

VILLAGE OF PALMETTO BAY
Minutes of the Local Planning Agency Meeting of Monday, April 2, 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.

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

Mayor Stanczyk stated that as there are so many children present this evening, she would be providing the proclamations scheduled for the Regular Council Meeting at this time.

- A. Girl Scout – 100 year anniversary: Mayor Stanczyk noted that several Girl Scout troops from throughout Palmetto Bay are present. The girl scouts performed the presentation of the colors. All joined in with the pledge of allegiance.

Mayor Stanczyk and the Village Council thanked the Girl Scouts and spoke highly of the organization. She recognized all parents and scout leaders present.

Scout Master Beverly Jones provided a token of appreciation to the Mayor for her efforts with the Scouts.

- B. Palmer Trinity Varsity Girls Soccer

Mayor Stanczyk congratulated Palmer Trinity Girls Varsity Soccer team and expressed her appreciation for the girls.

3. ORDINANCE FOR SECOND READING (PUBLIC HEARING)

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, PURSUANT TO 30-30.7(b), OF THE VILLAGE'S CODE, RELATING TO REVISING 30-30.3(C) AND 30-30.11 RELATING TO NOTICE PROVISIONS; TO PROVIDE ADDITIONAL CLARIFICATION AS TO MAILED NOTICE TO NEIGHBORS; REPEAL OF CONFLICTING PROVISIONS FOUND AT SECTION 30-1, 30-2, 30-3, AND

30.1 AND 30.2; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Council Person Joan Lindsay].

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

Director Planning & Zoning Darby Delsalle provided staff report. He noted that there was a modification concerning the notice that would be provided based upon the size of the property. He advised that staff also clarified that a 30-day review period for substantial compliance would include a notice published and posting of the property. Attorney Boutsis advised that there was one further correction: the radii would include notice to other municipalities.

Mayor Stanczyk opened the public hearing. Mr. Gary Pastorella, 6940 SW 142 Terrace, addressed the Council. Mayor Stanczyk clarified that the applicant will be responsible for the cost of notices and that this cost has always been the responsibility of the applicant. She closed the public hearing.

Councilman Tendrich clarified that the radius is measured from the perimeter of the property. Attorney Boutsis concurred.

Vice Mayor Pariser moved to consider the substituted Ordinance presented on the dais, including all modifications. Seconded by Councilwoman Lindsay. All voted in favor.

Vice Mayor Pariser moved to approve the Ordinance. Seconded by Councilwoman Lindsay. The Ordinance passed (4 to 1) by roll call vote, as follows: Vice Mayor Pariser: yes; Mayor Stanczyk: yes; Councilman Fiore: no; Councilman Tendrich: yes; and Councilwoman Lindsay: yes.

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, PURSUANT TO SECTION 30-30.7(b) RELATING TO CHAPTER 30, DIVISION 100, ENVIRONMENTAL REGULATIONS, REPEALING THE EXISTING PROVISIONS OF 30-100.6 TO REPLACE SAME WITH THE MODEL FLOODPLAIN ORDINANCE REQUIRED BY THE STATE LEGISLATURE; PROVIDING FOR RESPONSIBILITIES OF THE BUILDING OFFICIAL AS FLOODPLAIN COORDINATOR, WHICH MODIFICATIONS ARE MANDATED BY THE STATE TO BE INCLUDED IN THE VILLAGE'S ORDINANCE 30-100.6, RELATING TO SAME; ADOPTING A NEW SECTION 30-100.6; ALSO REPEALING CHAPTER 18 RELATING TO SAME; ADOPTING FLOOD HAZARD MAPS, DESIGNATING A FLOODPLAIN ADMINISTRATOR, ADOPTING PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; ADOPTING LOCAL ADMINISTRATIVE AMENDMENTS AND LOCAL TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE PERTAINING TO THE DESIGN AND CONSTRUCTION OF BUILDINGS AND STRUCTURES IN FLOOD HAZARD AREAS; PROVIDING FOR

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ORDINANCES IN CONFLICT, REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Staff requests deferral to date certain of June 4, 2012.)

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

Attorney Boutsis asked Council to move for a deferral to June 4th, due to the State's modifications.

Councilman Tendrich moved to defer to date certain of June 4, 2012. Seconded by Vice Mayor Pariser. All voted in favor. The motion passed (5-0.)

Vice Mayor Pariser asked if the deferral would affect the Village's review of flood criteria for FEMA rates. Manager Williams stated that staff is working diligently; however, the modification could delay the review.

- C. AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; AMENDING DIVISION 30-100.2 ENTITLED "RESERVED" TO BE RE-TITLED "LANDSCAPING MITIGATION PROGRAM"; CREATING A PROCESS FOR AN APPLICANT TO COMPLY WITH THE VILLAGE'S ENHANCED TREE AND SHRUB REQUIREMENTS, BY PROVIDING FUNDING TO THE LANDSCAPE MITIGATION FUND FOR TREES AND SHRUBS TO BE PLANTED IN THE PUBLIC AREAS, INCLUDING PARKS AND RIGHTS-OF-WAY; PROVIDING AN ALTERNATIVE TO SEEKING A VARIANCE FROM THE REQUIREMENTS; PROVIDING FOR A SEGREGATED FUND; INTENT; AUTHORITY; REQUIREMENTS; PROCEDURES; ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Director Delsalle provided staff report. He advised that this Ordinance attempts to resolve by maintaining the original intent of having a robust tree canopy. He stated that participating properties that are unable to comply may mitigate the tree requirement by allowing public planting of the trees.

Councilman Tendrich asked if it is necessary to make a property owner pay for more trees, as the Village is already a Tree City, USA.

Director Delsalle replied that this ordinance would provide a dedicated funding source for a dedicated service.

Attorney Boutsis stated that the Village acknowledged that due to the size of certain properties, it could be difficult to meet the Village's mandated standard. She advised that a person could pay into the fund to continue to maintain and increase the canopy; a person can seek a variance and not have to meet the needs; or, the Council can make a code change.

Mayor Stanczyk stated that the Council set a standard to be a lush, green city and this is an opportunity to do so. She opened the public hearing. No one wished to be heard.

Vice Mayor Pariser asked if this ordinance would enhance the landscaping master plan. Mayor Stanczyk stated that it would.

Councilman Fiore stated that this ordinance creates an undue burden on the property owner and business owner.

Councilman Tendrich stated that the Village spends \$50,000 annually to make the Village greener. He remarked that if someone has a plan and the Village knows that the applicant can't meet the standard, penalizes the applicant seems inappropriate.

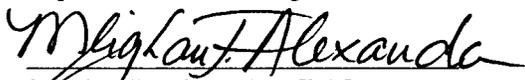
Councilwoman Lindsay remarked that the ordinance requires that trees be put in and, rather than incur the expense of a variance hearing, which may or may not be successful, this Ordinance may save an applicant money in the long run.

Following brief discussion, Mayor Stanczyk called the question. The Ordinance was passed (3 to 2) by roll call vote, as follows: Mayor Stanczyk: yes; Councilman Fiore: no; Councilman Tendrich: no; Councilwoman Lindsay: yes; and Vice Mayor Pariser: yes.

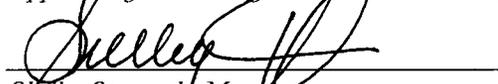
4. NEXT MEETING AND ADJOURNMENT

The meeting was adjourned at 7:25 p.m.

Prepared and submitted by:


Meighan J. Alexander, CMC
Village Clerk

Approved by the Village Council on this 7th day of May, 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.