

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of May 5, 2014
Village Hall Chambers
9705 East Hibiscus Street

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

Mayor Shelley Stanczyk
Vice Mayor John DuBois (arrived shortly after the meeting began)
Council Member Patrick Fiore (arrived shortly after the meeting began)
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 7:05 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.

3. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. National Public Works Week: Mayor Stanczyk and the Council recognized the outstanding efforts of the Village's Public Works Department and acknowledged National Public Works Week. Manager Williams thanked Director Corrice Patterson and her Department for their dedication. He specifically recognized Mr. Danny Casals, Field Operations Supervisor, and presented him with a plaque for exceptional public service.
- B. Alexander Montessori – 50th Anniversary: Mayor Stanczyk and the Council welcomed the administration, student council representatives, and alumni from Alexander Montessori School and congratulated them on the 50th Anniversary of the school.
- C. Odyssey of the Mind - Howard Drive Elementary State Champions: Mayor Stanczyk and the Council recognized the victory of students from Howard Drive Elementary School for the State Championship at the Odyssey of the Mind event.

4. APPROVAL OF MINUTES

- A. Minutes of the Local Planning Agency Meeting of April 7, 2014
- B. Minutes of the Regular Council Meeting of April 7, 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; Chet England, 15300 SW 80 Avenue; Zaf Ofren, Miami-Dade County Parks, 7390 SW 136 Street; John Anderson, 9343 SW 182 Street; Gilberto Torres, 8200 SW 184 Terrace, Cutler Bay; Barb Yaeger, 10221 SW 116 Avenue, 33176; Elaine Romer, 7705 SW 138 Terrace; David Zisman, 14135 Farmer Road; Theodore Nickoleris, 15804 SW 82 Court; David Singer, 8360 SW 154 Terrace; Steven Cody, 16610 SW 82 Terrace; Ken Specht, 6925 SW 147 Street; Adam Shaffner, 7855 SW 148 Street; Suzanne Bonner, 7900 SW 175 Street; Darryl Cannon, 7895 SW 182 Street; Julie Lavoie, 7461 SW 175 Street; Helen Sandow, 8260 SW 151 Street; James Smiegel, 7420 SW 175 Street; Brenda Storch, 7885 SW 179 Terrace; Andy Newman, 17474 SW 79 Court; Frank Minton, 7865 SW 179 Terrace; Marsha Schnidler, 14400 SW 69 Court; and Gary Pastorella, 6940 SW 142 Terrace; , in his opinion, opposed to lights.

Councilman Fiore voiced his objection to remarks that he believed assailed certain members of the Council.

The following individuals addressed the Council: Benjamin Oppenheimer, 14120 SW 72 Avenue; Chris Arincas, 9390 SW 179 Terrace; Bev Gerald, 14271 SW 74 Court; and, Carol Vega, 8845 SW 178 Terrace.

Councilwoman Lindsay asked Clerk Alexander to meet with Ms. Vega.

Public comments continued with the following Les Oppenheim, 14120 SW 72 Avenue; Tucker Gibbs, Attorney; Anthony Gorman, 14140 SW 72 Avenue; Elaine Schaffer, 7600 SW 164 Street; and, Jerry Templer, 8120 SW 182 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 LEHTINEN, SCHULTZ, REIDI, CATALANO & DE LA FUENTE IN THE AMOUNT OF \$988.00; PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AN EXISTING AGREEMENT WITH SUNCOAST NURSERY & TIKI HUTS, INC. FOR TREE PLANTING SERVICES WITHIN THE VILLAGE OF PALMETTO BAY; FURTHER AUTHORIZING THE VILLAGE

MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$15,000.00 TO PROVIDE VILLAGE-WIDE LANDSCAPING SERVICES IN THE PUBLIC RIGHT-OF-WAY IN FY 2013-14; AND PROVIDING FOR AN EFFECTIVE DATE.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGE-WIDE LOCALIZED DRAINAGE IMPROVEMENTS PHASE V PART 2 LOCATED AT (3) LOCATIONS WITHIN THE VILLAGE OF PALMETTO BAY; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH STANTEC CONSULTING SERVICES, INC. TO PROVIDE CONSTRUCTION MANAGEMENT OF DRAINAGE IMPROVEMENTS, AND TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$12,300.00; 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 1314-11-005 VILLAGE-WIDE TREE INVENTORY; APPROVING THE SELECTION OF E. SCIENCES, INC., AS THE MOST RESPONSIVE BIDDER TO PROVIDE VILLAGE-WIDE TREE INVENTORY SERVICES IN ACCORDANCE WITH THE URBAN AND COMMUNITY FORESTRY GRANT MEMORANDUM OF AGREEMENT; AND FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$38,556.00; AND PROVIDING FOR AN EFFECTIVE DATE.
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GRANTS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ACCEPT THE 2014 FLORIDA HIGHWAY BEAUTIFICATION COUNCIL GRANT FUNDING IN AN AMOUNT OF \$45,000 FOR BEAUTIFICATION OF US-1 MEDIANS WITHIN THE VILLAGE OF PALMETTO BAY; AND PROVIDING FOR AN EFFECTIVE DATE.
- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA RELATING TO FINANCIAL AUDITING SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXTEND THE CONTRACT WITH CHERRY BEKAERT LLP FOR FINANCIAL AUDITING SERVICES IN AN AMOUNT NOT TO EXCEED \$43,000.00 FOR THE FISCAL YEAR 2013-14 AUDIT; PROVIDING FOR AN EFFECTIVE DATE.

Clerk Alexander advised that Item 6A had been timely pulled by Vice Mayor DuBois; and, that Items 6D and 6F had also been timely pulled by Councilman Schaffer.

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

7. VILLAGE MANAGER'S REPORT

- A. Second Quarter Budget to Actuals: Manager Williams introduced Finance Director Desmond Chin. Director Chin provided a report concerning the Budget to Actuals ending March 31st. He noted that a copy of the report has been provided to Council. He stated that for the three months from January to March 31st, \$2.2 million had been collected and the Village had spent \$3 million, leaving a deficit of approximately \$1 million. He explained that for the six months leading to March, the Village had received \$7.8 million in revenue, spending \$6.1 million, leaving a surplus of \$1.7 million for the second quarter. He further noted that the estimate for year-end (September) is to have \$3.7 in revenues, with \$3.3 million in expenditures, leaving the fund balance at approximately \$12 million, rather than \$10 million.

Vice Mayor DuBois asked the projection for the third quarter. Director Chin advised that he has not provided third quarter information at this time.

- B. Village Police Commander Report

Commander Truitt offered an update concerning the current crime statistics. He also encouraged all to take advantage of the Watch Orders that residents can schedule while on summer vacation. He noted that he has been meeting and working with several residents regarding their concerns about speeding in the residential neighborhoods.

Councilwoman Lindsay asked Manager Williams to provide information concerning Item 6E that was passed under the Consent Agenda.

Manager Williams advised that grant activity has been increasing at the State level, which is good news for municipalities. He stated that the item passed concerned a FDOT Highway Beautification Grant for US-1 to begin improvements on US-1, new planting, and taking on the task of additional maintenance efforts. He stated that the public will begin to see activity on US-1. Manager Williams advised that the Council will be considering a \$15,000 grant under the Urban and Community Forestry grant; and the Safe Routes to School Grant project has been ongoing with Coral Reef Elementary, with Perrine Elementary beginning in the near future. He advised that the Village's lobbyist notified staff that the Village is scheduled to receive \$300,000 for stormwater

funds, which was vetoed in the past, but the Village is hopeful that this request will pass.

Clerk Alexander updated the public and the Council with regard to the calendar.

Manager Williams advised that staff will be working with the figures provided this evening with regard to the May 12th budget workshop.

8. VILLAGE ATTORNEY'S REPORT

Attorney Lehtinen reported that there has been no significant litigation activity this month. He noted that he had a "friendly" conversation with Alexander Montessori School whether the School may seek another voter referendum, or seek a judicial ruling concerning the legality of the Charter provision. Attorney Lehtinen stated that with regard to the recent settlement discussions with Palmer Trinity, there has been a review of this settlement document. He asserted that the former Village Attorney was consulted in order to provide her expertise with regard to past actions of this litigation.

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 SPECIAL EVENTS; APPROVING THE ESTABLISHMENT OF THE "PALMETTO BAY INDEPENDENCE DAY CELEBRATION" ON JULY 4TH, 2014; AUTHORIZING THE VILLAGE MANAGER TO ALLOCATE AND EXPEND UP TO \$60,000 FOR EXPENSES RELATED TO THE INAUGURAL EVENT; AND PROVIDING AN EFFECTIVE DATE.

