

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of April 4, 2011
Village Hall Chambers
9703 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 7:10 p.m. Mayor Stanczyk asked Palmetto Bay Policing Unit Commander Greg Truitt to lead the pledge of allegiance.

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Presentation by Principal Fred Albion of Coral Reef Elementary and Principal Deanna Dalby of Howard Drive Elementary

Principal Dalby provided an update with regard to Howard Drive Elementary, noting that the school is planning its 50th anniversary celebration. Principal Albion provided an update with regard to Coral Reef Elementary. He invited all to the upcoming Fun Fair.

- B. Proclamation declaring Water Conservation Month: Armando Villaboy from South Florida Water Management District was recognized and accepted the proclamation encouraging all to conserve water.

3. APPROVAL OF MINUTES

- A. Minutes of the March 7, 2011 Regular Council Meeting

Councilman Tendrich moved to approve the Minutes of March 7, 2011. Seconded by Vice Mayor Pariser. All voted in favor. The Minutes were adopted unanimously (5-0.)

4. CONSENT AGENDA

Mayor Stanczyk asked Clerk Alexander whether any Councilmember had requested to remove an item from the Consent Agenda. She reported that Item 4 C had been timely pulled. Mayor Stanczyk announced that Item 4 C would be heard as Item 9 I.

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SIDEWALK IMPROVEMENTS; AUTHORIZING WRANGLER CONSTRUCTION INC. TO PROVIDE SIDEWALK IMPROVEMENTS 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; AND PROVIDING FOR AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO THE SAFE ROUTES TO SCHOOL STUDY, ACCEPTING THE FINAL REPORT DOCUMENTS AND RECOMMENDATIONS; FURTHER AUTHORIZING THE VILLAGE MANAGER TO PROCEED WITH IMPLEMENTATION OF THE REPORT FINDINGS, FOLLOWING IDENTIFICATION AND AVAILABILITY OF APPROPRIATE FUNDING SOURCES; AND PROVIDING FOR AN EFFECTIVE DATE.
- C. **(MOVED TO ITEM 9 I)** A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO HIRING OF EXPERTS IN PREPARATION OF THE UPCOMING PALMER TRINITY REHEARING OF THEIR APPLICATION FOR A SPECIAL EXCEPTION AND SITE PLAN MODIFICATION; HIRING OF AN INDEPENDENT CONTRACTOR TRAFFIC ENGINEER AND TRAFFIC CONSULTANT; HIRING OF AN INDEPENDENT CONTRACTOR SOUND ENGINEER; FURTHER AUTHORIZING THE VILLAGE MANAGER SELECT, CONTRACT WITH AND TO EXPEND UP TO \$50,000 FOR PAYMENT TO THE INDEPENDENT CONTRACTORS; PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Shelley Stanczyk].
- D. 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 \$23,682.90; PROVIDING AN EFFECTIVE DATE.

Councilman Fiore moved to approve the Consent Agenda item. Seconded by Vice Mayor Pariser. All voted in favor. The Resolutions were adopted unanimously (5-0.)

Councilwoman Lindsay moved to hear item 10C as the next item due to the number of individuals in the audience. Seconded by Councilman Tendrich. All voted in favor.

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO THE JANE FORMAN TENNIS CENTER CONTRACT; PROVIDING AN EFFECTIVE DATE.

Councilman Tendrich moved this item forward. Councilwoman Lindsay seconded this item.

Manager Williams provided a history of the contract with regard to contract. In anticipation of an extension, the Manager explained, the Village began to consider the cost of improvements and the language concerning termination. He further noted that the Village has prepared itself for any eventuality by including the maximum financial commitment as part of the budgetary process. He noted that staff has considered whether the Village will be able to provide tennis and asserted that the facility was substantially improved through the capital improvements performed under the contract. He advised that staff began researching the impact in terms of service, availability and accessibility. Manager Williams advised that staff met with the current vendor regarding further negotiation within the confines of the agreement. He opined that the Village will be able to continue to operate the facility and believes that the Village will grow the revenue base through other means, for example, directly contracting with coaches and trainers for service. He stated that staff is well-prepared to operate the facility, maintain it appropriately and provide easier access to this public facility.

Mayor Stanczyk opened the public hearing, advising the audience as to the appropriate decorum and how to express approval with a speaker through quietly waving hands.

