

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of April 7, 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 Attorney Dexter W. Lehtinen
Village Clerk Meighan J. Alexander

Mayor Stanczyk called the meeting to order at 7:23 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 she was withdrawing Item 12A from consideration.

3. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Recognition of Lieutenant Jorge Carreno – 30 Years of Service (Commander Truitt): Village Policing Unit Commander Gregory Truitt, together with the Village Council, recognized Lieutenant Jorge Carreno for his outstanding dedication to the Miami-Dade County Police force. Lieutenant Carreno thanked the Commander and expressed how pleased he was to be part of this community.

4. APPROVAL OF MINUTES

- A. Minutes of the Regular Council Meeting of March 3, 2014
B. Minutes of the Special Council Meeting of March 19, 2014

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

5. **REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; David Zisman, 14135 Farmer Road; Theodore Nicholeris, 15804 SW 82 Court; Gary Pastorella, 6940 SW 142 Terrace; Stanley Kowlessar, 8360 SW 148 Drive; Chuck Latshaw, 8825 SW 164 Terrace; Warren Lovely, 15323 SW 74 Place; Henry Clifford, 8875 SW 171 Street; Christian Shane, 14120 SW 72 Avenue; Benjamin Oppenheim, 14120 SW 72 Avenue; Richard Krusan, 17510 SW 92 Avenue; Pam Gorman, 14140 SW 72 Avenue; Les Oppenheim, 14120 SW 72 Avenue; Mike Haber, 8621 SW 181 Street; Chet England, 15300 SW 80 Avenue; Anthony Gorman, 14140 SW 72 Avenue; David Singer, 8360 SW 154 Terrace; and Bev Gerald, 14271 SW 74 Court.

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 \$20,333.62; PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PROFESSIONAL SERVICES; AUTHORIZING KIMLEY-HORN AND ASSOCIATES TO ASSIST THE VILLAGE WITH THE PREPARATION OF COMPREHENSIVE PLAN AMENDMENTS BASED ON THE FINDINGS OF THE EVALUATION AND APPRAISAL REPORT (EAR); AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$43,500; AND PROVIDING FOR AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO INVITATION TO BID 1314-11-004 FLEET VEHICLE REPAIR AND MAINTENANCE SERVICES; APPROVING THE SELECTION OF AUTO ELECTRIC SERVICES, INC., AS THE MOST RESPONSIVE BIDDER TO PROVIDE VEHICLE MAINTENANCE AND REPAIR SERVICES; AND FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$7,500; AND PROVIDING FOR AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO INVITATION TO BID 1314-11-003 SIDEWALK IMPROVEMENTS; APPROVING THE SELECTION OF METRO EXPRESS, INC., AS THE MOST RESPONSIVE BIDDER TO PROVIDE SIDEWALK IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY WITHIN THE VILLAGE OF PALMETTO BAY; AND FURTHER AUTHORIZING THE

VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$25,000; AND PROVIDING FOR AN EFFECTIVE DATE.

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PROFESSIONAL SERVICES; APPROVING THE QUALIFICATIONS OF THE REMAINING FIRMS SHORT LISTED TO PROVIDE CONTINUING SERVICES IN TRANSPORTATION PLANNING & ENGINEERING SERVICES, ENGINEERING SERVICES FOR ELECTRICAL ENGINEERING, MECHANICAL ENGINEERING & PLUMBING SYSTEMS, STRUCTURAL ENGINEERING, LANDSCAPE ARCHITECTURE, GENERAL PLANNING SERVICES, ARCHITECTURE, GENERAL CIVIL ENGINEERING SERVICES TO THE VILLAGE; AND FURTHER AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT NEGOTIATIONS WITH R.J. BEHAR AND COMPANY, INC., CIVIL WORKS INC., PMM CONSULTING ENGINEERS, CORP., PISTORINO & ALAM CONSULTING ENGINEERS, INC., AMEC, BERMELLO AJAMIL & PARTNERS, INC., ILLER PLANNING, INC., MC HARRY ASSOCIATES, INC., AND CALVIN, GIORDANO & ASSOC., INC.; PROVIDING FOR AN EFFECTIVE DATE.

Clerk Alexander advised that Item 6A had been timely pulled by Councilman Schaffer and Mayor Stanczyk.

Councilman Fiore moved to approve the Consent Agenda items. Seconded by Councilman Schaffer. The Resolutions were approved unanimously (5-0.)

7. VILLAGE MANAGER'S REPORT

- A. Village Police Commander Report: Commander Truitt provided an update concerning the recent police activity.

Manager Williams asked Commander Truitt to keep his office advised with regard to the progress of the policing interlocal agreement.

