VILLAGE OF PALMETTO BAY
Minutes of the Local Planning Agency Meeting of Monday, February 6, 2012
Village Hall Chambers
9705 E. Hibiscus Street

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

Mayor Shelley Stanczyk
Vice Mayor Brian W. Pariser
Council Member Patrick Fiore
Council Member Howard Tendrich
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 7:05 p.m. Mayor Stanczyk led the pledge of allegiance.

Vice Mayor moved to present the Proclamations listed on the Regular Council Meeting Agenda as the next item. Seconded by Councilman Fiore. All voted in favor.

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

A. Recognition of Coral Reef High School: School Board Member Dr. Larry Feldman joined the Mayor and Council in presenting this Proclamation.

B. Recognition of Arbor Day Poster Contest winners: Mayor Stanczyk asked each of the girls to come forward and introduce themselves: Annie Perez (1st place), Amber Nolan (2nd place), and Annie Delgado (3rd place). She thanked them for their outstanding artwork.

C. Recognition of sponsors of the Shade Palmetto Bay: The Mayor and Council thanked the sponsors of the event: Groundkeepers, Inc., Jackson South Community Hospital, Heritage House Boys Suits, Miami Hal Feldman, and Nature's Power Nursery.
Mayor – recognized each sponsor.

D. Recognition of Oscar Roque: Commander Gregory Truitt recognized the detective and provided his history. The Mayor and Council thanked Detective Roque. Commander Truitt provided recognition awards to each member of the GIU force.

E. Recognition of USTA Men Team: Mayor Stanczyk recognized the team.

F. Recognition of Junior Novice Tennis Team: Mayor Stanczyk recognized the Junior Novice and 14 and under Intermediate Team for their outstanding victories.

2. ORDINANCE FOR SECOND READING (PUBLIC HEARING)

A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE'S CODE OF ORDINANCES, AMENDING DIVISION 30-130, ENTITLED "ALCOHOLIC BEVERAGES" AMENDING DISTANCE SEPARATION EXEMPTIONS FOR SPECIFIED USES; PROVIDING FOR SUNDAY PACKAGE SALES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis provided staff report.

Following brief discussion, the Ordinance was adopted unanimously on roll call vote, as follows: Vice Mayor Pariser: yes; Mayor Stanczyk: yes; Councilman Fiore: yes; and Councilman Tendrich: yes; and Councilwoman Lindsay: yes.

B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE'S CODE OF ORDINANCES, AMENDING DIVISION 30-90, ENTITLED "SIGN REGULATIONS"; REGULATING TEMPORARY SIGNS UNIFORMLY AS TO SIZE, AND DURATION, INCLUDING BUT NOT LIMITED TO POLITICAL SIGNS AND PERSONAL EXPRESSION SIGNS; AND PROVIDING FOR A MINIMUM 90 DAY PERIOD FOR DISPLAY OF SAID SIGNS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Mayor Shelley Stanczyk and Council Person Tendrich].

Vice Mayor Pariser moved this item forward. Seconded by Councilman Tendrich.

Mayor Stanczyk remarked that many residents expressed disapproval of myriad signs.

Attorney Boutsis asked Council to consider the substitution on the dais had minor changes: page 3 – subsection (d), length of display of signs triggered by qualifying, and the language "not more than 90 days in any year" is included.

Councilman Tendrich moved to consider the substituted Ordinance. Seconded by Vice Mayor Pariser. All voted in favor.

Mayor Stanczyk opened the public hearing. The following residents addressed the Council: Bev Gerald, 14271 SW 74 Court; Steve Kreisher, 18201 SW 98 Avenue; Peter England, 7620 SW 171 Street; Gary Pastorella, 6940 SW 142 Terrace; and Chet England, 15300 SW 90 Avenue.

Mayor Stanczyk closed the public hearing.

Vice Mayor Pariser provided information concerning cities that had similar ordinances. He opined there has been a public outcry from the citizenry regarding sign pollution.

Mayor Stanczyk concurred.

Councilman Fiore expressed that this ordinance will harm businesses and residents who have extensive holiday decorations.

