

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of February 7, 2011
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 7:10 p.m. Mayor Stanczyk led the pledge of allegiance.

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Recognition of Arbor Day Event participants: The Council acknowledged students Patrick Pami and Max Milian from Westminster Christian School. Mayor Stanczyk read each Certificate of Appreciation and thanked the children for their participation.
- B. Palmetto Senior High Boys and Girls Swim Team: Mayor Stanczyk and the Council recognized the students for their recent successes.
- C. Palmetto Senior High Boys and Girls Golf Team: Mayor Stanczyk and the Council also recognized the students for the dedication and performance.

3. APPROVAL OF MINUTES

- A. Minutes of the January 10, 2011 Regular Council Meeting: Councilman Tendrich moved to approve the Minutes, as submitted. Seconded by Vice Mayor Pariser. All voted in favor. The Minutes were approved (5-0.)

4. CONSENT AGENDA

- A. 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 NO 2011-JAGD-DADE-5-B3-089 IN THE AMOUNT OF \$9,749 FOR THE PURPOSE OF SUPPORTING THE SAFER COMMUNITIES THROUGH SAFER CHILDREN PROJECT IN THE VILLAGE OF PALMETTO BAY; AND 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 \$20,854.12; PROVIDING AN EFFECTIVE DATE.

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

5. **REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Denny Wood, 13000 SW 92 Avenue, Unit B403; Ed Feller, MD, 7960 SW 144 Street; and Warren Lovely, 15323 SW 74 Place

6. **VILLAGE MANAGER'S REPORT**

Manager Williams advised that three Advisory Boards, Art-In-Public Places, Historic Preservation, and Tree Advisory Board, have members with expired terms and staff will be bringing the matter to the March Council meeting. He advised that staff will post the openings on the website, seeking applicants.

Manager Williams provided a report concerning the financial Budget to Actuals of the Village. He noted that the revenues for October 1st through December 31st came in at approximately 98% of what was expected, representing a total of \$5.6 million in revenue; and, with expenses at approximately \$2.7 million, the net result is surplus of \$2.8 million dollars to be utilized on planned expenditures. He noted that the Departments are currently operating at approximately 18.8% of the budget, or 7.2% below what would reasonably be expected for the quarter.

Manager Williams advised that he had contacted the lobbying firm of Book and Levy to provide a temporary contract for state-level lobbying services through June of this year.

Manager Williams advised that the Village is moving forward with its revised website and it should be launched in early April.

Clerk Alexander provided a calendar update.

7. **VILLAGE ATTORNEY'S REPORT**

- A. February, 2011 Update: Attorney Boutsis provided her written report.

8. **BOARD AND COMMITTEE REPORTS**

9. **RESOLUTIONS**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TREE PLANTING SERVICES; ACCEPTING THE BID OF CNC MANAGEMENT INC. TO PROVIDE LANDSCAPING SERVICES IN THE PUBLIC RIGHT-OF-WAYS WITHIN THE VILLAGE OF PALMETTO BAY; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$50,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams advised that this matter was budgeted and the Village has continued to participate in the Tree City USA program. He noted that this item was previously presented to the Council and he thanked Vice Mayor Pariser and Councilman Tendrich for directing staff to re-bid. Manager Williams concluded that staff feels confident that this bid is appropriate.

Vice Mayor Pariser thanked staff for their diligence.

Manager Williams thanked the Tree Advisory Board for their assistance.

Councilman Tendrich moved to approve this item. Seconded by Vice Mayor Pariser. All voted in favor. The Resolution passed unanimously.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BOARDS AND AGENCIES; APPOINTING MEMBERS TO THE CHARTER REVISION COMMISSION; PROVIDING AN EFFECTIVE DATE.

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

Councilman Fiore nominated Mr. David Zisman.

Councilman Tendrich nominated Tom Ringel.

Councilwoman Lindsay nominated Betty Pegram.

Vice Mayor Pariser nominated Bev Gerald.

Mayor Stanczyk nominated Warren Lovely. She further nominated Vice Mayor Pariser to serve as the non-voting Councilmember liaison.

