

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of June 6, 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 7:05 p.m. Mayor Stanczyk asked the Eagle Scouts and all military veterans to come forward and lead the pledge of allegiance.

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

A. Recognition of Eagle Scouts

Mayor Stanczyk invited the Eagle Scouts to come forward and be recognized. The following men were given proclamations: Perry Adair, Timothy Brown, Ty Cather Cramer, Evan M. Hacker, Ronald Quintin Kelly, Emerson Thomas King, Dylan Matthew Lowe, Trevor J. Lundquist, Lee Alexander Seifer, Charles Ellwood Stiver, III, Jonathan Happel, Tyler Rabbage, Ryan Lendic, and Tyler Gatte. The Mayor and Council thanked Scout Masters Julie Ziska and Jim Happel for their dedication.

B. Mayor Stanczyk provided a proclamation to Jackson South Community Hospital in honor of June being named Men's Health Month.

3. APPROVAL OF MINUTES

A. Minutes of the May 2, 2011 Regular Council Meeting: Clerk Alexander provided Minutes, as revised by Vice Mayor Pariser. Councilman Tendrich moved to approve the Minutes, as corrected. Seconded by Councilman Fiore. All voted in favor. The Minutes were approved unanimously (5-0.)

4. CONSENT AGENDA

A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PEST CONTROL SERVICES; AUTHORIZING ORANGE PEST CONTROL & SERVICES INC. TO PROVIDE PEST CONTROL SERVICES AT MULTIPLE VILLAGE OWNED FACILITIES; FURTHER AUTHORIZING THE

VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$1,440; AND PROVIDING FOR 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 \$30,420.77; 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 AN EXTENSION TO THE CONTRACT WITH RONALD L. BOOK, P.A. AND ROBERT M. LEVY FOR STATE LEGISLATIVE SERVICES IN THE AMOUNT OF \$4,000.00 PER MONTH THROUGH THE END OF THE 2011 CALENDAR YEAR; PROVIDING FOR AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ENVIRONMENTAL PROTECTION; SUPPORTING THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) IN ITS OPPOSITION TO THE FEDERAL ENVIRONMENTAL PROTECTION (FEPA) AGENCY JANUARY 14, 2009 "DETERMINATION" RELATING TO IMPOSED NUMERIC NUTRIENT CRITERIA FOR THE STATE OF FLORIDA; THE FEPA STANDARDS RELATING TO MANAGING NITROGEN AND PHOSPHORUS POLLUTION IN FLORIDA DOES NOT CONSIDER AND PROPERLY EVALUATE THE STANDARDS ALREADY CREATED BY FDEP; AND EXPRESSING SUPPORT FOR THE FDEP PETITION TO RESCIND THE FEPA "FINDING OF NECESSITY"; PROVIDING AN EFFECTIVE DATE. [Sponsored by Council Person Howard Tendrich].

Clerk Alexander advised that each item was timely pulled by Councilman Fiore. Mayor Stanczyk announced that each item would be added at the end of the Resolutions listed on the Agenda.

- 5. **REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Warren Lovely, 15323 SW 74 Place – he provided copies of a newspaper article to the Clerk; Eric Tullberg, 7884 SW 179 Street; and Andy Newman, 17474 SW 79 Court.

6. **VILLAGE MANAGER'S REPORT**

Manager Williams advised that staff is diligently working on the budget and received the recent property appraiser evaluation, which was provided to the Council. He announced that public hearings will be scheduled for September 12 and September 26th. He noted that the valuation is approximately 2.4% lower, which will require expense adjustments. He

further reported that the staff met on May 25th for hurricane preparedness and is working hard to make sure that all are well-prepared. He thanked staff for the tennis block party that was held on June 5th. He noted that it was well-attended, with approximately 500 children and their parents.

Clerk Alexander provided an update of the Council calendar: June 13 at 7 pm – Zoning hearing; July 11th at 7 pm – Regular Council Meeting; July 19 at 6:30 pm – Palmer Zoning Hearing at Christ Fellowship Church, 8900 SW 168 Street; and Budget hearings on September 19 & 26.