The following individuals addressed the Council: Gunther Karger, 14950 SW 86 Avenue; Peter England, 7620 SW 171 Street; Eric Tullberg, 7884 SW 179 Terrace; Cecilia Shelley, (address not provided); Jose Fernandez (address not provided); Stacey Richardson, 7695 SW 155 Street; Laura Jensen, 15405 SW 78 Place; Gail Ogden, 15840 SW 79 Court; Denise Gordon (address not provided); Donna Bond, 15205 SW 80 Avenue; Alfaro Bruner, 14500 SW 83 Court; a child, Nick; Charles Ogden, 15840 SW 79 Court; a child, Sabrina; a child, Katie; Larry Allen, 8847 SW 155 Terrace; Jeff Ellington, 15239 SW 134 Court; Miriam Maldonado, 8355 SW 183 Terrace; Katlin Copa, 17321 SW 86 Avenue; Phil Goby, 7520 SW 137 Street; Tad Templeton, 7985 (unable to hear remainder of address); Cary Sochin, 8080 SW 172 Terrace; Joseph Echeverria, 8360 SW 164 Street; Warren Lovely, 15323 SW 74 Place; and, Beatrice Herman, 17251 SW 86 Avenue.

The public hearing was closed.

Councilman Fiore thanked the audience. He stated that while he respects the Manager's opinion, he believes that the Village should not be running the tennis courts. He noted that he has received hundreds of e-mails supporting the current

program and the Village should allow the vendor to remain, as the majority of the public appears to want her to remain.

Councilman Tendrich stated that while he was in favor of renewing the contract, he was disappointed that the vendor refused to negotiate the contract with Manager Williams. He expressed his confidence in staff and the Manager and believes the Village will be able to run the facility.

Councilwoman Lindsay stated that she met with the Manager several times, met with Ms. Forman, spoke to several tennis pros, discussed the matter with John Seaman of Miami-Dade County Parks, spoke to JCC, the Village of Pinecrest staff, Royal Palm Tennis representatives, and the City of Coral Gables staff. She noted that she, too, received many emails and believes Ms. Forman has done an "admirable" job. She remarked that some found her program expensive and complained that residents are not allowed to bring their own individual coaches to the courts under the contract. Councilwoman Lindsay stated that the Village will be acquiring two tennis courts at half the construction price and the Village will be able to have its own branding, which does not occur with the current program. She expressed that she is proud of staff and their ability to maintain all the parks in outstanding condition. She opined that the Council is not in a position at this time to negotiate; the decision is to renew or not.

Vice Mayor Pariser noted that as an attorney he reviews and writes contracts for a living. He opined that the current contract was not written well and believes that the Village Council are the "stewards of the tax payer dollars." He noted that the County entered into this agreement six days following the Village's incorporation and the first renewal was difficult, with a 3 to 2 vote. He stated that JFTA is a for-profit vendor. Vice Mayor Pariser noted that the Village had asked Ms. Forman to consider re-negotiation and her position was that she would not. He advised that the park is a regional park and the Village will not charge different fees for non-Palmetto Bay residents. He stated that the courts are in excellent condition and the Village will be able to amortize the pay-out and recapture revenue. He thanked all for coming, concluding that tennis service will continue to be provided in an excellent manner.

Mayor Stanczyk stated that she has listened to the audience discuss loyalty, quality, and how well Ms. Forman runs her program. She noted that she has also heard from some residents who complain that they are unable to have access to the courts due to league play and courts being pre-reserved for lessons and/or camp. She remarked that the Council needs consider the entire village. Mayor Stanczyk noted that the Village will move forward and perhaps a hybrid contract, using independent contractors will be appropriate. She stated that the Village now has the opportunity to buy new courts at half-price. She remarked that if the Village opens a procurement action, Ms. Forman can participate in the process. She thanked Ms. Forman for her service.

Councilman Tendrich moved to terminate the contract. Seconded by Vice Mayor Pariser. The Motion carried 4 to 1, Councilman Fiore being the sole opposition.

Mayor Stanczyk called for a five minute recess.

Councilwoman Lindsay moved to continue the meeting with item 10 – Resolutions Requiring Public Hearing . Seconded by Councilman Tendrich.

