

**VILLAGE OF PALMETTO BAY**  
**Minutes of the Regular Council Meeting of December 6, 2010**  
**Deering Estate Visitor's Center**  
**16701 SW 72 Avenue**

**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 7:00 p.m. Mayor Stanczyk asked Mr. Warren Lovely to lead the pledge of allegiance.

**2. PROCLAMATIONS, AWARDS, PRESENTATIONS**

- A. Commander Truitt introduced Lieutenant Jorge Carreno and provided the Council with his experience. Lieutenant Carreno expressed his pleasure at being a member of the policing unit and stated that he is looking forward to the hands-on, community oriented approach of Palmetto Bay.
- B. Presentation by the South Florida Water Management District: Mr. Ed Hernandez provided an update of the Deering Flow way Project and congratulated members of the Council for winning their recent elections. He advised that the project is 50% complete and is on time and on schedule.

Vice Mayor Pariser asked if there was only one culvert under the roadway. Mr. Hernandez stated that only one was needed.

Councilwoman Lindsay asked what the project will look like. Mr. Hernandez explained the education component of the project and how it will rehydrate the area. He advised that there is a DVD available for Council review. He stated that the project should last another 250 days. Mr. Hernandez asserted that the rehydration will mimic how the area used to be, with some areas flowing with water and others dry.

**3. APPROVAL OF MINUTES**

- A. Minutes of the October 4, 2010 Regular Council Meeting
- B. Minutes of the October 18, 2010 Special Council Meeting
- C. Minutes of the October 26, 2010 Special Council Meeting

Mayor Stanczyk moved to approve the Minutes, as submitted. Seconded by Vice Mayor Pariser. All voted in favor. The Minutes were approved.

**4. CONSENT AGENDA**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COUNCIL MEETING PROCEDURES; ANNOUNCING THE MEETING SCHEDULE OF THE VILLAGE COUNCIL AND OF LAND DEVELOPMENT PERMIT HEARINGS FOR THE YEAR 2011; 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 FIGUEREDO & BOUTSIS, P.A. IN THE AMOUNT OF \$42,232.28; PROVIDING AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO OFFICE EQUIPMENT; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A 36-MONTH MASTER LEASE AGREEMENT WITH IKON OFFICE SOLUTIONS, INC., AND TO PIGGYBACK WITH THE MIAMI-DADE COUNTY PUBLIC SCHOOLS CONTRACT NO. 128-FF11; AND PROVIDING AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GRANTS; AUTHORIZING THE VILLAGE MANAGER TO ACCEPT THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM, CONTRACT AWARD FY 2011 IN THE AMOUNT OF \$5,988 FOR THE PURPOSE OF SUPPORTING THE SCHOOL RESOURCE OFFICER PROJECT RAD/KID IN THE VILLAGE OF PALMETTO BAY; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Pariser stated that he wanted to add an item on to the Consent Agenda concerning sending a formal letter to Miami-Dade County concerning the CITT

funding being taken from the County's share, not the existing municipalities' 20% share.

Vice Mayor Pariser moved to include the item. Seconded by Councilman Tendrich.

Attorney Boutsis stated that matter is consistent with the Council's action taken in October. She advised that she had provided a copy of the draft letter.

Councilman Tendrich moved to approve. Seconded by Vice Mayor Pariser. All voted in favor.

## **5. REQUESTS, PETITIONS AND PUBLIC COMMENTS**

The following individuals addressed the Council: Chuck Latshaw, 8825 SW 154 Terrace; Robert Buzzelli, 17140 SW 86 Avenue; Bev Gerald, 14271 SW 74 Court; and Warren Lovely.

## **6. VILLAGE MANAGER'S REPORT**

Manager Williams advised that the community meeting concerning the recent charter school application will begin on time and is scheduled for one and one-half hours. He asked all who are planning to attend to be on time so that your views can be heard and that you can hear the preliminary proposal.

Manager Williams provided Council with a report concerning the ADA upgrades for the Public Works facility. He asked Parks and Recreation Director Fanny Carmona Gonzalez and Communications Manager Bill Kress to provide a report concerning Holiday by the Bay. Mr. Kress advised that the event will take place on December 18<sup>th</sup> at Ludovici Park. He thanked all the supporters.

Manager Williams thanked Mayor Stanczyk for her efforts and provided information concerning the toy drive. He thanked Councilman Tendrich for providing the first toy. He announced that the Village will shortly commence the move process into the new village municipal center and is hopeful that administration will be fully operational by the end of December. He thanked staff for their diligence, noting that individuals have served on task groups and have worked diligently on the move, at the same time continuing their day-to-day responsibilities. He expressed his gratitude to Building Official Edward Silva and stated that the Village will insure that the community is able to reach staff while the transition continues.

Clerk Alexander provided an update concerning the calendar. The next meeting is scheduled for January 10, 2011; no zoning hearing in December. She noted that staff will attempt to schedule a Committee of the Whole Meeting in January.

## 7. VILLAGE ATTORNEY'S REPORT

Attorney Boutsis stated that she provided her report to the Council. She asked the Council to provide the Clerk with dates wherein they may be available for a one hour Sunshine and Public Records Law seminar with Joe Centorino and Robert Meyers. (Council decided upon December 16.)

Attorney Boutsis announced an Attorney Client Session to discuss a proposed settlement offer in Case numbers: *Palmer Trinity Private School v. Village of Palmetto Bay*; Circuit Court Case No.: 08-28977 CA 30 and *Palmer Trinity Private School v. Village of Palmetto Bay*, Appellate Court Case No.: 10-259-AP; and *Palmer Trinity v. Village of Palmetto Bay under Circuit Court* case no. 10-34016 CA 20. The date of December 13, 2010, at 7 pm at the Edward and Arlene Feller Community Room was chosen.