Councilman Tendrich moved to approve the resolution with the nominees included. Seconded by Councilwoman Lindsay. 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, APPROVING THE OPTIONAL AMENDMENTS RECOMMENDED BY THE MIAMI-DADE COUNTY SCHOOL BOARD FOR ADOPTION AS THE FIRST SUPPLEMENTARY AGREEMENT TO THE ADOPTED "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 TO THE AMENDED AND RESTATED INTERLOCAL AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Director of Planning & Zoning Julian Perez provided staff report.

Councilman Tendrich remarked that he believes the document is not complete as the school board has not defined the criteria. He moved to reject all amendments. Seconded by Vice Mayor Pariser.

Councilman Fiore agreed.

Councilwoman Lindsay noted that she felt that the amendments were appropriate, with the exception of amendment 5.

Vice Mayor Pariser remarked that he, too, disagrees with amendment 5, as the items appears to lessen the impact of concurrency items for public schools, particularly for Charter Schools.

All voted in favor of the previous motion. The Resolution passed unanimously (5-0.)

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE ART-IN-PUBLIC PLACES (AIPP) PROGRAM, ACCEPTING THE RECOMMENDATION FROM THE AIPP ADVISORY BOARD TO APPROVE THE PUBLIC ART WORK ENTITLED "BALANCE OF LIFE" AS DESIGNED BY JOSHUA WIENER TO MEET THE AIPP REQUIREMENTS FOR THE TRAFFIC ROUNDABOUT, LOCATED AT THE INTERSECTION OF SW 168 STREET AND SW 87TH AVENUE; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS FROM THE ART-IN-PUBLIC PLACES FUND

IN AN AMOUNT NOT TO EXCEED \$50,000; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Tendrich moved this item forward. Seconded by Councilman Fiore.

Director Perez provided staff report. He asked Efren Nunez, administering the program, to provide a presentation.

Artist Joshua Weiner explained his concept.

Vice Mayor Pariser asked if the piece would be lit at night. Mr. Weiner stated that the light will be focused to reflect the fountain water onto the piece.

Councilman Fiore asked the funding source. Manager Williams advised that the source is the Art-In-Public Places fund.

Mayor Stanczyk briefly explained the program.

Councilwoman Lindsay commended the artist and asked how it would withstand a hurricane.

Mr. Weiner advised that the engineering company he works with will insure its compliance with hurricane building codes.

Councilman Tendrich moved to include the Goliath Grouper as the fish to be depicted in the piece. Seconded by Councilwoman Lindsay.

Vice Mayor Pariser asked the timeline. Mr. Weiner advised that he expects completion by early May.

All voted in favor of the design, including the Goliath Grouper. The Resolution passed unanimously (5-0.)

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE LOCAL PLANNING AGENCY, RELATING TO THE ADOPTION OF CAPITAL IMPROVEMENTS PROGRAM (CIP) FOR THE VILLAGE OF PALMETTO BAY; PROVIDING FOR TRANSMITTAL OF THE PLAN TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AS PART OF THE ANNUAL UPDATE OF THE CAPITAL IMPROVEMENT ELEMENT OF THE VILLAGE'S COMPREHENSIVE PLAN; AND PROVIDING AN EFFECTIVE DATE.

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

Manager Williams provided staff report.

Director Perez advised that this is a five year plan and he further explained the importance of the document.

Councilman Fiore noted that 144 Street is not a county-line road and asked if the Village would still consider resurfacing it even if traffic calming devices are installed. Manager Williams replied affirmatively.

Vice Mayor Pariser stated that he would like the public notified of future traffic calming devices. Brief discussion ensued.

Mayor Stanczyk remarked that she would like a Resolution directing that residents within a 1,000 ft radius at the time be notified before any traffic calming project is presented to Council. She further stated that the notification should be done one month prior to placing the matter on the Agenda.

Manager Williams asked for clarification. Vice Mayor Pariser stated that notification should be done in the most cost effective way possible. Councilman Tendrich seconded the motion, adding to include the proposed project on the website. All voted in favor of the Motion (5-0.)

