

**VILLAGE OF PALMETTO BAY**  
**Minutes of the Regular Council Meeting of March 4, 2013**  
**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 Attorney Eve A. Boutsis  
Village Clerk Meighan J. Alexander

Mayor Stanczyk called the meeting to order at 7:15 p.m. Mayor Stanczyk 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. PROCLAMATIONS, AWARDS, PRESENTATIONS:** None at this time.

**4. APPROVAL OF MINUTES**

- A. Minutes of the Regular Council Meeting of February 4, 2013: Councilman Schaffer moved to approve the Minutes, as submitted. Seconded by Councilman Fiore. All voted in favor. The Minutes were approved unanimously (5-0.)

**5. CONSENT AGENDA**

Clerk Alexander advised that Mayor Stanczyk had timely pulled Item 5K. She further reported that Vice Mayor DuBois expressed that he wished to make a motion to remove all items from the Consent Agenda.

Vice Mayor DuBois moved to hear all items listed on the Consent Agenda. Seconded by Councilman Fiore. The Motion carried (4-1, Mayor Stanczyk opposed.) The Consent Agenda Items were scheduled to be heard under "Resolutions", items 10 C., through M.

Mayor Stanczyk offered an add-on Resolution to the Council, advising that she had been contacted by the United Teachers of Dade concerning support of this matter. Vice Mayor DuBois moved to add the Item as Resolution 10 N. Seconded by Councilwoman Lindsay. All voted in favor (5-0.) The Motion passed.

6. **REQUESTS, PETITIONS AND PUBLIC COMMENTS:** Mayor Stanczyk advised that the Council that there are public hearings scheduled this evening on the Ordinance and Parks Master Plans. She asked the public to speak on those items when the public hearing was opened.

The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Anthony Gorman, 14140 SW 72 Avenue; Lew Brewer, 14745 SW 83 Place; Carolyn Sink, 14020 SW 72 Avenue; Buster Troicin, 11316 SW 112 Circle; Chet England, 11500 SW 80 Avenue; Rainer Schael, 18171 SW 79 Court; Marsha Matson 9300 SW 180 Street; Raphael Corralta, 8601 SW 179 Street; and Gary Pastorella, 6940 SW 142 Terrace.

Councilman Fiore objected to Mr. Pastorella's implication, stating that the speech violates the decorum statement. Mayor Stanczyk responded that the comments were not impertinent. Attorney Boutsis stated that Mayor Stanczyk is permitted to make a judgment call regarding impertinence and that a motion/second would be required to overrule her decision.

Mr. Pastorella continued. Vice Mayor DuBois objected to Mr. Pastorella's statements. Mayor Stanczyk opined that Mr. Pastorella has a first amendment right to speak. Vice Mayor DuBois replied that Mr. Pastorella's speech is impertinent.

Public comments continued with the following individuals coming forward: Bev Gerald, 14271 SW 74 Court; Ramon Ferrer, Area Manager for FPL; and David Singer, 8360 SW 154 Terrace.

Attorney Boutsis clarified that the Charter mandates a 2,000 radius for inclusion in a special election on Private School Expansion.

## 7. VILLAGE MANAGER'S REPORT

- A. Village Commander Report: Commander Truitt provided a report concerning crime statistics. He advised that the police force has arrested several criminals involved in vehicle burglaries. He reported that the police had also issued many tickets lately for speeding and running stop signs. Lastly, he announced that Officer Lisa Ferro would be motorcycle-certified by the end of this month.

Mayor Stanczyk asked if the new officers have been hired. Commander Truitt announced that the officers had been hired.

Manager Williams thanked the officers for working at the Village's picnic. He asked how many helmets had been provided. Commander Truitt replied that 150 helmets had been given away.

Manager Williams announced that Earth Week is April 20-27 and staff would be providing a full week of events. Clerk Alexander provided the calendar updates.

## 8. VILLAGE ATTORNEY'S REPORT

- A. March, 2013 Update: Attorney Boutsis advised that her written March update had been provided. She asked the Council to consider a motion concerning the recent attorney general policy wherein she must have Council approval to request an opinion from the State Attorney's office.

