

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of September 8, 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 7:15 p.m. (The Budget hearing was initially opened; then tabled, as Mayor Stanczyk asked that the Proclamations and Awards be taken out of order and then return to the Budget Hearing.)

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Richard Bohm – Purple Heart recipient: Mayor Stanczyk and the Council welcomed Robert C. Bohm, who recently became the oldest recipient of the Purple Heart, following his service in World War II. Mr. Bohm thanked the Council, stating that he was proud to serve his country, as that was his duty.
- B. Odyssey of the Mind Champions – World Finals: The Mayor and Council congratulated the children of Howard Drive Elementary for their victory, being named the winners of the 2014 Division 1, Problem 1-World Champions.

Mayor Stanczyk tabled the meeting to return to the Budget Hearing. The meeting re-commenced at 9:50 pm (following the Budget Hearing.)

- 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 Local Planning Agency Meeting of June 23, 2014
- B. Minutes of the Special Council Meeting of June 23, 2014
- C. Minutes of the Regular Council Meeting of July 7, 2014

Councilman Schaffer moved to approve the Minutes, as drafted. Seconded by Councilman Fiore. All voted in favor (5-0).

5. **REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Steve Kreisher, 18201 SW 98 Avenue; and Eugene Flinn, 8261 SW 162 Street.

Mayor Stanczyk asked the Village Manager and Public Works to investigate the problem stated by Mr. Kreisher. Director of Public Works Corrice Patterson stated that the Village has not closed out the project at this time and is still communicating with the contractor.

Mayor Stanczyk remarked that the additional franchise fee would affect commercial haulers, who pay the fee in surrounding communities.

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 \$13,319; PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO REQUEST FOR PROPOSAL NO. 1314-11-009 DISASTER DEBRIS MONITORING SERVICES; APPROVING THE SELECTION OF WITT O'BRIEN'S, LLC TO PROVIDE DISASTER DEBRIS MONITORING SERVICES TO THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A CONTRACT AGREEMENT WITH WITT O'BRIEN'S, LLC; AND PROVIDING FOR AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA RELATING TO REQUEST FOR PROPOSAL NO. 1314-12-003 – SECURITY GUARD SERVICES; APPROVING THE SELECTION OF SFM SECURITY SERVICES, INC. TO PROVIDE SECURITY GUARD SERVICES AT VILLAGE PARKS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A CONTRACT AGREEMENT WITH SFM SECURITY SERVICES, INC.; AND PROVIDING FOR AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE PURCHASE OF A VEHICLE FOR THE PARKS & RECREATION DEPARTMENT; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER FOR THE PURCHASE OF ONE (1) 2014 FORD F-150 ½ TON PICK-UP TRUCK FROM DON REID FORD, INC., IN AN AMOUNT NOT TO EXCEED \$18,541.00 AND PURSUANT TO THE

FLORIDA SHERIFFS ASSOCIATION CONTRACT NO. 13-21-0904; AND PROVIDING FOR AN EFFECTIVE DATE.

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO EXTEND THE SERVICE OF E. RODRIGUEZ LANDSCAPING, INC., FOR ONE (1) YEAR, TO CONTINUE PROVIDING PALMETTO BAY LAWN MAINTENANCE AND SERVICES; AND PROVIDING AN EFFECTIVE DATE.

Clerk Alexander advised that none of the items had been removed from the Consent Agenda.

Vice Mayor DuBois moved to approve the items of the Consent Agenda. Seconded by Councilman Schaffer. All voted in favor. The Resolutions were approved unanimously (5-0.)

7. VILLAGE MANAGER'S REPORT

Manager Williams stated that he did not have any additional items to report. He asked Commander Gregory Truitt to come forward for a police update.

- A. Village Police Commander Report: Commander Truitt announced that the Community Policing Officers Peter Judge and Patience Glasko will be conducting the first-ever Security & Safety Fair on October 11 from 10 am to 2 pm at Village Hall. He advised the Council that crime is down – approximately 6% reduction – and the officers made an arrest today that was related to vehicle burglaries at Coral Reef Park.

8. VILLAGE ATTORNEY'S REPORT

Attorney Lehtinen advised of a time-sensitive manner, the Village Manager's contract will expire on October 13, 2014. He explained that he had provided the Village Clerk with a memo to this affect. He stated that as the elections are coming in the near future, he is seeking Council's direction as to whether they wish to extend the contract.

Councilman Schaffer remarked that he has mentioned this several times in the past few months; and, as the deadline is here, it is important for the Council to act.