7. VILLAGE ATTORNEY'S REPORT

A. June, 2011 Update: Attorney Boutsis provided her report.

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 THE BUILDING AND PERMITTING ADVISORY BOARD, APPOINTING TEN (10) MEMBERS TO THE VILLAGE OF PALMETTO BAY BUILDING AND PERMITTING ADVISORY BOARD; AND, PROVIDING AN EFFECTIVE DATE.

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

The following nominations were made, with subcommittees assigned:

Mayor Stanczyk:

Linda Bell – Residential subcommittee

Ed Ludovici – Commercial subcommittee

Vice Mayor Pariser:

Ricardo Herrera – residential

Guillermo Valdes-Fauli – commercial

Councilwoman Lindsay:

Maria Carolina Flor – commercial

Gary Amore – residential

Councilman Tendrich:

Louis Kallinosi – residential

Rainer Schael – commercial

Councilman Fiore:
Alvin Siegel – commercial
Chet England – residential

Councilwoman Lindsay asked the Village Clerk to insure that the nominees met the qualifications. Mayor Stanczyk asked staff to contact the newly-appointed board members.

Councilman Tendrich moved to approve the nominations and include them on the Resolution. Seconded by Councilwoman Lindsay. All voted in favor. The Resolution was approved unanimously (5-0.)

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RESPECTFULLY REQUESTING THAT MIAMI-DADE COUNTY CO-DESIGNATE THE PORTION OF SW 77 AVENUE THAT FALLS WITHIN THE BOUNDARIES OF THE VILLAGE OF PALMETTO BAY, ESSENTIALLY FROM SW 144 STREET TO SW 152 STREET IN HONOR OF SAMANTHA JADE TREBBI; PROVIDING FOR AN EFFECTIVE DATE. [Sponsored by Mayor Shelley Stanczyk]

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

Mayor Stanczyk provided the report. She noted that the Village's process of naming streets and building in our communities is done in April; however, this roadway is a County roadway and she was contacted by residents, asking for support on this matter. She asked the parents of Samantha Jade Trebbi to address the Council.

Mr. Bob Trebbi and wife April Trebbi thanked Mayor Stanczyk for agreeing to consider their request. Mr. Trebbi provided a biography of his daughter and expressed how kind and loving she was to all. The charitable organization, "Smiles for Samantha" was formed in memory of their daughter. Mrs. Trebbi noted that she received over 2,000 signatures from teachers, students, family, and neighbors who are supported of naming the street after her. Erzsebeth Horvath, representing Dr. Larry Feldman's office, provided a letter of support from the School Board Member.

Councilman Fiore stated that the roadway is within his district. He recalled that he had dedicated the last two weeks of his campaign to a child who had died of a similar illness. He indicated his support and expressed that he was sorry for the Trebbi's loss.

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

Vice Mayor Pariser expressed his sympathy. He stated; however, that the Village had previously heard many negative comments about re-naming and naming roads. He noted the distinction that this is not a village road, but a Miami-Dade County road and the final decision is in the hands of the Miami-Dade County Commission.

Councilwoman Lindsay also stated her sympathy, noting that she was April's teacher many years ago at Southwood Middle School. She asked staff to establish systematic guidelines so that the Council can follow specific procedures. She suggested a workshop to come up with the best way to honor children and loved ones that we have lost.

Councilman Tendrich agreed that there should be a better way to honor someone. He suggested a donation to a charity, such as "Smiles for Samantha" seems more appropriate.

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

- C. 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 "THALATTA FOUNTAIN OF YOUTH" AS DESIGNED BY REBECCA THOMPSON & AUGUSTINA DROZE TO MEET THE AIPP REQUIREMENTS FOR THE THALATTA PARK, LOCATED AT 17301 OLD CUTLER ROAD; 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 \$30,000; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams introduced the item and asked Planning and Zoning Director Darby Delsalle to provide staff report.

