

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of November 3, 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 7:11 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:** None at this time.

4. APPROVAL OF MINUTES

- A. Minutes of the Regular Council Meeting of October 6, 2014: Vice Mayor DuBois moved to approve. Seconded by Councilman Fiore. All voted in favor. The Minutes were approved unanimously (5-0.)

- 5. REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Eric Tullberg 7884 SW 179 Terrace; Bev Gerald, 14271 SW 74 Court; and, Jerry Templar, 8820 SW 182 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 \$7,636; PROVIDING AN EFFECTIVE DATE.

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

7. VILLAGE MANAGER'S REPORT: Manager Williams advised the Council that the Clerk is seeking direction concerning election matters.

Clerk Alexander advised that the run-off election of November 25, 2014 exists as a stand-alone election. She asked for Council direction concerning the following:

1. Return postage for Absentee Ballots: The estimate provided was 4,958 absentee ballots with a cost of \$.60 per ballot. The total is \$3,222.70.
2. Ballot box: The Clerk sought direction as to whether the Council would like her office to receive hand-delivered absentee ballots until noon on November 24th.

Following brief discussion, Councilman Schaffer moved to include the return postage. Seconded by Councilman Fiore. All voted in favor. The motion passed unanimously (5-0.)

Vice Mayor DuBois moved to direct the Clerk to maintain a ballot box to assist the voters. Seconded by Councilwoman Lindsay. All voted in favor. The motion passed unanimously (5-0).

- A. **Village Police Commander Report:** Commander Gregory Truitt provided an update concerning the crime statistics.

Clerk Alexander announced the coming events on the Council's calendar.

The Mayor and Council, together with the Charter Officers and the Department Directors, thanked Councilmember Joan Lindsay for her service.

8. VILLAGE ATTORNEY'S REPORT

Lehtinen – petition for writ of certiorari to appellate division – for the first fire station location. Expect to receive one for the next location. Felt that it was substantial competent evidence.

9. BOARD AND COMMITTEE REPORTS

10. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE APPLICATION OF PARKSIDE PROJECT, ALSO KNOWN AS THE SHORES OF PALMETTO BAY, LLC, SEEKING FUNDING FROM THE ECONOMIC DEVELOPMENT FUND; URGING THE MIAMI-DADE

COUNTY BOARD OF COUNTY COMMISSION TO APPROVE THE APPLICATION FOR FUNDING OF THIS SITE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Councilman Tim Schaffer.)

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

Councilman Schaffer provided explanation for his sponsorship. He stated that the funds are intended for areas interested in approving infrastructure. He remarked that there is no direct cost to Village; and, if the funds are not provided to someone in our Village, they will be given to someone else. Councilman Schaffer noted that the Council already had approved this project and the Downtown Redevelopment Task Force project will benefit from this infrastructure project.

Vice Mayor DuBois asked for staff report. Manager Williams advised that staff is not directly involved in the process.

Following brief comment, Vice Mayor DuBois asked if this was the only project in Palmetto Bay. Manager Williams responded that he did not believe there were other projects in this area.

Following discussion, Mayor Stanczyk remarked that a charter school is not a "game changer", as noted in the application documents. Councilman Schaffer stated that it is not up to the Village to approve an application being presented to the Board of County Commissioners and he is hopeful that these funds will be used to assist Palmetto Bay.

Mayor Stanczyk asked why the County would want a letter of support, if it is solely their decision. Councilman Schaffer stated that he cannot speak on behalf of the Village and the County Mayor's office wanted to see full Council support.

Councilman Fiore remarked that the Council has not had an opportunity to study this matter and the Village should allow the County to disperse funds as they see fit. He thanked Councilman Schaffer for his report; however, he believed there was not sufficient information provided. Mayor Stanczyk concurred.

Councilwoman Lindsay suggested that approval of the application at the County level may be given in return for generous campaign contributions to certain County Commission races. She objected to tax payer dollars being given to a developer who has sufficient funds. She explained that she had approved the development in the past, but did so because there was no other choice. Councilwoman Lindsay noted that three private schools in the village are not seeking funds, but a private developer is.

Councilman Schaffer objected to Councilwoman Lindsay's comments, stating that anyone may make an application before the County and he is permitted to

bring forward a resolution for discussion. He stated that he has not received any contribution and this is not a personal matter to him, rather he is supporting the downtown redevelopment effort with this matter.