Councilwoman Lindsay moved to authorize seeking an opinion from the attorney general regarding public records and the database. Seconded by Councilman Schaffer. The motion carried (4-1, Vice Mayor DuBois being opposed)

## 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 THE TREE ADVISORY BOARD, APPOINTING MEMBERS TO THE VILLAGE OF PALMETTO BAY TREE ADVISORY BOARD; AND, PROVIDING AN EFFECTIVE DATE.

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

Brief discussion ensued concerning the appointment from Councilwoman Lindsay. Clerk Alexander stated that she would review the make up of the Board and advise.

The following nominations were made: Mayor Stanczyk: Craig Grossbacher; Vice Mayor DuBois: Don Pybas; Councilman Fiore: Rick Cohen; and Councilman Schaffer: Rainer Schael.

Councilwoman Lindsay moved to appoint the nominated individuals. Seconded by Vice Mayor DuBois. 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 GRANTS;

AUTHORIZING THE FILING OF A GRANT APPLICATION UNDER THE STATE'S 2013 RECREATIONAL TRAILS PROGRAM FOR IMPROVEMENTS TO THE CORAL REEF PARK TRAIL; INCLUDING SAID PROJECT IN ITS CAPITAL IMPROVEMENT PLAN; AND PROVIDING AN EFFECTIVE DATE.

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

Manager Williams provided staff report.

Discussion ensued regarding the amount of the grant. Vice Mayor DuBois asked if there were a match. Manager Williams advised that, in recent years, the match had been a combination: 20% local/80% state. He added that it would not be unusual to have a 50/50 match; the match is part of the award process.

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

Mayor Stanczyk asked for a motion to hear Items 11 A. and B. out of order. Vice Mayor DuBois moved to do so. Seconded by Councilwoman Lindsay. All voted in favor.

## **RESOLUTIONS REQUIRING PUBLIC HEARING**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE PARKS AND RECREATION PARKS MASTER PLAN; HOLDING A PUBLIC HEARING TO AUTHORIZE REVISIONS TO THE CORAL REEF PARK MASTER PLAN TO INCLUDE 1) TWO NEW BATTING CAGES TO REPLACE EXISTING; 2) REPLACEMENT OF THE TENNIS CENTER SPORTS LIGHTING SYSTEM AND 3) BENCHES SITTING AREAS WITH SHADE CANOPIES WITHIN TENNIS CENTER; ADDITIONALLY, APPROVING THE APPLICATION OF THE VILLAGE OF PALMETTO BAY REQUESTING ZONING APPROVAL PURSUANT TO SECTION 30-50.21 TO ALLOW FOR PUBLIC FACILITY PUBLIC USE AT THE PROPERTY KNOWN AS CORAL REEF PARK, 7895 SW 152 STREET; AND PROVIDING AN EFFECTIVE DATE.

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

Attorney Boutsis explained the quasi-judicial aspect of this public hearing and swore in those individuals who wished to speak. She asked Council to provide their disclosures.

Mayor Stanczyk disclosed that she had received an email from Denise Gordon and Donna Katz. She stated that she will be impartial.

Vice Mayor DuBois stated that he received the same emails. He reported that he had been lobbied by the village manager and staff regarding this matter. He stated that he will be impartial.

Councilman Schaffer advised that he had received the same emails, had visited the park, and spoke to some tennis players, whose names he did not know. He asserted that he will be impartial.

Councilman Fiore reported that on February 18, at 5:26 pm, he walked the park with Gary Sissler, resident. He noted that he will be impartial.

Councilwoman Lindsay disclosed that she received the same emails and an additional email from Lewis Brewer. She reported that she will be impartial.

Manager Williams provided an introduction, noting that this item was for approval of the revised plan; the ways and means of constructing the items will return to Council in the future.

Director of Planning & Zoning Darby Delsalle provided staff report. He explained that approval of the master plan requires a super majority vote (4/5<sup>th</sup>).

Councilman Fiore remarked that with regard to the batting cages, he understands that Palmetto High School is responsible for batting cage improvements next to the field the team utilizes. He stated that he did notice that the batting cages next to Coral Reef Elementary has cracked concrete.

