

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of March 3, 2014
Village Hall Chambers
9705 East Hibiscus Street

1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

Mayor Shelley Stanczyk
Vice Mayor John DuBois
Council Member Patrick Fiore
Council Member Tim Schaffer
Council Member Joan Lindsay

Staff present:
Village Manager Ron E. Williams
Interim Village Attorney John DuBois
Village Clerk Meighan J. Alexander

Mayor Stanczyk called the meeting to order at 7:05 p.m. She asked Scout members of Troop 457 to lead the pledge of allegiance.

- 2. DECORUM STATEMENT:** Clerk Alexander read the following decorum statement: Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Village of Palmetto Bay Council shall be barred from further audience at this meeting before the Village of Palmetto Bay Council by the presiding officer, unless permission to continue or again address the council be granted by the majority vote of the council members.

3. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Recognition of Southwood Superstars Dance Team – 2013-14: Mayor Stanczyk and the Council presented the team members with individual certificates and thanked the coaches and parents for their support.
- B. Recognition of Officer Alex Rodriguez – 30 Years of Service (Commander Truitt): Commander Truitt provided a history of Officer Rodriguez’s outstanding career and recognized his family.

4. APPROVAL OF MINUTES

- A. Minutes of the Special Council Meeting of January 23, 2014
- B. Minutes of the Special Council Meeting of February 3, 2014
- C. Minutes of the Regular Council Meeting of February 3, 2014

Clerk Alexander advised of a scrivener’s error in the Minutes of Regular Council Meeting of February 3rd, page 7 of 7; the words should read “full complement”,

rather than "quorum". She thanked Councilwoman Lindsay for her assistance. Vice Mayor DuBois moved to amend, as stated. Seconded by Councilwoman Lindsay. All voted in favor.

Vice Mayor DuBois moved to approve all sets of Minutes, as amended. Seconded by Councilwoman Lindsay. All voted in favor. The Minutes were approved.

5. **REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Henry Clifford, 8875 SW 171 Street; Rene Santamaria, 14720 SW 87 Court; Chuck Latshaw, 8825 SW 154 Terrace;; George Phelps, 14000 SW 72 Avenue; and, Jose DeLeon, 9025 SW 158 Street.

6. **CONSENT AGENDA**

- 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 GRAYROBINSON, P.A. IN THE AMOUNT OF \$10,547.50; PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GRANTS; AUTHORIZING THE VILLAGE MANAGER TO SUBMIT A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT UNDER THE FY 2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR \$5,728 TO PURCHASE NEEDED POLICE AND SURVEILLANCE EQUIPMENT; AUTHORIZING THE VILLAGE MANAGER TO SIGN THE GRANT APPLICATION AND OTHER RELATED DOCUMENTS ON BEHALF OF THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CANAL MAINTENANCE; AUTHORIZING ADVENTURE ENVIRONMENTAL, INC. TO PROVIDE MAINTENANCE SERVICES FOR SECONDARY SYSTEM CANAL SW MARAL ESTATES AND BELAIRE SECTION CANAL IN SECTIONS 28 & 33, TOWNSHIP 55 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$44,000; AND PROVIDING FOR AN EFFECTIVE DATE.

Clerk Alexander advised that no Council member had timely pulled any item from the Consent Agenda.

Vice Mayor DuBois moved to approve the Consent Agenda items. Seconded by Councilman Schaffer. All voted in favor. The Resolutions were passed unanimously (5-0.)

7. VILLAGE MANAGER'S REPORT

Manager Williams thanked Parks Director Fanny Carmona-Gonzalez and her staff for their hard work that made the annual picnic a success once again. He thanked the Council for their participation. He announced and acknowledged that the Building Department has recently been reviewed by the Insurance Services Offices and out of 682 Building Departments throughout the State, the Village is currently in the top six percent for excellent service.

Manager Williams noted that Communications Manager Bill Kress reported that approximately 500 responses were received in the survey concerning the Downtown Redevelopment effort, with the majority being supportive.

- A. Village Police Commander Report: Commander Gregory Truitt provided a report concerning the village police force's recent activity. He advised that there have been some increase in strong arm robberies, particularly individuals stealing cell phones. He encouraged all to report suspicious activity.

Manager Williams advised that Councilman Fiore had asked to discuss the mid-year budget process and staff will schedule that discussion for the Committee of the Whole meeting at the end of the month.

Clerk Alexander updated the calendar.