Councilwoman Lindsay noted that she did not suggest that Councilman Schaffer received any campaign contribution.

Following brief remarks, Vice Mayor DuBois moved to defer the matter. Councilman Fiore seconded.

Councilman Schaffer stated that if the Council defers the matter, there will be no future consideration, as the matter is expected to be heard this coming Wednesday.

The motion to defer passed (4-1, Councilman Schaffer voting in the opposition.)

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ELECTIONS; CREATING THE VILLAGE CANVASSING BOARD FOR THE PURPOSE OF CANVASSING ELECTION RETURNS FOR THE POSSIBLE NOVEMBER 25, 2014, RUN-OFF ELECTION FOR THE MAYOR SEAT AND COUNCIL SEAT 3; PROVIDING AN EFFECTIVE DATE.

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

Clerk Alexander provided staff report. She noted that Commissioner Josh Liebman of South Miami and Town Manager Rafael Casals agreed to serve with her on the Canvassing Board.

Councilman Schaffer moved to approve. Seconded by Vice Mayor DuBois. All voted in favor (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 BUSINESSES; CREATING ARTICLE IV OF CHAPTER 6, ENTITLED "PET OWNER'S BILL OF RIGHTS"; PROVIDING FOR PRIOR COST ESTIMATION BY ANIMAL TREATMENT PROVIDERS AND WRITTEN APPROVAL OF SAME BY PET OWNER; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Vice Mayor John DuBois)

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

Vice Mayor DuBois explained his intent is to assist people who bring their pets to veterinarians and then discover that the doctor can keep your pet for failure to pay your bill. He suggested that this Ordinance can assist by having an estimate be provided to a pet owner prior to services being rendered. He suggested deferring the matter until January.

Following brief comment, Vice Mayor DuBois suggested that the matter could be included in the Village's legislative agenda. He moved to defer the matter to the January Council meeting. Seconded by Councilman Schaffer. All voted in favor. The motion passed unanimously (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, 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. **(Per the Village Attorney's recommendation, the Council will consider deferring this matter and schedule the Ordinance for first reading/public hearing at the January 2015 Regular Council Meeting.)**

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

Councilman Schaffer moved to defer the matter to the January Council meeting. Seconded by Vice Mayor DuBois. All voted in favor. Attorney Lehtinen advised that the re-notice is to begin the matter again with first reading.

14. OTHER BUSINESS

15. COUNCIL COMMENTS

Vice Mayor DuBois stated that he had spoken with Scott Mendelsberg of Miami-Dade Fire Rescue about beginning discussions with the Burch's concerning having a fire station on that property, as he (the Vice Mayor) would welcome having a fire station next to his home.

Councilman Fiore thanked everyone for their support over the past four years. He thanked former Council members Brian Pariser and Howard Tendrich for their service with him. He expressed gratitude to Councilman Schaffer and Vice Mayor DuBois. He wished Councilwoman Lindsay well, noting that they have had their disagreements, but he enjoyed serving with someone as passionate as she is in her beliefs. He expressed the

same sentiment to the Mayor. Noting that he served in the most tumultuous years of the Village, he expressed gratitude to Manager Williams, Attorney Lehtinen, former Village Attorney Eve Boutsis, and the Village Clerk. Councilman Fiore thanked the Department Directors. He thanked the residents who elected his four year ago and stated that his one regret is that his father is not here to witness this event.

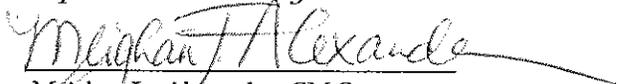
Councilwoman Lindsay thanked all for the cake. She expressed her pleasure at making so many wonderful friends, noting that four years went by quickly. She added that she respects and admires all who work her. She thanked the Manager, Attorney Lehtinen, former Village Attorney Boutsis, and Commander Truitt. She went on to thank the Village Clerk and all of the Department Heads. She expressed she felt honored to have served the Village for four years. She concluded that her "heart will always be in Palmetto Bay."

Mayor Stanczyk stated that it was her pleasure to serve as Mayor for the last four years. She remarked that she considers the entire village is her family. She expressed that she is proud of the Village and that all on the Council are all responsible for this great village.

16. NEXT MEETING AND ADJOURNMENT

The Meeting adjourned at 8:30 pm.

Prepared and submitted by:


Meighan J. Alexander, CMC
Village Clerk

Approved by the Village Council on this 13th day of December, 2014.


Eugene Flinn, 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.