Councilwoman Lindsay stated that she is concerned with the provision concerning taking down decorations.

Planning & Zoning Director Darby DelSalle stated that decorations are included as non-protected speech, a personal expression, non-content based.

Following brief comment, Councilman Tendrich moved to lengthen the time limit of taking down decorations from seven to 21 days. Seconded by Vice Mayor Pariser.

Several residents remarked on the amendment: Beatrice Herman, 17251 SW 86 Avenue; Gary Pastorella, 6940 SW 142 Terrace; Jerry Templar, 8120 SW 182 Street; Steve Kreisher, 18201 SW 98 Avenue; and Arlene Feller, 7960 SW 144 Street.

Clerk Alexander read the motion on the floor.

Councilman Tendrich withdrew his motion. Vice Mayor Pariser agreed. Vice Mayor Pariser moved to include the words "single holiday" at the end of the paragraph. Seconded by Councilman Tendrich.

Mr. Peter England, 7620 SW 171 Street, commented on the amendment. The public hearing was closed.

Following brief discussion, the Ordinance was adopted by majority vote (4 to 1) on roll call vote, as follows: Vice Mayor Pariser: yes; Mayor Stanczyk: yes; Councilman Fiore: no; and Councilman Tendrich: yes; and Councilwoman Lindsay: yes.

3. NEXT MEETING AND ADJOURNMENT

The meeting was adjourned at 8:35 p.m.

Prepared and submitted by:

_____

Meighan J. Alexander, CMC
Village Clerk

Approved by the Village Council on this ____ day of March, 2012.

_____

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.

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of February 6, 2012
Village Hall Chambers
9705 East Hibiscus Street

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

Mayor Shelley Stanczyk
Vice Mayor Brian W. Pariser
Council Member Patrick Fiore
Council Member Howard Tendrich
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 8:40 p.m. Mayor Stanczyk led the pledge of allegiance.

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

A. Recognition of Coral Reef High School
B. Recognition of Arbor Day Poster Contest winners
C. Recognition of sponsors of the Shade Palmetto Bay
D. Recognition of Oscar Roque
E. Recognition of USTA Men Team
F. Recognition of Junior Novice Tennis Team

Mayor Stanczyk and the Village Council presented the proclamations previously (during the Local Planning Agency meeting held immediately prior.)

3. APPROVAL OF MINUTES

A. Minutes of the Special Council Meeting of January 7, 2012
B. Minutes of the Regular Council Meeting of January 9, 2012

Clerk Alexander provided the Council with Minutes, amended in accordance with direction from the Mayor and Vice Mayor, individually. Manager Williams also provided an amendment to page 3, paragraph 3, to substitute "by the County" in place of "from the County".

Councilman Tendrich moved to amend the Minutes, as stated and provided. Seconded by Councilwoman Lindsay. All voted in favor. The Minutes were passed unanimously (5-0.)

4. CONSENT AGENDA

A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COUNCIL MEETING PROCEDURES; AMENDING RESOLUTION NO. 2011-79 TO RESCHEDULE THE MARCH, 2012, REGULAR COUNCIL MEETING; PROVIDING AN EFFECTIVE DATE.

B. 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 $30,163.99; PROVIDING AN EFFECTIVE DATE.

C. 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 WHITE & CASE IN THE AMOUNT OF $10,388.26; PROVIDING AN EFFECTIVE DATE.

D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO DRAINAGE IMPROVEMENT PROJECTS IN AREAS 1 THROUGH 8 AS PER ATTACHED WORK ORDER, WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH CORZO CASTELLA CARBALLO THOMPSON SALMAN, P.A. (C3TS) TO PROVIDE ENGINEERING SERVICES FOR DESIGN AND PERMITTING OF DRAINAGE IMPROVEMENTS, AND TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED $66,300.; AND PROVIDING FOR AN EFFECTIVE DATE.

Clerk Alexander advised that Items B and C were timely pulled by Councilman Fiore.

Councilman Tendrich moved to approve the remaining Consent Agenda items. Seconded by Vice Mayor Pariser. All voted in favor. The Resolutions were passed (5-0.)