Director of Parks and Recreation Fanny Carmona-Gonzalez stated that the high school built the cages near the practice field and the school must maintain them. She explained that the other batting cages are in very poor condition, but will be accessible to all when repaired.

Councilman Fiore stated that he visited the tennis courts in the evening and found that lighting does seem to be a problem, particularly in the center courts. He stated that the courts are in need of repair.

Discussion ensued regarding the cost of lighting and the best method for repair/reinstallation of the tennis court lights.

Director Carmona-Gonzalez stated that staff has reviewed several options and the most cost effective way is through Musco Lighting, who installed the lights at Palmetto Bay Park. The lighting would have a 20-year warranty, with the ability of turning off lights via phone and/or Internet, and with minimal spill of lights to surround properties. She explained that the electric bill is lower at Palmetto Bay Park.

Vice Mayor DuBois asked why this action is necessary, rather than filing a variance request.

Director Delsalle advised that by adopting a site plan, it allows the facility to operate under the protection of a site plan. He stated that adoption of the site plan, allows the Village to facilitate the improvements and approve the elements that currently exists.

Mayor Stanczyk opened the public hearing. The following individuals addressed the Council: Chet England, 15300 SW 80 Avenue; Cathy Moreland, 7141 SW 139 Street; Jennifer Yaki, 7950 SW 155 Street; Mike Friedman, 7635 SW 167 Street; Anthony Fiorenio, 9851 Belaire Drive, Cutler Bay; Lonnie Burkow, 7900 SW 160 Street; Hiro Junto, 17725 SW 86 Avenue; Cynthia Johnson, 8250 SW 187 Street, Cutler Bay; Raphael Giralta, 8601 SW 179 Street; Gail Denbrow, 13501 SW 79 Avenue; Brett Denbrow, 13501 SW 79 Avenue; Maria Machiapatch, 7425 SW 157 Terrace; Max Bardow, 7900 SW 160 Street; Michael Bordine, 14900 SW 80 Avenue; Debra Dowers, 6250 SW 135 Street; Scott Barkow, 13421 SW 70 Avenue; Justin Green, 17911 SW 92 Court; Eric Tullberg, 7884 SW 179 Terrace; David Zisman, 14135 Farmer Road; David Singer, 8360 SW 154 Terrace; and Beatrice Herrman, 17251 SW 86 Avenue.

Mayor Stanczyk remarked that the items on the master plan are part of the budget process that started last May. She stated that individuals were invited to four budget meetings and provided input concerning the parks.

Councilwoman Lindsay remarked that the Village is interested in improving what currently exists at the parks.

Following brief comment, Vice Mayor DuBois moved to incorporate by reference the public comments from the last hearing. Councilwoman Lindsay seconded the motion. All voted in favor (5-0.)

Councilman Fiore moved to approve modification of the Coral Reef Park master plan, with an amendment that the Village Manager provided a quarterly cost analysis regarding lighting. Seconded by Vice Mayor DuBois.

Vice Mayor DuBois stated that while he is in favor of approving the parks, he is not comfortable with having to modify the parks master plan and instead the Village should remove churches, schools, and institutions from the Neighborhood Protection Ordinances. Attorney Boutsis advised that the Village's Park plan does not have lighting currently, which approval would require a parks master plan amendment. She stated that this legislation is about approving what is currently at the park.

Vice Mayor DuBois stated that he is not in favor of making a master plan modification at this time until private schools and churches can be treated the same.

Director Delsalle advised that two votes are required: one for master plan and one for site plan.

Vice Mayor DuBois remarked that this change is a way in which to bypass the variance process. He asked what constitutes a master plan modification.

Director Delsalle explained that physical changes, such as the shade structures at the tennis court would constitute a master plan modification.

Vice Mayor DuBois asked what requires a master plan change other than the Village is in violation of the Neighborhood Protection Ordinances due to the height of light poles. He opined that changing the use from residential to government use zoning, means that the Village is taking the uses subject to the Neighborhood Protection Ordinances outside the scope so that the Village is no longer bound by the same set of requirements.