- B. FY 2012-13 Annual Audit

Manager Williams asked Finance Director Desmond Chin to introduce the external auditors to present information regarding the annual audit. Manager Williams thanked Director Chin and the Village's Department Directors for their careful stewardship over the budget.

Director Chin introduced the firm of Cherry Bekaert and noted that Auditor Mark Berenfeld is present tonight. Director Chin reported that with regard to the operating fund, the Village experienced \$1.59 Million surplus, with \$897,000 transferred to capital funds and \$693,000 added to fund balance, leaving \$13.1 million in the fund balance, which is 108% of the expenditures for 2013. He

advised that two years ago when the firm performed the audit, administration received management comments and staff had responded to all of the comments; this year, the Village received a clean audit (no comments).

Manager Williams noted that the Village is responsive to the audit firm's recommendations to improve the financial efficiency of the Village.

Mr. Mark Berenfeld presented the Comprehensive Annual Financial Report for 2013. He explained that the firm provided a "clean" opinion, meaning that it is "unqualified", which is a positive term.

Mr. Berenfeld went through several highlights and explained the fund balance figures. He noted that in 2004, the account began at \$6.1 million and grew the current value of \$19.5 million.

Manager Williams explained the drop in 2009 occurred due to the Village's final payment of mitigation.

Vice Mayor DuBois asked the reason for the special revenue discrepancy, as it dropped significantly in 2009.

Director Chin advised that the fund was a restricted fund for grants. He stated that it is project driven and was not affected by mitigation.

Councilman Schaffer suggested that staff consider budgeting a certain percentage for repairs on capital assets. Mr. Berenfeld agreed, adding that it would not be part of the audit. Director Chin stated that it would be a management budgetary decision.

Vice Mayor DuBois moved to accept the audit report. Seconded by Councilman Schaffer. All voted in favor. The motion passed unanimously (5-0).

- C. Manager Williams asked Building Official and Director of Capital Projects Ed Silva to present an update with regard to the Downtown Redevelopment Task Force.

Director Silva advised that Eric Liff of Lambert Advisory, working with Bermello Ajamil, and Alfredo Sanchez of Bermello-Ajamil and Partners. He thanked all those who attended the recent outreach event, "The Downtown Experience", on March 14th.

Communications Manager Bill Kress came forward to provide the results of the recent survey. He explained that methodology and effort had been posted and had posted the full results of the survey on the Village's website. He noted that approximately 550 people responded to the survey and approximately 85% support the initiative.

Mr. Eric Liff from Lambert Advisory came forward and reviewed his firm's experience and the efforts/process undertaken to prepare his firm's report concerning the market absorption study. He concluded that the current economic fundamentals promote manageable and realistic opportunities. He stated that historic and current trends support a residential and retail drive for the Downtown program in the near future. Mr. Liff explained that the program will work best in a concentrated area. He remarked that the neighborhood schools are invaluable. He stated that with a build-out of 1,200 units, 20,000 to 30,000 square feet in retail, over \$600,000 more in ad valorem taxes is estimated to be generated through the effort.

Mr. Alfredo Sanchez of Bermello-Ajamil and Partners was recognized and noted that this study is a work in progress. He focused his report on the Phase 1 effort, an area of civic significance that is clearly-defined and also has a substantial amount of vacant land.

Mr. Sanchez explained how visual interest can be attracted and how Franjo and US-1 needs to be reconfigured to be an appropriate anchor for downtown. He noted that there is a crucial need to create a public space. He stated that a linear park to buffer the residential areas to the east is important, as well. Mr. Sanchez explained that some of the concepts include: 600 residential units, a 30,000-50,000 square foot supermarket, 20,000-35,000 square feet of restaurants and retail, and a parking structure within the Village site. He noted that wide sidewalks for restaurants and walking are important. He stated that building heights would be limited to 7-8 stories. Mr. Sanchez explained that non-retail facilities, such as a school, are limiting and do not contribute to the Downtown Redevelopment effort.

Vice Mayor DuBois noted that the study suggested establishing private investments in street development. He asked if the consultant will be providing estimates for state, local, and federal funding for infrastructure development.

Mr. Sanchez stated that many of these types of projects (permeability and street grids) can be developed by private investors; he noted that public investment will be limited.

Vice Mayor DuBois noted that the Village funded infrastructure improvements for this year.

Director Silva explained that private impact fees will be collected. He noted that the Village's investment is solely what has been in the budget for this year.

Councilman Schaffer remarked that the school proposed is not under the direction of this Council; but, a private landowner will be developing the parcel.

Director Silva stated that staff will be approaching the private developer to see if he is interested in re-working his plan. He noted that the Village's code allowed the school; however, the Village needs to think holistically with regard to this.

Councilman Schaffer addressed potential traffic issues along US-1 in the Village due to the Village's efforts to seek visitors to the downtown area. He asked for explanation concerning how traffic and parking will be addressed.

