

VILLAGE OF PALMETTO BAY
Minutes of the Special Council Meeting of January 23, 2014
Village Hall Chambers
9705 East Hibiscus Street

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

Mayor Shelley Stanczyk
Council Member Patrick Fiore
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 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.

Mayor Stanczyk announced that, previously, there was an error on the Agenda, with Public Comments not being listed. She announced that the Council has always supported Public Comments and she had been responsible for moving Public Comments to the beginning of the meeting. She remarked that while State Law mandated Public Comments, she and the Council have always invited the public to participate.

3. PUBLIC COMMENTS

The following individual addressed the Council: Mr. Stanley Kowlessar, 8360 SW 148 Drive, concerning the scheduling of the meeting.

Mayor Stanczyk explained that at the last regular Council Meeting, the Council discussed having this meeting and Councilman Schaffer had suggested a date; and, the majority of the Council said they could attend. She stated that the date of the meeting had been moved for Councilman Schaffer, as the Clerk had not heard from the Vice Mayor.

Clerk Alexander stated that the Vice Mayor had responded.

Mayor Stanczyk remarked that there have been meetings in the past that had scheduling difficulties, and members of the Council make an effort to attend all meetings. She

stated that the meeting should take place, as it has been scheduled. She asserted that the Council represents all residents and is attempting to do something constructive.

Mr. Kowlessar remarked that he disagrees with the Mayor.

Mr. David Zisman, 14135 Farmer Road, addressed the Council.

Mayor Stanczyk asked the Clerk the time limit required to cancel a meeting.

Clerk Alexander answered that there is a pre-notice limit; however, there is not a time limitation to cancel a meeting.

Attorney Herin added that a meeting can be canceled with a simple notice on the door prior to the scheduled beginning of the meeting.

Mayor Stanczyk asked Manager Williams to comment regarding the selection of vendors.

Manager Williams provided an explanation concerning the professional service agreements and how vendors are selected.

Mr. Hal Feldman, 15022 SW 74 Place, addressed the Council, speaking support of the Downtown Redevelopment project.

Councilman Fiore moved to defer the matter until February 3rd. He remarked that he believes that allowing two out of three members of the Council to make the decision is not appropriate. He did not receive a second. The motion failed.

4. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO PALMETTO BAY'S DOWNTOWN REDEVELOPMENT TASK FORCE (DRTF) INITIATIVE; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A PROJECT AGREEMENT WITH BERMELLO-AJAMIL AND PARTNERS TO CONDUCT A MARKET ABSORPTION STUDY AND TO PREPARE AN ECONOMIC DEVELOPMENT GUIDANCE FOR THE AMOUNT OF \$34,100; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER FOR SAID AMOUNT; AND PROVIDING AN EFFECTIVE DATE.

Councilwoman Lindsay moved this matter forward. Seconded by Mayor Stanczyk.

Director Ed Silva, Building Department and Capital Improvements, introduced the project. He advised that on January 30th there shall be an outreach presentation at Coral Reef Elementary School; and, he is available to speak to any community organizations.

Finance Director Desmond Chin provided a draft model that will be considered to complete the task defined. He explained how the particular firm was chosen.

Councilman Fiore remarked that the text cannot be read.

Councilwoman Lindsay asked if a larger copy could be provided.

Director Chin explained that the model is built as data is obtained and the data will be inserted into the study.

Manager Williams added that the model would be provided to the consultant to be inputted and provided to the council at a later date.

Councilman Fiore asked if there would be public comment on each resolution. Mayor Stanczyk replied that public comment was held and no one requested further opportunity to comment.

Councilwoman Lindsay asked how this study would be different from the Charette. Mayor Stanczyk remarked that the Charette provided a plan for the future.

Director Silva stated that the original FT&I Charette was a planning exercise that was performed in order to have a vision as to what we would like the area to look like; however, no studies were performed in order to predict its success. He stated that the Village is now going to consider what the area can support. He noted that the Village is going to make sure we move forward responsibly.

Councilwoman Lindsay remarked that performing the studies is a critical step in the process.

Mayor Stanczyk asked Mr. Silva to explain the difference in terms of overall development. Director Silva noted that it was an economic model, rather than a planning model.

Councilman Fiore stated that the Mayor had formerly opposed changing this area of the Village with development.

Mayor Stanczyk stated that Councilman Fiore is incorrect and she had previously opposed the concept of a Community Redevelopment Area (CRA.)

Attorney Herin reminded the Council of the rules of decorum.

Councilwoman Lindsay asked Mr. Silva to share the deliverables on this item.

Director Silva noted that in the hand-out provided, timelines through June/July of 2014 are included. He stated that after the traffic studies are done, staff will

request the infrastructure studies to convert Franjo Road into a main street. He explained that in March of 2014, staff will be considering phase two.

Councilman Fiore stated that in many areas of development, in lieu of the developer paying impact fees, they install infrastructure and are given incentives from the Village, such as expedited permits.

Director Silva replied that when development begins, staff would consider an impact fee model, not "in lieu of." He explained that the Village has a limited budget and developers must pay as they go, he further explained that the Village could offer incentives; however, the permit process is very quickly currently.

A resident, Frank Hernandez, 8575 SW 115 Court, addressed the Council, speaking in support of the DRTF projects.

Councilman Fiore remarked in support of the resolution, noting that it supports the earlier comments of Vice Mayor DuBois in that a professional model should be in place before the Village does anything further. He remarked that he would like to defer this matter, but believes his effort would be fruitless.

Mayor Stanczyk called the question. Councilwoman Lindsay moved to approve the resolution. Seconded by Mayor Stanczyk. The matter passed unanimously, following roll call vote (3-0.)