Mayor Stanczyk called the question. The motion failed 3 to 2 (Councilman Fiore and Vice Mayor DuBois opposed – super majority 4/5 vote required.)

Attorney Boutsis opined that under Roberts Rules, if an individual makes the motion, they are prohibited from voting against their motion.

Following brief comment, Councilman Fiore moved to reconsider the motion. Seconded by Vice Mayor DuBois. Mayor Stanczyk called the question. The motion passed (3 to 2, Mayor Stanczyk and Councilwoman Lindsay opposed.)

Councilman Fiore moved to approve the master plan, with an amendment for the Village Manager to provide quarterly reports concerning the tennis lighting, and to allow the same consideration for churches and schools. Seconded by Vice Mayor DuBois.

Attorney Boutsis advised that the amendment would not have an effect on churches and schools.

Vice Mayor DuBois suggested amending the matter to give the schools and churches automatic master plan approval for their master plan amendments.

Mayor Stanczyk noted that the motion is “meaningless”, as there is no modification to the ordinances being considered.

Councilwoman Lindsay remarked that every private school has a public hearing, at which time a resolution is drawn up and there are site-specific conditions. She stated that the churches and schools can replace their lights, if they are destroyed; however, the park does not have a site plan in place in order to replace the structures.

Mayor Stanczyk called the question. All voted in favor of the motion (5-0.) Councilwoman Lindsay moved to approve government use at Coral Reef Park. Seconded by Councilman Fiore. All voted in favor. The motion passed unanimously (5-0.)

The Council took a five-minute recess.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE PARKS AND RECREATION PARKS MASTER PLAN; HOLDING A PUBLIC HEARING TO AUTHORIZE REVISIONS TO THE PALMETTO BAY PARK MASTER PLAN TO INCLUDE 1) TWO ADDITIONAL BATTING CAGES; 2) PAVILION WITHIN PLAYGROUND AREA AND 3) CONVERSION OF THE EXISTING SKATE PARK TO TWO MINI SOCCER FIELDS WITH ARTIFICIAL TURF; ADDITIONALLY, APPROVING THE APPLICATION OF THE VILLAGE OF PALMETTO BAY REQUESTING ZONING APPROVAL PURSUANT TO SECTION 30-50.21 TO ALLOW FOR PUBLIC FACILITY PUBLIC USE AT THE PROPERTY KNOWN AS PALMETTO BAY PARK, 17535 SW 95 AVENUE; AND PROVIDING AN EFFECTIVE DATE.

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

Mayor Stanczyk asked if the exercise stations previously included in the budget were included in the parks master plan. Manager Williams explained that they were.

Council provided the following disclosures:

Mayor Stanczyk disclosed that she had received an email from Marsha Matson. She stated that she will remain impartial.

Vice Mayor DuBois stated that he had received the same email. He stated that he had met with the Village Attorney and staff. He noted that he will remain impartial.

Councilman Fiore noted that he had received the same email. He stated that he will be impartial.

Councilman Schaffer stated that he had received the same email, met with one resident, and will be impartial.

Councilwoman Lindsay advised that she had received the same email and will remain impartial.

Director Delsalle incorporated his previous report into the record. He added that staff seeks approval of the parks master plan for Palmetto Bay Park and site plan. He advised that, in 2004, the council bound themselves to a supermajority 4/5<sup>th</sup> vote for any changes to parks.

Vice Mayor DuBois asked if zoning was being changed to government use. Director Delsalle advised that the current zoning was not modified. Vice Mayor DuBois asked the specific requirements compelling the Village to make master plan change.

Director Delsalle replied that the batting cages, playground equipment, and mini soccer fields compelled the master plan changes.

Mayor Stanczyk opened the public hearing. The following individuals addressed the Council: Gary Pastorella, 6940 SW 142 Terrace; Buster Trocin 11316 SW 112 Circle Lane East, Miami; Sheila Fraser, 9305 SW 181 Street; Eric Tullberg, 7884 SW 179 Terrace; David Singer, 8360 SW 154 Terrace; Marsha Matson, 9300 SW 180 Street; Rainer Schael, 18171 SW 81 Street; David Zisman, 14135 Farmer Road; and, Leanne Tellam, 14365 SW 83 Avenue.