10. RESOLUTIONS REQUIRING PUBLIC HEARING

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, CO-DESIGNATING S.W. 152 STREET EAST FROM THE INTERSECTION OF S.W. 67 AVENUE LEADING TO THE ENTRANCE OF ROYAL HARBOR YACHT CLUB IN HONOR OF JUDGE HENRY LEYTE-VIDAL; PROVIDING FOR INSTALLATION OF APPROPRIATE SIGNAGE; PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Vice Mayor Brian Pariser)

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

Manager Williams noted that this matter came forward at a recent Committee of the Whole Meeting and other locations were mentioned. He noted that this location has a small number of homes, very few fronting the street.

Vice Mayor Pariser reported that he had brought this matter forward. He stated that while he did not have the opportunity to appear in front of Judge Henry Leyte-Vidal, the Judge was well-reputed as a very competent, excellent judge. He noted that Miami-Dade County Commissioner Linda Bell had forwarded correspondence in support of the matter, as did State Attorney Katherine Fernandez-Rundle. He opined that the naming of this roadway is a just and appropriate honor for this individual.

Councilwoman Lindsay read a letter from the president of the Royal Harbor Yacht Club and noted the association opposed the naming. She referred to language in the Ordinance that mandates the individual has to have made a significant contribution to the community, furthering the village's good name. She stated that while she has no doubt that the judge was a fine man, she believes the Village should table this matter and adopt specific requirements concerning the co-designating and naming.

Councilwoman Lindsay moved to table the matter. Seconded by Councilman Tendrich. Attorney Boutsis advised that the matter was scheduled for public hearing. Councilwoman Lindsay withdrew her motion. Mayor Stanczyk opened the public hearing.

The following individuals addressed the Council: Eselda Leyte-Vidal, 5986 Paradise Point Drive; Judge Larry King; Judge Israel Reyes; Judge Andrew Haig; General

Magistrate Steve Leiberman; Victoria Mentez, 444 SW 2nd Avenue; Robert Rossano; Jeff Stoeker, 6134 Paradise Point Drive; and, John Breeder, 9300 SW 181 Terrace. Mayor Stanczyk closed the public hearing.

Councilman Tendrich stated while he believes the Judge was an outstanding individual, he stated that he is opposed to the aspect of naming streets in general and believes that people can be honored in other ways.

Vice Mayor Pariser stated that he remains convinced that the judge meets the criteria. He stated that the co-designation consideration was moved to this location in order to be less of an impact to the homes and the judge was a resident of the community that the road leads to.

Councilwoman Lindsay stated that she believes the criteria of co-designation should be defined in a more specific manner. She noted that the residents are informed of traffic calming and the Village should not only redefine our criteria, but include notifying residents in the general area.

Vice Mayor Pariser moved to approve the co-designation.

Councilman Fiore suggested that the Village consider co-designation of Ludlam Road from SW 152 Street to SW 144 Street, which would require approval by the County Commission.

Vice Mayor Pariser stated that he was not in favor of the amendment. His motion failed for lack of second.

Councilman Fiore moved to seek the County's support to SW 67 Avenue from 144 Street to SW 152 Street. Councilwoman Lindsay seconded. The Motion passed unanimously (5-0.)

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, CO-DESIGNATING SW 90 AVENUE FROM SW 174 STREET SOUTH TO SW 176 STREET IN HONOR OF CLYDE HINSON; PROVIDING FOR INSTALLATION OF APPROPRIATE SIGNAGE; PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Mayor Shelley Stanczyk)

Councilman Tendrich moved this item forward. Seconded by Mayor Stanczyk.

Mayor Stanczyk advised that this matter was brought forward following a request received from Karl Wulf and other residents. She stated that while she did not personally know Mr. Hinson, he lived in her neighborhood.

Mayor Stanczyk opened the public hearing.

The following individuals addressed the Council: Karl Wulf, 7350 SW 162 Street;

Ethel Brown, 8990 SW 174 Street; Deanna Alman, 17430 SW 90 Avenue; Ralph Thiel, 17300 SW 90 Avenue; and, William Thiel, 9100 SW 174 Street.

Mayor Stanczyk closed the public hearing.

Councilman Fiore stated that he is in support of this action.

