VILLAGE OF PALMETTO BAY
Minutes of the Special Council Meeting of January 7, 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

Mayor Stanczyk called the meeting to order at 10:05 am. Mayor Stanczyk led the pledge of allegiance.

2. ANNOUNCEMENT OF ATTORNEY CLIENT SESSION

Attorney Boutsis announced that she is requesting a private Attorney-Client Session, as she is representing the Village in defense of the following legal action: *Palmer Trinity Private School v. Village of Palmetto Bay,* Appellate Court Case No.: 10-259-AP; and desires advice from the Village Council regarding litigation strategy and/or settlement. Attorney Boutsis announced that the meeting will be held at approximately 10:10 a.m., on Friday, January 7, 2012 at Village Hall. She further stated the Mayor, Vice Mayor, and Council members shall meet in private with the Manager and attorneys Raoul G. Cantero of White & Case, LLP. A certified court reporter shall record the time and termination of the session, all discussions and proceedings that occur, the names of all persons present at any time during the session and the names of all persons speaking.

Attorney Boutsis advised that the transcript shall be made part of the public records upon conclusion of the litigation.

3. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 10:08 am.

Prepared and submitted by:

_____

Meighan J. Alexander, CMC
Village Clerk

Approved by the Village Council on this ____ day of February, 2012.

_____

Shelley Stanczyk, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, 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. WHILE THE FLORIDA STATUTES DO NOT REQUIRE TAPE RECORDINGS, TO THE EXTENT THAT TAPE RECORDINGS ARE MADE, THE TAPES MAY BE REQUESTED FROM THE VILLAGE CLERK FOR REVIEW AND/OR COPYING. THE VILLAGE OF PALMETTO BAY CAN NOT GUARANTEE QUALITY OF ANY RECORDING.

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of January 9, 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 7:07 p.m. Mayor Stanczyk asked Commander Truitt to lead the pledge of allegiance.

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

A. Recognition of 2012 Arbor Day
B. Recognition of Andrea Collins, recipient of Youth Volunteer Award from the American Cancer Society
C. Recognition of Westminster Girls Volleyball – State Tournament Semi-finalists
D. Recognition of Palmetto Senior High Girls Varsity Volleyball Team – Regional Championship and State Tournament Semi-finalist

Mayor Stanczyk and the Village Council presented the proclamations.

3. APPROVAL OF MINUTES

A. Minutes of the Regular Council Meeting of December 5, 2011
B. Minutes of the Special Council Meeting of December 19, 2011

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

4. CONSENT AGENDA

Clerk Alexander advised that Item 4C had been pulled by Mayor Stanczyk. Mayor Stanczyk announced that the Item would be re-numbered to Item 9E.

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 $23,210.85; 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 $5,344.05; PROVIDING AN EFFECTIVE DATE.

C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA RELATING TO STATE LEGISLATIVE SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A CONTRACT WITH ROBERT LEVY & RONALD L. BOOK, P.A. FOR STATE LEGISLATIVE SERVICES IN THE AMOUNT OF $3,500.00 PER MONTH FOR A PERIOD OF TWO (2) YEARS WITH THE OPTION TO EXTEND FOR THREE (3) ADDITIONAL ONE-YEAR TERMS; PROVIDING FOR AN EFFECTIVE DATE.

Councilman Tendrich moved to approve the revised Consent Agenda. Seconded by Vice Mayor Pariser. The Consent Agenda was approved unanimously (5-0.)

5. **REQUESTS, PETITIONS AND PUBLIC COMMENTS**: The following individuals addressed the public: Former Councilmember Ed Feller, 7960 SW 144 Street; Annette Katz, 7965 SW 146 Street; Arlene Feller, 7960 SW 144 Street; Miriam Maldonado, 8355 SW 183 Terrace; Carol Vega, 8845 SW 178 Terrace; Loren Barko, 7900 SW 160 Street; Rex Lehman, 17300 SW 87 Court; Gary Pastorella; 6940 SW 142 Terrace; Anthony Gorman, 14140 SW 82 Avenue; Henry Clifford, 8875 SW 171 Street; Bev Gerald, 14271 SW 74 Court; Tucker Crusan, 17501 SW 92 Avenue; Steve Kreisher, 18201 SW 98 Avenue; Donna Latshaw, 8825 SW 154 Terrace; Richard Duncan, 17731 SW 92 Court; and, Eugene Flinn, 8261 SW 162 Street.