5. REQUESTS, PETITIONS AND PUBLIC COMMENTS:

The following individuals addressed the Council: Anthony Gorman, 14140 SW 72 Avenue; Carol Vega, 8845 SW 178 Terrace; Gary Amore, 17920 SW 83 Avenue; Henry Clifford, 8875 SW 171 Street; and Sandra Burkowski, 9260 SW 161 Street.

6. VILLAGE MANAGER'S REPORT

Manager Williams provided the Budget to Actual information for the first three months of the fiscal year. He noted that the Village has collected 27% of budgeted revenues (quarter

mark would be 25%) and expenses are approximately 1% less than the same period last fiscal year. He noted that the Village will finish the fiscal year on target.

Manager Williams advised that the Village had received the structural and electrical analysis with regard to Thalatta Park. He advised that a draft report regarding the garage study and he will be bringing both reports to Council for review.

Manager Williams provided a correction to a previous statement made concerning the amount of funds in the Art-in-Public-Places account. He noted that approximately $314,565 had been received; however, approximately $148,000 has been expended, leaving approximately $165,000 remaining. He advised that $62,000 is encumbered.

Mayor Stanczyk remarked that Art-in-Public-Places funds are not generated through tax dollars. She explained how the program is funded.

Clerk Alexander updated the calendar.

Councilman Tendrich asked for clarification regarding the Committee of the Whole meeting. Clerk Alexander advised that three items: Parks Master Plan, Procurement, and Ethics. Attorney Boutsis added that an attorney from the Miami-Dade County Commission on Ethics would be making a presentation.

7. VILLAGE ATTORNEY'S REPORT

A. February, 2012 Update: Attorney Boutsis advised that her report had been submitted in writing to the Council and she was available to address any concerns or answer any questions.

8. BOARD AND COMMITTEE REPORTS

A. Building & Permitting Advisory Committee – Final Report: Ed Silva, Building Official, thanked the member of the Committee for their assistance. He invited Chairperson Rainer Schael to provide the report.

Rainer Schael, 18171 SW 90 Court, provided the report to the Council. He noted that the Committee had heard concerns regarding fees; therefore, the Committee offered a revised fee schedule. Mr. Schael also advised that the Committee suggested increasing code compliance to seven days. He further suggested that the Committee believes the Village should ask the County to consider a satellite office for Fire and DERM review.

The Village Council thanked their Committee for their assistance.

9. RESOLUTIONS

A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AD HOC ADVISORY BOARDS; CREATING THE EDUCATIONAL COMPACT

ADVISORY COMMITTEE; PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Shelley Stanczyk].

Attorney Boutsis noted that a revised resolution has been offered.

Vice Mayor Pariser moved to accept the substituted proposed Resolution. Councilman Fiore seconded. All voted in favor. The motion carried unanimously (5-0.)

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

Mayor Stanczyk explained the purpose of the Committee.

Councilman Tendrich stated that he had spoken to the Mayor of Pinecrest for history on their city's compact. He advised that she has an "open" committee and anyone who is interested comes to the meetings. He stated that he would be attending their next monthly meeting.

Discussion ensued. Attorney Boutsis stated that the Committee may have many participants, but any committee that goes beyond fact finding to make an analysis must follow the Sunshine Laws.

Vice Mayor Pariser suggested that the Village consider a standing committee in order to encourage a continuing relationship and dialogue with area schools.

Mayor Stanczyk agreed, stating; however, that this Committee for the creation of the compact document only.

Vice Mayor Pariser asked if the Council appointees must be made within the Council person's respective district. Attorney Boutsis replied that they did not.

Councilman Tendrich asked why the specific qualifications were removed.

Mayor Stanczyk remarked that she wanted the process to be open for anyone interested.

Councilman Tendrich noted the Mayor is the ex officio. He suggested a rotating term of council people and the vice mayor to serve on the Committee.

Mayor Stanczyk noted that this Committee has a single responsibility and a clear term. She stated that if the Committee evolved into a standing committee, she would welcome alternative ex officio members; however, she has been working on the creation of a compact for some time.

Councilman Fiore remarked that the Committee should be informal and also include the principals of the local schools.

