

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of July 7, 2014
Village Hall Chambers
9705 East Hibiscus Street

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

Mayor Shelley Stanczyk
Council Member Patrick Fiore
Council Member 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. Eagle Scouts – Troop 314: Mayor Stanczyk welcomed the Eagle Scouts and recognized the outstanding attributes of each of the gentlemen and provided each of them with a proclamation.

4. APPROVAL OF MINUTES

- A. Minutes of the Local Planning Agency Meeting of June 2, 2014
B. Minutes of the Regular Council Meeting of June 2, 2014

Councilman Schaffer moved this item forward. Seconded by Councilman Fiore. Councilman Fiore moved to approve the Minutes. Seconded by Councilman Schaffer. All voted in favor. The Minutes were approved unanimously (4-0.)

- 5. REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Fidel Barretto, 8960 SW 153 Terrace; Daniella Levine Cava, 15360 SW 67 Court; Peter England, 7620 SW 171 Street; Veronica Diaz, candidate for Circuit Court Judge Group 70; Michael Rosenberg, 13030 N. Calusa Club Drive; Steven Ballent, candidate for Circuit Court Judge; Daniella Levine Cava; and James McGhee, 8621 SW 142 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 RIEDI CATALANO FUENTE, PLLC, IN THE AMOUNT OF \$7,068.00; PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ENDORSING THE MISSION OF THE MIAMI PETS' TRUST URGING THE MAYOR AND THE COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA TO IMPLEMENT THE WILL OF THE PEOPLE AS SUPPORTED BY A MAJORITY OF THE VOTERS IN THE 2012 PETS' TRUST BALLOT INITIATIVE BY ESTABLISHING A FUNDING MECHANISM FOR THE PETS' TRUST INITIATIVE; AND PROVIDING FOR AN EFFECTIVE DATE. [Sponsored by Mayor Shelley Stanczyk].
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, URGING THE MIAMI-DADE COUNTY BOARD OF COMMISSIONERS TO CREATE AND IMPLEMENT A LONG TERM STABLE FUNDING PLAN THAT WILL RESTORE FULL FUNDING TO THE ENTIRE MIAMI-DADE PUBLIC LIBRARY SYSTEM; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE. [Sponsored by Mayor Shelley Stanczyk].
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO EMPLOYEE BENEFITS; APPROVING THE SELECTION OF SCHWABE BENEFITS GROUP TO PROVIDE BROKER/AGENT OF RECORD PROFESSIONAL SERVICES FOR THE VILLAGE'S EMPLOYEE BENEFITS PROGRAM; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT AGREEMENT WITH SAID FIRM FOR THE AGGREGATE AMOUNT OF \$58,636 FOR THE FIRST 3 YEARS; AND PROVIDING FOR AN EFFECTIVE DATE.
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRANSPORTATION SERVICES, AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR THE PROVISION OF PUBLIC TRANSPORTATION SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

Clerk Alexander announced that no items had been timely pulled from the Consent Agenda.

Councilman Fiore moved to approve the Consent Agenda Resolutions. Seconded by Councilwoman Lindsay. All voted in favor (4-0.) The Resolutions passed unanimously.

7. VILLAGE MANAGER'S REPORT

Manager Williams provided an update concerning the summer camp program, noting that it has been successful and he is proud of staff's efforts. He advised that the Coral Reef Park Recreational Building's use will be limited as the staff reviews bids for shoring the structure, which will be done at a cost of approximately \$10,000-\$12,000. Manager Williams concluded by advising that he will be providing the Budget to the Council in early August.

Clerk Alexander announced the upcoming calendar.

A. Village Police Commander Report

Manager Williams thanked Commander Truitt for his and his officers' service at the recent 4th of July event.

Major Gregory Truitt, Unit Commander, thanked the Village Parks staff and Director Carmona-Gonzalez, as their coordination helped make the event easy to manage from a policing standpoint. He provided an update regarding the crime statistics in the Village.

