

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of October 6, 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 7:05 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. Recognition of Palmetto Bay 2014 Summer Camp CIT's
The Mayor and Council recognized the children who served the Village this past summer. Director of Parks and Recreation Fanny Carmona-Gonzalez thanked the children and presented them with a certificate of appreciation and movie tickets.
- B. South Florida Water Management District canal restoration update – Armando Villaboy, Intergovernmental Representative

Mr. Villaboy provided a history of the District's review of the erosion and canal maintenance in the Palmetto Bay area. He noted that from 2011 until 2013, surveys and photographs were taken of the canal banks and there were concerns regarding the shelving occurring on the banks. He explained that in 2013, during the survey and geotechnical phase of the project, staff met with residents along the canal banks to review the condition of the property, analyzed the ground, determined the cost of repair, and confirmed erosion and noticed some eddies that were destabilizing the canal banks. Mr. Villaboy explained where the canals

are located and that 7.5 miles of restoration is needed. He stated that the project must be approved by the District's governing board, which is expected in 2015. He concluded that this project should be a five-year project, with completion in 2020.

Mayor Stanczyk thanked Mr. Villaboy and the South Florida Water Management District. Mr. Villaboy advised that if the governing board approves the project, the District will conduct a town hall meeting to provide information to residents.

4. APPROVAL OF MINUTES

- A. Minutes of the Regular Council Meeting of September 8, 2014
- B. Minutes of the Budget Hearing of September 8, 2014

Councilman Fiore 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: Laura Reynolds, Tropical Audubon Society, 5530 Sunset Drive; Gary Pastorella, 6940 SW 142 Terrace; David Singer, 8360 SW 154 Terrace; Chet England, 15300 SW 80 Avenue; and Steve Kreisher, 18201 SW 98 Avenue.

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 \$4,883.00; PROVIDING AN EFFECTIVE DATE.
- B. 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 FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ACCEPTING A GRANT IN THE AMOUNT OF \$300,000 FOR THE PURPOSE OF MAKING STORMWATER IMPROVEMENTS WITHIN THE VILLAGE OF PALMETTO BAY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Vice Mayor DuBois moved to approve the Consent Agenda items. Seconded by Councilman Schaffer. All voted in favor.

7. VILLAGE MANAGER'S REPORT

Manager Williams stated that, in the near future, staff will be scheduling meetings with the Councilmembers concerning some important capital project items.

- A. Village Police Commander Report: Commander Gregory Truitt provided the latest crime statistics. He explained that there was some confusion with regard to a recent report, as the Police and Fire are both dispatched to injured individuals and if the Fire Department responds, the Police dispatch is cleared. In the recent report, the dispatch was not cleared, so it appears on the report as an increase in response time.

Commander Truitt invited the public to the Safety and Security Fair. He also noted that a significant arrest was made two weeks ago in Cutler Ridge; two cases in Palmetto Bay had been tied through physical evidence to that arrest. He concluded by thanking the public for submitting Watch Orders.

- 8. VILLAGE ATTORNEY'S REPORT:** Attorney Lehtinen advised that he did not have a formal report to provide.

- 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 THE VILLAGE CLERK; AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT WITH VILLAGE CLERK MEIGHAN ALEXANDER; PROVIDING AN EFFECTIVE DATE. (Sponsored by Vice Mayor John DuBois.)

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

Vice Mayor DuBois asked if the Resolution should be modified to have the Village execute the Agreement, not only the Mayor.

Attorney Lehtinen advised that the Mayor often executes documents on behalf of the Village. He explained that the authority for approval remains the responsibility of the Council and it is implicit that the Mayor signs on behalf of the Village.

Vice Mayor DuBois confirmed that this Agreement has all terms included. Attorney Lehtinen responded affirmatively, adding that this contract is present for execution, not negotiation.

Vice Mayor DuBois stated that he had reviewed the Agreement and is comfortable with the terms.

Councilman Fiore remarked that if the Village is executing a four-year agreement, it would expire at the end of the year, which may be problematic if there were a new Council following an election.

Mayor Stanczyk suggested an effective date of January 31, 2015.

Following brief comment, Vice Mayor DuBois moved to amend the termination date to be January 31, 2019, with an immediate effective date. Seconded by Councilman Schaffer. All voted in favor (5-0.) Section 1.3 will be modified accordingly.