Mayor Stanczyk stated the purpose is the creation of a compact, not to solve any local school problem.

Councilman Tendrich opined that the Committee in Pinecrest seems to be operating well.

Councilwoman Lindsay remarked that Pinecrest already has a compact and their committee is not creating a compact. She expressed her support for the Resolution.

Councilman Tendrich suggested the Village Attorney meet with the Council, draft a compact, and come back to the Council with the proposed document.

Mayor Stanczyk disagreed, opining that the input of stakeholders is necessary. She advised that the Miami-Dade County School Board utilizes their executive staff to meet with the Committee and draft the compact. She advised that each compact is unique to each municipality.

Following brief comment, Mayor Stanczyk called the question. The Resolution passed on a 3 to 2 vote (Councilman Fiore and Councilman Tendrich opposing.)

B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO A DRAINAGE IMPROVEMENT PROJECT AT SUB-BASIN NO. 10 WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT WITH KIMLEY HORN & ASSOCIATES, INC. TO PROVIDE DESIGN, PERMITTING, BIDDING AND CONSTRUCTION SUPPORT; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED $125,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Tendrich moved this item forward. Seconded by Vice Mayor Pariser.

Manager Williams provided staff report, noted that this is a continuation of the implementation of a village wide drainage effort. He advised that this project is funded through the storm water utility fund and Kimley Horn is well experienced and approved through rotating selection.

Councilman Fiore asked if would be possible to amend the project to include 178 Terrace.

Manager Williams replied that it would have to be a separate project. Brief discussion ensued regarding the status of 178 Street. Manager Williams reminded the Council that the drainage project is a village-wide effort.

Mayor Stanczyk called the question. All voted in favor. The Resolution passed unanimously (5-0.)

C. A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SAFE ROUTES TO SCHOOL AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE NECESSARY DOCUMENTS OR AGREEMENTS IN ASSOCIATION WITH THE VILLAGE'S PARTICIPATION IN THE LOCAL AGENCY PROGRAM; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL STEPS NECESSARY FOR PARTICIPATION IN THE LOCAL AGENCY PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Pariser moved the item forward. Seconded by Councilman Tendrich.

Manager Williams provided staff report.

Vice Mayor Pariser suggested that staff contact the Village lobbyist regarding securing the funds.

Mayor Stanczyk called the question. All voted in favor. The Resolution passed unanimously (5-0.)

D. 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 GAMETIME C/O DOMINICA RECREATION PRODUCTS, INC. FOR THE PURCHASE, DELIVERY AND INSTALLATION OF PLAYGROUND EQUIPMENT AND SURFACING AT CORAL REEF PARK AND PALMETTO BAY PARK; PIGGYBACKING ONTO CONTRACT NO. 110179 WITH U.S. COMMUNITIES, WHO IS ALSO UNDER PIGGYBACK CONTRACT WITH CITY OF MIAMI BEACH AND CITY OF NORTH MIAMI BEACH; AND AUTHORIZING THE VILLAGE MANAGER TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED $97,858.15; AND PROVIDING AN EFFECTIVE DATE.

Councilman Tendrich moved this item forward. Seconded by Vice Mayor Pariser.

Attorney Boutsis stated that she would like the Council to amend the Resolution to insure the contract is bound by the State of Florida, not North Carolina.

Manager Williams provided staff report. He noted that the Council had approved $100,000 for replacement of equipment at Coral Reef Park as part of the Village's capital improvements program. He noted that the amount of the equipment in the next resolution on the agenda will be combined with this project and both will be funded through the $100,000 allocated and from $29,000 from Parks and Recreation Impact fees. He stated that approval of these resolutions will bring a substantially better playground equipment environment at Coral Reef Park.

Attorney Boutsis asked for language to be included stating that the price terms and items will be in "substantial form."

Vice Mayor Pariser moved to amend Section 3 to add language to approve the attached contract in substantial form for an amount not to exceed $97,858.15. Seconded by Councilman Tendrich. All voted in favor.

Mayor Stanczyk called the question. All voted in favor. The Resolution passed unanimously (5-0.)