6. VILLAGE MANAGER'S REPORT

Manager Williams announced that Village staff and the Council will be participating in the West Perrine CDC Martin Luther King, Jr., Day events, including the parade and the breakfast.

Manager Williams invited the public to the annual Shade Palmetto Bay tree give-away scheduled for Saturday, January 21 from 10 am to noon at Ludovici Park. He thanked Jackson South, Groundskeepers, Miami Hal Feldman, Natures Power Nursery, and Howard Tendrich/Heritage House. He also expressed the Village's gratitude to the Tree Advisory Board.

Manager Williams announced the Fitness and Health Fair on January 28 from noon to 5 pm. He thanked several participating groups, such as Jackson South, Baptist Hospital, Green Mobility Network, Ed's Boot Camp, Kia Kidz Martial Arts, and Palmetto Bay Soccer.

Manager Williams advised the Village would be participating in the Cranman Golf Tournament, as has been done in years past. He provided an update with regard to the Coral Reef Park tennis facility. He advised that the Village has entered into a temporary agreement with the tennis professionals that had been working with the two previous vendors over the years. He stated that while the Village will continue to have this activity, this arrangement keeps the Village in control of the facility and maintains accessibility for patrons until the Village can return with an award for a long term agreement.

Manager Williams advised that the Village will be opening proposals on January 20th for the concession stand bid.

Manager Williams reported that with regard to QNIP, which is the improvement program for neighborhoods, the Village was required during incorporation to continue payment on the bonding capacity that was carried over by County. He advised that the Village has made an arrangement to lower its commitment by $130,000 through refinancing.

Clerk Alexander provided information concerning the calendar. Following brief discussion, the Council decided to hold a Committee of the Whole workshop on January 18th.

7. VILLAGE ATTORNEY'S REPORT

A. January, 2012 Update: Attorney Boutsis advised that her report had been submitted in writing to the Council and she was available to address any concerns or answer any questions.

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

9. RESOLUTIONS

Mayor Stanczyk asked the Council if someone would move to add an item to the Agenda that will be considered as part of the legislative agenda.

Councilwoman Lindsay moved to approve. Seconded by Vice Mayor Pariser. All voted in favor. The proposed resolution would be added to the Agenda as Item 9 F.

A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TREE PLANTING SERVICES; AUTHORIZING SUNCOAST NURSERY & TIKI HUTS, INC. TO PROVIDE VILLAGE-WIDE LANDSCAPING SERVICES IN THE PUBLIC RIGHT-OF-WAY WITHIN THE VILLAGE OF PALMETTO BAY; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED $50,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilwoman Lindsay moved the matter forward. Seconded by Councilman Tendrich.

Manager Williams provided staff report, noting that the annual budgeted appropriation for tree planting was a continuing part of the Tree City USA activities.

Councilman Fiore noted that there was a significant variance among the bids. He asked if the bidders were following the specifications provided.

Manager Williams stated that the bidders were provided with clear specifications and staff has spoken to references and feels comfortable moving forward. He noted that the Village has an arborist on the public works' staff that will review the trees received.

Vice Mayor Pariser remarked that the prices may be a result of the economic times.

Mayor Stanczyk called the question. All voted in favor. The motion carried unanimously (5-0.) The Resolution passed.

B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA RELATING TO LEGISLATIVE AGENDA; SUPPORTING THE PROPOSED BAN ON CELLULAR PHONE TEXTING OR INSTANT MESSAGING WHILE DRIVING AS PROPOSED IN SENATE BILL 416 (DETERT) AND HOUSE BILL 299 (PILON); IF ENACTED TEXTING WHILE DRIVING WOULD BE A SECONDARY OFFENSE. [Sponsored by Mayor Shelley Stanczyk].

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

Mayor Stanczyk provided an explanation of the matter being considered. She asked the Council for their support.