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

Manager Williams provided a brief report. He introduced Parks and Recreation Director Fanny Carmona-Gonzalez and Building Official Ed Silva. The Directors provided an explanation of the proposed event.

Councilman Schaffer thanked staff for the outstanding events that are coordinated; however, he expressed his concern that firework displays draw large crowds and he asked how it will be publicized and how staff intends to handle the potential crowds.

Manager Williams noted that staff continues to work with Commander Truitt's office to coordinate this event and the logistics of same. Director Carmona-Gonzalez stated that the event will be advertised in the same manner as other Village events.

Vice Mayor DuBois asked if staff will be seeking contributions from the local businesses for this event. He also asked how the fireworks display would compare to the Black Point event.

Director Silva stated that staff will be seeking sponsors and is hopeful that the neighboring municipalities will join in, as well. He stated that the typical firework show costs \$1,000 to \$1,500 per minute.

Councilman Fiore stated that this event will draw a great deal of traffic into the Village. He noted that he is in favor of the show; however, he is not supportive of a \$60,000 cost for this event.

Councilwoman Lindsay thanked Director Carmona-Gonzalez and Ms. Mary Fernandez for their assistance in Earth Week. She also thanked the members of the Police Department that attended and participated. She asked members of the audience to raise their hands in support of the event. (Most raised their hands.)

Vice Mayor DuBois asked from which account the funds would be drawn. Mr. Silva advised that half of the funds would be taken from the General account and half from the Downtown Redevelopment account.

Mayor Stanczyk remarked that she believed the participation of the neighboring cities would allow this event to become a community event. She suggested having a concert during this event.

Councilman Fiore suggested that \$20,000 would be a more acceptable amount.

Vice Mayor DuBois asked if this resolution would create this event on a permanent basis, or only for this one time. Manager Williams replied that staff hopes to establish an annual event.

Councilwoman Lindsay moved to approve. Seconded by Councilman Schaffer. The Resolution passed (3 to 2, Vice Mayor DuBois and Councilman Fiore 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 LEHTINEN, SCHULTZ, REIDI, CATALANO & DE LA FUENTE IN THE AMOUNT OF \$988.00; PROVIDING AN EFFECTIVE DATE.

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

Vice Mayor DuBois thanked Attorney Lehtinen for his clarification concerning the former Village Attorney.

Vice Mayor DuBois moved to approve the Resolution. Seconded by Councilman Fiore. 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 INVITATION TO BID 1314-11-005 VILLAGE-WIDE TREE INVENTORY; APPROVING THE SELECTION OF E. SCIENCES, INC., AS THE MOST RESPONSIVE BIDDER TO PROVIDE VILLAGE-WIDE TREE INVENTORY SERVICES IN ACCORDANCE WITH THE URBAN AND COMMUNITY FORESTRY GRANT MEMORANDUM OF AGREEMENT; AND FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$38,556.00; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilman Schaffer stated that he understands there was a matching grant, as the Village had received \$15,000, and the Village has to match \$15,000. He noted that the purpose was to inventory of the Village's trees; however, the cost is \$39,000. He stated the Village will be providing approximately \$23,000. He asked for an explanation of the purpose.

Director Corrice Patterson noted that the tree inventory will provide a full picture of the Village's canopy, including the location, the health of the tree, and if trees are needed in certain areas.

Vice Mayor DuBois asked if this is GIS based location identification. Director Patterson noted that it was.

Vice Mayor DuBois moved to approve. Seconded by Councilman Fiore. 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 FINANCIAL AUDITING SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXTEND THE CONTRACT WITH CHERRY BEKAERT LLP FOR FINANCIAL AUDITING SERVICES IN AN AMOUNT NOT TO EXCEED \$43,000.00 FOR THE FISCAL YEAR 2013-14 AUDIT; PROVIDING FOR AN EFFECTIVE DATE.

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

Councilman Schaffer stated that he had recalled that the Council had discussed not extending this contract automatically, rather the discussion centered on

bidding the process in the Summer, perhaps leaving the selection up to the next Council following the November election. He noted that he is in favor of bidding this service before the Village begins the next audit period. Vice Mayor DuBois concurred.

Director Chin explained that the next year's audit (2014) begins in the August/September time frame.

