

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of October 7, 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 7:10 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. Recognition of CIT's: Mayor Stanczyk thanked the Counselors in Training for their summer camp assistance.
- B. Recognition of Coral Reef Tennis - 10 and under advanced tennis Team: Mayor Stanczyk and the Council recognized the Coral Reef Tennis team for their victories.
- C. Recognition of 25 Years of Service, Life Savings Award, and Employee Excellence Award – Commander Gregory Truitt: Commander Truitt recognized several police officers for their service.

4. APPROVAL OF MINUTES

- A. Regular Council Meeting of September 9, 2013
B. First Budget Hearing of September 9, 2013
C. Special Council Meeting of September 17, 2013 (Continuation of Regular Council Meeting)

D. Special Council Meeting of September 17, 2013

Councilman Schaffer moved this item forward. Seconded by Vice Mayor DuBois. All voted in favor. The minutes were approved unanimously (5-0.)

5. **REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Chuck Latshaw, 8825 SW 154 Terrace; David Zisman, 14135 Farmer Road; Mary Pettit, 15315 SW 89 Court; Rex Lehman, 17300 SW 87 Court; Carol Vega, 8845 SW 178 Terrace; and, David Singer, 8360 SW 154 Terrace.

Mayor Stanczyk asserted that there is no ethics charge against council members nor the Village Attorney.

The following members of the public came forward: Gary Pastorella, 6940 SW 142 Terrace; Ruben Ricardo, 17531 SW 83 Avenue; and, Jerry Templar, 8120 SW 182 Street.

At the Vice Mayor's suggestion, Mayor Stanczyk requested a motion to hear Item 14A as the next item. Vice Mayor DuBois made the motion. Seconded by Councilman Fiore. All voted in favor.

14. **OTHER BUSINESS**

- A. Create a law prohibiting retail pet stores from selling dogs and cats within the Village – Vice Mayor John DuBois

Commissioner Michelle Lazarow from Hallandale Beach came forward. She explained that "Puppy Mills" are a profit driven industry that has no concern for animals whatsoever. She described her experience. She noted that thousands of puppy mills sell to large retail outlets and 37 cities have joined in this effort to pass ordinance prohibiting same. She stated that while there are no stores of this type in Palmetto Bay currently, the law being proposed will stop it before it comes forward. She asked for support.

Attorney Boutsis advised that there has been no litigation as a result of the ordinance in Hallandale Beach.

Vice Mayor DuBois made a motion to allow resident Jana Sheeder to speak. Seconded by Councilman Fiore. All voted in favor.

Ms. Jana Sheeder, 15755 SW 86 Avenue, explained the over-population problem of pets in the county. She asked Council to support the effort and thanked Vice Mayor DuBois for bringing the matter forward.

Vice Mayor DuBois thanked the two ladies. He moved to direct the drafting of the proposed ordinance. Seconded by Councilman Fiore.

Councilman Schaffer remarked that prohibiting sales seems broad.

Vice Mayor DuBois explained the exemptions in the Hallandale Beach ordinance.

Vice Mayor DuBois made a motion to clarify that the Ordinance would contain the language consistent with Hallandale Beach Ordinance 2012-13. All voted in favor. The motion carried unanimously (5-0.)

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 FIGUEREDO & BOUTSIS, P.A. IN THE AMOUNT OF \$25,993.39; PROVIDING AN EFFECTIVE DATE.

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

7. VILLAGE MANAGER'S REPORT

Manager Williams provided a report on the results of the Request for Proposals 2013-001, Village Attorney Professional Legal Services. He noted that the results of the ranking were provided to Council. He asked Council to consider meeting with the proposers and making their decision at a Special Council meeting to be held on October 16th.

Vice Mayor DuBois asked the forum for the meeting.

Manager Williams stated that the Clerk would prepare the ballots, the firms will be present, and the Council will have the opportunity to ask additional questions. He stated that the Council would then deliberate and make their decision. He noted that he would ask for authority to proceed with contract development.

Vice Mayor DuBois stated that he has not had an opportunity to review the documentation. He asked why three firms withdrew.

Manager Williams replied that staff wished to have this process concluded following the budget hearings. He stated that the firms withdrew for a variety of reasons.

Mayor Stanczyk asked if the documents are confidential. Manager Williams stated that the cone of silence is lifted and the documents are not confidential.

Following brief comments, the Council concurred to meet on October 16 for a Special Council Meeting.

Vice Mayor DuBois stated that he would like regular updates of the Downtown Redevelopment Task Force to be made at the Committee of the Whole Meetings.

A. Village Police Commander Report

Commander Truitt provided a crime report. He noted a 47% decrease in residential crime.