8. VILLAGE ATTORNEY'S REPORT

- A. February, 2014 Report: Attorney Herin noted that his written report was provided. Mayor Stanczyk asked when the EQCB hearing will be held. Attorney Herin stated that the hearing is scheduled for next month; he'll provide the date to staff.

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

10. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGE ATTORNEY; SELECTING _____ TO SERVE AS VILLAGE ATTORNEY; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE A CONTRACT THAT SHALL RETURN TO COUNCIL FOR APPROVAL; PROVIDING AN EFFECTIVE DATE.

Vice Mayor DuBois moved this item forward. Seconded by Councilman Schaffer.

Following discussion, Clerk Alexander explained the ballots. The first round of voting resulted in the following tallies: Two votes for Lehtinen, Schultz, Riedi, Catalano & de la Fuente, Two votes for Attorney John Dellagloria, and one vote for Lydecker Diaz. The second round of voting resulted in a unanimous vote for Lehtinen, Schultz, Riedi, Catalano & de la Fuente.

Vice Mayor DuBois moved to amend the Resolution to insert the firm of Lehtinen, Schultz, Riedi, Catalano & de la Fuente. Seconded by Councilwoman Lindsay. All voted in favor.

Vice Mayor DuBois moved to approve the Resolution. Seconded by Councilwoman Lindsay. All voted in favor. The Resolution passed unanimously (5-0.)

Attorney Dellagloria thanked the Council.

Attorney Lehtinen expressed his appreciation.

Manager Williams advised that he will negotiate the contract and return for Council's approval in April.

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

Vice Mayor DuBois moved the item forward. Seconded by Councilman Schaffer.

Clerk Alexander explained that as another vacancy will be pending the following month (due to a previous clerical error), staff contacted Councilwoman Lindsay and she expressed her desire to re-new Mr. Henry Clifford's membership to the Board. Mr. Clifford agreed to serve.

Councilwoman Lindsay moved to add Mr. Henry Clifford (Councilwoman Lindsay appointment) and Mr. Craig Grossenbacher (Mayor Stanczyk's appointment). Councilman Schaffer seconded the motion. All voted in favor.

Vice Mayor DuBois moved to approve the revised Resolution. Seconded by Councilman Schaffer. 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 LOCAL POLICE SERVICES INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY; EXTENDING POLICE SERVICES AGREEMENT FOR FIVE YEARS; AUTHORIZING TRANSMISSION TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY PROVIDING AN EFFECTIVE DATE.

Mayor Stanczyk asked the Clerk to read the item.

Manager Williams provided staff report and asked Commander Truitt to introduce his colleagues from Miami-Dade Police Department.

Commander Truitt thanked the Council and introduced Chief Hernan Organvidez, Captain Darin Rock, and Lieutenant Suzanne Lauton.

Chief Organvidez thanked the Council and expressed his gratitude to Commander Truitt for his leadership.

Mayor Stanczyk asked if the Police Department felt satisfied with the equipment provided.

Commander Truitt replied that the Unit is proud to be one of the best equipped in the county.

Councilman Schaffer asked the status of filling vacancies in the Unit, due to recent retirees.

Chief Organvidez advised that the County has been readjusting manpower and will be realigning the department and downsizing some investigative units. He stated that the Miami-Dade Police Department will be meeting all obligations of the contract.

Vice Mayor DuBois asked the number of cities contracted and which cities have favored nations' clauses.

Chief Organvidez replied that there are three contracted cities and only Palmetto Bay has a favored nation's clause.

Councilman Fiore took the opportunity to thank Attorney Herin for his service to the Village. He also thanked Commander Truitt for his leadership.

Vice Mayor DuBois asked how this contract compares financial to the previous contract.

Manager Williams advised the contract is approximately \$6,000,000. He noted that there has been some focus in the media lately due to police union contracts and as the 5% insurance issue has recently been in the news, that 5% results in approximately \$150,000. He stated that it is difficult to give an exact figure, as the amounts are based upon the annual contract. Manager Williams advised that the County brings forth a proposed set of numbers; administration analyzes the figures, and moves forward with Council in adoption of the budget. He advised that staff modified the contract to insure that indirect burden is reported clearly.

Councilman Schaffer moved to approve. Seconded by Vice Mayor DuBois. All voted in favor. The Resolution passed unanimously (5-0.)