Vice Mayor DuBois advised that he met with Mr. Williams and the Village Attorney and believes amending the contract to change just the date is appropriate, as three council members will be elected in November. He suggested extending to December 31, 2014.

Mayor Stanczyk remarked that there will be only one regular Council Meeting after the election and before the Christmas holidays. She suggested the date of February 1st.

Vice Mayor DuBois advised that the Manager suggested December 31st. He moved to adjust the contract to expire on December 31st. Seconded by Councilman Schaffer.

Councilman Fiore stated that while he agrees that the new council members that will be elected should be given the opportunity to discuss the Manager's contract, he believes that January 31st is a more appropriate date. He explained that he had preliminary discussions with the Manager and the contract should be extended.

Vice Mayor DuBois asked Attorney Lehtinen whether the Manager would have to agree on this proposed date.

Attorney Lehtinen replied that if the Council votes to extend the contract, it would be considered an offer and the Manager would have to confirm. He explained that if the motion were to extend with no significant effects otherwise, then the vote would allow the Manager to consider and decide.

Councilwoman Lindsay expressed her support for the Village Manager, stating that he is one of the best administrators in the County and there is no need to replace him. She stated that the Manager needs to be asked to stay on until the new council has had a chance to become familiar with their new position. Mayor Stanczyk concurred, adding that ending the contract at the end of the holidays is not appropriate.

Councilman Schaffer stated that he has been reaching out to the Council for several months on this matter. He asked the Manager for his thoughts.

Manager Williams stated that he had discussed a month-to-month extension with the Vice Mayor; however, he did not want to participate in an ongoing temporary situation. He explained that the process of selecting a manager may take some time and while the Council should have the right to select a new manager, he will also consider whether he wishes to work with the new council. He remarked that it may not be practical to begin the selection during the holidays and that the end of March may be more appropriate.

Vice Mayor DuBois withdrew his previous motion. He then moved to extend the contract to March 31, 2015. Seconded by Councilman Schaffer. All voted in favor (5-0.)

Attorney Lehtinen stated that if the contract will be a clear, simple extension, without peculiarity, then, the parties will sign without need to return to the Council; if not, he and Mr. Williams would discuss and return with the Resolution.

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 REQUEST FOR PROPOSAL NO. 1314-11-007 CONSTRUCTION ENGINEERING AND INSPECTION (CEI) SERVICES FOR HOWARD DRIVE AND CORAL REEF ELEMENTARY SCHOOL SAFE ROUTES TO SCHOOL (SRTS) PRIORITY 1 IMPROVEMENTS; APPROVING THE SELECTION OF STANTEC CONSULTING SERVICES, INC. TO PROVIDE CEI SERVICES FOR HOWARD DRIVE ELEMENTARY SCHOOL AND CORAL REEF ELEMENTARY SCHOOL SRTS PRIORITY 1 IMPROVEMENTS IN COMPLIANCE WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) LOCAL AGENCY PROGRAM (LAP) AGREEMENT FM NO. 431502-1 AND 431500-1; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH STANTEC CONSULTING SERVICES, INC. AND TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$26,960.00; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Public Works Director provided staff report. She advised that construction approval provided in March of 2014 and the Florida Department of Transportation (FDOT) advised that a bid was required for CEI services. She explained that as the Village did not receive any responses to the bid, FDOT advised that the Village could utilize pre-qualified firms.

Vice Mayor DuBois moved to approve the Resolution. Seconded by Councilman Schaffer. All voted in favor. The Resolution passed unanimously (5-0.)

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT WITH BLISS PRODUCTS AND SERVICES, INC., FOR THE LEVELING AND RESURFACING OF THE EXISTING PLAYGROUND RUBBERIZED SURFACE (PIP-POURED-IN-PLACE) AT PALMETTO BAY PARK; AND TO PIGGYBACK WITH THE CLAY COUNTY CONTRACT NO. 13/14-8 FOR VARIOUS EQUIPMENT & AMENITIES FOR PARKS & PLAYGROUNDS; AUTHORIZING THE VILLAGE MANAGER TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$113,200.00; AND PROVIDING AN EFFECTIVE DATE.

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

Parks and Recreation Director Fanny Carmona-Gonzalez provided staff report. She explained that there are budgeted funds to upgrade and improve this well-used playground.

Mayor Stanczyk asked if the surface would be replaced.

Director Carmona-Gonzalez replied that some of the surfacing has "caved in" and must be repaired.