Councilman Schaffer suggested the Council consider the salary of this position. He stated that he had reviewed the salary and compared it to cities of comparable size and noted that the average salary is \$88,467. He suggested moving Clerk Alexander's salary closer to the average of \$88,000. He remarked that many Clerks have large staff and Clerk Alexander has one assistant and a great deal of responsibility.

Councilman Fiore stated that Clerk Alexander has been with the Village for over 12 years and performs a significant amount of work despite personal tribulation she has endured. He expressed his support.

Vice Mayor DuBois remarked that both of the charter officers should have salaries in line with what is the average, following reasonable study. He stated that he reviewed other salaries and Clerk Alexander's salary seems low, given her responsibilities and her performance.

Councilman Schaffer moved to amend Section 4.1 to increase the Clerk's salary to \$88,000. Seconded by Vice Mayor DuBois. All voted in favor. The Motion passed unanimously (5-0.)

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

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, OPPOSING THE PROPOSED DEVELOPMENT OF APPROXIMATELY 88 ACRES OF PINE ROCKLAND GENERALLY LOCATED ALONG S.W. 152 STREET AND S.W. 127TH AVENUE WITHIN UNINCORPORATED MIAMI-DADE COUNTY; PROVIDING FOR TRANSMITTAL; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Shelley Stanczyk.)

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

Mayor Stanczyk provided the reasoning behind her sponsorship. She noted that the State has made great strides in protecting water, and now is the time to protect the land.

Vice Mayor DuBois asked Ms. Laura Reynolds of the Audubon Society to provide information concerning the endangered species on that property.

Ms. Reynolds explained that two butterflies: the Florida Leaf Wing and a Hair Streak have been identified. She stated that Florida Fish and Wildlife has halted this development while studies are being done. She noted that her organization supports the Zoo having this type of environmental natural habitat as part of a tour experience.

Discussion ensued regarding grants available. Vice Mayor DuBois encouraged Village staff to meet with Ms. Reynolds and discuss the potential sources.

Councilman Fiore asked for information concerning endangered animals. Ms. Reynolds noted that the bonneted bat resides in those rocklands, which are "globally imperiled", comparing the land to coral reefs in the ocean.

Councilman Schaffer stated that the Mayor had previously raised the issue to develop pine rockland within Palmetto Bay. Ms. Reynolds stated that there is, generally, no difference between the two areas, although the Richmond tract is connected to many other larger parcels and the 22 acres in Palmetto Bay are not. She urged the Council to pass this resolution as evidence that the Council understands that this land is important for wildlife and for children to enjoy.

Discussion ensued concerning the rockland parcel in Palmetto Bay.

Vice Mayor DuBois asked if the property that is the subject of this resolution is being considered for purchase using EEL funds. Ms. Reynolds stated that a biological assessment is pending and the developer may be forced to mitigate.

Discussion ensued concerning the EEL funds. Ms. Reynolds stated that the Palmetto Bay has been on the EEL list for over five years.

Mayor Stanczyk stated that the purpose of this Resolution is to pressure the landowner and the developer to stop the development. Ms. Reynolds stated that the more parcels that are protected, the better.

Councilman Fiore moved to approve. Seconded by Councilwoman Lindsay. The Resolution passed (4-1, Councilman Schaffer being the sole opposition.)

11. **RESOLUTIONS REQUIRING PUBLIC HEARING:** None at this time.
12. **ORDINANCES FOR FIRST READING:** None at this time.

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 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.

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

Manager Williams provided staff report.

Councilman Fiore asked staff to insure that the window of notification that he raised at first reading was sufficient.

Manager Williams replied that appropriate notification will be provided; at least 45 day notice.

Vice Mayor DuBois moved to approve. Seconded by Councilwoman Lindsay. Following roll call vote, the matter was adopted unanimously (5-0.)

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

15. COUNCIL COMMENTS

Vice Mayor DuBois thanked the Clerk for her service to the Village.

Councilman Schaffer expressed that people have asked him about two new fire stations in the Village and he wasn't sure how to respond. He remarked that he believes there should be more clarity provided to the public when offering information.

16. NEXT MEETING AND ADJOURNMENT

The Meeting adjourned at 8:25 pm.

Prepared and submitted by:



*Meighan J. Alexander, CMC
Village Clerk*

Approved by the Village Council on this 3rd day of November, 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.