E. 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 KORKAT PLAYGROUNDS & SITE AMENITIES FOR THE PURCHASE, DELIVERY AND INSTALLATION OF A TODDLER PLAYGROUND AREA (AGES 0-2) AT CORAL REEF PARK; PIGGYBACKING WITH THE SCHOOL DISTRICT OF PALM BEACH COUNTY, FLORIDA'S CONTRACT NO. 10C-54; AND AUTHORIZING THE VILLAGE MANAGER TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED $31,252.82; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Pariser moved the item forward. Seconded by Councilman Tendrich.

Manager Williams remarked that this much-needed equipment would provide younger children with an area that they could enjoy. Parks Director Fanny Carmona-Gonzalez added that it would provide age-appropriate play for all.

Councilman Tendrich asked staff to consider the possibility of donation the equipment to a needy community. Manager Williams stated that staff would investigate the matter.

Mayor Stanczyk called the question. All voted in favor. The Resolution passed unanimously (5-0.)

F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; AUTHORIZING THE EXTENSION OF THE INTERLOCAL AGREEMENT WITH THE MIAMI-DADE SCHOOL BOARD FOR USE OF THE CORAL REEF PARK, BASEBALL FIELD 3; PROVIDING FOR A THREE YEAR EXTENSION OF THE EXISTING NON-EXCLUSIVE USE INTERLOCAL AGREEMENT FOR PALMETTO SENIOR HIGH SCHOOL; AND PROVIDING AN EFFECTIVE DATE.

Councilman Tendrich moved this item forward. Seconded by Vice Mayor Pariser.

Manager Williams provided staff report, noting that the Village has shared a positive relationship with the school for several years.

Councilman Fiore asked if the field is open to the public when the team is not playing. Manager Williams advised that the field is reserved for practice sessions.

Councilman Fiore stated that he had spoken with Commander Truitt regarding parking enforcement on the one-way street to the north of the field. Manager Williams replied that homeowners should report these matters to the Village.

Mayor Stanczyk advised that she had spoken to resident Gary Sisler to discuss this contract. She stated that the report was positive; however, she noted that he was displeased with congestion caused by the football schedule. She allowed the resident Gary Sisler to address the Council with his concerns.

Following brief comment, Director Carmona advised that the Booster Club paid 50% of the grading and re-claying of the field.

Following discussion, Vice Mayor Pariser noted that Exhibit 1 to the contract was not included.

Manager Williams clarified that the fields are open to the public when the team is not practicing or playing a game.

Attorney Boutsis advised that Exhibit 1 was a listing that applied to the prior contract and has not changed since 2009. She further explained that the proposed contract concerns a three year extension and up to a 4% increase per year for maintenance.

Vice Mayor Pariser moved to defer the matter to the next Council Meeting, as the exhibit was not included. The motion failed for lack of second.

Councilwoman Lindsay noted that the Exhibit was voted on in 2009 and is not part of the matter before the Council. Attorney Boutsis concurred.

Mayor Stanczyk called the question. All voted in favor. The Resolution passed unanimously (5-0.)

G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION AND RFP-2011-PR-005; APPROVING THE VILLAGE MANAGER'S RECOMMENDATION TO BEGIN NEGOTIATIONS WITH JUNIOR'S CATERING TO PROVIDE CONCESSION SERVICES AT CORAL REEF AND PALMETTO BAY PARKS WITH SUBSEQUENT RECOMMENDATION FOR AWARD CONTINGENT UPON TERMS AND CONDITIONS AGREEABLE BY BOTH PARTIES; AUTHORIZATION OF SAID NEGOTIATIONS BY THE VILLAGE COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilwoman Lindsay moved the item forward. Seconded by Councilman Tendrich.

Manager Williams provided staff report. He noted that only two responses were received and the proposed Resolution allows staff to negotiate.

Attorney Boutsis advised that the request by staff is legally appropriate.

Manager Williams stated that the objective would be to negotiate an agreement to bring back for consideration.

Director Carmona-Gonzalez stated that the proposed company, Junior's Catering, has been providing concession services at several parks and has received positive recommendations from their previous employers.