Attorney Boutsis advised that while there is a scheduled public workshop to be held on December 7<sup>th</sup> concerning the proposal charter school, she reminded the Council that communications with the public should not be conducted and any emails received should be forwarded to the Clerk, as a letter of intent was provided to the Village.

## 8. BOARD AND COMMITTEE REPORTS

## 9. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, CERTIFYING AND DECLARING THE RESULTS OF THE RUN-OFF ELECTION OF NOVEMBER 16, 2010; PROVIDING AN EFFECTIVE DATE.

Councilman Fiore moved this item forward. Seconded by Councilwoman Lindsay. Clerk Alexander gave staff report. All voted in favor. The Resolution passed unanimously (5-0.)

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, APPROVING THE OPTIONAL AMENDMENTS AND AMENDMENT NO. 1 RECOMMENDED BY THE MIAMI-DADE COUNTY SCHOOL BOARD FOR ADOPTION AS FIRST SUPPLEMENTARY AGREEMENT TO THE SADOPTED "AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING IN MIAMI-DADE COUNTY", PROVIDING FOR THE AUTHORIZATION OF THE VILLAGE MANAGER TO ACCEPT THE OPTIONAL AMENDMENTS AND AMENDMENT NO. 1 TO THE AMENDED AND RESTATED INTERLOCAL AGREEMENT;

PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Stanczyk suggested that, due to the length of the item, staff report on each item separately, and then the Council should consider voting on each one.

Attorney Boutsis advised that with regard to Amendment 1, the current process requires 100% vote, and to amend the matter would also require a 100% vote of the participating municipalities. She stated that one city has voted against the amendment; therefore, regardless of how the Council votes, the amendment will not go through, as one city has denied the amendment. Attorney Boutsis noted that item five appears to be the most controversial.

Director of Planning and Zoning Julian Perez noted that the amendment was proposed, as often there is not fully municipal participation at the meetings. He explained that if there is not full participation and staff has a viable idea, 100% approval is still required. He stated that Aventura determined that they would like to retain veto power. Mr. Perez noted that only five cities have responded to this process. He provided history of the agreement, emphasizing that the education element of the Village's comprehensive plan has been addressed.

Vice Mayor Pariser stated that he agrees with the concept of currency; however, he would like further explanation at a Committee of the Whole workshop. He asked staff to provide strike-throughs and underlines for ease in review.

Attorney Boutsis advised that the attachment was provided by the County. She noted that the Council can consider the optional amendments after a Committee of the Whole workshop; however, amendment 1 must be considered.

Vice Mayor Pariser moved to vote on the mandatory amendment and consider the others following a Committee of the Whole workshop. Seconded by Councilman Tendrich. The motion passed unanimously (5 to 0.)

Councilman Tendrich moved to approve the amendment 1 to change the proportion to 2/3 vote. The motion died for lack of second.

Vice Mayor Pariser moved to deny the amendment. Seconded by Councilwoman Lindsay. All voted in favor. The Motion carried (5-0.)

**10. RESOLUTIONS REQUIRING PUBLIC HEARING**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO REAL PROPERTY; PETITION TO DISCONTINUE THE USE OF CERTAIN REAL PROPERTY AND ABANDONING A 25 FOOT RIGHT-OF-WAY FOR A

PORTION OF LAND LYING IN SECTION 26, TOWNSHIP 55 SOUTH, RANGE 40 EAST MIAMI-DADE COUNTY, FLORIDA BETWEEN SW 158 TERRACE TO THE NORTH END OF SW 74 AVENUE; AND PROVIDING AN EFFECTIVE DATE.

Councilman Tendrich moved this item forward. Seconded by Vice Mayor Pariser. Manager Williams provided staff report. He noted that this is an abandoned piece of property and all adjoining property owners were consulted prior to this decision. He explained that the Village has no real interest in the property and that the property would become part of the adjoining owner's land and would return to the tax rolls.

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

Councilman Fiore asked if the adjoining homeowners were notified. Manager Williams advised that all agreed to the matter.

Vice Mayor Pariser asked for clarification regarding the location of the property. Manager Williams advised that it is the property abutting the South Florida Water Management parcel. Councilwoman Lindsay remarked that the action seems appropriate.

Councilwoman Lindsay moved to approve. Seconded by Councilman Tendrich. All voted in favor. The Resolution passed unanimously (5-0.)

11. **ORDINANCES FOR FIRST READING:** None at this time.
12. **ORDINANCES FOR SECOND READING AND PUBLIC HEARING:** None at this time.
13. **OTHER BUSINESS**

Vice Mayor Pariser commented that he attended a nice community event for the Hanukah lighting ceremony. He announced that his son will be graduating from Gainesville this month and he is looking forward to the holiday season.

Councilman Fiore asked that staff include a discussion concerning skate park fees at the next Committee of the Whole meeting.

Councilman Tendrich and Councilwoman Lindsay both wished everyone a happy holiday season.

Mayor Stanczyk thanked all for attending and expressed holiday wishes to all.

14. **COUNCIL COMMENTS**

**15. NEXT MEETING AND ADJOURNMENT**

The Meeting was officially adjourned at 8:30 pm.

*Prepared and submitted by:*

  
Meighan J. Alexander, CMC  
Village Clerk

*Adopted by the Village Council on  
this 10<sup>th</sup> day of October, 2010. January, 2011.*

  
Shelley Stanczyk, Mayor

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