VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of February 4, 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. Mayor Stanczyk 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 Arbor Day: Mayor Stanczyk and the members of the Village Council thanked the Village staff and the members of the Council expressed their appreciation for the Village's efforts in recognizing Arbor Day each year and beautifying the Village with trees. Public Works Director Corrice Patterson accepted the award on behalf of the Village.

4. APPROVAL OF MINUTES

A. Minutes of the Regular Council Meeting of January 7, 2013: Councilman Fiore moved to approve the Minutes. Seconded by Vice Mayor DuBois. All voted in favor. The Minutes were approved (5-0.)

5. 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 $13,775.10; PROVIDING AN EFFECTIVE DATE.

B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; APPROVING ASSIGNMENT OF ALL EXISTING CONTRACTS WITH CORZO CASTELLA CARBALLO THOMPSON SALMAN, P.A. ("C3TS") TO STANTEC CONSULTING SERVICES INC.; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SEVEN (7) VILLAGEWIDE LOCALIZED DRAINAGE IMPROVEMENTS PHASE V LOCATED AT VARIOUS LOCATIONS WITHIN THE VILLAGE OF PALMETTO BAY; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH STANTEC CONSULTING SERVICES, INC. TO PROVIDE CONSTRUCTION MANAGEMENT OF DRAINAGE IMPROVEMENTS, AND TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED $31,400.00; AND PROVIDING FOR AN EFFECTIVE DATE.

D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; SPONSORING THE ANNUAL EDC GOLF TOURNAMENT; AUTHORIZING THE VILLAGE MANAGER TO DISBURSE AN AMOUNT NOT TO EXCEED $1,250.00; PROVIDING AN EFFECTIVE DATE.

Mayor Stanczyk asked the Clerk if any of the items had been timely removed from the Consent Agenda. She responded that no items had been requested to be removed.

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

6. **REQUESTS, PETITIONS AND PUBLIC COMMENTS**: The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Howard Tendrich, 16500 SW 85 Avenue; Peter England, 7620 SW 171 Street; Chuck Latshaw, 8825 SW 154 Terrace; Gary Pastorella, 6940 SW 142 Terrace; Ed Feller, 7960 SW 144 Street; Chet England, 15300 SW 80 Avenue; Louis Medina, 17280 SW 146 Court; Henry Clifford, 8875 SW 171 Street; and, Bev Gerald, 14271 SW 74 Court.

7. **VILLAGE MANAGER'S REPORT:** Manager Williams introduced Commander Gregory Truitt and asked him to provide a report.

A. Village Commander Report: Commander Truitt provided an update of the recent activity in the Village. He congratulated J.D. Patterson for his promotion to Chief of Miami-Dade County Police. He also noted that Officer Peter Judge was honored with the Law Enforcement Officer (LEO) Award for his service to the community.

Officer Judge thanked the Village for their support. Mayor Stanczyk thanked Officer Judge for his service. She asked when the next graduations for RADKids and DARE are scheduled. Commander Truitt thanked the Policing Unit and advised that graduations were scheduled for March and he would advise the Council.

B. Manager Williams asked Planning & Zoning Director Darby Delsalle to address the Council concerning chiki huts. Director Delsalle explained that throughout Florida, if a resident wishes to chiki hut built by Indians, without plumbing or electrical, the structure does not require a building permit; however, it does require zoning review.

Attorney Boutsis added that chiki huts are exempt if built by a qualified Indian tribe.

Director Delsalle explained that in order to waive a building permit, the builder has to present information that shows they are qualified. He stated that the Zoning code requires professional plans be provided that depict where the structure is located on the property. He advised that a zoning review fee would be required; and, if a zoning review is required following construction, the fee would be doubled. Director Delsalle stated that if the Village followed the Vice Mayor's concept of requiring an affidavit with a hand-drawn plan, the Village would have to modify its existing ordinance and fee structure to not include a double charge.

Vice Mayor DuBois asked why the property owner would not be able to provide an affidavit stating that the structure was constructed by qualified tribe and meets the setback requirements; or, alternatively, have the Indian tribe certify.

Building Official Ed Silva replied that there is a limited review by the Building Department pursuant to State law. He explained that the chiki hut would have to be installed by a Miccosukee or Seminole tribe member; however, the problem is "after the fact" - how to insure the work was performed by a qualified tribe if a homeowner provides an affidavit after construction.

