

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of June 3, 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 7:00 p.m. Mayor Stanczyk asked Scout Master David Ziska to lead the pledge of allegiance.

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

A. Neal Simmons
Mayor Stanczyk and the Council recognized Neal Simmons and thanked him for his service to the Village. Director of Parks and Recreation Fanny Carmona-Gonzalez and Communications Manager Bill Kress commented that Mr. Simmons was extremely talented and helpful.

B. Eagle Scouts & Silver/Gold Girl Scouts

Mayor Stanczyk and the Council recognized all the Eagle Scouts and Silver/Gold Scouts. The following children were recognized for their commitment to Scouting:

Eagle Scouts:
Brian Charles Bibb
Gregory G. Boldt
Dylan B. Franz
Glenn Spencer Grant II
John Wesley Groves II
Patrick Guilford
Prudhvi Lokireddy
Nicholas Moreno
Christian Nilson

Vice Mayor DuBois asked how many of the members of the DRTF are property owners or residents of Palmetto Bay. Mr. Silva replied that the majority, approximately 21 or 22, are property owners and residents. Manager Williams advised that the DRTF will be first considering possible infrastructure improvements.

Vice Mayor DuBois suggested that since the DRTF is meeting regularly, it would be appropriate to have regular updates of this committee at each Committee of the Whole meeting. Manager Williams stated that he would have DRTF reports provided when meaningful information is available.

- D. Manager Williams announced that the Village has received the LEED Platinum-level status for the Municipal Center. He advised that staff will be installing the certification signage in a prominent location in the near future.

Clerk Alexander provided an update of the calendar of meetings.

8. VILLAGE ATTORNEY'S REPORT

- A. June, 2013 Update: Attorney Boutsis reported that she had provided her update in writing and was available for questions.

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

10. RESOLUTIONS: None at this time.

11. RESOLUTIONS REQUIRING PUBLIC HEARING

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE ART-IN-PUBLIC PLACES (AIPP) PROGRAM, ACCEPTING THE RECOMMENDATION FROM THE AIPP ADVISORY BOARD TO APPROVE THE PUBLIC ART WORK ENTITLED "THE GATHERING" AS DESIGNED BY MICHAEL MCLAUGHLIN AND MODIFIED BY THE AIPP BOARD, TO INSTALL PUBLIC ART WITHIN THE PLAZA AREA OF VILLAGE HALL, LOCATED AT 9705 EAST HIBISCUS STREET; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT NEGOTIATIONS TO PURCHASE THE PUBLIC ART WHICH SHALL BE PAID THROUGH THE ART-IN-PUBLIC PLACES FUND IN AN AMOUNT NOT TO EXCEED \$45,000; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Sebastian Santa Cruise
Colt Sheesley
Hugo Gerald Stopford Trier
Robert Steen

Bethany Nilson – Venture Scouting Silver Award

Gold Level Girl Scouts:

Kendall Armstrong
Francesca Castan
Grace De Witt
Stephanie Diaz
Renee Dobrinsky
Elizabeth Evans
Elizabeth Eversole
Rachel Forment
Camille Gladieux
Caitlin Kaloostian
Hannah Kealy
Kailey Scott Pennington
Karina Pietra
Camille Plunkett
Julia Telischi

Silver Level Girl Scouts:

Lauren Abraham
Mary Adams
Kayla Baker
Caitlyn Chong
Isabella Corzo
Alissa Dobrinsky
Hannah Dodge
Callie Hill-Tavares
Paige Honecker
Lucy Kealy
Adina Krujissen
Carolina Mallar
Cassandra Plunkett
Julia Rothfield
Jennifer Perla
Ximena Sakay

3. **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.

4. **APPROVAL OF MINUTES**

A. Minutes of the Regular Council Meeting of May 6, 2013: Vice Mayor DuBois moved to approve the Minutes. Seconded by Councilman Schaffer. All voted in favor. The Minutes were unanimously approved (5-0.)

5. **CONSENT AGENDA**

A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PLANNING AND ZONING AND RFP-2013-PZ-02; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT FOR PROFESSIONAL GEOGRAPHIC INFORMATION SYSTEM SERVICES BETWEEN THE VILLAGE OF PALMETTO BAY AND ROSS GIS CONSULTING, INC.; AND PROVIDING AN EFFECTIVE DATE.