Director Delsalle reported that following the national search, four artists were selected to present their piece before the Board. Through discussions and input from the Parks Department, the Board felt that this particular piece was the best selection. Additionally, staff felt that relocation of the piece to the rear of the facility was appropriate. He explained the historical reference of the artwork and offered the three conditions: replace the shoe prints with bare feet; one of the symbols on the metal supports be replaced with the image of a manatee; and final location to be determined by the parks department.

Mayor Stanczyk remarked that the Council had previously discussed modifying this ordinance. She explained that while information concerning the other artwork

discussed was provided, the other presentations are not being considered. She expressed that the will of the council was that the Council would have three choices.

Manager Williams opined that the direction to the board was to insure that the Council was provided with minimally three finalists. The Board submits their recommendation and the Council makes their final decision.

Councilman Tendrich stated he was pleased with the selection. He asked the location of the artwork.

Manager Williams noted that the final decision will be made through the Parks department; however, the staff is considering the east side of the facility.

Councilman Tendrich wondered if the artwork might conflict with tents that would be installed for weddings and events. Manager Williams concurred; adding that the Parks Department is considering this.

Councilwoman Lindsay expressed her concern with water conservation and the cost of operating a water element piece of art work.

Manager Williams noted that the piece will use reclaimed water and the cost of electricity is minimal. He noted that from an operating perspective, staff will comply with all water restrictions.

Discussion ensued regarding the location of the artwork. Manager Williams advised that the artists were aware of the possibility of relocation of the piece.

Councilman Fiore asked for clarification concerning the cost. Manager Williams advised that the funds were part of the requirement from Miami-Dade County.

Vice Mayor Pariser asked if the cost was based upon a percentage of the cost of the entire project. Manager Williams confirmed that it was.

Councilman Tendrich moved to approve the Resolution. Seconded by Vice Mayor Pariser. The Resolution passed (3 to 2, Mayor Stanczyk and Councilman Fiore voting in the opposition.)

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO FPL; ISSUING THE VILLAGE'S AGENCY REPORT ON FLORIDA POWER AND LIGHT TURKEY POINT UNITS 6 & 7 PROJECT SITING APPLICATION PA03-45A3 AND TRANSMISSION LINE CORRIDOR (EAST PREFERRED CORRIDOR) BETWEEN DAVIS AND MIAMI SUBSTATIONS; REQUIRED TO BE ISSUED BY JUNE 1, 2011; RECOMMENDED DENIAL OF THE APPLICATION AND CONDITIONS RELATING TO SAME; PROVIDING AN EFFECTIVE DATE.

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

Attorney Boutsis provided staff report, noting that the agency report is due by the 15th of this month. She offered a substituted item that recommend denial or in the alternative, issuance of the report with conditions.

Councilman Tendrich asked if the Village has specifically approved the Pinecrest and Coral Gables Preferred Corridor. Attorney Boutsis replied that the Village had not. He suggested removing that language.

Councilman Tendrich moved to consider the substituted item. Seconded by Councilwoman Lindsay. All voted in favor. The Motion carried.

Vice Mayor Pariser asked if the Village would be rejecting the alternate corridor if it eliminates the language, as suggested by Councilman Tendrich. Attorney Boutsis advised that Doral and City of Miami withdrew their alternate corridors.

Councilman Tendrich moved to delete the language concerning the Pinecrest and Coral Gables preferred corridor. Seconded by Councilman Fiore. The motion failed (2 to 3, Mayor Stanczyk, Vice Mayor Pariser, and Councilwoman Lindsay opposed.)

Councilman Fiore expressed his displeasure with the Village's involved in this matter.

Vice Mayor Pariser moved to approve the substituted Resolution. Seconded by Councilwoman Lindsay. Following brief discussion, the Resolution was approved (4 to 1, Councilman Tendrich opposed.)

