

**VILLAGE OF PALMETTO BAY**  
**Minutes of the Regular Council Meeting of April 2, 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 7:30 p.m. Mayor Stanczyk asked the Girl Scouts present to lead the pledge of allegiance.

**2. PROCLAMATIONS, AWARDS, PRESENTATIONS:** In consideration of the children present, the below-listed proclamations were provided at the Local Planning Agency meeting that preceded the Regular Council Meeting.

- A. Palmer Trinity Varsity Girls Soccer
- B. Girl Scout – 100 year anniversary

**3. APPROVAL OF MINUTES**

- A. Minutes of the Local Planning Agency Meeting of March 12, 2012: Clerk Alexander advised the Council that revised Minutes for the March 12<sup>th</sup> meetings, containing corrections of scrivener's errors, was provided on the dais. She thanked Councilwoman Lindsay for her assistance.

Councilman Tendrich moved to approve the Minutes, as corrected. Seconded by Councilwoman Lindsay. The motion passed unanimously (5-0.)

- B. Minutes of the Regular Council Meeting of March 12, 2012: Vice Mayor Pariser moved to approve the Minutes, as corrected. Seconded by Councilwoman Lindsay. The motion 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 PARKS AND RECREATION; RESCINDING THE PREVIOUSLY AUTHORIZED PURCHASE AND INSTALLATION OF TODDLER PLAYGROUND

EQUIPMENT AT CORAL REEF PARK BY KORKAT, INC. VIA RESOLUTION NO. 2012-16, DATED FEBRUARY 6, 2012; AND FURTHER, AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT WITH GAMETIME C/O DOMINICA RECREATION PRODUCTS, INC. FOR THE PURCHASE, DELIVERY AND INSTALLATION OF A TODDLER PLAYGROUND AREA (AGES 6-23 MONTHS) AND SURFACING AT CORAL REEF PARK; PIGGYBACKING WITH US COMMUNITIES CONTRACT NO.110179; AND AUTHORIZING THE VILLAGE MANAGER TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$28,636.88; AND 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 \$16,888.82; PROVIDING AN EFFECTIVE DATE.

Vice Mayor Pariser moved to approve the Consent items. Seconded by Councilwoman Lindsay. All voted in favor. The Resolutions passed unanimously (5-0.)

5. **REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; and Steve Kreisher, 18201 SW 98 Avenue.

Mayor Stanczyk noted that staff had provided her with information concerning code compliance matters: the Village received 39 complaints in 2012, all of which were anonymous.

## 6. VILLAGE MANAGER'S REPORT

- A. **Annual Audit Report & Presentation:** Manager Williams announced that the auditors and Finance Director Desmond Chin are available this evening to answer any questions concerning the recent audit.

Director Chin provided a brief overview and introduced the auditors.

Mayor Stanczyk asked the amount of fund balance. Director Chin advised that the previous amount was \$9.8 million; it was increased by \$1.6 million to a total of \$11.49 million.

Auditor Mark Berenfeld of Cherry, Bekaert & Holland was recognized and reviewed the report.

Councilman Tendrich moved to accept the Report. Seconded by Councilwoman Lindsay. All voted in favor. The motion passed unanimously (5-0.)

Manager Williams provided an update with regard to Earth Week activities. He announced that the staff will ask Council to move the date of the Budget Workshop at the next Council Meeting.

Clerk Alexander provided an update with regard to the calendar.

At Mayor Stanczyk's direction, a Committee of the Whole workshop was scheduled for April 16<sup>th</sup>.

7. **VILLAGE ATTORNEY'S REPORT:** Attorney Boutsis noted that her written report was provided and she was available to answer any questions.
8. **BOARD AND COMMITTEE REPORTS:** Mayor Stanczyk advised that Mr. Rainer Schael of the Building & Permitting Committee has made himself available to meet with all Councilmembers.
9. **RESOLUTIONS**

- A. 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 this item forward. Seconded by Councilman Tendrich.

Manager Williams provided staff report.