Councilman Tendrich remarked that the Village may wish to consider making the matter a primary offense, rather than a secondary.

Mayor Stanczyk replied that the law may not pass if the offense was made primary.

Vice Mayor Pariser asked Village Policing Unit Commander Greg Truitt to speak on the issue. Commander Truitt stated that the goal of the polie is to, "educate, prevent and then cite."

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

C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA RELATING TO LEGISLATIVE AGENDA; SUPPORTING THE 2012 LEGISLATIVE PRIORITIES OF THE

MIAMI DADE COUNTY PUBLIC SCHOOL BOARD AS SUPPORTED IN SENATE BILL 512 (SEN. BOGDANOFF), AND HOUSE BILL 383 (REP. BAXLEY); WHICH WOULD SPECIFICALLY ESTABLISH A LEVEL PLAYING FIELD FOR ALL PUBLIC SCHOOLS, WHETHER TRADITIONAL OR CHARTER, BY EXTENDING THE CURRENT STATUTORY FLEXIBILITY AFFORDED CHARTER SCHOOLS TO TRADITIONAL PUBLIC SCHOOLS; PROVIDING AN EFFECTIVE DATE (Sponsored by Mayor Shelley Stanczyk)

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

Mayor Stanczyk provided a report to the Council. She noted that the Miami-Dade County School Board's Superintendent is supportive of this action as it creates "parity" and they believe it will be beneficial to the schools.

Councilman Tendrich remarked that the standards should not be lowered for all, instead the charter school standards should be brought up to the same level.

Mayor Stanczyk replied that there appears to be no support to adopt laws to make the charter schools rise to meet the standards.

Vice Mayor Pariser noted that the resolution had an incorrect house/senate bill number in the body of the document. Attorney Boutsis advised that she would correct same. Vice Mayor Pariser stated that if the Superintendent is in favor of the matter, the Village should support it. Councilwoman Lindsay concurred.

Mayor Stanczyk called the question. The Resolution passed on a 3 to 2 vote (Councilmen Fiore and Tendrich being opposed.)

D. A RESOLUTION OF THE VILLAGE OF PALMETTO BAY URGING THE FLORIDA LEGISLATURE TO REJECT HOUSE BILL 245 SPONSORED BY BOYD AND BROXSON; AND SENATE BILL 578 SPONSORED BY RICHTER; WHICH BILLS PROPOSE THE DEPOPULATION OF THE CITIZENS PROPERTY INSURANCE WINDSTORM POOL THROUGH THE ALLOWED USE OF SURPLUS LINES CARRIERS WHICH ARE NOT SUBJECT TO THE SAME STATE REGULATION AS ADMITTED CARRIERS. [Sponsored by Mayor Shelley Stanczyk]

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

Mayor Stanczyk provided an explanation of the proposed Resolution.

Councilman Fiore remarked that he contacted an insurance carrier and received a better rate and better plan than what was offered by Citizens.

Mayor Stanczyk stated that she found a standard company also and was lucky to do so. She noted that the proposed legislation allows non-standard carriers to insure the public.

Vice Mayor Pariser advised that coverage is important and it is clear that what was intended to be relief by Citizens has been expanded and Citizens has been oversold to the point of overexposure.

Mayor Stanczyk called the question. The Resolution passed on a 4 to 1 vote (Councilmen Fiore being opposed.)

E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AGREEMENTS; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH ASAP BRANDS, INC., PRESENTED AS A RESULT OF COMPETITIVE NEGOTIATIONS, IN THE AMOUNT OF $25,000; TO ENSURE COMPLIANCE WITH FLORIDA STATUTES RELATED TO GOVERNMENT-ACCESS TV COVERAGE OF PUBLIC MEETINGS BY PROVIDING PROGRAM MANAGEMENT SERVICES, PRODUCTION AND MAINTENANCE SERVICES, AND VISUAL BRANDING; AND PROVIDING FOR AN EFFECTIVE DATE.

(This item was previously listed as Item 4C on the Consent Agenda.)

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

Mayor Stanczyk stated that she had pulled the item from Consent to allow the Village Manager and the Communications Manager to present further information.