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PEST CONTROL SERVICES; AUTHORIZING ORANGE PEST CONTROL & SERVICES INC. TO PROVIDE PEST CONTROL SERVICES AT MULTIPLE VILLAGE OWNED FACILITIES; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$1,440; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilman Fiore expressed that he does not agree with the concept of a Consent Agenda. He asked if this contract was bid appropriately.

Manager Williams replied that is was. He added that the agenda is bound by the ordinance and staff remains prepared to discuss any item in detail.

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

- F. 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 \$30,420.77; PROVIDING AN EFFECTIVE DATE.

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

Councilman Fiore asked how much was spent on the Palmer litigation and the amount spent on the FPL matter.

Attorney Boutsis stated that this month's bill included \$8,500 for Palmer and approximately 10 to 15 hours on FPL. She stated that she could review and provide the exact amount to Councilman Fiore at a later time.

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

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA RELATING TO STATE LEGISLATIVE SERVICES; AUTHORIZING AN EXTENSION TO THE CONTRACT WITH RONALD L. BOOK, P.A. AND ROBERT M. LEVY FOR STATE LEGISLATIVE SERVICES IN THE AMOUNT OF \$4,000.00 PER MONTH THROUGH THE END OF THE 2011 CALENDAR YEAR; PROVIDING FOR AN EFFECTIVE DATE.

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

Councilman Fiore opined that hiring a lobbyist does not seem appropriate at a time when the current policies in the State of Florida appear to be contrary to the possibility of Village having success in Tallahassee.

Councilman Tendrich stated that the Village has not received funds from the State for some time. He asked what else the lobbyist does besides solicit funds.

Manager Williams thanked the Council members for their concern; noting that while the Village has not received a great deal of money recently; the Council passed several policy resolutions, such as addressing canal bank enhancement, that the lobbyist help present to the legislators. He added that the Village needs to have representation at the State level particularly due to the numerous legislators recently elected who may not be familiar with our Village. He concluded that the lobbyists open the doors for the Village and facilitate meetings.

Following brief comment, Councilwoman Lindsay asked the amount the Village spent in the past for both federal and state lobbyists.

Manager Williams replied that the Village was spending \$72,000 in federal lobbyists; \$6,000 monthly for State lobbyists.

Vice Mayor Pariser thanked the Manager for negotiating this reduction of fees. He added that the lobbyists have a good track record.

Mayor Stanczyk called the question. The Motion carried 4 to 1, Councilman Fiore being opposed. The Resolution passed.

- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ENVIRONMENTAL PROTECTION; SUPPORTING THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) IN ITS OPPOSITION TO THE FEDERAL ENVIRONMENTAL PROTECTION (FEPA) AGENCY JANUARY 14, 2009 "DETERMINATION" RELATING TO IMPOSED NUMERIC NUTRIENT CRITERIA FOR THE STATE OF FLORIDA; THE FEPA STANDARDS RELATING TO MANAGING NITROGEN AND PHOSPHORUS POLLUTION IN FLORIDA DOES NOT CONSIDER AND PROPERLY EVALUATE THE STANDARDS ALREADY CREATED BY FDEP; AND EXPRESSING SUPPORT FOR THE FDEP PETITION TO RESCIND THE FEPA "FINDING OF NECESSITY"; PROVIDING AN EFFECTIVE DATE. [Sponsored by Council Person Howard Tendrich].

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

Councilman Tendrich stated that he would like to withdraw the item. Vice Mayor Pariser noted that, procedurally, the Council may have to vote the item down. Attorney Boutsis concurred.

Following brief discussion, the Council voted unanimously against the matter.

The Council took a brief two minute break.