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PUBLIC NOTICE; DIRECTING THE VILLAGE CLERK TO POST ALL

PUBLIC/SUNSHINE NOTICES ON THE VILLAGE'S WEBSITE; PROVIDING AN EFFECTIVE DATE. (Sponsored by Vice Mayor John DuBois.)

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

Vice Mayor DuBois provided his reasons for this proposed Resolution.

Vice Mayor DuBois moved to approve. Seconded by Councilman Fiore. All voted in favor. The Resolution passed unanimously (5-0.)

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE SAFE ROUTES TO SCHOOL INFRASTRUCTURE PRIORITY 1 FOR HOWARD DRIVE ELEMENTARY AND CORAL REEF ELEMENTARY SCHOOL IMPROVEMENTS; APPROVING THE SELECTION OF WRANGLER CONSTRUCTION, INC., TO PROVIDE CONSTRUCTION SERVICES; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$159,553.56; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Schaffer moved this item forward. Seconded by Vice Mayor DuBois.

Manager Williams introduced this item, advising that this is a federal program passed through the State to encourage riding and biking. He noted that this particular resolution involves Howard Drive and Coral Reef Elementary Schools.

Public Works Director Corrice Patterson provided further information. She advised that five contractor bid on this project that was approved through a MPO grant. She explained that Florida Department of Transportation is responsible for approving recommendations and concurs with the Village.

Vice Mayor DuBois noted that the memorandum notes the budgeted amount of \$159,553.56. He asked if this was a specific budgeted amount.

Director Patterson advised that the amount is what was received in the contractor's proposal.

Councilman Schaffer moved to approve. Seconded by Vice Mayor DuBois. 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, SUPPORTING THE MIAMI-DADE COUNTY PUBLIC SCHOOLS 2014 STATE LEGISLATIVE PRIORITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Shelley Stanczyk.)

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

Mayor Stanczyk provided her reasoning; she stated that this is a consistent position to support quality public schools for children.

Vice Mayor DuBois remarked that this item appears to be very similar to the United Teachers of Dade (UTD) position.

Mayor Stanczyk stated that UTD is concerned with the position of support teachers. She explained that union negotiation issues for the teachers are more the focus for the UTD legislative position.

Vice Mayor DuBois stated that the Mayor's position appears to restrict funds provided to charter schools in order to provide funding to the public schools.

Vice Mayor DuBois moved to approve this resolution. Seconded by Councilwoman Lindsay. 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, SUPPORTING THE UNITED TEACHERS OF DADE IN OPPOSITION TO LEGISLATION INCREASING THE NUMBER AND CAPACITY OF CHARTER SCHOOLS; FURTHER OPPOSING THE EXPANSION OF CORPORATE TAX CREDIT VOUCHERS; PROVIDING FOR DISTRIBUTION BY THE VILLAGE CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Shelley Stanczyk.)

Vice Mayor DuBois moved this item forward. Seconded by Councilman Schaffer.

Mayor Stanczyk explained that this item focuses on opposition to the expansion of corporate tax credit vouchers. She advised that corporate tax credit vouchers are funded through sales tax percentages; therefore, if a tax credit voucher is expanded the share to municipalities may change.

Councilman Schaffer expressed that government should not be supporting a union's position; rather, the village should consider supporting a particular issue.

Mayor Stanczyk explained that the opposition to this issue is something that will benefit this Village, as the revenue to the Village can be impacted.

Councilman Schaffer suggested removing reference to the union. He moved to do so. Seconded by Vice Mayor DuBois. Clerk Alexander suggested modifying the language by indicating the line.

Councilman Fiore cautioned the Council, as a charter school will be coming before the Council in the next few weeks. He stated that the Village should consider removing the language with reference to charter schools.

Vice Mayor DuBois asked for the Village Attorney to provide his opinion.

Attorney Herin advised that it is appropriate to consider this resolution; however, he advised the Council to be certain that it follows the Village Code when the Charter School matter comes before the Council on a quasi-judicial matter.

Councilman Schaffer suggested removing some of the "strong" language, such as line 29.

Mayor Stanczyk stated that she would not be opposed to removing the language.

Councilman Schaffer moved to remove lines 29-31. Vice Mayor DuBois suggested removing line 40, as well.

Clerk Alexander reviewed the revisions.

Councilman Schaffer moved to include the revisions read by the Village Clerk and amend the Resolution accordingly. Seconded by Vice Mayor DuBois. All voted in favor.