Vice Mayor Pariser asked if Village funds are required. Manager Williams advised there is no match required.

Mayor Stanczyk remarked that this plan provides connectivity between the schools and park.

Councilwoman Lindsay stated that Howard Drive Elementary, Coral Reef Elementary, and Perrine Elementary are included with this program. She stated that none of the schools will be excluded. She asserted that the funds come from federal SRTS funds, through the State Transportation Bill.

Manager Williams concurred, adding that the State chose to begin the smallest projects first.

Mayor Stanczyk called the question. 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 THE TRANSFER OF FRANJO ROAD/SW 97<sup>th</sup> AVENUE FROM SW 184<sup>TH</sup> STREET TO NORTHBOUND US-1; HEREBY AMENDING THE EXECUTED ROAD TRANSFER AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE VILLAGE OF PALMETTO BAY; FURTHER AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH MIAMI-DADE COUNTY ACCEPTING JURISDICTION, OWNERSHIP AND RESPONSIBILITY FOR FRANJO ROAD FROM SW 184<sup>TH</sup> STREET TO NORTHBOUND US-1 WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF PALMETTO BAY PER THE ATTACHED AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams provided staff report, adding that the Village will require approval from the Miami-Dade County Board of County Commissioners. He advised that the agreement with Miami-Dade County Public Works to transfer controlling authority of this road will require completion of all County improvements, such as lighting, sidewalks, ADA compliance, bus stops, etc.

Councilman Tendrich asked if there is anything that could be done concerning the intersection of US-1 and 97 Avenue.

Manager Williams stated that there was difficulty in the past with the hospital and that right-of-way issue with the State of Florida.

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

## **10. RESOLUTIONS REQUIRING PUBLIC HEARING**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PALMETTO BAY PARK; RELATING TO PARKS MASTER PLAN; AUTHORIZING REVISIONS TO THE PARKS MASTER PLAN - PALMETTO BAY PARK TO INCLUDE TWO OUTDOOR BEACH VOLLEYBALL COURTS AND OUTDOOR FITNESS STATIONS; AND PROVIDING AN EFFECTIVE DATE. (Deferred to date certain of April 2, 2012 from the March 12<sup>th</sup> Regular Council Meeting)

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

Manager Williams provided staff report.

Mayor Stanczyk noted that many residents had concerns about the location of the volleyball courts.

Vice Mayor Pariser asked if the resolution could be bifurcated. Attorney Boutsis replied that it could.

Mayor Stanczyk opened the public hearing. Ms. Sheila Frazer, 9305 SW 181 Street, was heard.

Councilwoman Lindsay noted that she had met with the neighbors and while they are in favor of volleyball courts, they are not in favor of the location presented by staff.

Mayor Stanczyk closed the public hearing.

Councilwoman Lindsay asked the cost of a volleyball court.

Manager Williams stated that the installation for Coral Reef Park was \$18,000. Parks and Recreation Director Fanny Carmona-Gonzalez advised that the price has increased since installation at Coral Reef Park. She noted that a new volleyball court would cost approximately \$24,000.

Councilman Tendrich asked if the outdoor fitness stations require a change in the master plan. Manager Williams stated that it did.

Councilman Fiore suggested removing consideration of volleyball courts and voting on the fitness stations.

Following brief discussion, Councilman Tendrich moved to approve installation of outdoor fitness stations and tabling consideration of volleyball courts. Seconded by Councilman Fiore. All voted in favor. The Resolution, excluding beach volleyball courts, passed unanimously (5-0.)

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THALATTA ESTATE; RELATING TO PARKS MASTER PLAN; AUTHORIZING REVISIONS TO THE PARKS MASTER PLAN AS IT RELATES TO THE THALATTA ESTATE TO INCLUDE EXPANSION OF THE MAIN HOUSE FOR CONSTRUCTION OF A MULTI-PURPOSE ROOM; A FOUR-FIFTH'S VOTE OF THE VILLAGE COUNCIL; AND PROVIDING AN EFFECTIVE DATE.