Councilman Schaffer asked why the skate park had to be demolished.

Director Carmona-Gonzalez advised that the skate park had been opened since 2006 and has required three to four repairs of the fence. She advised that the skate park is used minimally and a staffer must man the gate to insure that the children are wearing helmets and following the rules.

Councilman Schaffer asked why the Village could not remove the fence. Manager Williams advised that the Village's insurance carrier would not permit the skate park otherwise.

Director Carmona-Gonzalez remarked that the fence is in place for safe. Attorney Boutsis stated that a safety issue becomes a liability issue.

Discussion ensued regarding the fence. A brief history of the park was provided.

Councilman Schaffer stated that the Village should try to make the amenity work, as it was constructed in 2006.

Vice Mayor DuBois asked if there would be change in lighting for the skate park. Director Carmona-Gonzalez replied that there would not be.

Councilman Fiore stated that he is not in favor of mini soccer fields and the Village should consider other alternatives.

Director Carmona-Gonzalez stated that there is room at Coral Reef Park for mini soccer fields.

Councilwoman Lindsay remarked that the parks have a limited number of acres and the Village should not attempt to provide every sport in every park. The Village of Pinecrest has soccer fields. She suggested that the resolution items,

such as, the four tournaments per year and the two fields to be unlit fields should be specified and the two western fields for play by children should also be included on the master plan.

Mayor Stanczyk provided a history of the skate park. She stated that truant children were vandalizing the skate park and local businesses. She remarked that her research showed that the park required increased police presence, graffiti was rampant, and kids were breaking into the park. She suggested adding a water feature.

Director Delsalle stated that there is a regulatory process in place and the Village cannot add to the park tonight; rather, the matter would have to be re-heard.

Manager Williams remarked that a water feature would require significant infrastructure; however, staff could identify a potential location and provide a cost estimate.

Following brief comment, Councilwoman Lindsay moved to amend the plan to reflect the 2004 conditions. Seconded by Councilman Schaffer. Following discussion, Attorney Boutsis noted that all the conditions currently exist so it makes sense to have the conditions in one document. All voted in favor. The motion carried (5-0.)

Councilman Fiore moved to keep the skateboard park and move the soccer fields to Coral Reef Park. Seconded by Vice Mayor DuBois.

Discussion ensued regarding the fencing and fitness stations.

Following discussion, Mayor Stanczyk called the question. The motion failed (2-3, Vice Mayor DuBois and Councilman Fiore being in support.)

Councilwoman Lindsay moved to approve the master plan, striking reference to demolition of the skate park and mini soccer fields. Seconded by Councilman Schaffer. The motion failed (3-2, Vice Mayor DuBois and Councilman Fiore opposed-4/5 vote required.)

Vice Mayor DuBois moved to defer the matter to May 6<sup>th</sup>. Seconded by Councilman Fiore. All voted in favor. The motion passed unanimously (5-0.)

**RESOLUTIONS:** (Returning to the regular Agenda)

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING HOUSE BILL 325 AND 327; RELATING TO CREATING THE SAFE SCHOOLS TRUST FUND UNDER SECTION 1010.88, FLORIDA STATUTES, WHICH FUNDS SHALL BE ALLOCATED TO THE VARIOUS SCHOOL

DISTRICTS TO PROVIDE ADDITIONAL PROJECTS AND PROGRAM TO IMPROVE THE SAFETY OF STUDENTS WHILE THEY ARE WITHIN SCHOOL SAFETY ZONES; THE FUND WOULD EXPIRE JULY 1, 2017; AND PROVIDE THAT STATE SALES AND USE TAXES COLLECTED ON FIREARMS AND AMMUNITION BE ALLOCATED TO THE FUND; 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 the item forward. Seconded by Councilman Schaffer.

Vice Mayor DuBois stated that he wished to give the Mayor an opportunity to explain her sponsored item.

Mayor Stanczyk stated that this item was included on the previous resolution approving the legislative items.