Director Delsalle added that the zoning code requires professionally-drawn plans; to allow for residents to hand draw plans would require a modification to the code.

Vice Mayor DuBois suggested modifying the Ordinance to adopt the process. Mayor Stanczyk stated that there is no consensus to go forward.

Attorney Boutsis noted that compliance with setback and lot coverage requirements would be required under the zoning code.

C. Budget to Actuals

Manager Williams noted that he had provided the quarterly Budget to Actuals report to the Council last week. He reminded the Council that the general marking point would be 25% for income and expenditures. He advised that he would be coordinating a workshop with the Council in the near future.

Finance Director Desmond Chin provided a report, noting that the Village has collected approximately 25% revenues and 18.4% in expenditures, with approximately $900,000 in operating surplus. He noted that ad valorem collections are currently 46%, slightly less than the previous year. He stated that the County may be somewhat delayed; however, the balance is expected in the near future. Director Chin reported that, although the Village is early in its fiscal year, his office predicts to "break even" in operating expenditures and he estimates above average collection in State revenues.

Manager Williams provided dates of several activities: Health and Fitness Fair – February 10, from noon to 5 pm; and the Annual Picnic – March 2nd – 11 am until sundown. He explained that the Village has recently become popular for many commercial shoots, such as a commercial starring Magic Johnson, Discovery Channel at Thalatta, etc. He stated that while the Village is not receiving a significant amount of revenue for this service, it is important to the overall image of Palmetto Bay.

Mayor Stanczyk asked if the Village is insuring that neighbors are not disturbed by the activity.

Manager Williams replied that the problems that occurred in the past were due to prolonged filming at a private home; the recent activity has occurred within the confines of Village property.

Communications Manager Bill Kress added that the Village has not had any difficulty with the shorter-term productions.

Clerk Alexander provided the Council with an update of the calendar.

8. VILLAGE ATTORNEY'S REPORT

A. February, 2013 update: Attorney Boutsis advised that she had provided her written report. She informed the Council that she will be presenting the Village's defense in oral argument scheduled for February 13th in the Shores litigation.

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, APPOINTING ONE MEMBER TO THE EDUCATIONAL COMPACT ADVISORY COMMITTEE; AND PROVIDING AN EFFECTIVE DATE.

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

Mayor Stanczyk stated that Committee has had very constructive meetings and the Vice Mayor has the opportunity to replace one member. She stated that resident Karyn Cunningham has attended many of the meetings and was one of the original applicants to the Committee. Mayor Stanczyk noted that Ms. Cunningham has a great deal of expertise.

Vice Mayor DuBois stated that he believes Ms. Cunningham will be a great addition to the committee and thanked her volunteering.

Councilman Fiore asked the Clerk for the status of all committees.

Mayor Stanczyk replied that the Building and Permitting Committee's report will be coming to fruition in the upcoming months. She provided information with regard to the various boards.

Clerk Alexander provided the complete update:
Friends of Thalatta - no applicants
Special Events Advisory Committee – created in July of 2012 – no applicants
Zoning Advisory – created in May of 2012 – 10 members required; however, only four applications received. Therefore, this Board cannot commence.
Historic Preservation – two Members needed
Art-in-Public Places – currently, the Board is full
Tree Advisory Board – four vacancies in the near future
Education Compact Advisory Committee – Full Board

Mayor Stanczyk called the question to approve Karyn Cunningham as the new member to the Board and pass the Resolution, as modified. 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 LEGISLATIVE AGENDA; URGING THE STATE TO ADOPT LEGISLATION THAT WOULD REQUIRE ALL AUTOMOBILE INSURERS THAT PROVIDE FLORIDA PROPERTY INSURANCE THROUGHOUT THE STATE BE MANDATED TO ALSO PROVIDE PROPERTY INSURANCE TO HOME AND BUSINESS OWNERS THROUGHOUT THE ENTIRE STATE OF FLORIDA. [Sponsored by Councilman Patrick Fiore].

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

Councilman Fiore provided a report, stating that he would like to encourage the State to assist individuals who are currently having difficulties due to the economy.

Mayor Stanczyk asked for more details about the impact on taxpayers.

Councilman Fiore stated that this issue was raised by a candidate running for CFO who had proffered that a company, such as State Farm, that provides automobile insurance and home owners insurance throughout Florida should be mandated to insure all home owners thereby increasing the pool of subscribers in the State.