Mayor Stanczyk suggested that the Council should not make important decisions in the summer when many are out of town.

Councilman Schaffer stated that he understands Director Chin; however, the process should be bid.

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

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, AMENDING SECTION 30-30.3(d), "ADMINISTRATIVE (DE MINIMUS) VARIANCES", TO AMEND THE ADMINISTRATIVE VARIANCE REVIEW CRITERIA AND PROCEDURES RELATING TO SHEDS AND SIMILAR ACCESSORY STRUCTURE; 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. [Co-sponsored by Mayor Shelley Stanczyk and Council Person Patrick Fiore]

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

Director of Planning and Zoning Darby Delsalle stated that this matter was presented and discussed at the March Committee of the Whole Meeting. He provided staff report.

Councilwoman Lindsay asked with regard to Section 30-33.6 that pre-existing sheds should have a date period. She remarked that the problem is that without a date, the Village is, in effect, changing the setbacks for all sheds. She stated that a date certain should be included. Councilwoman Lindsay suggested that GIS surveys may be able to help.

Director Delsalle stated that staff has the capacity within GIS to look at various aeriels; however, the imagery doesn't necessary provide an accurate date. He

stated that staff is seeking direction with regard to this persistent matter. He explained that the problem is not resolved with a shed amnesty and staff is seeking a long term solution.

Mayor Stanczyk agreed that a date certain is necessary.

Attorney Lehtinen stated that wording such as, "as of _____" can be inserted and modified for second reading.

Council briefly discussed the issue of dating the structures.

Director Delsalle stated that the Council may wish to consider the GIS as pertinent information.

Councilman Fiore stated that the Council should approve and consider a date on second reading.

Councilwoman Lindsay suggested a "place holder" be provided for second reading.

Following brief discussion, Attorney Lehtinen suggested striking the words, "pre-existing" and including, "which existed prior to January 1, 2014."

Councilman Fiore moved to modify the Ordinance, as stated. Seconded by Councilwoman Lindsay.

Vice Mayor DuBois suggested today's date.

Councilman Fiore moved to amend to include May 5th, 2014, as the date. Seconded by Councilwoman Lindsay. All voted in favor.

Attorney Lehtinen noted that the language concerning affidavits should read, "in support of". Councilman Fiore moved to modify the ordinance, as stated. Seconded by Councilman Schaffer. All voted in favor.

Vice Mayor DuBois moved to pass the Ordinance on first reading. Seconded by Councilman Fiore. All voted in favor. The Ordinance passed unanimously on first reading (5-0.)

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; MODIFYING DIVISION 30-110 RELATING TO RELIGIOUS FACILITIES, PRIVATE SCHOOLS, CHILD CARE FACILITIES, AND OTHER NON-GOVERNMENTAL PUBLIC ASSEMBLY USES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Councilman Tim Schaffer.) – **PUBLIC HEARING REQUIRED.**

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

Councilman Schaffer provided explanation for sponsoring this matter. He remarked that the Village should treat a non-governmental entity in the same manner by which it treats itself. He asserted that to do other would be unfair and possibly draw future litigation. He noted that he supports neighborhood protection, but he also believes that an application should have the right to submit an application for lights; and, the Council will consider the application during a quasi-judicial hearing. Councilman Schaffer reviewed the modifications he was proposing.

Vice Mayor DuBois stated that he cannot support the matter as it is currently drafted. He offered the following amendments that should be considered before an applicant can seek lighting: 1. Limit to only schools that have State-approved high school athletic programs; 2. Require setbacks of at least 50 feet; 3. Lighting would be turned off at 9 pm in the evenings, with an exception that two nights a year, the lights could be on until 9:45 pm, not to exceed two days per week; and 4. Lighting structure are no higher or brighter than what is acceptable under lighting engineering, with over-spill limited as much as possible. He suggested these amendments should be considered for public parks, as well.

Councilwoman Lindsay stated that she had received over 300 emails from residents opposed to the lighting. She noted that she had assisted in the drafting of this law and believes it was done to be fair to all. She noted that 30-110 was not written for one institution. Councilwoman Lindsay stated that 67% of the voters wanted neighborhood protection and 90-foot light poles are too high.