Councilwoman Lindsay asked if the matter was advertised. Clerk Alexander stated that it was advertised in the Miami Herald Neighbors. Councilwoman Lindsay stated that she would also support the matter.

Vice Mayor Pariser stated that he would support it; however, the matter should have come before the Committee of the Whole. Mayor Stanczyk stated that it was briefly discussed.

Vice Mayor Pariser called the question. All voted in favor. The Resolution passed unanimously (5-0.)

5. REQUESTS, PETITIONS AND PUBLIC COMMENTS

PLEASE NOTE: DUE TO THE LITIGATION AND THE RULES GOVERNING QUASI-JUDICIAL MATTERS, NO DISCUSSION CONCERNING THE PALMER TRINITY PROPERTY/SITE, LITIGATION, PROCEDURE, AND/OR SUBSTANCE WILL BE ENTERTAINED AT TONIGHT'S MEETING.

Mayor Stanczyk read the entire statement (listed above) concerning public comments.

The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Beatrice Herman, 17251 SW 86 Avenue; Larry Ribbler, 17131 SW 86 Avenue; Marco Moore, 17100 SW 86 Avenue; Peter England, 7620 SW 171 Street; and, Denny Wood, 13000 SW 92 Avenue.

6. VILLAGE MANAGER'S REPORT

Manager Williams reported that the Clerk's office has been working on providing video-taping of the meeting with the cable provider. He asked Communications Manager Bill Kress to provide a report concerning streaming video.

Mr. Kress reported that the Village has contacted providers that will provide cloud hosting of the video in order to provide the live video without disruption of Village bandwidth.

Manager Williams stated that staff is working with Comcast to get the public access channel up and running in the near future.

Vice Mayor Pariser asked if the Village will be charged for the broadcast. Manager Williams noted that the cable provider will provide a specific channel and not be charged for the access.

7. VILLAGE ATTORNEY'S REPORT

April, 2011 Update: Attorney Boutsis stated that she had provided her written update and she will address any questions.

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, RELATING TO ROADWAY RESURFACING AND ROADWAY STRIPING; AUTHORIZING H & J ASPHALT, INC. TO PROVIDE RESURFACING AND STRIPING OF PUBLIC ROADWAYS WITHIN THE VILLAGE OF PALMETTO BAY; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$250,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams provided staff report, noting that streets will be prioritized.

Mayor Stanczyk called the question. 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, RELATING TO PUBLIC NOTIFICATION; ESTABLISHING A PROCESS BY WHICH THE PUBLIC RECEIVES NOTIFICATION OF PROPOSED TRAFFIC CALMING DEVICES PRIOR TO COMMENCEMENT OF SAID PROJECT; PROVIDING AN EFFECTIVE DATE.

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

Manager Williams provided staff report. He noted that the only issue concerning staff is the radius, as 1,000 feet is a large area and could unnecessarily extend to other neighborhoods. He stated that the Village has several stop signs, no-turn signs, and green light timing requests pending.

Councilman Tendrich asked if stop signs are considered traffic calming.

Manager Williams noted that signage is technically part of a safety measure, not a traffic calming device. He advised that Miami-Dade County is responsible for all signage and signalization.

Vice Mayor Pariser moved to revise the notification to be 500 feet and include the language "courtesy notice" to avoid a property owner claiming they did not receive the notice from a renter. Seconded by Councilman Fiore.

Councilwoman Lindsay stated that 500 feet is the standard the County uses for zoning notices and it seems appropriate. Mayor Stanczyk stated that she is in favor of more notice, not the same.

Councilman Fiore called the question. The Motion passed 4 to 1, Mayor Stanczyk being the sole opposition.

Vice Mayor Pariser moved to approve the Resolution as amended. Seconded by Councilman Fiore. 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 FUND BALANCE POLICY; IDENTIFYING THE FUND BALANCE LEVEL TO ENSURE UNINTERRUPTED OPERATIONS; PROVIDING AN EFFECTIVE DATE.

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

Finance Director Desmond Chin reported that the Fund and Debt policies are offered for consideration to set benchmarks where staff believes the Village will benefit for debt policy and debt rating. He noted that the policies will assist the Village with decision making for funding of the village, budgetary and otherwise.