Councilman Schaffer asked for Commander Truitt to provide his theory concerning traffic issues that constituents have previously mentioned.

Commander Truitt stated that people will find their way throughout the neighborhoods – a “river of gas.” He stated that while the County has a methodology to determine size and lane-age, anyone in a vehicle is permitted to use any road. He noted that while the police try to focus on troubled areas, they have to cover the entire Village. He advised there were over 500 violations issued for speeding last year.

8. VILLAGE ATTORNEY'S REPORT

Attorney Lehtinen advised that the date of July 21 has been set to hear certain matters, such as Palmer's hearing; however, the prior resolution that established the dates throughout the year should be modified.

Mayor Stanczyk asked if other items are also to be set at this time.

Attorney Lehtinen advised that the date for the hearing on the Palmer matter has been advertised and other items as may be considered.

Councilwoman Lindsay moved to approve the revision to the Resolution, as noted. Seconded by Councilman Schaffer. All voted in favor (4 to 0.)

Attorney Lehtinen provided an update concerning the impact of the recent legal matter, *Key West v. Florida Keys Community College*, and how it may affect the Village with collection of stormwater fees. He advised that, unless the Council is opposed, he would be meeting with the County Attorney's office and the Miami-Dade County School Board to discuss the impact with regard to the fees being charged to the Miami-Dade County School Board.

Mayor Stanczyk expressed her support.

Attorney Lehtinen expressed that he, his wife and grandchildren enjoyed the 4th of July event.

9. BOARD AND COMMITTEE REPORTS

10. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AD VALOREM TAXES; ESTABLISHING THE PROPOSED MAXIMUM MILLAGE RATE AND SETTING THE DATES, TIMES AND LOCATION FOR THE FIRST AND SECOND BUDGET HEARINGS FOR FY 2014-2015; FURTHER DIRECTING THE VILLAGE CLERK TO FILE SAID RESOLUTION WITH THE MIAMI-DADE COUNTY PROPERTY APPRAISER; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams introduced Finance Director Desmond Chin. Manager Williams explained the purpose of the Resolution. He provided a history of the establishment of the millage rate and expressed that staff is continuing to recommend the millage rate of 2.4470. He explained that the largest budgeted department in the Village is the Police Department, which is also the Department of which the Village has the least amount of control. He advised the Council that Miami-Dade County has estimated a budget increase of approximately \$800,000 for Palmetto Bay. Manager Williams explained that in the past few years when the 2.447 millage rate was in place, there were labor relations issues within the Miami-Dade County Police Department; however, the Village's costs were stable, as the Police labor unions had agreed to dramatic concessions. He stated that some of the concessions are scheduled to be "snapped back or reinstated" during this coming fiscal year. He noted that the Miami-Dade County Police Department had provided the Village with budgetary figures that would include costs to the Village if the concessions were reinstated. Manager Williams explained that the Budget that includes the \$800,000 increase includes the restoration of the police department benefits, should those benefits be returned via union/County negotiations. He explained that he and the Finance Director have computed a millage that would cover the increase in the Police Department budget.

Director Chin advised that the millage would be an additional .325, or a maximum of 2.772.

Manager Williams reminded the Council that the union negotiations are ongoing; and, if the benefits are not restored, there would be no need to increase the millage rate and the Council could adopt a budget with the 2.447 millage rate. He noted that he felt it was appropriate to inform the Council of this potential budget increase.

Commander Truitt advised that the County is considering laying-off 250 police officers at this point.

Manager Williams explained the various benefits being considered and explained that the prudent step would be to consider the maximum stated by Director Chin, in order to be prepared for a possible increase.

Director Chin noted that if the concessions are provided to the Police by the County, the budget would increase from \$6.4 to \$7.2 million.

Manager Williams remarked that the Village has held the current millage rate for nine years; however, there are issues at the County level that affects the Police, the largest line item in the budget. He asserted that regardless of what happens at the County level, the Village will fund the Policing Unit.