Mayor Stanczyk asked for an update concerning the recent Crime Watch event. Commander Truitt noted that resident Hal Feldman won an award for being crime watch captain of his neighborhood.

Manager Williams advised that staff and the Miami-Dade Police Department have begun discussions that will result in contract negotiations to renew the agreement for policing services.

8. VILLAGE ATTORNEY'S REPORT

A. October, 2013 Update: Attorney Boutsis advised that her written report is available. She asked for the Council to clarify their previous motion concerning the release of shade sessions transcripts (from September 17th meeting.)

Vice Mayor Dubois moved to clarify that if there is an appeal by either Palmer Trinity or Shores, then the transcripts would not be released. Seconded by Councilman Fiore. All voted in favor.

9. BOARD AND COMMITTEE REPORTS: None.

10. RESOLUTIONS

A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE MIAMI-DADE COUNTY MILITARY AFFAIRS BOARD'S GOLDEN VETERANS PARADE -- 50TH ANNIVERSARY COMMEMORATION; AND, PROVIDING AN EFFECTIVE DATE.

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

Clerk Alexander explained that the Mayor and Council were contacted by Miami-Dade County Commissioner Jose Pepe Diaz. She advised that as she did not

have any direction to commit funds or in-kind support, she prepared a supportive resolution.

Vice Mayor DuBois asked if the Village would be committing funds. Mayor Stanczyk replied that the Village would not.

All voted in favor. The Resolution passed unanimously (5-0.)

11. RESOLUTIONS REQUIRING PUBLIC HEARING (Re-hearing required)

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE LOCAL PLANNING AGENCY, RELATING TO AN UPDATE OF THE CAPITAL IMPROVEMENTS ELEMENT (CIE) AND PROJECTS OF THE VILLAGE'S COMPREHENSIVE PLAN; PROVIDING FOR TRANSMITTAL OF THE CIE PLAN AMENDMENTS TO OTHER UNITS OF LOCAL GOVERNMENT AND TO OTHER REVIEW AGENCIES AS REQUIRED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Attorney Boutsis explained that re-hearing was required for this item and the following, as the public hearing was neglected to be formally opened. She noted that there was no additional staff report.

Mayor Stanczyk opened the public hearing. Mr. Steve Kreisher, 18201 SW 98 Avenue, addressed the Council.

Mayor Stanczyk closed public hearing.

Councilwoman Lindsay asked if Manager Williams was aware of any roundabouts being planned for that area. Manager Williams replied that he did not, but he would investigate this claim.

Vice Mayor DuBois suggested that staff verify this issue.

Mayor Stanczyk called the question. The Resolution passed unanimously (5-0) via roll call vote.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE ADOPTION OF CAPITAL IMPROVEMENTS PROGRAM (CIP) FOR THE VILLAGE OF PALMETTO BAY; AND PROVIDING AN EFFECTIVE DATE.

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

Mayor Stanczyk opened the public hearing. No one wished to be heard. The public hearing was closed.

Mayor Stanczyk called the question. The Resolution passed unanimously (5-0) via roll call vote.

12. ORDINANCES FOR FIRST READING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING DIVISION 30-50.6(d), "ZONING DISTRICTS"; MODIFYING SECTION 30-50.6(d), TO PERMIT 17% LOT COVERAGE FOR TWO-STORY CONSTRUCTION AND 22% LOT COVERAGE FOR SINGLE STORY CONSTRUCTION FOR PROPERTIES ZONED E-1; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Council Person Tim Schaffer].

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

Director of Planning & Zoning Darby Delsalle provided staff report.

Vice Mayor DuBois stated that if a piece of property used the existing formula – 16 or 17%, if they were to build a two level home, the FAR would be 32% of the lot. He noted that under the new rules, the FAR for a single home would be 22%, which would not enable more demand on a septic or well system.

Director Delsalle concurred.

Councilman Schaffer stated that this item was brought forth by a resident who had identified areas with smaller lots that had larger percentage of coverage.

Director Delsalle explained that lot coverage changes from district to district.

Councilman Schaffer noted that this Ordinance would make the properties conform across the Village.

Councilwoman Lindsay remarked that it results in a small increase in percentage.

Mayor Stanczyk called the question. The matter passed unanimously via roll-call vote (5-0.)

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 DIVISION 30-160, "ART IN PUBLIC PLACES"; MODIFYING SECTION 30-160.7, TO EXEMPT ~~SINGLE FAMILY HOME~~ RESIDENTIAL SINGLE-FAMILY HOME REPAIRS AND ~~OR~~ CONSTRUCTION FROM THE PROGRAM; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Council Person Patrick Fiore].