Following brief comment, Vice Mayor Pariser remarked that staff needs to carefully draft the contract to insure that both parties are successful: the vendor can earn a profit, while the Village receives appropriate rent.

Manager Williams concurred, noting that staff will propose the best contract for the Village, while at the same time considering the best overall use of the park.

Councilman Tendrich suggesting including vending machines at the park.

Mayor Stanczyk called the question. All voted in favor. The Resolution passed unanimously (5-0.)

H. 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 $30,163.99; PROVIDING AN EFFECTIVE DATE.

Vice Mayor Pariser moved this item forward. Seconded by Councilman Tendrich.

Councilman Fiore remarked concerning the amount of money being spent on litigation concerning Palmer Trinity.

Mayor Stanczyk called the question. Councilman Fiore voted in opposition. The Resolution passed with majority vote (4-1.)

I. 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 WHITE & CASE IN THE AMOUNT OF $10,388.26; PROVIDING AN EFFECTIVE DATE.

Vice Mayor Pariser moved this item forward. Seconded by Councilman Tendrich.

Councilman Fiore stated that he is alerting the residents and the Council concerning the amount of money spent on litigating the Palmer Trinity case. Manager Williams clarified that the Village Attorney's invoice includes all legal services, not solely the Palmer Trinity litigation.

Mayor Stanczyk called the question. Councilman Fiore voted in opposition. The Resolution passed with majority vote (4-1.)

10. RESOLUTIONS REQUIRING PUBLIC HEARING: None.

11. ORDINANCES FOR FIRST READING

A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AMENDING DIVISION 30-160 ENTITLED "ART IN PUBLIC PLACES" TO CLARIFY APPLICATION OF COUNTY CODE SECTION 2-11.15(2), INCREASING FEE FOR GOVERNMENT PROJECTS TO BE CONSISTENT WITH COUNTY CODE FROM 1.25 TO 1.5 PERCENT; AND CLARIFYING PROCEDURAL APPLICATIONS OF THE DIVISION; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis advised that this matter concerns a requirement from Miami-Dade that the Village stay consistent with the County's home rule authority. She advised that the Village is not increasing any other portion of the fee; however, the County required the change of the percentage.

Mayor Stanczyk called the question. Councilman Fiore voted in opposition. The Resolution passed with majority vote (4-1.)

B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CREATING CHAPTER 3, ENTITLED THE ADVISORY BOARD "FRIENDS OF THALATTA"; PROVIDING FOR APPOINTED BOARD MEMBERS, SCOPE OF RESPONSIBILITIES, POWERS AND DUTIES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Mayor Shelley Stanczyk].

Mayor Stanczyk withdrew the item.

C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, PURSUANT TO SECTION 30-30.7(b) MODIFYING DIVISION 30-30, ENTITLED "DEVELOPMENT APPROVAL PROCEDURES"; TO FURTHER DELINEATE SUBSECTION

30-30.2(p) THE PROCESS FOR REVOCATION, SUSPENSION OR ZONING DENIAL AS IT RELATES TO THE DEVELOPMENT ORDER OR ADMINISTRATIVE DETERMINATION BEING APPEALED AND IMPLEMENTED UNTIL FINAL RESOLUTION OF THE APPELLATE LITIGATION, IN PART OR IN WHOLE; PROVIDING AN EXCEPTION DUE TO LIFE, SAFETY, OR MATERIAL DETERIORATION AS DEFINED UNDER THE FLORIDA BUILDING CODE OR WHERE PROHIBITED BY STATE STATUTE OR COUNTY ORDINANCE; AND ACCORDINGLY UPDATE SECTION 30-30.14; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Mayor Shelley Stanczyk].

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

Mayor Stanczyk remarked that clarification of the development approval process is important.

Attorney Boutsis noted that the Village has had situations wherein there have been appeals and uncertainty; the language included clarifies that action could not be taken until there is an order on an appeal.

Councilman Tendrich asked if any permit could be received during an appellate process.

Attorney Boutsis clarified that a permit could not be pulled that concerns an item that is directly related to the appeal. She noted that permits that are needed on an emergency basis for safety issues would be permitted.