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

Manager Williams stated that this item has not been revised since the presentation provided by staff last Thursday.

Vice Mayor Pariser asserted that it was clear that the previous council felt that Thalatta was a public park first and certain enhancements to make it into a special event venue were appropriate. He stated that if he must choose between raising taxes to maintain this park and eliminating hours of operation, he would prefer having revenue raised through rental of the facility at reasonable prices. He reiterated that the park should always be a public park first. He noted that the main house is in need of repair and the covered area was not built to code by the previous owners. Vice Mayor Pariser opined that whether a small meeting room or a multi-purpose room is being considered, the Village should act decisively because there is a window of opportunity to close the park for construction.

Councilman Tendrich remarked that expansion of the main house is unnecessary due to the availability of private facilities nearby. He stated that the park is not open consistently to the public and should have standard hours. He noted that the gentleman who performed the feasibility study did not consider the revenue received by the Palmetto Bay Village Center. Councilman Tendrich expressed his approval of the park as is: an open property that is affordable. He opined that construction of a multi-purpose room would result in rental prices increasing. He noted that a past article in the Palmetto Bay News called the property a “waterfront park with large expansive views of the bay.” He stated that if the garage is constructed, a meeting room could be built in the parking garage. He expressed his concern with cars parking along Old Cutler Road for a recent for the art event, as he felt it was not safe.

Mayor Stanczyk opened the public hearing. The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Ed Feller, 7960 SW 144 Street; Scott Silver, 18001 Old Cutler Road, #600; and Eugene Flinn, 8261 SW 162 Street.

Vice Mayor Pariser noted that staff would submit the construction intent to the State prior to beginning work on the site, as construction would be subject to approval due to the grants. Manager Williams concurred, adding that staff has consistently stated that there is an approval process that the management agreement requires.

Director Carmona Gonzalez reminded the Council of the hours of operation.

Vice Mayor Pariser remarked that it is incorrect for anyone to state that this park is not being used for the public.

Councilman Tendrich reiterated that standard hours should be considered.

Mayor Stanczyk remarked that the hours established were responsive to the amount of use. She noted that expansion of the hours may require hiring another staff member.

The public continued speaking. The following individuals addressed the Council: David Zisman, 14135 Farmer Road; Peter England, 7620 SW 171 Street; Gary

Pastorella, 6940 SW 142 Terrace; Beatrice Herrman, 17251 SW 86 Avenue; and Henry Clifford, 8875 SW 171 Street.

Councilman Fiore spoke in opposition to expansion of the site. He stated that many speak concerning quality of life and quiet enjoyment of homes; and, considering taking green space to construct a building for special private events is contrary.

Vice Mayor Pariser stated that while he appreciates the comments concerning neighboring facilities, Thalatta is affordable to people who cannot afford Deering or the Palmetto Bay Village Center. He stated that, historically, Thalatta was meant to have outdoor affairs and any plan that deviated from what was submitted to the State would have to be approved. He moved to table the matter.

Councilwoman Lindsay remarked that when she first heard of the plan, she was enthusiastic, as inclement weather can prevent use of the facility. She expressed that an outdoor wedding could be noisy and if the events were moved inside, it would cut down on the noise. She stated that she agreed with Councilman Tendrich concerning the dangerous condition of parking on Old Cutler Road. She concluded that while she appreciated the former council's work on the grants, she would prefer to see a community room constructed somewhere else.

Mayor Stanczyk noted that the Council has listened to the residents, had open communication, and conducted several meetings on this subject. She stated that most indicated that they want a park with bay access. She noted that the Village still needs to renovate the main house and will need to consider the hours of operation and hiring personnel to expand the hours.

There was no second voiced on the motion to table.

Mayor Stanczyk called the question on the Resolution. The Resolution failed (0 to 5.)

Mayor Stanczyk called a brief recess. The meeting reconvened at 10:45 p.m.