Mayor Stanczyk stated that windstorm should be included.

Councilman Fiore agreed - hazard and windstorm insurance.

Following brief comment, Councilman Fiore stated that he would agree to allow the Village Attorney to modify the resolution to include hazard, windstorm, and indemnity insurance. He moved to pass the Resolution, with amendments. Seconded by Councilwoman Lindsay. All voted in favor.

Councilman Fiore moved to approve the matter. Seconded by Vice Mayor DuBois. All voted in favor. The Resolution passed, as amended (5-0.)

C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; APPROVING THE TOPICS FOR THE 2013 STATE LEGISLATIVE AGENDA THAT SUPPORT THE PRIORITIES OF THE VILLAGE OF PALMETTO BAY FOR THE UPCOMING LEGISLATIVE SESSION; AND PROVIDING AN EFFECTIVE DATE.

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

Mayor Stanczyk explained the various pieces of legislation listed in the Resolution.

Councilman Schaffer asked Commander Truitt if he had an opportunity to review the legislation concerning the banning of certain synthetic drugs. Commander Truitt replied that he did; however, he noted that the State budget cuts have removed many of the investigative officers that previously assisted with drug interdiction; however, Palmetto Bay's detectives are diligent.

Vice Mayor DuBois stated that the communication services taxes are a significant source of revenue and he is supporting of this legislation. He asked if the Village is moving forward any legislation specifically to benefit the residents of Palmetto Bay.

Mayor Stanczyk replied that in the past, the Village had urged funding for canal bank restoration. Following brief comment, she called the question.

All voted in favor. The Resolution passed 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 AD VALOREM TAXATION; AMENDING CHAPTER 26, CREATING SECTION 21-106 AND AMENDING SECTIONS 21-101 AND 21-105 AS IT RELATES TO THE QUALIFYING INCOME OF SENIORS; PROVIDING FOR A PROPERTY TAX EXEMPTION UNDER STATE AMENDMENT 11 RELATING TO QUALIFYING INCOME SENIORS OVER THE AGE OF 65, LIVING IN A RESIDENCE FOR 25 YEARS WITH A HOMESTEAD PROPERTY VALUED UNDER $250,000; PROVIDING REQUIREMENT OF APPLICATION AND SUBMISSION OF SUPPORTING DOCUMENTATION TO THE MIAMI-DADE COUNTY PROPERTY APPRAISER; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis explained that, in 2005, the Village had adopted a tax exemption for seniors. In 2007, the State modified the exemption to be up to $50,000. She advised that Amendment 11 recently passed wherein a municipality can provide exactly the $50,000 exemption; however, the Village can also provide

the opportunity to allow low income earning seniors who are also long term residents to pay no ad valorem taxes. Manager Williams noted that the Village will have second reading at the February 25th meeting, as the legislation must be adopted by March 1st. He noted that the impact would result in a $2,048 impact to the Village at this time.

Mayor Stanczyk called the question. All voted in favor. The Ordinance passed unanimously on first reading (5-0.)

B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ELECTIONS; ESTABLISHING THE RUN-OFF ELECTION DATE FOR THE ELECTION OF NOVEMBER, 2014, IN ACCORDANCE WITH SECTION 5.1(C) OF THE VILLAGE CHARTER; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Councilman Patrick Fiore)

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

Councilman Fiore advised that this matter was previously discussed at a Committee of the Whole workshop and the consensus was to move the run-off date back one week due to holidays and difficulties with absentee ballots.

Mayor Stanczyk called the question. All voted in favor. The Ordinance passed unanimously on first reading (5-0.)

C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; MODIFYING DIVISION 30-60 ENTITLED "GENERAL REGULATIONS"; REVISING SECTION 30-60.29 RELATING TO NOISE STANDARDS; PROVIDING CLARIFICATION RELATING TO NOISE LEVELS FOR VILLAGE OF PALMETTO BAY FACILITIES BETWEEN THE HOURS OF 8:00 A.M. AND 11:00 P.M.; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

This item failed due to lack of a motion to bring the matter to the floor.

D. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE'S CODE OF ORDINANCES, AT DIVISION 30-50 RELATING TO AMENDING THE RESIDENTIAL DISTRICT HEIGHT REGULATIONS SO AS TO MEASURE HEIGHT CONSISTENTLY WITH MIAMI-DADE COUNTY FROM THE ROOF'S EVE AND PROVIDE AN EXCEPTION TO THE HEIGHT REQUIREMENT FOR CERTAIN MECHANICAL EQUIPMENT AND PARAPETS; PROVIDING FOR

ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Mayor Stanczyk.)

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

Attorney Boutsis advised that previously, the Council heard a variance request for a property in Paradise Point, which request was necessitated partially due to the modification of the code in 2010 that revised height measurements. She explained that this Ordinance would return the measurement standard to the way the County Code had previously measured the height.

Following brief discussion, Vice Mayor DuBois asked if the Ordinance is adopted, would the owners of those properties be able to rebuild their homes to the original heights. Director Delsalle replied affirmatively.

Mayor Stanczyk called the question. All voted in favor. The Ordinance passed unanimously on first reading (5-0.)

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

14. OTHER BUSINESS

A. Run-Off Elections of the Village – Councilman Patrick Fiore

Councilman Fiore thanked Councilman Schaffer for raising this matter during a recent Committee of the Whole Meeting. He stated that a stand-alone election is expensive and believes the voters should be able to decide whether the cost is worthwhile.

Vice Mayor DuBois stated that approximately 10,000 people voted in the general election; 4,000 voted in the run-off. He noted that the number of voters that vote in a run-off election is important; however, the numbers that turn out for the general election are relevant. He stated that he would be in favor of a minimum threshold that may trigger a run-off; however, he does not have a particular number to offer.

Councilman Fiore stated that many cities do not conduct run-off elections.

Councilman Schaffer stated that run-offs are difficult, as many voters are not interested in coming back to the polls. He stated that extending the time between the general election and the run-off is helpful, as the amount of people who vote in the run-off is much less. He wondered if run-off elections are truly representative of the public vote.

Mayor Stanczyk stated that the Village recently performed its charter review and this issue was not raised. She acknowledged that run-off elections are difficult; however, it is democratic to consider the majority vote, which his 50% + 1. She expressed that manipulation of the vote is easier in plurality voting and the founders of the village thought so, too.

Councilwoman Lindsay stated that many of the speakers were in favor of keeping the process the way it is. She expressed that a plurality vote is not appropriate. She stated that in a general election, the votes decrease as a voter moves down the ballot; under-voting when they do not know the candidate. She stated that people who come out for run-off election are committed to the candidate for which they are voting.

Following discussion, Councilman Fiore stated that the voters should be allowed to decide. He asked Clerk Alexander to read the first line of the decorum statement and stated that an individual was permitted by the Mayor to make an impertinent statement against him and the Vice Mayor.

Vice Mayor DuBois moved to amend the desired action to allow for the drafting of a resolution to reflect a threshold of 36%. Seconded by Councilman Fiore. The motion failed (2 to 3, Vice Mayor DuBois and Councilman Fiore voted in favor.)

Mayor Stanczyk asked that the public be able to comment. Vice Mayor DuBois moved to prohibit public comment, as the public had the opportunity to speak earlier in the meeting. Seconded by Councilwoman Lindsay. The motion passed (3 to 2, Councilman Fiore and Mayor Stanczyk opposed.)

Vice Mayor DuBois moved to approve the desired action. Seconded by Councilman Fiore. The motion failed (1 to 4, Councilman Fiore being the sole supporter.)

B. Termination of Village Attorney and Attorney Engagement Agreement – Vice Mayor John DuBois

Vice Mayor DuBois asked Clerk Alexander if the item had been provided to the Council. She confirmed that it was.

Vice Mayor DuBois expressed his concerns with the current Engagement Agreement and the billing of items that he believes are not included within the Village Attorney's scope. He noted that the Village Attorney's hourly rate is reasonable; however, he took issue with the amount of work being performed and whether it is consistent within her scope of representation. He opined that there is an excessive amount of billing for issues that the Village staff should be undertaking. Vice Mayor DuBois expressed his displeasure that Attorney Boutsis

drafted an extensive memo in response to scheduling training for Robert's Rules of Order training, as he had asked the Clerk to provide the training.

Attorney Boutsis noted that she performs her duties at the request of the majority of Council and receives direction from the Council. She explained that she was told to schedule and prepare two separate seminars – one for ethics and the other on Roberts Rules, which was raised by Councilman Schaffer. She explained that all on the dais were in support of the training and the memo was prepared in support of the meeting.