All voted in favor of the Resolution (5-0.)

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE MIAMI-DADE COUNTY PUBLIC SCHOOLS 2013 STATE LEGISLATIVE PROGRAM AND PRIORITY POSITIONS, INCLUDING BUT NOT LIMITED TO ACCOUNTABILITY OF CHARTER SCHOOLS; SUPPORTING CAPITAL FUNDING FOR CHARTER SCHOOLS THAT CREATES NEITHER A REDUCTION OF FUNDING TO TRADITIONAL PUBLIC SCHOOLS, EITHER IN OPERATING OR CAPITAL FUNDING, NOR A REQUIREMENT FOR ADDITIONAL TAXING MANDATE ON THE LOCAL SCHOOL DISTRICT; REQUIRING PUBLIC INPUT AND PROTECTS THE TAXPAYERS' INVESTMENT ENSURING THAT CAPITAL FUNDING BE SPENT ONLY ON ASSETS THAT CAN BE RETURNED TO THE PUBLIC SCHOOL DISTRICT; 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 Fiore.

Vice Mayor DuBois asked for a report.

Mayor Stanczyk stated that this Resolution concerns the PECO funding and charter schools. She stated that there has been an initiative in the past to strip funding from the public schools.

All voted in favor of the Resolution (5-0.)

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING SENATE BILLS 80 AND 82; AND COMPARABLE HOUSE BILLS 25 AND 449; RELATING TO EXPANDING EARLY VOTING LOCATIONS AND TIME PERIODS; 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 Fiore.

Vice Mayor DuBois stated that he did not have any questions with regard to this item.

All voted in favor of the Resolution (4-0, Councilwoman Lindsay briefed left the meeting, returning after the vote was counted.)

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE REPEAL OF THE EARLY COST RECOVERY PROCESS CREATED FOR FLORIDA POWER AND LIGHT AS DELINEATED IN FLORIDA STATUTE 366.93; URGING THE FLORIDA LEGISLATURE TO REPEAL THE STATUTE RELATING TO ELECTRIC UTILITY CHARGES FOR SITING, DESIGN, LICENSING, AND CONSTRUCTION OF FUTURE PLANTS; 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.

Vice Mayor DuBois stated that the representative from FPL indicated that support of early cost recovery would result in cost savings. He asked the Mayor why the Village would not support this effort.

Mayor Stanczyk remarked that there is no plan for construction of a nuclear power plant; and, she asserted that FPL has collected over a billion in early cost recovery throughout the State of Florida. She stated that the most vulnerable residents, the elderly and poor, are paying this charge and will not benefit from it. She advised that FPL has increased their payout to stockholders three times and while they are doing a good job, they are also collecting early cost recovery money that it not necessary.

Vice Mayor DuBois stated that FPL's return on investment is regulated by the federal government. He opined that FPL has a very low kilowatt charge and he does not agree with the Mayor's assessment.

Brief discussion ensued. Mayor Stanczyk called the question. The motion failed (1 to 4, Mayor Stanczyk being the sole supporter.)

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING SENATE BILL 498 AND HOUSE BILL 309 RELATING TO RENEWABLE ENERGY PRODUCERS; 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 Fiore.

All voted in favor of the Resolution (5-0.)

- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING SENATE BILL 96 AND HOUSE BILL 207 RELATING TO CITIZENS PROPERTY INSURANCE CORPORATION RATES; SUPPORTING KEEPING THE CAP OF A 10 PERCENT INCREASE UNIFORM ON ALL POLICIES; PROVIDING FOR DISTRIBUTION BY THE VILLAGE CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Shelley Stanczyk].

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

Councilman Fiore expressed his support for this Resolution.

All voted in favor of the Resolution (5-0.)

- I. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE FLORIDA LEAGUE OF CITIES; AND OPPOSES THE LEGISLATION THAT RESTRICTS OR ELIMINATES MUNICIPAL REVENUES GENERATED UNDER THE COMMUNICATION SERVICES TAX AS PROPOSED UNDER HOUSE BILL 303; 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 Councilman Schaffer.