## **11. ORDINANCES FOR FIRST READING**

- A AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO DEVELOPING A PROCESS FOR AMENDING THE VILLAGE CHARTER AS REQUIRED BY CHARTER SECTION 6.1(A); PROVIDING FOR A PROCESS TO REVIEW A PETITION, COORDINATE A PETITION COMMITTEE, A PROCESS FOR REVIEW BY THE VILLAGE CLERK, VILLAGE ATTORNEY, AND A DETERMINATION BY THE MIAMI-DADE COUNTY ELECTIONS DEPARTMENT AS TO THE SUFFICIENCY OF SIGNATURES; PROVIDING FOR COUNCIL APPROVAL FOR BALLOT; PROVIDING FOR TIME PERIOD TO HOLD ELECTION ON CHARTER AMENDMENT BALLOT QUESTION; CREATING PROCESS FOR

AMENDING THE VILLAGE CHARTER; CREATING SECTION 10-13 ENTITLED "PROCEDURES AS TO CHARTER AMENDMENTS"; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Council Person Joan Lindsay].

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

Vice Mayor Pariser asked Mr. Berenfeld (who previously addressed the Council during the audit presentation) to explain the meaning of an "unqualified audit." Mr. Berenfeld stated that an "unqualified audit" means a "clean" opinion - no departure from generally accepted accounting principles and staff was open in their disclosure of all documents.

Mayor Stanczyk asked for information regarding the debt ratio. Mr. Berenfeld noted that at the end of the year, the total was \$17,700,000 and that the funds are already set aside to cover the debt requirement for 2012.

Attorney Boutsis provided staff report on the Ordinance.

Councilwoman Lindsay noted that the Charter requires creation of this Ordinance. She suggested an amendment, page 4 of 7, line 17, the word "amendment" to be included, rather than "provision." She moved the revision. Seconded by Councilman Tendrich. All voted in favor. The motion carried (5-0.)

Mayor Stanczyk called the question. All voted in favor (5-0.) The Ordinance shall be scheduled for second reading/public hearing.

## **12. ORDINANCES FOR SECOND READING AND 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.

Councilman Tendrich 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. The following individuals addressed the Council: Bev Gerald, 14271 SW 74 Court; Henry Clifford, 8875 SW 171 Street; and, Beatrice Herman 17251 SW 86 Avenue.

Councilman Fiore remarked that notices are appropriate; however, he does not agree with the cost involved.

Mayor Stanczyk stated that the amounts involved in minor and expanding notice provisions increases transparency. Councilwoman Lindsay and Vice Mayor Pariser concurred.

Mayor Stanczyk called the question. The Ordinance passed (4 to 1) by roll call vote, as follows: Councilman Fiore: no; Councilman Tendrich: yes; Councilwoman Lindsay: yes; Vice Mayor Pariser: yes; and, Mayor Stanczyk: 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 ORDINANCES IN CONFLICT, REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Staff requests deferral to date certain of June 4, 2012.)

Councilwoman Lindsay moved this item forward. Seconded by Councilman Tendrich. Attorney Boutsis noted that the remarks and staff's report made at the Local Planning Agency meeting were incorporated by reference.

Councilman Tendrich moved to defer to date certain of June 4<sup>th</sup>. Seconded by Councilwoman Lindsay. All voted in favor. The motion passed unanimously (5-0.)

- 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.

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

Attorney Boutsis noted that staff wished to incorporate the staff report, and all comments made at the Local Planning Agency Meeting this evening into these proceedings.

Mayor Stanczyk opened the public hearing. The following individual was heard: Steve Kreisher, 18201 SW 98 Avenue.

Mayor Stanczyk stated that this Ordinance would allow a business owner to perform necessary renovation, while at the same time meeting the provisions of the landscaping ordinance by enhancing the Village's canopy.

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

- D. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY AMENDING ORDINANCE 07-04, RELATING TO FEE SCHEDULES FOR PLANNING AND ZONING APPLICATIONS; CREATING A FEE SCHEDULE FOR THE LANDSCAPE MITIGATION PROGRAM; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

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

Director Darby Delsalle provided staff report.