10. RESOLUTIONS REQUIRING PUBLIC HEARING

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 30-90, ENTITLED "SIGN REGULATIONS"; PROVIDING FOR WINDOW SIGNS THAT MAY NOT COVER MORE THAN 25% OF THE WINDOW; 75% OF WINDOW MUST BE TRANSLUCENT/SEE THROUGH; REGULATING

TEMPORARY SIGNS UNIFORMLY AS TO SIZE, AND DURATION, INCLUDING POLITICAL SIGNS, REAL ESTATE SIGNS, AND PERSONAL EXPRESSION SIGNS; AND MODIFYING THE NUMBER OF SPECIAL EVENT BANNERS ALLOWED PER YEAR IN COMMERCIAL AND MIXED USE DISTRICTS; AND PROVIDING FOR CLARIFICATION AS TO CERTAIN PROVISIONS OF SIGNAGE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Mayor Shelley Stanczyk as to election signage modifications; Vice Mayor Pariser as to election signage; and sponsored by Council Person Tendrich as to special event signage and election signage; and remainder of revisions recommended by staff].

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

Attorney Boutsis provided staff report. She discussed the election signs and the necessity to have uniformity, as the content of signs cannot be considered when mandating the size of signs. She advised the Council of the various modifications included in the Ordinance.

Vice Mayor Pariser stated that he had received complaints from residents that political signs were up for too long. He stated that in order to re-write an election sign ordinance and comply with free speech requirements, there must be “give and take, for example, if you want to shorten the length of time for display of political signs, all signs must have the same length of time. He added that he is concerned with increasing the realtor signs to 620 square inches, when they are currently 144 square inches. He expressed concern regarding page 6, as there are different qualifying periods throughout the state and federal elections and an extension should be considered for run-off elections.

Attorney Boutsis advised that political signs must be removed seven days following the end of the election.

Vice Mayor Pariser asked for clarification regarding the meaning of “an approved extension for run-off elections.” Attorney Boutsis stated that staff would have the discretion to approve an extension.

Mayor Stanczyk asked how real estate signage would be extended. Attorney Boutsis replied that multiple extensions could be given.

Councilman Tendrich stated that he believed real estate signs should not be increased to 620 square inches. He also expressed that the varying qualifying periods through the State, national, county, and local elections could be difficult.

Attorney Boutsis noted that she would be concerned with challenges regarding federal campaigns.

Following brief discussion, Councilman Tendrich stated that the language that states removing real estate signs, "within 7 days of sale" should read "7 days after closing."

Manager Williams recalled that when the Council made the change to the size of realtor signs in the past, for the next public hearing, many realtors came forward concerned with the size of signs. He suggested that the Council may want to get the stakeholders to the table so that the council can address any concerns.

Clerk Alexander provided Vice Mayor Pariser with several qualifying dates that he read for the Council's edification.

Councilman Tendrich moved to table the item to the next Committee of the Whole meeting. Seconded by Councilwoman Lindsay. All voted in favor (5-0.)

12. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CHAPTER 22, ARTICLE II ENTITLED "RESIDENTIAL GARAGE SALES" TO CHANGE THE TITLE TO "GARAGE SALES" AND TO PROVIDE FOR FOUR GARAGE SALES PER YEAR; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Mayor Shelley Stanczyk].

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

Attorney Boutsis provided staff report.

Mayor Stanczyk opened the public hearing. The following individuals addressed the Council: Dottie Barton; Judy Jones, 14760 SW 79 Court; Eric Tullberg, 7884 SW 179 Terrace; and Beatriz Herman, 17251 SW 86 Avenue.

Attorney Boutsis noted that the Manager is allowed discretion to expand the number.

Councilwoman Lindsay stated that the Council remains concerned about quality of life and garage sales can be nuisances with people parking on swales, noise, etc. She stated that she is not opposed to garage sales or this ordinance, but she is concerned with quality of life.

Councilman Tendrich remarked that two is enough. He stated that a person could ask for an exception if they needed more.

Councilman Fiore remarked that the Village should not regulate garage sales.

Mayor Stanczyk called the question. The Resolution passed (4 to 1, Councilman Tendrich opposed.)