Director Silva stated that the Lambert study shows that there is a demand based upon population growth and job growth. He noted that a traffic study will be completed shortly. He explained that the Village wishes to tie into mass transit and also insure that there are residential units here so the majority of visitors can walk to the grocery store and other retail establishments. He concluded that this is the first step in a series of steps in this endeavor.

Clerk Alexander provided an update to the calendar.

8. **VILLAGE ATTORNEY'S REPORT:** Attorney Lehtinen stated that he was happy to be part of Palmetto Bay and noted he is present to answer any questions.

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 AD HOC ADVISORY BOARDS; CREATING THE FINANCIAL ADVISORY COMMITTEE; PROVIDING AN EFFECTIVE DATE. [Sponsored by Vice Mayor John DuBois].

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

Vice Mayor DuBois noted that he had introduced this matter at a previous Council meeting and did not have any further report to provide.

Councilman Schaffer expressed his support for those who wish to offer opinions to the Council.

Vice Mayor DuBois stated that he agreed with an earlier comment concerning the wording of the Resolution.

Attorney Lehtinen noted that the Council may wish to consider the requirements of the members (Section 2.b.) and indicate whether those requirements are required or if they are examples of the types of individuals the Council wishes to attract to this Board.

Councilman Fiore asked if the Board would be sunsetted at some point in time. Manager Williams replied that this is a Council committee and it would be up to the discretion of the Council.

Vice Mayor DuBois asked about the staggered terms. Clerk Alexander explained that staff would ask the Council to select two members for an initial one year term and the other three for two year terms in order to effectuate staggered terms in the future.

Mayor Stanczyk provided information from other cities and stated that while some larger cities with larger budgets have this types of board, neither Pincrest nor Cutler Bay, with budgets similar to Palmetto Bay, do. She remarked that this Resolution may invite individuals with negative intention.

Councilman Schaffer suggested that there should be latitude to have other types of people with financial expertise, such as bankers and those types of individuals.

Brief comment ensued concerning a meeting held during the last budget cycle.

Vice Mayor DuBois moved to amend the language of the Resolution, to include the language “including, but not limited to” before the word “CPA”; and removing the word “contrary” and inserting “alternate.” Councilman Schaffer seconded. All voted in favor of the amendment. The motion passed (5-0.)

Vice Mayor DuBois stated that he only intends to receive useful input from experts in a particular field.

Councilwoman Lindsay remarked that she spends a significant amount of time preparing for the meetings and often has met with residents with knowledge and also meets regularly with staff. She stated that she does not see a need for this committee as she keeps herself well-informed.

Manager Williams remarked that the Council should consider adding the qualification of experience in municipal finance.

Vice Mayor DuBois stated that he hopes the manager will assist in encouraging individuals to this Board.

Councilwoman Lindsay stated that “including, but not limited to” will cover this qualification.

Attorney Lehtinen stated that Section 3.9 of the Charter allows this Board to be created; however, it is an advisory board, not a council committee.

Vice Mayor DuBois moved to remove the word “Committee” and insert the word “Board” in its place. Seconded by Councilman Fiore. All voted in favor of the amendment. The motion carried.

Vice Mayor DuBois moved to approve the Resolution with the amendments. Seconded by Councilman Schaffer. The Resolution passed (3-2, Mayor Stanczyk and Councilwoman Lindsay opposed.)

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 GRAYROBINSON, P.A. IN THE AMOUNT OF \$20,333.62; PROVIDING AN EFFECTIVE DATE.

Mayor Stanczyk explained that she had pulled this item from Consent as she was surprised that such a significant amount was billed from relatively basic work. She explained how she had spoken to Attorney Herin concerning his bill, as she felt it lacked itemization. She provided, as an example, the charge on February 14th for \$777; only \$92.50 was for the dog barking ordinance. She noted that the final amount on the dog barking was a little over \$2,000. Mayor Stanczyk explained that the Village Council works on several legislative items and occasionally has performed reviews, and re-investigation, which may require a re-write.

Councilman Schaffer remarked that he is concerning about spending taxpayer funds and then not resolving an issue. He explained that he received many emails and phone calls and did not have information in order to respond. He stated that if he has had an idea, he avoids bringing the matter to staff until he has raised the matter with the entire Council. He remarked that the entire Council should be involved.

Vice Mayor DuBois remarked that proper procedure allows each person to speak once before someone else speaks twice. He asked for clarification from the Village Manager concerning the February 20th notation on the Attorney's Bill concerning "follow up with John Shubin concerning Burke property." He asked why Council was not informed of discussion concerning purchasing this property. He stated that he would recuse himself from future discussion, as they are his neighbors.