Vice Mayor DuBois stated that he did not believe residents are in favor of paying this tax.

Mayor Stanczyk responded that she did not believe the residents' desire to remove this tax. She asserted that this tax supports the budget substantially.

Manager Williams stated that approximately \$1.2 million is received annually from this revenue source.

Councilman Schaffer remarked that he has been informed that if this tax is removed, sales tax may rise, which will be difficult for many residents and business owners.

The Resolution passed (4 to 1, Vice Mayor DuBois being opposed.)

- J. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE EFFORTS OF THE FLORIDA LEAGUE OF CITIES AND OPPOSING THE LEGISLATION THAT RESTRICTS OR ELIMINATES THE LOCAL BUSINESS TAX; PROVIDING FOR DISTRIBUTION BY THE VILLAGE CLERK; 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.

Vice Mayor DuBois expressed his opposition.

Mayor Stanczyk remarked that it is not a significant tax for most businesses; however, she believes it protects the Village by validating the legality of the business.

Manager Williams concurred, adding that it allows the Village to confirm what business is operating and under what conditions.

Following brief comment, the Resolution failed (2 to 3, Vice Mayor DuBois, Councilman Fiore, and Councilman Schaffer being opposed.)

- K. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING SENATE BILL 294 AND HOUSE BILL 619 RELATING TO CONTROLLED SUBSTANCES; ADDING CERTAIN NEW DRUGS TO THE SCHEDULE I LIST FOR ENFORCEMENT; 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 Councilman Schaffer.

All voted in favor of the Resolution (5-0.)

- L. 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 \$18,440.88; PROVIDING AN EFFECTIVE DATE.

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

All voted in favor of the Resolution (5-0.)

- M. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE PURCHASE OF VEHICLES; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER FOR THE PURCHASE OF TWO (2) 2013 FORD F-150'S FROM DUVAL FORD IN THE AMOUNT OF \$28,894.00; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Vice Mayor Dubois stated that he agreed with the public comments from Mr. Tullberg. He asserted that it would be appropriate to investigate the hybrid vehicles. He opined that adding vehicles to the Village fleet is unnecessary.

Mayor Stanczyk asked if the purchase could have been matched by a local vendor.

Manager Williams advised that this purchase is a piggyback from the Florida Association of Counties, who are able to purchase in bulk and receive the best prices. He stated that detailing the vehicles would cost approximately \$200.

Mayor Stanczyk stated that she did not believe the Village needed more vehicles.

Manager Williams replied that employees would not be able to do their jobs then. He stated that not providing transportation would seriously affect performance.

Councilman Schaffer asked if all Village vehicles are currently in use.

Manager Williams replied that administration will be seeking approval for a number of vehicles in the next budget year, as the majority of the fleet is aging and the cost of maintenance of those vehicles is increasing.

The Resolution passed (4 to 1, Mayor Stanczyk opposed.)

- N. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SUPPORTING GOVERNOR RICK SCOTT'S INITIATIVE TO INCREASE PUBLIC SCHOOL TEACHERS' SALARIES; PROVIDING AN EFFECTIVE DATE.

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

Mayor Stanczyk advised that this Resolution seeks to segregate the funds to insure that the teacher's will get the promised \$2,500 pay raise.

Councilwoman Lindsay remarked that this is one of the best investments the State can make and she is supportive of this Resolution.

All in favor of the Resolution (5-0.)

## 12. ORDINANCES FOR FIRST READING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BUILDING PERMIT FEES; ADOPTING THE 2013 PERMIT FEE SCHEDULE FOR THE BUILDING DEPARTMENT; REPEALING THE 2008-2009 PERMIT FEE SCHEDULES FOR BUILDING PERMITS; PROVIDING FOR ORDINANCES IN CONFLICT; CODIFICATION; SEVERABILITY; AND AN EFFECTIVE DATE.

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

Building Official Ed Silva advised that the fee revision is the result of the work of the Building & Permitting Advisory Committee. He stated that the fee schedule was reduced to 10 pages.