B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PLANNING AND ZONING AND RFQ-2013-PZ-01; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT BETWEEN THE VILLAGE OF PALMETTO BAY AND RICHARD L. DOODY, ESQ., PA, FOR SPECIAL MASTER SERVICES; AND PROVIDING AN EFFECTIVE DATE.

C. 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 \$21,635.89; PROVIDING AN EFFECTIVE DATE.

Clerk Alexander reported that no items were timely pulled from the Consent Agenda.

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

6. **REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Anthony Gorman, 14140 SW 72 Avenue; Gary

Amore, 17920 SW 83 Avenue; Gary Pastorella, 6940 SW 142 Terrace; Eric Tullberg, 7884 SW 179 Terrace; David Singer, 8360 SW 154 Terrace; and Bev Gerald, 14271 SW 74 Court.

7. VILLAGE MANAGER'S REPORT

- A. Village Police Commander Report
Manager Williams introduced Policing Unit Commander Greg Truitt.

Commander Truitt announced that he had two important awards to be presented this evening. He introduced Chief Hernan Organvidez, Chief of South Operations, Miami-Dade County Police Department. He then asked Officer Omar Moreno to come forward.

Officer Omar Moreno was recognized for 25 years of service to the community, as a Miami-Dade Police Officer. Chief Organvidez provided Officer Moreno with a service award. Commander Truitt provided a history of his experience.

Officer Andrew Garcia was recognized. Commander Truitt shared that Officer Garcia was being commended for saving a child, following responding to a call wherein an infant was found face-down in a pool. The hospital stated that without Officer Garcia's actions, administering back thrusts to the infant, the baby would not have survived. Chief Organvidez presented Officer Garcia the Life Saving Award.

Commander Truitt provided a brief update, adding that crime is down due to the diligence of the afternoon and midnight shifts. He encouraged residents to call in for a watch order if they will be out of town this summer. He announced that the helmet program is ongoing and asked all who need a helmet to visit the police.

- B. Parks and Recreation Director Fanny Carmona-Gonzalez announced that the Village has completed summer camp training for all personnel and the Village is prepared for the start of Summer Camp on Monday. She stated that installation of the fitness stations at Palmetto Bay Park had begun; however, construction has been delayed due to weather and staff anticipates the project to be completed within the next two weeks.
- C. Building Official and Capital Projects Manager Edward Silva came forward to discuss the Downtown Revitalization Task Force (DRTF). Manager Williams advised that a group of citizen volunteers have been meeting to discuss the ongoing consideration of the revitalization of the Village. Mr. Silva noted that approximately 25 residents are participating, looking to "jump start" redevelopment. He provided information concerning the various subcommittees.

Director of Planning and Zoning Darby Delsalle provided staff report. He explained that the matter was solicited under a competitive procurement process. He advised that the amount was budgeted through the Art in Public Places (AIPP) program and the AIPP Advisory Committee had met, reviewed, and ranked the art work.

Manager Williams added that the existing art piece at the entrance to Village Hall is on loan and this procurement would result in a permanent piece.

Mayor Stanczyk asked the Director to explain the source of the funding and how it is collected. Director Delsalle explained the nuances of the AIPP.

Mayor Stanczyk asked if the fee was collected through permitting. Director Delsalle confirmed that it was and general funds are not used.

Zoning Administrator Efren Nunez advised that 24 submittals of interest were received and the Board ranked all submittals and selected the top four.

Councilman Schaffer noted that the model presented did not appear to match the piece in the Council agenda. Mr. Nunez advised that the model was provided as an example of the material and the patina. Councilman Schaffer suggested that an alternative location be considered so that the piece would have more visibility.

Manager Williams advised that the piece would be related to the public structure; for example, a courthouse will have art in and around its facility. He noted that all visitors to Village Hall will recognize the piece as being attached to the site. Discussion ensued.