Councilman Schaffer moved to approve the resolution, as revised. Seconded by Vice Mayor DuBois. All voted in favor. The Resolution passed unanimously (5-0.)

- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE FLORIDA LEAGUE OF CITIES AND LEGISLATION THAT PROTECTS GENERAL REVENUES COLLECTED UNDER THE COMMUNICATION SERVICES TAX; OPPOSING SENATE BILL 266; PROVIDING FOR DISTRIBUTION BY THE VILLAGE CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Shelley Stanczyk.)

Vice Mayor DuBois moved this item forward. Seconded by Councilman Schaffer.

Mayor Stanczyk explained that the Village is concerned about revisions to this rate that is provided through the State.

Councilman Fiore remarked that from a consumer standpoint, a reduction is positive.

Manager Williams advised that it will negatively impact the Village.

Councilman Schaffer moved to approve. Seconded by Councilwoman Lindsay. The Resolution passed (4-1, Councilman Fiore being opposed.)

- I. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE FLORIDA LEAGUE OF CITIES AND LEGISLATION CONCERNING ETHICS; PROVIDING FOR DISTRIBUTION BY THE VILLAGE CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Shelley Stanczyk.)

Vice Mayor DuBois moved this item forward. Seconded by Councilman Schaffer.

Mayor Stanczyk reminded Vice Mayor DuBois that she and he had attended a conference concerning this matter. She remarked that the additional training is positive and the item also contains information concerning enforcement.

Councilman Fiore noted that the civil penalty for someone filing a false complaint is an important aspect of which all should be aware.

Following brief comment, Vice Mayor DuBois moved to approve the resolution. Seconded by Councilwoman Lindsay. All voted in favor. The Resolution passed unanimously (5-0.)

- J. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE FLORIDA LEAGUE OF CITIES AND THE EVERGLADES COALITION IN THEIR EFFORTS TO URGE PROTECTIVE LEGISLATION CONCERNING WATER QUALITY AND QUANTITY; PROVIDING FOR DISTRIBUTION BY THE VILLAGE CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Shelley Stanczyk].

Councilman Schaffer moved this item forward. Seconded by Vice Mayor DuBois.

Mayor Stanczyk noted that the impact on water quality and quantity on the economy of our State is important. She stated that this is also in support of Governor Scott's initiative to improve water quality and support the clean-up/restoration of the Everglades.

Councilman Schaffer moved to approve. Seconded by Vice Mayor DuBois. All voted in favor. The Resolution passed unanimously (5-0.)

- K. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA RELATING TO LEGISLATIVE AGENDA; EXPRESSING SUPPORT FOR THE NATIONAL LEAGUE OF CITIES, THE FLORIDA LEAGUE OF CITIES, AND THE FLORIDA ASSOCIATION OF COUNTIES IN ITS EFFORTS TO DELAY IMPLEMENTATION OF BIGGERT-WATERS FLOOD INSURANCE REFORM ACT OF 2012 AND TO ELIMINATE ANY REQUIREMENT TO

IMMEDIATELY INCREASE TO FULL-RISK RATE A PROPERTY OWNER'S INSURANCE PROCURED THROUGH THE NATIONAL FLOOD INSURANCE PROGRAM; PROVIDING FOR DISTRIBUTION BY THE VILLAGE CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Shelley Stanczyk].

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

Mayor Stanczyk provided her reasoning for this item. She noted that the increase in premiums is startling. She advised three bills are coming forward to support the creation of a flood insurance program, but she believe this not appropriate as there is not a wind or homeowner's insurance program. She remarked that some of the bills going forward state that the flood insurance program would be limited to the balance on your mortgage and she is opposed to this.

Councilman Fiore suggested amending this resolution to include modifications to homeowners insurance in order to protect residents from severe increases in insurance premiums.

Mayor Stanczyk suggested that Councilman Fiore may wish to offer a separate resolution and include windstorm, as well.

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

- L. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE LEGISLATIVE PRIORITY OF THE FLORIDA CHAMBER OF COMMERCE CONCERNING TARGETED TAX REFORM, SPECIFICALLY INTERNET SALES TAX; PROVIDING FOR DISTRIBUTION BY THE VILLAGE CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Shelley Stanczyk].

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

Mayor Stanczyk opined that in order to encourage growth of businesses here, the Council should consider passing this resolution, as small brick and mortar stores are being harmed by competition from internet sales.