Councilman Fiore thanked the Committee. He remarked that the fees seemed excessive to him. He expressed that he would be in favor of a 15-20% reduction in our permit fees, as he believed many residents were concerned about the cost.

Mr. Silva stated that the Department is currently running at a 5% surplus; the Department had a 15% surplus last year. He stated that with the enterprise fund, if the user fees do not cover costs, the costs will be paid by the taxpayer.

Councilman Fiore stated that the Village should consider returning the surplus to the taxpayer.

Councilman Schaffer stated that he would be in favor of eliminating some of these fees or reducing the number of categories for repairs.

Mayor Stanczyk concurred with reducing fees.

Director Silva stated that the Department had reduced the fees to be user friendly.

Vice Mayor DuBois stated that the Committee's job was to re-balance the fee schedule. He stated that there was a 15% surplus and the Committee had made a recommendation to combine planning & building to be cost efficient.

Manager Williams stated that the Council adopted a budget and set a level of services based upon a revenue base.

Director Silva stated that the Department is under projected currently by approximately \$20,000 monthly. He stated that with a 5% surplus and the proposed 15% reduction, the Department would have to use ad valorem taxes to cover the Department.

Discussion ensued regarding the shortage and the proposed revenue.

Attorney Boutsis stated that the reductions could be considered at second reading.

All voted in favor of the Ordinance on first reading (5-0.)

**13. ORDINANCES FOR SECOND READING AND PUBLIC HEARING**

**14. OTHER BUSINESS**

Councilwoman Lindsay moved to defer the items to a Committee of the Whole meeting, as the items may take significant time to discuss. There was no second.

- A. Revision to ordinance concerning residential driveways – Councilman Schaffer:  
Councilman Schaffer stated that he would defer his item to the next Committee of the Whole meeting.
- B. Release of Attorney-Client Session transcripts for concluded cases – Councilman Fiore

Councilman Fiore stated that this matter was raised before and while the Council is always discussing transparency, this creates an opportunity to be transparent. He asked if the zoning matter had concluded in the Palmer Trinity case.

Attorney Boutsis stated that the zoning issue is intertwined with the litigation of Palmer Trinity and the attorney general did not provide an opinion. She opined that in her opinion, the cases are intertwined and it is not within her discretion to waive the attorney-client privilege. She reminded the Council that every time we made a decision, lawsuits came forward.

Mayor Stanczyk stated that the cases are intertwined and it is not possible to extract one case.

Councilman Fiore moved to extend the meeting past midnight. Seconded by Vice Mayor DuBois. The motion passed (3-2, Mayor Stanczyk and Councilwoman Lindsay opposed.)

Councilwoman Lindsay reiterated that the lawsuits are intertwined. She read a text message from an anonymous person who stated that they were a former defense attorney and a resident, and did not want his protections waived. She stated that the Village is working toward a settlement and those who wish to see the information will see it soon.

Vice Mayor DuBois remarked that releasing the transcripts will not weaken the Village's position since settlement is imminent.

Councilman Fiore stated that he would like to be specific in the direction and state that the transcripts to be released specifically include Palmer Trinity litigation.

Vice Mayor DuBois expressed his concern is by leaving this matter in "shade", there may be motivation for those coming up for election in 2014 to keep these items in shade until following the election.

Councilwoman Lindsay suggested that Vice Mayor DuBois attend a shade session. She opined that with experience, Vice Mayor DuBois will retract his opinion.

Mayor Stanczyk called the question. The Motion failed (2 to 3, Mayor Stanczyk, Councilman Schaffer, and Councilwoman Lindsay being opposed.)

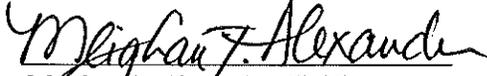
- C. Revision to Code of Ordinances Section 2-45(b) – Councilman Fiore: Councilman Fiore announced that he wished to withdraw this item.

15. **COUNCIL COMMENTS:** None.

16. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 12:20 pm.

*Prepared and submitted by:*

  
Meghan J. Alexander, CMC  
Village Clerk

*Adopted by the Village Council on this 1<sup>st</sup> day of April, 2013.*

  
Shelley Stanczyk Mayor

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