Vice Mayor DuBois asked for the budget of artwork at Village Hall and the amount of the budget that has been spent. He asked the status of the chandelier that was purchased. Manager Williams advised that the chandelier was reviewed by the fire department and it was subsequently discovered that it would be unsafe to install the piece.

Vice Mayor DuBois asked how staff can be certain that other art pieces would not be unsafe, as well. Manager Williams stated that there is no assurance when it comes to art. He added that staff should not have to be in a position to defend this program that was adopted by the Council. He noted that staff is following the program that was established by the Council.

Vice Mayor DuBois reiterated his inquiry concerning the budget. Director Delsalle advised that the original art installation, the three paintings in the lobby, were procured for approximately \$35,000. He noted other pieces of art on display are part of a rotating art program and the pieces are provided free of charge to the Village.

Manager Williams advised that many items require a building permit prior to installation and the pieces must meet all safety standards. He added that the Council appoints members to the advisory board based upon their expertise. He noted that in the past, the Council had decided that it wished to have a minimum of three pieces of art brought forward for each art acquisition. Manager Williams concluded by stating that staff would like the Council to make a selection in order to move forward.

Mayor Stanczyk remarked that she believed the bronze work provided as an example is very well done and the design "mimics" the Village's seal. She opened the public hearing. No one wished to speak.

Councilman Fiore remarked that while he believes the artwork displays the artists' talents, he is not in favor of the Ordinance that would seek funds from residents, which he opined is a "privilege tax."

Councilwoman Lindsay advised that she had worked in the past to bring AIPP to the Village and believes it is a worthwhile program that enhances the quality of life. She stated that as far as these pieces are concerned, there is a committee of experts who are highly qualified to serve on this committee and if the bronze sculpture was the number one selection, she respects their judgment. She further expressed that the location was appropriate.

Mayor Stanczyk remarked that the Village Hall was designed to display public art in the front of the building. She stated that other communities have modeled the Village's art program.

Councilwoman Lindsay moved to support the recommendation and approve the Resolution. The motion failed for lack of second.

Manager Williams asked the Council to individually contact him, as staff would need direction from Council as to what they would like to see at this location in Village Hall when the art piece on loan is removed.

12. ORDINANCES FOR FIRST READING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA AMENDING ORDINANCE NO. 07-25 ENTITLED "AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE'S STREET SIGN REPLACEMENT PROGRAM; AUTHORIZING THE CITY MANAGER TO EXECUTE A FINANCE AGREEMENT WITH REGIONS BANK; PROVIDING FOR A TWO MILLION FIVE HUNDRED THOUSAND DOLLAR TAX EXEMPT LOAN UNDER A 12 YEAR AMORTIZATION TERM, AT 3.90 PERCENT FIXED INTEREST RATE; DEDICATING

CITT FUNDS FOR FINANCING THE LOAN; PROVIDING FOR ORDINANCES IN CONFLICT; CODIFICATION, SEVERABILITY AND EFFECTIVE DATE.” TO PROVIDE FOR ADDITIONAL PROJECTS; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Finance Director Desmond Chin provided staff report. He stated that the purpose of this Ordinance would be to amend the original loan that was taken out for the street sign program. He explained that, initially, the street signs were designed for four street corners, then, re-designed to two corners of each intersection. The Village has approximately \$1.7M remaining in the loan due to the design modification and staff would like to amend the wording of the loan to use the funds for projects eligible under the CITT.

Manager Williams added that this Ordinance would broaden the scope and allow for more projects. He stated that CITT fully services this loan.

Following brief comment, Director Chin noted that the funds have to be used for CITT purposes only and will remain in a special reserve fund.

Mayor Stanczyk called the question. All voted in favor. The Ordinance passed on first reading unanimously (5-0) and will be scheduled for second reading/public hearing.

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING SECTIONS 30-70.5(b)(2) AND 30-70.6 OF THE LAND DEVELOPMENT CODE RELATING TO SINGLE-FAMILY DETACHED RESIDENTIAL DRIVEWAYS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Councilman Tim Schaffer].