Mayor Stanczyk opened the public hearing. No one wished to be heard.

Councilman Tendrich stated that the Village could consider planting the trees in the park.

Mayor Stanczyk called the question. The Ordinance passed (5 to 0) by roll call vote, as follows: Councilwoman Lindsay: yes; Vice Mayor Pariser: yes; Mayor Stanczyk: yes; Councilman Fiore: yes; and Councilman Tendrich: yes.

- E. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LOBBYING AND CONE OF SILENCE; DIRECTING MUNICIPAL CODE CORPORATION TO REPEAL SECTIONS 6-19 THROUGH 6-21 AS A PRIOR ENACTED VERSION OF THE LOBBYING CODE ALSO ENACTED AT CHAPTER 2; AND UPDATING THE CODE OF ORDINANCES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis provided staff report.

Mayor Stanczyk opened the public hearing. No one wished to be heard.

Vice Mayor Pariser thanked Attorney Miriam Ramos for the presentation to the Council recently.

Mayor Stanczyk called the question. The Ordinance passed (5 to 0) by roll call vote, as follows: Vice Mayor Pariser: yes; Mayor Stanczyk: yes; Councilman Fiore: yes; Councilman Tendrich: yes; and Councilwoman Lindsay: yes.

- F. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PROCUREMENT; AMENDING THE VILLAGE'S PROCUREMENT CODE TO CLARIFY THE CONE OF SILENCE REQUIREMENTS AND BID PROTEST PROCEDURES; A VIOLATION OF THE CONE OF SILENCE AND BID PROTEST PROCESS WOULD AUTOMATICALLY RESULT IN A TWO (2) YEAR BAR OF THE PROTESTOR FROM BEING AWARDED A CONTRACT WITH THE VILLAGE; REVISING THE REQUIREMENTS OF SECTION 2-175(o); DELETING 00F THE PROCESS FOR VILLAGE REVIEW AND ENSURING REVIEW OF VIOLATIONS OF CONE OF SILENCE BY THE MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST AND THEIR ENFORCEMENT PROVISIONS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis advised that there was a substitution on page 4, line 6, noting that there is no lobbying in the interim once the recommendation has been made. Ultimately, the protest goes to the manager and then council.

Vice Mayor Pariser stated that once the recommendation is issued, the cone of silence is lifted; however, the cone remains for the Council.

Attorney Boutsis explained that the Council may speak with the Manager; but, lobbying of the Council is prohibited.

Mayor Stanczyk opened the public hearing. Mr. Jerry Templer, 8120 SW 182 Street, addressed the Council.

Following brief discussion, a roll call vote was taken and the Ordinance failed to be adopted (2 to 3). The vote was as follows: Mayor Stanczyk: no; Councilman Fiore: yes; Councilman Tendrich: yes; Vice Mayor Pariser: no; and Councilwoman Lindsay: no.

**13. OTHER BUSINESS:** None at this time.

**14. COUNCIL COMMENTS**

Councilman Tendrich recognized Donate Life Month for the month of April. He thanked Clerk Alexander for making him aware of the importance of donating organs and, after speaking with her, he immediately went on line and became an organ donor. Clerk Alexander thanked him. Councilman Tendrich suggested broadcasting the Charter Review Commission Meetings live on Channel 77. He also commented that more of committee meetings should also be broadcast and minutes published.

Mayor Stanczyk allowed several members of the public to come forward to discuss the Village Manager. The following individuals came forward: Gary Pastorella, 6940 SW 142 Terrace; Carol Vega, 8845 SW 178 Terrace; Rex Lehman, 17300 SW 87 Court; Beatrice Herrman, 17251 SW 86 Avenue; David Zisman, 14135 Farmer Road; and, Bev Gerald, 14271 SW 74 Court.

**15. NEXT MEETING AND ADJOURNMENT**

The meeting was adjourned at 10:58 p.m.

*Prepared and submitted by:*

  
Meghan J. Alexander, CMC  
Village Clerk

*Approved by the Village Council on this 7<sup>th</sup> 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.