Vice Mayor DuBois remarked that people who sell on the internet do not necessarily not charge sales tax; this issue concerns out-of-state internet sales. He explained that until there is a global solution for all to pay sales tax equally, he does not believe this is a practical solution.

Mayor Stanczyk stated that the State of Florida does not mandate the collection.

As there was no motion to approve, the matter failed.

Councilman Fiore moved to recommend to the legislator that changes be made to insure affordability of homeowners and windstorm insurance and insure fairness as it relates to excessive surcharges. Mayor Stanczyk stated that she would co-sponsor.

Councilman Schaffer moved to approve. Seconded by Vice Mayor DuBois. All voted in favor. The proposed Resolution passed unanimously (5-0.)

11. **RESOLUTIONS REQUIRING PUBLIC HEARING:** None at this time.

12. **ORDINANCES FOR FIRST READING**

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING CERTAIN SECTIONS OF DIVISION 30-50 AND SECTION 30-60.3 OF THE LAND DEVELOPMENT CODE RELATING TO SHED SETBACKS IN RESIDENTIALLY ZONED DISTRICTS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE [Sponsored by Vice Mayor DuBois].

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

Vice Mayor DuBois provided his reasoning. He noted that, previously, the setback for sheds in the Village was five feet under the County regulations. He suggested the Council consider this setback for sheds under 250 square feet.

Councilwoman Lindsay noted that there is a difference between accessory buildings and sheds.

Planning & Zoning Director Darby Delsalle stated that sheds are of a particular size limitation; all others are accessory structures.

Councilwoman Lindsay asked if an accessory structure is considered when calculating maximum lot coverage.

Director Delsalle stated that any structure with a roof is considered in the calculation.

Councilwoman Lindsay stated that with this Ordinance, the language intends to increase the standard shed size to 250 square feet. She noted that, in the past, 100 square feet and under was considered the size of a shed. She expressed that revision to the ordinance could be problematic, as many sheds could be placed on large properties. She stated that while she is sympathetic to those who have inherited the sheds, to increase the size of sheds and allow these larger structures to be five feet

from an interior property line is not appropriate. She asked for information concerning current non-compliant sheds.

Director Delsalle explained that 13 sheds are currently in the compliance process: one is less than 100 square feet, seven are at 100 square feet, and three are over 100 square feet – the others are of indeterminate size. He noted that all have setback problems.

Councilwoman Lindsay asked when they were installed. Director Delsalle explained that it is difficult to tell; staff relies on aerial photography, but does not hire an architect to determine the age.

Mayor Stanczyk remarked that a 10 foot height is the height of a home. She asked the standard size of a garage. Director Delsalle stated that he does not know if there is a standard garage size. He stated that a shed is measured to the peak. He noted that with a larger structure, height may exclude the larger sheds.

Vice Mayor DuBois stated that the height of a single family home is approximately 13 feet.

Mayor Stanczyk suggested renewing the shed amnesty program.

Vice Mayor DuBois remarked that the ordinance does not suggest allowing residents to install larger sheds that they currently can.

Councilwoman Lindsay stated that the setback for an accessory structure in an Estate-zone is 20 feet; however, this ordinance could reduce that to 7.5 feet.

Councilman Fiore concurred with Councilwoman Lindsay, stating that the shed amnesty program should not have been sunsetted.

Vice Mayor DuBois stated that having a permanent amnesty is not appropriate; the Village should consider changing the code.

Councilwoman Lindsay remarked that if someone has a non-conforming structure and had to replace it, they would have to comply with code. She stated that while she is in favor of helping the residents, if someone did not try to conform and didn't try to in the past when the amnesty was in place, they should not be given amnesty.

Director Delsalle stated that he does not believe an amnesty program is a long term solution. He noted that establishing the age of the shed is difficult. He explained that the Village cannot force neighbors to come forward. He suggested further examination of the code.

Discussion ensued regarding appropriate setbacks and size of sheds. Following discussion, Vice Mayor DuBois suggested a 12 foot lineal and a 144 (12 x 12 foot) maximum with an eight foot roof – and a five foot setback.

Director Delsalle noted that this will provide staff with guidelines for considering a variance.

Vice Mayor DuBois asked if staff will have the authority for administrative variance. Director Delsalle stated that it would be 10%.

Following discussion, Vice Mayor DuBois moved to amend the ordinance to consider the maximum of 144 square feet, with 8 feet in height, and 12 foot lineal setback on any side setback with a five foot setback. Seconded by Councilman Schaffer.