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE DOWNTOWN REDEVELOPMENT INITIATIVE; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A PROJECT AGREEMENT AND NEGOTIATE A FINAL COST WITH BERMELLO AJAMIL & PARTNERS INC., IN AN AMOUNT NOT TO EXCEED \$120,000; FOR THE PURPOSE OF PREPARING LAND DEVELOPMENT CODE PROVISIONS AND ZONING MAP AMENDMENTS REFLECTIVE OF THE DOWNTOWN REDEVELOPMENT TASK FORCE RECOMMENDATIONS, ITS CORRESPONDING STUDIES IN SUPPORT THEREOF, AS APPROVED BY THE VILLAGE COUNCIL; AND PROVIDING AN EFFECTIVE DATE.

Councilwoman Lindsay moved this matter forward. Seconded by Mayor Stanczyk.

Director of Planning & Zoning Darby Delsalle provided staff report. He explained that each of the studies tie together to complete the process. He noted that the studies will tell the Village what the area can support: the absorption, the infrastructure, and the traffic conditions. He explained that the code that results from the studies would be predicated upon the essential elements of the code.

Manager Williams stated that the words, “as approved by the village council” are important and he noted that the Council would control the final decision with regard to any of these decisions.

Councilwoman Lindsay remarked that many studies will be done and the Council may not necessarily approve the maximum amount the area can tolerate.

Director Delsalle explained how the vendor was selected.

Councilman Fiore remarked that \$120,000 is a great deal of taxpayer money and he believes the staff could perform this process without a consultant.

Director Delsalle thanked Councilman Fiore for his confidence; however, he noted that there is a limited number of personnel available to complete this type of assignment. He noted that staff will be involved with the consultant; and, the consultant would be providing an architect to assist with this important element. He asserted that having a firm that can blend traditional code with form-based code is important.

Following brief discussion, Manager Williams reminded the Council that the Council could terminate the contract in the future if they are not satisfied.

Councilwoman Lindsay moved to approve the item. Seconded by Mayor Stanczyk. The motion passed (2-1, Councilman Fiore opposed.)

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE DOWNTOWN REDEVELOPMENT INITIATIVE; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A PROJECT AGREEMENT AND TO NEGOTIATE A FINAL COST WITH KIMLEY-HORN AND ASSOCIATES, INC., IN AN AMOUNT NOT TO EXCEED \$60,000; TO COMPLETE A CONCURRENCY REVIEW AND CAPACITY STUDY, AND TO PREPARE ANY AMENDMENTS NECESSARY TO THE VILLAGE'S COMPREHENSIVE PLAN ELEMENTS AND FUTURE LAND USE MAP CONSISTENT WITH THAT STUDY AND ANY OTHER SUPPORTING STUDIES THERETO, AS RECOMMENDED BY THE DOWNTOWN REDEVELOPMENT TASK FORCE, AS APPROVED BY THE VILLAGE COUNCIL; AND PROVIDING AN EFFECTIVE DATE.

Councilwoman Lindsay moved the item forward. Seconded by Mayor Stanczyk.

Director Delsalle requested that his previous report be incorporated.

Mayor Stanczyk remarked that this seems to be the last step in the modification of the code prior to implementation.

Director Delsalle stated that there are two parts: the initial study and, if the Council directs, a land use amendment.

Councilwoman Lindsay noted that the \$60,000 is the maximum amount and staff would be reviewing the deliverables; and, if unsatisfied, the Council may terminate the agreement. Attorney Herin concurred. Councilwoman Lindsay remarked that, at this time, the Council is not approving any density or any building heights; rather, the Council is approving the study and the documents to be prepared. She encouraged all to participate and provide their opinion.

Mayor Stanczyk concurred, adding that the Village has a Charette in place; however, these studies will help make the effort successful. She asserted that eminent domain and annexation are not being considered.

Councilwoman Lindsay moved to approve the item. Seconded by Mayor Stanczyk. The motion passed (2-1, Councilman Fiore opposed.)

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRAFFIC IMPACT ANALYSIS STUDY; AUTHORIZING THE VILLAGE MANAGER TO PROVIDE FUNDING FOR REQUIRED TRAFFIC IMPACT ANALYSIS STUDY PROVIDED BY MARLIN ENGINEERING, INC. AS IT RELATES TO THE DOWNTOWN REDEVELOPMENT TASK FORCE (DRTF) PRELIMINARY PROJECT AREA; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$39,725.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilwoman Lindsay moved the item forward. Seconded by Mayor Stanczyk.

Public Works Director Corrice Patterson provided staff report, noting that the traffic impact study will be the foundation to determine whether build out and density increases will be supported. She explained how the firm was chosen.

Councilwoman Lindsay asked which study would be performed first. Director Patterson advised that the study should be completed by April.

Director Silva stated that the traffic study and the market absorption study are both needed for a coherent plan.

Resident Esther Copeland, 7355 SW 144 Terrace, addressed the Council.

Following brief comment, resident Henry Clifford, 8875 SW 171 Street asked if timing of lights would be considered.

Manager Williams stated that they would.

Councilwoman Lindsay moved to approve the item. Seconded by Mayor Stanczyk. The motion passed (2-1, Councilman Fiore opposed.)

5. NEXT MEETING AND ADJOURNMENT

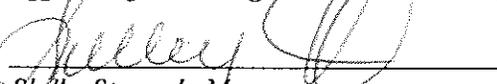
The Meeting adjourned at 8:55 pm.

Prepared and submitted by:



Meighan J. Alexander, CMC
Village Clerk

Approved by the Village Council on this 3rd day of March, 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.