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PRECLUDING CAMPAIGN CONTRIBUTIONS TO VILLAGE COUNCIL CANDIDATES BY VENDORS; PROVIDING FOR A FINANCIAL PENALTY TO ANY VIOLATING VENDOR, AND A DISQUALIFICATION OF THE VENDOR FOR A PERIOD OF TWO YEARS FOLLOWING THE ELECTION FROM DOING BUSINESS WITH THE VILLAGE; CORRECTING ELECTION DATE AS MODIFIED IN THE VILLAGE'S CHARTER PROVIDING THE ELECTION IN NOVEMBER AND NOT SEPTEMBER; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Vice Mayor Brian W. Pariser].

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

Vice Mayor Pariser provided a report. He noted that this is not a new concept; South Miami and Miami Beach have similar ordinances. He suggested the prohibition from doing business should be one year. He added that the Village, through the Clerk's office, could include language that addresses vendor's campaign contributions on any procurement action.

Mayor Stanczyk stated that the first time she ran she was given a complete list of all vendors involved in the village. She stated that the Clerk could provide the list to the candidate.

Vice Mayor Pariser noted that the penalty is on the vendor, not the candidate.

Councilman Tendrich asked if a vendor's employees would be prohibited also. He asked how a policeman's donation would be addressed, as they are employees of the County.

Attorney Boutsis advised that the legal entity would be prohibited, not particular employees.

Manager Williams asked for clarification on "violating and forfeiting rights and services immediately terminate." He stated that if a drainage contractor is forced to terminate in the middle of a project, it would be a problem.

Vice Mayor Pariser moved to amend the period of prohibition from two years to one year. Attorney Boutsis stated that the caption would be amended also. Councilman Tendrich seconded the motion.

Mayor Stanczyk opened the public hearing. The following individuals addressed the Council: Peter England, 7620 SW 141 Street; Bev Gerald, 14271 SW 74 Court; Warren Lovely, 13833 SW 74 Place; and, Eric Tullberg, 7884 SW 179 Terrace.

Vice Mayor Pariser reiterated his previous motion. The motion carried (3 to 2, Mayor Stanczyk and Councilman Fiore opposed.)

Vice Mayor Pariser moved to amend the Ordinance to include a reference that the Clerk shall provide candidates a list of vendors, as well as the fact that this ordinance and prohibition shall be stated on any procurement action and/or solicitation for services. Councilwoman Lindsay seconded. All voted in favor. The motion carried unanimously (5-0.)

Vice Mayor Pariser moved to amend the Resolution to include in subsection (c) that termination would include the language, "upon completion of pending tasks, as directed by Village Manager." Seconded by Councilman Tendrich. Following brief comment, the motion carried unanimously (5 to 0.)

Councilman Tendrich moved to remove the language on Page 3 of 4, lines 29 and 30. Seconded by Councilwoman Lindsay. All voted in favor. The motion carried unanimously (5 to 0.)

Councilman Tendrich moved to adopt the Ordinance, as amended. Seconded by Vice Mayor Pariser. All voted in favor. The Ordinance was adopted unanimously (5 to 0.)

13. OTHER BUSINESS: None at this time.

14. COUNCIL COMMENTS

Councilman Tendrich commented that he concurs with the recent remark that public comments should be part of the Charter Review Commission meetings. Mayor Stanczyk noted that the Commission is an advisory committee and at one meeting, the courtesy was extended to the public and abused. Councilman Tendrich reiterated that the public should be permitted to speak. Mayor Stanczyk suggested that Councilman Tendrich contact a member of the Commission and express his thoughts. Attorney Boutsis suggested an ordinance wherein all advisory boards include public comment. Councilwoman Lindsay stated that the current advisory committees don't include public comment. Vice Mayor Pariser noted that there will be a public workshop scheduled this Fall to hear the public with regard to the Charter. He concluded that this is not a closed process.

Vice Mayor Pariser remarked that he attended the recent tennis block party and had a nice time. He spoke to some of the professionals, who are very pleased.

15. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 10:50 pm.

Prepared and submitted by:



*Mcghan J. Alexander, CMC
Village Clerk*

Adopted by the Village Council on this 11th day of July, 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.