Communications Manager Bill Kress advised that this contract would allow the Village to complete programming for the government access channel. He provided a brief history of the broadcasting of Village events. He noted that the Village is seeking assistance from ASAP brands for a three-pronged approach at a cost of $25,000. He explained that ASAP Brands will provide 10-12 hours of programming to meet the State requirement.

Manager Williams stated that as the Council wished to make the televising of meetings available to the public, combined with web streaming, this contract would bring the broadcasting to fruition.

Councilman Tendrich asked if other companies were sought out for pricing.

Manager Williams noted that there are other companies that perform this type of service; however, it is difficult to define what the Village's needs are and the Village may wish to hire a consultant and put together a broad based management.

Councilman Tendrich asked if this action brings the Village through the first three months.

Manager Williams replied affirmatively, noting that this would establish the station, meet the mandatory requirements, and brand the product.

Following brief discussion, Vice Mayor Pariser asked the deadline mandated by the State. Manager Williams noted that the deadline is not specific; however, the Village needs to review the matter to see if we want to expand beyond the bare minimum.

Mayor Stanczyk called the question. The Resolution passed unanimously (5-0.)

F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CANAL EROSION, RE-AFFIRMING AND REQUESTING THE STATE TO FUND AND UNDERTAKE THE RESTORATION AND PERMANENT HARDENING OF CANALS WITHIN THE VILLAGE OF PALMETTO BAY (Sponsored by Mayor Shelley Stanczyk)

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

Mayor Stanczyk provided information concerning this matter.

Councilman Tendrich asked why the Village is not seeking assistance from South Florida Water Management District. Mayor Stanczyk replied that the agency reports to the state, even though not funded directly.

Vice Mayor Pariser remarked that Councilman Tendrich is correct; however, the opinion of the State legislators can help shape the priority.

Mayor Stanczyk called the question. The Resolution passed unanimously (5-0.)

Vice Mayor Pariser asked the Council to consider adding to the Legislative Agenda the Resolution passed in 2011 that opposed expansion of FPL lines down US-1. He stated that while this matter impacts our sister cities more than the Village, the Village should include it. He remarked that he spoke to several representatives of the neighboring communities and no one has expressed any idea that the Village "abandoned them." He moved to include the resolution. Seconded by Councilman Tendrich. All voted in favor. The motion passed unanimously (5-0.)

10. RESOLUTIONS REQUIRING PUBLIC HEARING: None at this time.

11. ORDINANCES FOR FIRST READING

A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE'S CODE OF ORDINANCES, AMENDING DIVISION 30-130, ENTITLED "ALCOHOLIC BEVERAGES" AMENDING DISTANCE SEPARATION EXEMPTIONS FOR SPECIFIED USES; PROVIDING FOR SUNDAY PACKAGE SALES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Planning & Zoning Director Darby DelSalle provided staff report.

Attorney Boutsis remarked that this matter was discussed at a Committee of the Whole Meeting and the idea was to keep the Village consistent with neighboring communities.

Vice Mayor Pariser stated that when this matter was raised in the past, none of the surrounding areas allowed liquor sales on Sunday; however, he stated this has changed. He asked if there is an amendment to the distance separation.

Director DelSalle replied that the separation is not being amended. Attorney Boutsis concurred, adding the Village would have to include all the zoning districts specifically.

Following brief discussion, Mayor Stanczyk called the question. The matter passed unanimously (5-0) on fist reading and will be scheduled and advertised for second reading/public hearing.

B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE'S CODE OF ORDINANCES, AMENDING DIVISION 30-90, ENTITLED "SIGN REGULATIONS"; REGULATING TEMPORARY SIGNS UNIFORMLY AS TO SIZE, AND DURATION, INCLUDING BUT NOT LIMITED TO POLITICAL SIGNS AND PERSONAL EXPRESSION SIGNS; AND PROVIDING FOR A MINIMUM 90 DAY PERIOD FOR DISPLAY OF SAID SIGNS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Mayor Shelley Stanczyk].

Councilwoman Lindsay moved this item forward. Seconded by Councilman Tendrich.

Attorney Boutsis provided staff report. She advised that the draft ordinance is not regulating content, rather, being uniform.