Councilman Schaffer asked for the status/cost of the park building. He clarified this to seek the cost of the proposals for other upcoming construction projects.

Manager Williams stated that staff will be working with the community to ascertain what the needs are for the Coral Reef Park community building and then will return and address this with the Council. He stated that staff does not wish to fund this construction from the general fund.

Councilman Schaffer suggested planning for at least the \$800,000 increase and also considering funding the capital expenses for the building; estimating minimally \$1,000,000 to be added to the budget.

Director Chin stated that while it is prudent to budget for the potential costs, there is a distinction: one amount (\$800,000) is operating/recurring; and, the other is a fixed capital asset; however, both do affect cash flow. He stated that the Village is well funded to handle the capital expenditure.

Councilman Schaffer stated he is not inclined to bump up the millage rate; however, he asked if staff believes there would be a significant increase in revenue in the future, such as the ad valorem revenue.

Manager Williams stated that staff is working on a solid waste issue that has the potential to be another revenue source, although this amount will not be

substantial. He noted that there are no other substantial revenue increases expected.

Following brief discussion, Councilwoman Lindsay asked the “per household” impact of the increased millage rate.

Director Chin replied that the amount would be approximately \$79 per household.

Councilwoman Lindsay remarked that the public had not had the opportunity to comment on this matter, as staff was recently informed of the issue. She suggested adopting the maximum 2.772 suggested rate in order to insure the Village can maintain its same level of service. She noted that the Council should be able to receive public input prior to setting the actual millage rate.

Councilman Fiore stated that he was displeased, as he recalled that he was concerned this increase was possible when the Village was in the process of negotiating the Police contract. He explained that he was not upset with the Manager and staff, but rather concerned that the County Mayor and administration was not going to be impacted, but the “rank and file” officers would be. He remarked that 2.772 was a significant jump in the millage. Councilman Fiore stated that this was a County issue and the municipalities should not be negatively impacted because of the County’s issues.

Mayor Stanczyk concurred. She stated that the Village receives 2.447; however, the County receives a significant amount of the ad valorem revenue. She remarked that the County is now intending to charge the Village \$800,000 more.

Manager Williams stated that staff is acting in a prudent fashion by providing this information in order to the Council. He advised that the County, if the increase is determined, would be restoring benefits to the rank and file police, as the County Police union gave up several benefits to assist the County during lean years – the impact of the \$800,000 is solely for restoration of benefits. He reminded the Council that the Village had added two police officers during the lean years. Manager Williams explained that if the Council wishes to keep the millage at 2.447, Director Chin will advise as to revenue will be available.

Mayor Stanczyk asked how much did the Village benefit from the cost decrease.

Director Chin stated that the exact cost has not been calculated; however, presumably, the effect of \$800K would have been the benefit of the cost decrease.

Councilwoman Lindsay stated that setting the millage at the 2.772 maximum is not raising the taxes; the amount allows coverage to provide the services. She stated that if the \$800,000 increase is required by the Village, the residents should be able to speak as to whether they wish to have the same level of services with an increase in taxes or they do not. She explained that the residents should be

able to voice their opinion and the Council should give the "wobble room" to follow the will of the people.

Councilman Schaffer suggested that the Council discuss this matter further at the Special Council scheduled for the 16th. Following brief comment, Councilwoman Lindsay moved to amend the Resolution to set the maximum millage rate to be 2.772. Mayor Stanczyk seconded the motion. Mayor Stanczyk called the question. The motion fails (3 to 1, Councilwoman Lindsay being the sole supporter.)

Councilman Schaffer moved to approve the maximum millage rate of 2.447. Seconded by Councilman Fiore. The motion passed (3 to 1, Councilwoman Lindsay voting in opposition.)