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

Director Delsalle provided staff report. He provided a history of the current ordinance and how the proposed ordinance would affect the original law. He noted that currently, there are several configurations of driveways within the Village with a variety of setbacks. He stated that those properties are currently in a legal non-conforming state and protected by code. Director Delsalle advised that staff recognizes that the configuration in how a property was designed may make the side facing garage inoperable, if a reduced setback was not permitted. He stated that the proposed ordinance allows for three driveway approaches and addresses drainage and swale issues. He advised that the proposed reduction of

the required setback from five feet to two feet was the one proposed element that staff had difficulty with and staff recommends a minimum of three feet.

Councilman Schaffer explained that during and after the recent election campaign, he spoke with residents in his neighborhood regarding driveways. He noted that in his neighborhood, there are many side entry garages, with many non-conforming driveways. However, the construction of a U-shaped driveway seemed unclear in the code. He concluded that he brought this matter forward for consideration as he wished to have an ordinance that conforms to the way the village is, rather than having people have to conform to a law.

Vice Mayor DuBois noted that on page 3, the Ordinance states that Public Works reviews the driveways. Director of Public Works Corrice Patterson advised that when a permit is submitted, Public Works requests a survey to identify utilities in the driveway to see whether the driveway construction would be appropriate.

Mayor Stanczyk asked if two feet would be appropriate. Director Patterson replied that each driveway is reviewed on a case-by-case basis. Mayor Stanczyk asked whether a driveway would be permitted with two feet setback. Director Patterson noted that it may or may not work depending upon several circumstances.

Councilman Schaffer noted that the setback does not dictate the public utilities. Director Patterson confirmed this to be correct.

Councilwoman Lindsay remarked that the code is in place to insure that the look of Palmetto Bay, the large lot sizes, green spaces, and privacy remain. She noted that a two foot setback may be a drainage issue for the adjacent neighbor. She suggested that this ordinance may change the appearance of the Village.

Vice Mayor DuBois suggested amending the ordinance to state that a five foot setback would be permitted for non-percolating driveways, three feet for percolating driveways.

Discussion ensued. Manager Williams interjected, noting that staff had provided a recommendation.

Mayor Stanczyk stated that she is concerned about the appearance of green lawns throughout the Village.

Vice Mayor DuBois moved to modify the setback to three feet, instead of two; and, modify the number of driveway cuts from four to three. Seconded by Councilman Schaffer. The motion passes (3 to 2, Mayor Stanczyk and Councilwoman Lindsay opposed.)

Councilwoman Lindsay expressed her objection, reiterating that she likes the appearance of green laws and the non-conforming properties that exist are already protected by the Code.

Councilman Fiore called the question on the amended Ordinance. The Motion passed (3 to 2, Mayor Stanczyk and Councilwoman Lindsay opposed.) The matter shall be scheduled for second reading/public hearing.

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

14. **OTHER BUSINESS**

A. Enforcement of the Village Charter – Councilman Patrick Fiore: Councilman Fiore stated that he believes the Village’s charter is unenforceable and he confirmed this with the Village Attorney. He advised that this matter was considered during Charter Review, but was not taken forward to the voters.

Mayor Stanczyk stated that there are many mechanisms in place to enforce the Charter and the Councilman should not be using the Village Attorney’s time when the charter recently went through the Charter Review Process.

Councilman Fiore replied that he will take this matter upon himself and review other municipal charters.

B. Revisions to variance process, fees, and application – Councilman Patrick Fiore: Councilman Fiore stated that he believes that, based on the last several variance hearings, many on the Council felt a level of discomfort applying the strict hardship standard. He asked for the Manager and staff to begin reviewing the variance process. He added that he believes the Council should consider modifying the 5% administrative variance and treat all fairly.

Mayor Stanczyk stated that the hardship variance is specific to allow for a non-subjective vote. She stated that she is in favor of providing an affidavit to the applicant so that they know there is no guarantee.

Councilman Schaffer stated that he would like the flexibility that would result by expanding the level of an administrative variance.

Mayor Stanczyk countered that she would not support giving more leeway to staff, as she does not want to remove the responsibility of a quasi-judicial board.

Councilman Fiore stated that he is asking for review of the process, which may include reducing the application amount, and providing an affidavit to applicants.