Manager Williams stated that the Vice Mayor would have to ask Attorney Herin for details of this billing. He stated that over the years the Village has had discussion with Attorney Shubin.

Vice Mayor DuBois asked if the Village Council directs the attorney or does the Manager's office.

Manager Williams stated that the Attorney is a charter officer that works for the Council.

Vice Mayor DuBois expressed concern regarding the Council's prerogative to use the attorney at will.

Mayor Stanczyk stated that she was contacted by concerned citizens and attempted to provide assistance.

Councilwoman Lindsay stated that in the past, the Council brought items to the Committee of the Whole meeting for discussion. She stated that items on the Agenda under "Other Business" allow for limited public input. She noted that she, too, received phone calls from residents concerned with dog barking/noise ordinance matters. She stated that the Council had changed the code to be 20 minutes continuously and 1 hour intermittently. Councilwoman Lindsay stated that the Council should return to the system that places items on the Committee of the Whole meetings so that staff can research an issue before the Village Attorney works on it. She remarked that she regrets that misinformation was disseminated by some; however, the actual ordinance was available on line for all to review – or members of the public can contact their elected representative to discuss.

Vice Mayor DuBois moved to approve the Resolution. Seconded by Councilman Fiore. All voted in favor. The 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 30-60.29 OF THE LAND DEVELOPMENT CODE RELATING TO BARKING DOGS AND PUBLIC NUISANCE ANIMALS; PROVIDING FOR ENFORCEMENT PROCEEDINGS; 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 Mayor Stanczyk].

(As noted earlier, the item was withdrawn by Mayor Stanczyk.)

13. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

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 Vice Mayor DuBois.

Mayor Stanczyk incorporated all testimony by Director Delsalle and all public comment from the Local Planning Agency.

Clerk Alexander clarified that the item under consideration includes the amendments approved from the Local Planning Agency meeting.

Mayor Stanczyk opened the public hearing. No one wished to address the Council. The public hearing was closed.

Vice Mayor DuBois moved to approve the item, as amended by the Local Planning Agency. Seconded by Councilman Schaffer. All voted in favor, following roll call vote (5-0.) The ordinance was adopted.

14. OTHER BUSINESS

- A. Naming of the Village's Municipal Center (Councilman Tim Schaffer):
Councilman Schaffer stated that he is withdrawing consideration of this item and will discuss it further at a future Committee of the Whole meeting.

15. COUNCIL COMMENTS

Councilman Schaffer suggested that the Village provide an email reading "council@palmettobay-fl.gov" for the public use in reaching the entire council. Brief discussion ensued. Clerk Alexander was instructed to review.

Mayor Stanczyk raised the issue wherein a resident wishes to comment on the Council meetings via internet.

Attorney Lehtinen stated that it could be a problem with Sunshine; and while it is not an inherent violation of the Sunshine Law, it could be problematic. Clerk Alexander concurred, adding that it would be difficult to provide sufficient technology for all to access this type of service.

Councilman Fiore suggested that Thalatta Park remain open to the public on Sunday. He stated that he will address this matter with the staff. He stated that he will be meeting with Director Delsalle concerning improving the shed ordinance.

Councilman Fiore stated that with regard to the dog barking ordinance, he concurs with Councilwoman Lindsay; and while each member of the Council can discuss items with the attorney, it is appropriate to discuss these matters at a Committee of the Whole

meeting. He stated that he remains opposed to consideration of this type of ordinance and is grateful that the Mayor withdrew same. He asked the Manager for a status report concerning the meeting with the neighbors concerning the dog barking matter.

Manager Williams stated that he felt it was positive, as all had the opportunity to share their views. Councilman Fiore asked if Mr. Zisman had applied for a fence permit. Manager Williams stated that he did.

Councilwoman Lindsay expressed that she was pleased with the Earth Week activities that are scheduled. Mr. Kress announced the schedule.

Mayor Stanczyk reported that at the Great Parks Summit, the Village was presented with the William Phillip Lyman Award for its outstanding parks and park planning.

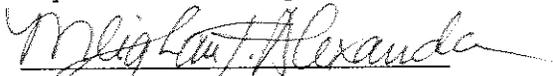
Vice Mayor DuBois remarked that accusation that Council members are making recommendations, forming committees, and suggesting ordinances in order to undermine others politically is inappropriate.

Resident Eric Tullberg encouraged the Council to ride their bikes, noting that residents can now take their bikes on Metrorail easily. He noted that he met with County staff and invented a convenient bungee cord holder for the bikes on the Metrorail trains.

16. NEXT MEETING AND ADJOURNMENT

The Meeting adjourned at 10:35 pm.

Prepared and submitted by:


Meighan J. Alexander, CMC
Village Clerk

Approved by the Village Council on this 5th day of May, 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.