Following comments, the Council decided to discuss this matter further at the March 19th Committee of the Whole meeting.

Councilman Schaffer moved to approve on first reading, as amended. Seconded by Councilman Fiore. All voted in favor. The Ordinance passed on first reading (5-0.)

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

14. OTHER BUSINESS

A. Establishment of a Financial Advisory Committee – Vice Mayor John DuBois explained that he would like to have a committee to provide an advisory report concerning various financial issues.

Councilwoman Lindsay remarked that having an extra committee provide advice may slow the process and also certain issues of the Manager are mandated by charter.

Manager Williams stated that the Committee could provide advice to the Council; however, none of his charter-mandated responsibilities would be affected. He added that the auditor selection committee is mandated by State law.

Following comment, Mayor Stanczyk remarked that larger cities with large budgets may benefit from this type of over-sight; however, she believes that the Council should not abrogate its responsibility.

Vice Mayor DuBois suggested clarifying the language in the paragraph to state that the Committee's responsibilities "shall include, but not be limited to advising the Village Council."

Attorney Herin cautioned the Council to be as specific as possible.

Vice Mayor DuBois moved to remove the language, "not limited to" and add "f. as otherwise directed by the Council."

Councilman Schaffer moved to approve as amended. Seconded by Councilman Fiore. The motion passed (3 to 2, Mayor Stanczyk and Councilwoman Lindsay opposed.)

- B. Drafting of a law to prohibit anonymous Code Compliance complaints – Vice Mayor John DuBois explained the purpose of this item.

Mayor Stanczyk suggested that problems can occur when neighbors report on each other.

Councilman Schaffer remarked that the issue is the fraudulent reporting. He stated that there should be a method to make the caller accountable for a fraudulent report.

Councilwoman Lindsay asked for information concerning the categories of calls, how many anonymous, and how many are fraudulent.

Mayor Stanczyk asked if other communities allow anonymous reports.

Councilman Fiore added that he, too, would like to see more specific information.

Manager Williams stated that staff will need specific guidance to determine the identification of the caller. He noted that an anonymous call doesn't lessen the violation.

Vice Mayor DuBois acknowledged that retribution can be a major problem. He stated that perhaps someone could use a proxy, such as an attorney, to file the complaint. He asked for further information.

Following discussion, Councilman Schaffer suggested discussing this matter further at a Committee of the Whole meeting. Vice Mayor DuBois concurred.

- C. Installation of a cell phone signal booster at Village Hall – Vice Mayor John DuBois stated that signal is weak in village hall and a booster will assist.

Following discussion concerning the cost and the viability of the project, Councilman Fiore moved to direct staff to investigate the process. Seconded by Councilman Schaffer. The matter passed (4 to 1, Councilwoman Lindsay opposed.)

- D. Discussion regarding tablet devices for Council's use – Vice Mayor John DuBois raised the matter of using tablet devices.

Following discussion, the Council concurred to visit the Village Clerk's office and have software installed on their laptops and receive training from the Clerk, if they desire.

- E. Discussion regarding modification of the Village's ordinance concerning hardship variance standards – Vice Mayor John DuBois stated that he would like to narrow

the scope of the hardship variance that Councilman Fiore tried to raise in the past, particularly concerning receiving approval from adjacent property owners.

Councilwoman Lindsay asked if the intention is to limit the matter to pre-existing structures. Vice Mayor DuBois replied that it was.

Councilwoman Lindsay stated that this could be an avenue for the Village to resolve the issue of the larger sheds. She suggested a date be included.

Vice Mayor DuBois stated that the determination of a date is difficult.

Councilwoman Lindsay suggested that GIS mapping be used.

Vice Mayor DuBois suggested that more specific information be included. He noted that the Council needs to be less subjective, but not too difficult so that staff will not be able to address on a case-by-case basis.

Councilwoman Lindsay suggested discussing the matter at a Committee of the Whole Meeting.

Vice Mayor DuBois moved to defer to a Committee of the Whole Meeting. Seconded by Councilman Fiore. All voted in favor.

15. COUNCIL COMMENTS

Councilwoman Lindsay thanked the Manager and Director Carmona-Gonzalez, staff, and all of the volunteers for the great picnic.

Councilwoman Lindsay asked Manager Williams to investigate the code compliance matter addressed by Mr. DeLeon and Mr. Phelps.