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

Attorney Boutsis asked Council to incorporate staff report by reference. Vice Mayor DuBois moved same. Seconded by Councilwoman Lindsay. All voted in favor.

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

The Ordinance passed unanimously, as follows: The motion passed, as follows:
Vice Mayor DuBois: yes; Mayor Stanczyk: yes; Councilman Fiore: yes;
Councilman Schaffer: yes; and Councilwoman Lindsay: yes.

14. OTHER BUSINESS

- A. Create a law prohibiting retail pet stores from selling dogs and cats within the Village – Vice Mayor John DuBois (heard earlier in the meeting)
- B. Begin a procurement process to provide real-time posting of pet lost/found advertisements – Vice Mayor John DuBois

Vice Mayor DuBois clarified that this is not a procurement process. Clerk Alexander apologized for her error, noting that this listing was from an earlier draft.

Vice Mayor DuBois stated that he was interested in receiving information on how to have the best solution to the problem at hand. He noted that this process would not be a commitment through a procurement process, rather have the Village Clerk's office coordinate this effort, as her office coordinates IT functions in the Village. He stated that this is an important issue to be undertaken on behalf of the residents.

Vice Mayor DuBois moved to allow public input. Seconded by Councilman Schaffer. All voted in favor.

Mr. James Woodard, 17001 SW 90 Avenue, addressed the Council.

Vice Mayor DuBois stated that he had visited Mr. Michael Muni's website and found it easy to use. He remarked that it would be beneficial to speak to Mr. Muni and encourage him to participate in the Request for Information in order to receive all relevant ideas.

Vice Mayor DuBois moved to direct the Village Clerk, through her IT Coordinator Function, to post an RFI for a solution that will provide real time access by residents for posting of pet lost/found advertisements. Councilman Schaffer seconded the motion. All voted in favor.

15. COUNCIL COMMENTS

Mayor Stanczyk announced that the Green Corridor and YGreene has "launched". She asked the Council to consider whether they would permit use of the Village's logo on information being sent out by YGreene. She provided an example of what Cutler Bay sent out.

Attorney Boutsis advised that the Village is part of the membership of the governing body, the organization that works with YGreene.

Councilman Fiore remarked that the information provided does not contain sufficient information.

Attorney Boutsis advised that the Village made a special requirement of a notice to be included to contain all qualifications. Manager Williams concurred, saying the "Bill of Rights" would be provided. Mayor Stanczyk stated that it would be mailed as a follow-up.

Vice Mayor DuBois expressed his concern with the process. He objected to the use of the seal. Councilman Schaffer concurred with Councilman Fiore, adding that he wanted to insure that the Village would not be held responsible for any problems that the homeowner may have.

Mayor Stanczyk explained the program.

Councilman Schaffer stated that use of the seal concerns him.

Mayor Stanczyk stated that the Village would not use the seal.

Mayor Stanczyk stated that she would like for the Village to engage a sound engineer to visit the Village's facilities and offer sound mitigation solutions.

Councilwoman Lindsay concurred.

Councilman Fiore remarked that the Village should not spend funds on this matter.

Vice Mayor DuBois raised the issue of the United States Post Office at 8950 SW 152 Street. He suggested the Village consider passing a resolution vehemently opposing use of the supremacy clause in this matter.

Councilman Schaffer asked if the Council could be given the status of this matter.

Resident Chuck Latshaw stated that he had spoken to the realtor for the Post Office who said they need to open the post office in 2014, as they have to vacate the premise they are in. He stated that he is not certain if a lease has been executed at this time.

Councilman Schaffer asked the Manager to contact the realtor for status. Attorney Boutsis stated that she would be in contact with their attorneys; however, the US constitution supremacy clause is the overriding law.

Mayor Stanczyk remarked that the property has a covenant attached to it.

Councilman Schaffer asked what Council input is needed for the State of the Village address.

Manager Williams advised that the Mayor is working with the Clerk and his office on the presentation; however, he would welcome any input from Council.

Councilman Fiore stated that the Council should focus on improvements to 152 Street; as, if the Village cannot prevent the Post Office from moving in, the least that can be done is to prepare the roadway appropriately.

Councilman Fiore thanked the Public Works Department for construction of the sidewalk at Howard Drive Elementary (78 Court.) He stated that the sidewalk is helping the children and their parents on the walk to school.

Councilman Fiore advised that he had spoken to Oscar Gonzalez, the spokesman for the Triangle area construction, and has been addressing items on the "punch list."

16. NEXT MEETING AND ADJOURNMENT

The Meeting adjourned at 9:45 am.

Prepared and submitted by:


Meghan J. Alexander, CMC
Village Clerk

Adopted by the Village Council on this 4th day of November, 2013.



Shelley Stanczyk, Mayor

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