Vice Mayor DuBois reminded her that she had stated three were interested via email in this training, two were not. Attorney Boutsis advised that at the Committee of the Whole Meeting, the consensus was unanimous.

Councilwoman Lindsay stated that she was in favor of the training for new Council members and believes that all could benefit from a refresher course conducted by the Attorney.

Vice Mayor DuBois stated that it is not appropriate to spend thousands on legal fees for something that most people would agree is a training that could be scheduled by the Village Clerk. He opined that the Engagement Letter does not have a clearly defined scope. He stated that he believes there is a comfort level between her and the staff, due to her ten years of service the Village, which results in the staff relying on the Attorney to perform work that could be done at the staff level. He expressed that he would like to see a scope of services specific to delegate the day-to-day direction of the attorney under certain parameters. He stated that he would encourage the drafting of a procurement action and also encourage Attorney Boutsis to provide her bid. Vice Mayor DuBois stated he disagreed with some who suggested that it is inappropriate to fire the attorney while Palmer is in settlement, as he hasn't received any settlement information since being elected. He expressed he would like to have a strengthened contract and would like to move the drafting of a resolution forward.

Mayor Stanczyk stated that she believed the Vice Mayor needs sunshine training, as he had attempted to contact her in the past. Vice Mayor DuBois disagreed with the Mayor's implication.

Mayor Stanczyk remarked that the Village Attorney has provided sound advice concerning litigation.

Attorney Boutsis explained that the role of the village attorney, whether in-house or from a firm, is not just to represent the majority, the role is to represent the Village. She noted that she assists staff, working through the village manager and not for any other intention. She explained that staff prepares contracts, resolutions, and staff analysis and she reviews staff's work for legal sufficiency. She opined that litigation most likely comes from zoning items and she reviews

the significant work being performed by staff. She asked the Council to compare her service to legal counsel of other cities.

Following brief comment, Councilman Schaffer stated that the Village Council needs to establish criteria and responsibilities to provide to legal counsel.

Vice Mayor DuBois clarified that his recommendation is to terminate the contract and engagement, re-bid, and allow others to bid, including Attorney Boutsis' firm.

Mayor Stanczyk stated that staff should be allowed to have access to the attorney when there is need and that the Village Council should also be permitted to have full access to the attorney. She agreed that there is a need to have a document that allows for the Village's needs to be served; however, she disagreed that it is necessary to re-bid. She stated that the Village is at the end of complex litigation and it would not be appropriate to change counsel and lose the "institutional memory."

Councilwoman Lindsay stated that she has found Attorney Boutsis to be very competent and accommodating. She noted that Vice Mayor DuBois asked for the billing to be revised and Attorney Boutsis revised it. She explained that municipal law is not the same as other types of law and she urges this council not to consider terminating her, as she provided outstanding services. She opined that if the Council wants to better define the scope of her duties, Attorney Boutsis will be accommodating.

Councilman Schaffer stated that the Council should not consider terminating the contract without a contingency plan.

Councilman Fiore stated that Attorney Boutsis' advice has been ignored repeatedly by several members of the Council. He suggested that the reason for many of the legal bills is because the Council did not take the advice of its legal counsel. He suggested considering the matter in 30-60 days.

Mayor Stanczyk implied that the matter was being raised due to political reasons concerning the lawsuit with Palmer Trinity.

Following comment, Councilman Fiore suggested a motion to table the matter for a later date in order to allow for significant review of the Village's legal department be made.

Vice Mayor DuBois moved to amend the desired action to temporarily table the discussion until the Committee of the Whole Meeting, placing the matter on the Committee of the Whole agenda to discuss the existing attorney contract and interviewing other attorneys. Seconded by Councilman Fiore. The motion carried (3 to 2, Mayor Stanczyk and Councilwoman Lindsay opposed.)

15. COUNCIL COMMENTS

Councilman Schaffer asked staff to check and report to him whether the recent resident donation of funds for historic preservation was budgeted. Manager Williams stated that he would ask staff to provide a report.

Vice Mayor DuBois remarked that he would like to see the $462.00 attorney's fee removed from the next billing cycle.

16. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 10:55 pm.

Prepared and submitted by:

_____

Meighan J. Alexander, CMC
Village Clerk

Adopted by the Village Council on this _____ day of March, 2013.

_____

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.