Councilman Tendrich moved to approve the proposed Resolution concerning the CIP. Seconded by Councilwoman Lindsay. All voted in favor (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, ACTING IN ITS CAPACITY AS THE LOCAL PLANNING AGENCY, RELATING TO ADOPTION OF AMENDMENTS TO THE COMPREHENSIVE PLAN FOR THE VILLAGE OF PALMETTO BAY, FLORIDA, SAID AMENDMENTS TO INCLUDE AN UPDATE OF THE CAPITAL IMPROVEMENTS ELEMENT (CIE) AND PROJECTS; AND TO PROVIDE FOR A PROCESS TO ALLOW THE ANNUAL UPDATE OF THE CIE BY WAY OF PUBLIC HEARING RESOLUTION; PROVIDING FOR TRANSMITTAL OF THE CIE PLAN AMENDMENTS TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, TO OTHER UNITS OF LOCAL GOVERNMENT AND TO OTHER REVIEW AGENCIES AS REQUIRED BY LAW; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Director Perez provided staff report.

Manager Williams advised that this ordinance will not impact the budget. He stated that this action is necessary in order to be in compliance with State law.

Attorney Boutsis added that subsequent revisions and/or updates may be accomplished via resolution.

Mayor Stanczyk called the question. A roll call vote was taken, as follows: Vice Mayor Pariser: yes; Councilman Fiore: yes; Councilman Tendrich: yes; Councilwoman Lindsay: yes; and Mayor Stanczyk: yes. The matter passed and will be scheduled for final reading/public hearing.

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ELECTIONS; ESTABLISHING THE RUN-OFF ELECTION DATE FOR THE ELECTION OF NOVEMBER, 2012, IN ACCORDANCE WITH SECTION 5.1(C) OF THE VILLAGE CHARTER; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Clerk Alexander provided staff report.

Following brief discussion, Councilwoman Lindsay asked the Clerk to provide the Council with cost estimates concerning the variety of dates available for run-off elections.

Councilman Tendrich stated that he was in favor of the November 20th date. Councilwoman Lindsay seconded. A roll call vote was taken, as follows: Vice Mayor Pariser: yes; Councilman Fiore: yes; Councilman Tendrich: yes; Councilwoman Lindsay: yes; and Mayor Stanczyk: yes. The matter passed and will be scheduled for final reading/public hearing.

12. **ORDINANCES FOR SECOND READING AND PUBLIC HEARING:** None at this time.

13. **OTHER BUSINESS:** None at this time.

14. **COUNCIL COMMENTS**

Councilman Tendrich stated that he is opposed to high cost and the timing of Miami-Dade County Days.

Following brief discussion, Clerk Alexander was directed to contact the Council to determine who wished to attend the event.

Councilman Fiore encouraged all who wished to use the skate park to take advantage of the discounted pass and save money. Councilman Fiore stated that he would be reviewing the

fees charged by the Village for businesses and would bring the matter to a Committee of the Whole Meeting in the near future.

Councilwoman Lindsay remarked that some individuals have expressed displeasure with the zoning and permitting departments. She stated that she remains concerned with the amount of erosion she has seen in several residents' back yards. She stated that South Florida Water Management Department has a duty to correct this problem. Mayor Stanczyk agreed and believes the matter should be included in the Village's legislative packet. Vice Mayor Pariser concurred, adding that the State should fund the restoration.

Manager Williams advised that Council that the process for building and permitting is necessary in order to provide a "professional backstop" that insures compliance with the South Florida Building Code. He noted that residents do not always agree with the response they receive, but the Village has a professional responsibility to comply with the law.

15. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 9:50 pm.

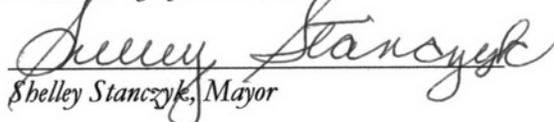
Prepared and submitted by:



*Meighan J. Alexander, CMC
Village Clerk*

Adopted by the Village Council on

this 7 day of March, 2011,



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.