE MODEL FLOODPLAIN ORDINANCE REQUIRED BY THE STATE LEGISLATURE; PROVIDING FOR RESPONSIBILITIES OF THE BUILDING OFFICIAL AS FLOODPLAIN COORDINATOR' WHICH MODIFICATIONS ARE MANDATED BY THE STATE TO BE INCLUDED IN THE VILLAGE'S ORDINANCE 30-100.6, RELATING TO SAME; ADOPTING A NEW SECTION 30-100.6; ALSO REPEALING CHAPTER 18 RELATING TO SAME; ADOPTING FLOOD HAZARD MAPS, DESIGNATING A FLOODPLAIN ADMINISTRATOR, ADOPTING PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; ADOPTING LOCAL ADMINISTRATIVE AMENDMENTS AND LOCAL TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE PERTAINING TO

THE DESIGN AND CONSTRUCTION OF BUILDINGS AND STRUCTURES IN FLOOD HAZARD AREAS; PROVIDING FOR ORDINANCES IN CONFLICT, REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

- D. AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; AMENDING DIVISION 30-100.2 ENTITLED "RESERVED" TO BE RE-TITLED "LANDSCAPING MITIGATION PROGRAM"; CREATING A PROCESS FOR AN APPLICANT TO COMPLY WITH THE VILLAGE'S ENHANCED TREE AND SHRUB REQUIREMENTS, BY PROVIDING FUNDING TO THE LANDSCAPE MITIGATION FUND FOR TREES AND SHRUBS TO BE PLANTED IN THE PUBLIC AREAS, INCLUDING PARKS AND RIGHTS-OF-WAY; PROVIDING AN ALTERNATIVE TO SEEKING A VARIANCE FROM THE REQUIREMENTS; PROVIDING FOR A SEGREGATED FUND; INTENT; AUTHORITY; REQUIREMENTS; PROCEDURES; ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.
- E. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY AMENDING ORDINANCE 07-04, RELATING TO FEE SCHEDULES FOR PLANNING AND ZONING APPLICATIONS; CREATING A FEE SCHEDULE FOR THE LANDSCAPE MITIGATION PROGRAM; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.
- F. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LOBBYING AND CONE OF SILENCE; DIRECTING MUNICIPAL CODE CORPORATION TO REPEAL SECTIONS 6-19 THROUGH 6-21 AS A PRIOR ENACTED VERSION OF THE LOBBYING CODE ALSO ENACTED AT CHAPTER 2; AND UPDATING THE CODE OF ORDINANCES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.
- G. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PROCUREMENT; AMENDING THE VILLAGE'S PROCUREMENT CODE TO CLARIFY THE CONE OF SILENCE REQUIREMENTS AND BID PROTEST PROCEDURES; PRECLUDING A PROTESTING BIDDER FROM ADHERING TO THE BID PROTEST PROCEDURES BY CIRCUMVENTING THE BID PROTEST PROCESS AND TO ENSURE TRANSPARENCY AND PRECLUDE UNREGISTERED IMPROPER LOBBYING; A VIOLATION OF THE CONE OF SILENCE AND BID PROTEST PROCESS WOULD AUTOMATICALLY RESULT IN A TWO (2) YEAR BAR OF THE PROTESTOR FROM BEING AWARDED A CONTRACT WITH THE VILLAGE; REVISING THE REQUIREMENTS OF

SECTION 2-175(o) AS IT RELATES TO BID PROTEST PROCEDURES AND APPEALS TO THE VILLAGE COUNCIL; AND AMENDING SECTION 2-138 RELATING TO THE VILLAGE'S CONE OF SILENCE REQUIREMENTS; DELETION OF PROCESS FOR VILLAGE REVIEW AND ENSURING REVIEW OF VIOLATIONS OF CONE OF SILENCE BY THE MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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 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.

- 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].

13. OTHER BUSINESS

14. COUNCIL COMMENTS

15. NEXT MEETING AND ADJOURNMENT

PURSUANT TO FLORIDA STATUTES 286.0105, THE VILLAGE HEREBY ADVISES THE PUBLIC THAT 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.