Manager Williams noted that this had been provided to the Council at a recent Committee of the Whole meeting. He stated that the fund policy is based upon the "lock box" idea with regard to the Village's savings account, which is currently approximately \$2.698 million.

Vice Mayor Pariser moved to table the item and Item 9 D and discuss at the next Committee of the Whole Meeting. Seconded by Councilwoman Lindsay. All voted in favor (5-0.)

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO DEBT POLICY; IDENTIFYING THE USE OF DEBT AND ENSURING THE FUNDING OF

THE DEBT SERVICE; PROVIDING AN EFFECTIVE DATE. (Tabled to Committee of the Whole Meeting.)

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE ART IN PUBLIC PLACES PROGRAM, APPOINTING THREE (3) MEMBERS TO FILL VACANCIES ON THE VILLAGE OF PALMETTO BAY ARTS ADVISORY BOARD; AND, PROVIDING AN EFFECTIVE DATE.

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

Clerk Alexander provided staff report.

Councilman Tendrich moved to accept the three applicants.

Clerk Alexander asked the Council if they would consider specific appointments in order to effect the staggered terms.

Councilman Tendrich nominated Nicholas Stoetzer. Councilman Fiore nominated Marco Lopez. Mayor Stanczyk nominated Rona Kritzer.

Vice Mayor Pariser moved to approve the Resolution with the included nominations. Seconded by Councilman Tendrich. All voted in favor. The Resolution was approved (5-0.)

Due to the late hour, Vice Mayor Pariser moved to extend the Council meeting for a half hour. Seconded by Councilman Fiore. All voted in favor.

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE HISTORIC PRESERVATION ADVISORY BOARD, APPOINTING THREE (3) MEMBERS TO THE VILLAGE OF PALMETTO BAY HISTORIC PRESERVATION ADVISORY BOARD; AND, PROVIDING AN EFFECTIVE DATE.

Clerk Alexander provided staff report.

Mayor Stanczyk moved to appoint Jack Fell.

Councilman Tendrich moved to appoint Paul Neidhart.

Councilman Fiore moved to appoint Tim Schaeffer.

Councilwoman Lindsay moved to approve the Resolution with the included nominations. Seconded by Councilman Tendrich. All voted in favor. The Resolution was approved (5-0.)

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE TREE ADVISORY BOARD, APPOINTING ONE (1) MEMBER TO THE VILLAGE OF PALMETTO BAY TREE ADVISORY BOARD; AND, PROVIDING AN EFFECTIVE DATE.

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

Clerk Alexander provided staff report.

Councilman Fiore nominated Bill O'Leary.

Vice Mayor Pariser moved to approve the Resolution with the included nominations. Seconded by Councilman Tendrich. All voted in favor. The Resolution was approved (5-0.)

- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BOARDS AND AGENCIES; APPOINTING MEMBERS TO THE BUILDING AND PERMITTING ADVISORY COMMITTEES; CREATING A RESIDENTIAL PERMITTING SUBCOMMITTEE AND A COMMERCIAL PERMITTING SUBCOMMITTEE; WHICH SUBCOMMITTEES SHALL CONSIST OF THE FULL "PERMITTING ADVISORY COMMITTEE; AUTHORIZING A FINAL REPORT BY PERMITTING ADVISORY COMMITTEE; PROVIDING FOR A SUNSET OF THE COMMITTEE AFTER ISSUANCE OF THE FINAL REPORT AND/OR A SIX MONTH PERIOD, WHICH EVER OCCURS EARLIER; AND PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Shelley Stanczyk].

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

Attorney Boutsis noted that a substitute item was provided to the Council, which included a whereas clause on Page 2. Councilwoman Lindsay moved to consider the substituted item. Seconded by Councilman Tendrich.

Mayor Stanczyk reported that her contact with constituents during the recent election campaign brought this matter to her attention. She stated that she believes the Village should review the Department again and provide input for improvement, as some residents indicated they had difficulties with this Department.

Vice Mayor Pariser noted that review of the zoning code being included seems to exceed the intended scope.

Manager Williams noted that public hearings may be necessary and the Council should be mindful that changes in the zoning code may be necessary in order to meet the desires of the public.

Attorney Boutsis stated that the document was initially drafted to include appointees and the Council should modify to consider seeking appointees.