Mayor Stanczyk noted that many residents expressed to her that they did not like the signs being up for so long.

Councilman Tendrich stated that he would like to be listed as a co-sponsor. Attorney Boutsis stated she would do so for second reading.

Councilwoman Lindsay remarked that there was an error on page 2 concerning the size.

Following brief comment, Mayor Stanczyk called the question. The motion passed 4 to 1 (Councilman Fiore being the sole opposition.)

12. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

A. AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ELECTIONS; AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES ESTABLISHING ELECTION PROCEDURES; PROVIDING FOR MODIFICATION OF THE QUALIFYING PERIOD; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Councilman Tendrich moved this item forward. Seconded by Councilwoman Lindsay.

Clerk Alexander provided staff report. The current qualifying period is August 10 through 24; the ordinance, if adopted, modifies the date to be August 6 thru 17.

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

The Ordinance was adopted unanimously on roll call vote, as follows: Councilwoman Lindsay: yes; Vice Mayor Pariser: yes; Mayor Stanczyk: yes; Councilman Fiore: yes; and Councilman Tendrich: yes.

B. AN ORDINANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ELIMINATING RULE 20-63 FROM THE VILLAGE'S PARK RULES; BY REPEALING RULE 20-63 PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE

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

Attorney Boutsis provided staff report.

Commander Truitt noted that State Statutes and federal laws govern the use of firearms. He opined that the intent of the Florida mandate was to remove the myriad ordinances throughout the State, as many governments had conflicting ordinances that it was difficult to know them all as you traversed through the State.

Mayor Stanczyk remarked that the reality is that Coral Reef Park is still safe and you can't hunt in the park. Commander Truitt concurred.

Following brief discussion, Vice Mayor Pariser stated that he objects to the way the legislators wrote this law, making it the personal responsibility of council people.

Mayor Stanczyk opened the public hearing. The following people addressed the Council: Peter England, 7620 SW 171 Street; and Gary Pastorella, 6940 SW 142 Street.

Mayor Stanczyk closed the public hearing.

Following brief discussion, the Ordinance was adopted unanimously on roll call vote, as follows: Vice Mayor Pariser: yes; Mayor Stanczyk: yes; Councilman Fiore: yes; and Councilman Tendrich: yes; and Councilwoman Lindsay: yes.

13. OTHER BUSINESS

Councilman Tendrich remarked that he believed visiting Tallahassee for Miami-Dade County Days is not worth the effort as there is limited opportunity to return with funds from the State.

Vice Mayor Pariser stated that the Council will be going to support or oppose policy decisions. He noted that it is important and effective to look a representative in the eye and tell them what the Village's position is. Mayor Stanczyk concurred.

Vice Mayor Pariser remarked that it is inappropriate for someone to make a suggestion that mediation discussion should be made public, as to do so would be in violation of the statute. Mayor Stanczyk concurred, adding that the attorney-client sessions are strategic meetings.

Attorney Boutsis remarked that the transcripts become public at the end of litigation. She noted that the appeal of the December 22, 2011 order has a 30-day deadline. Councilman Tendrich moved to not pursue an appeal to the 3rd DCA. Seconded by Councilman Fiore. Following brief comment, the motion failed. Councilmen Tendrich and Fiore voting not to pursue appeal; Mayor Stanczyk, Vice Mayor Pariser, and Councilwoman Lindsay voting to pursue appeal.

14. COUNCIL COMMENTS: None at this time.

15. NEXT MEETING AND ADJOURNMENT

The meeting was adjourned at 10:10 p.m.

Prepared and submitted by:

_____

Meighan J. Alexander, CMC
Village Clerk

Approved by the Village Council on this ____ day of February, 2012.

_____

Shelley Stanczyk, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, 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. WHILE THE FLORIDA STATUTES DO NOT REQUIRE TAPE RECORDINGS, TO THE EXTENT THAT TAPE RECORDINGS ARE MADE, THE TAPES MAY BE REQUESTED FROM THE VILLAGE CLERK FOR REVIEW AND/OR COPYING. THE VILLAGE OF PALMETTO BAY CAN NOT GUARANTEE QUALITY OF ANY RECORDING.