Councilman Fiore moved to approve the Resolution. Seconded by Councilwoman Lindsay. All voted in favor. The Resolution was approved 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 CHAPTER 14, DIVISION II, RELATING TO BURGLAR ALARMS; UPDATING AND AMENDING THE CODE FOR CLARIFICATION PURPOSES TO REFLECT A CHANGE FROM A CALENDAR YEAR TO AN ANNUAL REGISTRATION PERIOD FROM REGISTRATION DATE, AND REQUIRING ALARM MONITORING COMPANIES TO REGISTER; AND PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Finance Director Desmond Chin provided staff report. He explained that the Village currently has over 3,000 alarm registrants, which creates a burdensome effort when all individuals have the same re-registration period. He explained that moving the registration period for a calendar anniversary period spreads the workload more evenly throughout the year and allows for better customer service.

Councilman Fiore asked how the residents would be notified. Director Chin replied that they would be notified in the same manner as they had been in the past, a 30-day notice. Councilman Fiore suggested a longer period of time may be beneficial. Director Chin stated that there is actually a 60 day window – 30 days' notice; 30 days follow-up.

Vice Mayor DuBois moved to pass the Ordinance on first reading. Seconded by Councilman Schaffer. All voted in favor (5-0). The Ordinance will be heard on final reading on October 6, 2014.

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SOLID WASTE; CREATING A NEW CHAPTER OF THE VILLAGE OF PALMETTO BAY CODE OF ORDINANCES; PROVIDING FOR CREATING A SOLID WASTE FRANCHISE FEE; PROVIDING FOR ORDINANCES IN CONFLICT; CODIFICATION; SEVERABILITY; AND AN EFFECTIVE DATE.

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

Director Chin provided staff report. He explained that staff is proposing implementing a new solid waste franchise fee in order for Code to monitor and enforce solid waste collection.

Manager Williams stated that as the Village will begin to have growth in its commercial district and staff would like to have this in place, rather than add it later. He noted that surrounding communities collect this revenue and staff had discussed the matter with Waste Management and they are fully aware that Village will be bringing this forward.

Director Chin advised that Cutler Bay's rate is 17%.

Manager Williams explained that this ordinance will also allow the Village to have regulatory control over the commercial waste collection, as some residents have complained about the noise from commercial waste receptacles. He noted that the fee has a phasing factor that will grow 5% each year over three years.

Vice Mayor DuBois asked for clarification. Director Chin explained that under this Ordinance, the waste hauler would not be able to operate in the Village without a franchise, which would require compliance with the Code.

Councilman Schaffer remarked that while people do complain about the noise, the tax will be passed on to the residents of Palmetto Bay.

Mayor Stanczyk stated that this ordinance concerns only commercial haulers. Councilman Schaffer countered that the business owners will be impacted by the waste companies' passing on the fee to them. He suggested the Village focus on the downtown redevelopment and then consider the fee following that redevelopment effort.

Councilwoman Lindsay asked if the rate is comparable to the rate charged by the Village of Pinecrest. Director Chin advised that staff had received a list from Waste manager and the fees range from 6% to 25%; South Miami is 25%, Pinecrest is 10%, Cutler Bay is 17%, Doral is 10%, Miami Gardens is 17%, North Miami is 20%, and West Miami is 6%.

Councilwoman Lindsay asked about the application and renewal fees. Director Chin stated that the cities all include similar fees.

Councilwoman Lindsay asked for an estimate of the revenue that could be generated. Director Chin stated that Pincrest collects approximately \$100,000 and Cutler Bay collects approximately \$200,000.

Mayor Stanczyk remarked that regulation is the true benefit in this ordinance, as it has been difficult in the past to catch haulers when they break the rules in the middle of the night. Manager Williams added that the waste haulers already pay the County for their accounts, as well.

Vice Mayor DuBois asked if residential condominiums would be affected. Manager Williams replied that multi-family developments are considered commercial. Vice Mayor DuBois expressed that he would not support the fee due to residents being affected, and he would be in favor of a larger fine for violating the code.

Manager Williams stated that violating the code and prohibiting the waste hauler from collecting in the Village is a serious deterrent.

As no motion was heard, Manager Williams stated that staff would adjust the budget to remove the \$100,000 anticipated revenue. Attorney Lehtinen announced that the matter is defeated, due to inaction.

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

14. OTHER BUSINESS: None at this time.

15. COUNCIL COMMENTS

Mayor Stanczyk thanked Bob Bohm's family for being here this evening.

16. NEXT MEETING AND ADJOURNMENT

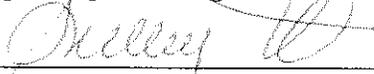
The Meeting adjourned at 10:53 pm.

Prepared and submitted by:



*Meighan J. Alexander, CMC
Village Clerk*

Approved by the Village Council on this 6th day of October, 2014.



Shelley Stanczyk, Mayor

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