Councilman Tendrich provided an example: if a fence is being installed and adding a bathroom, if you appealed the bathroom, you would not be able to install the fence. Attorney Boutsis concurred, if both projects were tied to the same site plan.

Mayor Stanczyk called the question. Councilman Fiore and Councilman Tendrich voted in opposition. The Resolution passed with majority vote (3-2.)

12. 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 THE VILLAGE'S CODE OF ORDINANCES, AMENDING DIVISION 30-130, ENTITLED "ALCOHOLIC BEVERAGES" AMENDING DISTANCE SEPARATION EXEMPTIONS FOR SPECIFIED USES; PROVIDING FOR SUNDAY PACKAGE SALES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Councilwoman Lindsay moved to incorporate the record, staff report, and all public comments made at the Local Planning Agency Meeting this evening into this proceeding. Seconded by Vice Mayor Pariser. All voted in favor. The Motion carried.

Mayor Stanczyk opened the public hearing. Ms. Bev Gerald, 14271 SW 74 Court, addressed the Council.

Vice Mayor Pariser asked if the hours of operation are consistent with neighboring communities.

Attorney Boutsis advised that the hours were consistent. She noted that staff brought this matter forward, as businesses were having difficulty with competition in neighboring community.

Public hearing closed.

Following brief discussion, the Ordinance was adopted unanimously on roll call vote, as follows: Vice Mayor Pariser: yes; Mayor Stanczyk: yes; Councilman Fiore: yes; and Councilman Tendrich: yes; and Councilwoman Lindsay: yes.

B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE'S CODE OF ORDINANCES, AMENDING DIVISION 30-90, ENTITLED "SIGN REGULATIONS"; REGULATING TEMPORARY SIGNS UNIFORMLY AS TO SIZE, AND DURATION, INCLUDING BUT NOT LIMITED TO POLITICAL SIGNS AND PERSONAL EXPRESSION SIGNS; AND PROVIDING FOR A MINIMUM 90 DAY PERIOD FOR DISPLAY OF SAID SIGNS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Mayor Shelley Stanczyk and Council Person Tendrich].

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

Councilwoman Lindsay moved to incorporate the record, staff report, and all public comments made at the Local Planning Agency Meeting this evening into this proceeding. Seconded by Councilman Tendrich. All voted in favor. The Motion carried.

Mayor Stanczyk opened the public hearing. No one came forward. The public hearing was closed.

Following brief discussion, the Ordinance was adopted on roll call vote, as follows: Vice Mayor Pariser: yes; Mayor Stanczyk: yes; Councilman Fiore: no; and Councilman Tendrich: yes; and Councilwoman Lindsay: yes. (4 to 1)

13. OTHER BUSINESS: None at this time.

14. COUNCIL COMMENTS

Councilman Tendrich expressed that he was excited about Earth Day and hoped that staff is already working on the planning.

Councilwoman Lindsay asked the Manager to share comments regarding the TLC production at Thalatta Estate. Manager Williams asked her to update all. She reported that a show entitled "Four Weddings" visited Thalatta and were impressed. She stated that one of the brides chose the Village venue and the three that did not were disappointed. She asked the Manager to share the story on the Village's website and include when it will air.

Mayor Stanczyk thanked Councilwoman Lindsay for the information, adding that she is enthusiastic about the programming of that facility. She provided an update of the recent Miami-Dade Days trip.

Vice Mayor Pariser echoed the Mayor's comments. He encouraged any resident that may have difficulty concerning Citizen's Insurance and premiums increasing over 10% to contact Representatives Michael Bileca and Jose Felix Diaz. Councilwoman Lindsay added that the representatives were very receptive and encouraged the Council that attended Miami-Dade Days to have the constituents contact them with any problems.

15. NEXT MEETING AND ADJOURNMENT

The meeting was adjourned at 11:05 p.m.

Prepared and submitted by:

_____

Meighan J. Alexander, CMC
Village Clerk

Approved by the Village Council on this ____ day of March, 2012.

_____

Shelley Stanczyk, Mayor

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