Councilman Schaffer expressed his disapproval of Council attending Dade Days and suggested that the Council consider scheduling meetings through the lobbyists outside of the event that would be focused only on Palmetto Bay issues. Councilman Fiore and Vice Mayor DuBois concurred.

Vice Mayor DuBois thanked John Herin and GrayRobinson for their service.

Attorney Herin thanked the Council, stating that he wishes the best for Palmetto Bay.

Mayor Stanczyk thanked Attorney Herin and also thanked all who made the annual picnic a success.

16. NEXT MEETING AND ADJOURNMENT

The Meeting adjourned at 11:47 pm.

Prepared and submitted by:

*Meighan J. Alexander, CMC
Village Clerk*

Approved by the Village Council on this _____ day of April, 2014.

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 Special Council Meeting of March 19, 2014
Village Hall Chambers
9705 East Hibiscus Street

1. **CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE**

Mayor Shelley Stanczyk
Vice Mayor John DuBois
Council Member Patrick Fiore
Council Member Tim Schaffer
Council Member Joan Lindsay

Staff present:
Village Manager Ron E. Williams
Village Clerk Meighan J. Alexander

Mayor Stanczyk called the meeting to order at 6:35 pm. She led the pledge of allegiance.

2. **DECORUM STATEMENT:** Clerk Alexander read the following decorum statement: Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Village of Palmetto Bay Council shall be barred from further audience at this meeting before the Village of Palmetto Bay Council by the presiding officer, unless permission to continue or again address the council be granted by the majority vote of the council members.

3. **PUBLIC COMMENTS:** Mr. Gary Pastorella, 6940 SW 142 Terrace, addressed the Council.

4. **RESOLUTION**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE ATTORNEY; AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM REGARDING APPOINTMENT OF DEXTER LEHTINEN AS VILLAGE ATTORNEY AND THE RETENTION OF THE LAW FIRM OF LEHTINEN, SCHULTZ, RIEDI, CATALANO, & DE LA FUENTE, PLLP, FOR THE PURPOSE OF PROVIDING LEGAL SERVICES TO THE VILLAGE OF PALMETTO BAY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

Vice Mayor DuBois moved this item forward. Seconded by Councilman Schaffer.

Manager Williams provided staff report. He noted that Attorney Claudio Riedi, representing the firm of Lehtinen, Schultz, Riedi, Catalano & de la Fuente, is present to answer any questions. Manager Williams provided highlights of the contract, including

the termination clause, cost, fee structure, and scope of services. He asserted that he and Attorney Lehtinen are in agreement.

Attorney Riedi introduced himself and explained that Attorney Dexter Lehtinen was unavailable as he is currently teaching a constitutional law class. He advised that the firm is not representing Palm Beach County.

Manager Williams advised that the firm is also not representing any neighboring communities.

Councilwoman Lindsay welcomed Attorney Riedi, adding that the Village is looking forward to working with the firm.

Vice Mayor DuBois thanked the Manager for negotiating a sound contract. He expressed his appreciation for the two-tier billing structure in the contract. He asked for clarification of the language that stated there would be no charge for brief telephone calls from the manager, council, and staff.

Manager Williams replied that there is not a specific definition; rather, it will be up to the professional discretion of the firm. He explained that if there is a concern regarding a particular phone call charge, it can be discussed by the Council.

Vice Mayor DuBois stated that he was appreciative that the additional percentage charge was no longer in the contract.

Attorney Riedi explained that the firm will seek reimbursement for actual expense, such as the cost of legal research that is direct billed (no profit margin.)

Mayor Stanczyk thanked the Manager for negotiating the lower price, as she requested. She expressed her hope that this relationship will provide continuity.

Vice Mayor DuBois asked the effective date. Manager Williams advised that it was immediate upon execution of the Resolution.

Vice Mayor DuBois asked if Attorney John Herin will be working on continuing items. Manager Williams stated that Attorney Herin will no longer be working for the Village; however, Attorney Herin and Attorney Lehtinen will be transferring files and having discussions.

Vice Mayor DuBois moved to approve the Resolution. Seconded by Councilwoman Lindsay. All voted in favor following roll call vote (5-0.)

5. NEXT MEETING AND ADJOURNMENT

The Meeting adjourned at 6:50 pm.

Prepared and submitted by:

*Meighan J. Alexander, CMC
Village Clerk*

Approved by the Village Council on this _____ day of April, 2014.

Shelley Stanczyk, Mayor

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