Councilman Tendrich moved to amend the document to include that a 10 member board would be appointed. Seconded by Councilwoman Lindsay. All voted in favor.

Vice Mayor Pariser asked how the Council would chose "at-large" members. Following discussion, the consensus was that the at-large members would be chosen with "luck of the draw".

Vice Mayor Pariser moved to amend the Resolution to state that the members must be village residents and/or business owners and the scope consider fee structure, and remove language concerning "review of the zoning process". Seconded by Councilman Fiore.

Following brief discussion, Councilwoman Lindsay moved to approve, as amended. Seconded by Councilman Tendrich. All voted in favor.

- I. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO HIRING OF EXPERTS IN PREPARATION OF THE UPCOMING PALMER TRINITY REHEARING OF THEIR APPLICATION FOR A SPECIAL EXCEPTION AND SITE PLAN MODIFICATION; HIRING OF AN INDEPENDENT CONTRACTOR TRAFFIC ENGINEER AND TRAFFIC CONSULTANT; HIRING OF AN INDEPENDENT CONTRACTOR SOUND ENGINEER; FURTHER AUTHORIZING THE VILLAGE MANAGER SELECT, CONTRACT WITH AND TO EXPEND UP TO \$50,000 FOR PAYMENT TO THE INDEPENDENT CONTRACTORS; PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Shelley Stanczyk].

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

Councilman Fiore objected to this item, noting that the Village should be mindful of expenditures in this case.

Mayor Stanczyk stated that her purpose was "transparency" and that \$50,000 is the maximum of what could be spent.

Councilman Tendrich stated that he believes due diligence would be appropriate for the future public hearing on this matter.

Councilwoman Lindsay stated that she does not know if the studies are necessary and she would prefer to wait until the new Director is hired and see if he/she believes the studies are necessary.

Mayor Stanczyk stated that the Village is in the process of hiring someone and believes that time is of the essence. She called the question.

The Resolution failed 3 to 2, Vice Mayor Pariser and Councilman Tendrich voting to approve.

Due to the late hour, Vice Mayor Pariser moved to extend the Council meeting for fifteen minutes. Seconded by Councilwoman Lindsay. All voted in favor.

- J. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LEGISLATIVE AGENDA; REQUESTING THE STATE LEGISLATURE TO VETO SENATE BILL 1714 RELATING TO CITIZENS PROPERTY INSURANCE; AND ANNOUNCING THE VILLAGE OF PALMETTO BAY'S OPPOSITION TO SB 1714; PROVIDING AN EFFECTIVE DATE.

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

Vice Mayor Pariser noted that he had provided information to the Council at a recent Committee of the Whole Meeting and he feels this is an important and appropriate item to include in the legislative packet.

Councilman Tendrich called the question. 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

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, CREATING CHAPTER 7 14, DIVISION II, RELATING TO BURGLAR ALARMS; UPDATING AND AMENDING THE CODE FOR CLARIFICATION PURPOSES TO REFLECT A CALENDAR YEAR REGISTRATION PERIOD, A DEFINITION OF PROPERTY OWNER, CLARIFICATION THAT THE VILLAGE'S FINANCE DEPARTMENT SHALL MAINTAIN RECORDS AND IMPLEMENT THE ORDINANCE, AND TO CLARIFY THE FEE SCHEDULE; AND PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis provided staff report.

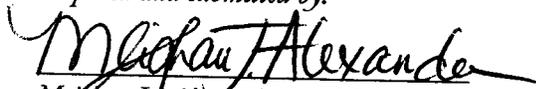
Mayor Stanczyk opened the public hearing. No one wished to be heard.

Vice Mayor Pariser called the question. All voted in favor. The Ordinance was adopted unanimously (5-0.)

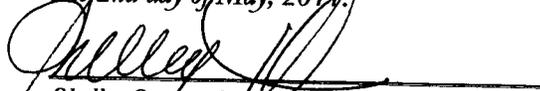
13. **OTHER BUSINESS:** None at this time.
14. **COUNCIL COMMENTS:** None at this time.
15. **NEXT MEETING AND ADJOURNMENT**

The Meeting was officially adjourned at 11:35 pm.

Prepared and submitted by:


Meghan J. Alexander, CMC
Village Clerk

*Adopted by the Village Council on
this 2nd day of May, 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.