Councilman Fiore asked Director Delsalle if he had an opportunity to review the ordinance modifications. Director Delsalle stated that he had reviewed the matter on Tuesday and is not comfortable providing his opinion at this time. Councilman Fiore stated that the matter should be tabled and the Council convene an attorney-client session to discuss the Palmer Trinity matter.

Attorney Lehtinen provided a brief explanation of the outstanding litigation with Palmer Trinity. He explained that the litigation does not refer to lighting and a judge could not award lighting. He noted that; however, Palmer did provide information that it would not withdraw damages lawsuit if the Village would not allow lighting. Attorney Lehtinen noted that this ordinance is a legislative matter to be decided on the merits for the best of the Village, not a legal component of a settlement for Palmer Trinity.

Councilman Fiore asked if the ordinance modification will solve the problem within the settlement agreement and the code.

Attorney Lehtinen stated that the vote in the September 9, 2013 settlement discussion seemed to imply that the council would provide lights; and, while the Council can't provide lighting as part of a true settlement, but the Council can modify the code. He explained that to do so would move substantially toward the effort of having Palmer Trinity drop their case.

Mayor Stanczyk remarked that the two unrelated claims are being covered by the Florida League of Cities and their claims are unrealistic, frivolous, and she believes the Village is being held "hostage" by one entity.

Attorney Lehtinen stated that there are 15 claims in one lawsuit and 14 civil rights in another. He noted that if there is a judgment against the village, the insurance company does not pay the judgment.

Vice Mayor DuBois stated that the insurance will move to have two of the 13 counts dismissed; and, if they are dismissed, the Village will be bearing the costs to litigate the remaining counts.

Following brief comment, Councilman Fiore moved to table the matter.

Vice Mayor DuBois asked if the amendments he suggested would be included. Following comments, the Mayor opened the public hearing.

The following individuals addressed the Council: Frank Minton, 7865 SW 179 Terrace; Gary Pastorella, 6940 SW 142 Terrace; Eric Tullberg, 7884 SW 179 Terrace; Vera Goldberg, 7825 SW 148 Street; Bev Gerald, 14271 SW 74 Court; Roberto Torres, 8300 SW 184 Terrace; Jerry Templar, 8120 SW 182 Street; Gerry Schute, 8120 SW 183 Street; Carol Vega, 8845 SW 178 Terrace; David Singer, 8360 SW 154 Terrace; and, Adam Schater, 7855 SW 148 Street;

Attorney Lehtinen remarked that if the motion to table is going to be presented, from a parliamentary standpoint, a motion to defer to time certain is the appropriate motion.

Following discussion, Councilman Fiore moved to table and immediately have an Attorney Client Session. He revised this motion to move to defer the matter to date certain of June 2nd, 2014. Seconded by Mayor Stanczyk.

Councilman Schaffer stated that he is seeking fairness, allowing organizations to have the ability to submit an application.

Vice Mayor DuBois stated that he would be supporting of deferral, as long as a staff report will be provided and that staff would consider the proposed amendments he had offered.

Councilwoman Lindsay suggested that the definition of "may" and "shall" must be clear.

Mayor Stanczyk called the question. The motion carried (4 to 1, Councilman Schaffer opposed.)

Vice Mayor DuBois moved that a staff report to be prepared to include report concerning his suggested amendments. Councilwoman Lindsay stated that the staff report should include consideration of an amendment, on page 8, "may" be permitted versus "shall" be permitted. She stated that the same modification should be considered on page 12.

Clerk Alexander clarified that the other section on Page 12 had not been modified. She verified with Councilwoman Lindsay that this issue would be addressed in the staff report.

Councilman Schaffer suggested considering compliance with 30-60.6.

Councilman Fiore seconded the motion to include the comments for staff report. All voted in favor.

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

14. **OTHER BUSINESS:** None at this time.

15. **COUNCIL COMMENTS**

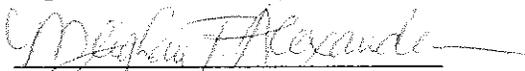
Mayor Stanczyk remarked that the Village's staff did an outstanding job with the various Earth Week activities this past week.

Manager Williams thanked the Mayor for her remarks and stated that he would thank the Directors on her behalf.

16. **NEXT MEETING AND ADJOURNMENT**

The Meeting adjourned at 11:33 pm.

Prepared and submitted by:



*Meighan J. Alexander, CMC
Village Clerk*

Approved by the Village Council on this 2nd day of June, 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.