Clerk Alexander announced the Budget Hearings scheduled for September 8th and 22nd.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GRANTS; ACCEPTING A GRANT AWARD OF \$181,500 UNDER THE STATE'S RECREATIONAL TRAILS PROGRAM FOR IMPROVEMENTS TO THE CORAL REEF PARK TRAIL; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE GRANT AGREEMENT AND OTHER RELATED DOCUMENTS AS REQUIRED; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams provided staff report. He advised that the grant was a 60/40 match to provide substantial repairs.

Following brief comment, Councilman Schaffer moved to approve the Resolution. Seconded by Councilwoman Lindsay. All voted in favor. The Resolution passed unanimously (4-0.)

Manager Williams reported that the Village has received over \$526,000 in grant dollars and over \$1,000,000 in additional services through the Village's matches, as well.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; CREATING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS OF A PROPOSED AMENDMENT TO THE VILLAGE CHARTER REGARDING THE REFERENDUM OF CERTAIN ELECTORS REGARDING PRIVATE SCHOOL EXPANSION; PROVIDING FOR COPIES OF THE CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE VILLAGE CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE

COUNTY SUPERVISOR OF ELECTIONS TO PLACE THE CHARTER AMENDMENT ON THE BALLOT; PROVIDING FOR SEVERABILITY; AND FOR PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Shelley Stanczyk)

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

Mayor Stanczyk stated that when the original Charter amendment was brought forward 67% of the voters approved it; and, it was a citizen initiative. She explained that recently, Alexander Montessori School followed the process and it was found that a 75% affirmative vote was difficult to achieve. She remarked that the charter amendment is a positive one; however, the 75% vote was too onerous to obtain within reason. Mayor Stanczyk asserted that this amendment would still require a majority vote, require a specific election, but allow for a fair effort.

Councilman Schaffer remarked that he is pleased to see the matter brought forward.

Councilman Fiore moved to approve the Resolution. Seconded by Councilman Schaffer. All voted in favor. The Resolution passed unanimously (4-0.)

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, ACTING IN ITS CAPACITY AS THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING AGENCY, AMENDING THE VILLAGE'S COMPREHENSIVE PLAN'S GOALS, OBJECTIVES, AND POLICIES, CONSISTENT WITH THE VILLAGE'S ADOPTED EVALUATION AND APPRAISAL REPORT (EAR) OF THE VILLAGE'S COMPREHENSIVE PLAN, IN ACCORDANCE WITH SECTION 163.3191, *FLORIDA STATUTE*; TOGETHER WITH OTHER AMENDMENTS THERETO; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Planning & Zoning Director Darby Delsalle provided staff report. He explained that should the matter pass first reading, it would be forwarded to the State for a 30-day review and then return for final decision on second reading.

Councilman Fiore moved to approve. Seconded by Councilman Schaffer. All voted in favor. The Ordinance passed on first reading unanimously (4-0.)

13. **ORDINANCES FOR SECOND READING AND PUBLIC HEARING:** None at this time.
14. **OTHER BUSINESS:** None at this time.
15. **COUNCIL COMMENTS**

Councilwoman Lindsay thanked staff, the Police Department and Manager Williams for the outstanding 4th of July celebration.

Councilman Schaffer expressed he was sorry that he was out of town and couldn't attend the Independence Day event. He mentioned that two Charter Officers, the Manager and the Clerk, will be having their contracts come due shortly. He stated that while the Council can meet with both employees individually, he wondered how the Council would be discussing this matter.

Councilman Fiore thanked the Mayor for her sympathy following the passing of his father. He also thanked Councilwoman Lindsay, Councilman Schaffer, Attorney Lehtinen, Manager Williams, Clerk Alexander, Ms. Gerald, Mr. England, Mr. Zisman, and Mr. Singer for their kindness during this time.

Mayor Stanczyk congratulated all for the wonderful celebration.

Manager Williams thanked staff for their hard work.

16. **NEXT MEETING AND ADJOURNMENT**

The Meeting adjourned at 9:05 pm.

Prepared and submitted by:



*Meighan J. Alexander, CMC
Village Clerk*

Approved by the Village Council on this 8th day of September, 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.