Councilwoman Lindsay stated that there is a strict hardship ordinance that Council is supposed to follow and to not follow it subjects this city to lawsuits. She stated that a copy of the variance ordinance should be provided to the applicant when they sign the affidavit.

Vice Mayor DuBois remarked that the Council is not always consistent in following the ordinance. He stated that he is in favor of reviewing the matter. He noted that the County allowed a 25% administrative variance and the Village reduced this to 5%. He remarked that Council should have staff follows a responsible process for administrative variances and is in favor of allowing a level over 10%.

Mayor Stanczyk objected to delegating responsibility to staff, as the Council does not have direct contact with staff and would have no control over who received a variance and what was the subject of the variance.

Councilman Fiore asked Clerk Alexander to read the definition of zoning from the memo. Clerk Alexander read, "a variance is an exception."

Vice Mayor DuBois moved to allow public comment. Seconded by Councilwoman Lindsay. All voted in favor. The following individuals addressed the Council: Larry Gershwin, contractor who had represented the Bass family during the May zoning hearing; David Singer, 8360 SW 154 Terrace; and Paula Palm, 8895 SW 152 Street.

Councilman Schaffer made a motion that the administrative variance flexibility be also reviewed by staff. Seconded by Vice Mayor Dubois. The motion carried (3 to 2, Mayor Stanczyk and Councilwoman Lindsay opposed.)

Councilman Fiore moved to approve the Other Business items, with amendment by Councilman Schaffer. Seconded by Vice Mayor DuBois.

Councilwoman Lindsay and Mayor Stanczyk asked for clarification. Brief discussion ensued. Councilman Fiore moved to remove the words "conduct a feasibility study." Councilman Schaffer second. The motion carried (3 to 2, Mayor Stanczyk and Councilwoman Lindsay opposed.)

Councilman Fiore moved to have the affidavit be drafted for the applicant. Seconded by Councilman Schaffer. Councilwoman Lindsay stated that the affidavit should include that the applicant received a copy of the ordinance and they understand it and the village must follow the law.

Manager Williams stated that the Village cannot ask someone to certify that they understand the ordinance. Councilwoman Lindsay stated that perhaps they could certify receipt and that they had the opportunity to ask questions.

Manager Williams stated that applicants should be directed to speak to an attorney; he does not want staff to be in the position to interpret law.

Mayor Stanczyk objected to the affidavit not being reviewed by the Council. Attorney Boutsis remarked that the affidavit is an administrative document. Councilman Fiore stated that he trusts that staff will draft an appropriate document.

Mayor Stanczyk objected, stating that "Other Business" is not meant to be used in this way, as the Council may be creating an affidavit that it has not reviewed.

Manager Williams asserted that staff is well trained to draft an affidavit, as they are professionally qualified and prepare these types of administrative documents regularly.

Councilwoman Lindsay moved to include the ordinance with the affidavit. Seconded by Vice Mayor DuBois. All voted in favor.

- C. Evaluations of Charter Officers – Vice Mayor John DuBois: Vice Mayor DuBois stated that his request is simply to have the charter officers evaluated annually. He provided several documents to perform a written annual review of the charter officers.

Mayor Stanczyk noted that her drafts would need to be modified to properly count the vote tally.

Vice Mayor DuBois asked the Council to review the documents and consider performing the evaluations in July.

Mayor Stanczyk remarked that the Manager's contract stated that the reviewing document must be a collaborative effort.

Vice Mayor DuBois moved to pass the desired action. Seconded by Councilman Schaffer.

Councilman Fiore stated that he will support the desired action; however, when and if he has a problem with any charter officer, he addresses it directly.

Clerk Alexander clarified that the Council would meet with the Manager and the Clerk to review the evaluation form. All voted in favor. The motion passed unanimously (5-0.)

15. COUNCIL COMMENTS

Councilman Schaffer suggested that a letter of congratulations be sent to the Odyssey of the Mind children that were recently acknowledged, as they came in 4th place in the worldwide competition.

16. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 10:51 pm.

Prepared and submitted by:


Meighan J. Alexander, CMC
Village Clerk

Adopted by the Village Council on this 11th day of July, 2013.


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.