

**VILLAGE OF PALMETTO BAY**  
**Minutes of the Regular Council Meeting of May 7, 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 7:10 p.m. Mayor Stanczyk asked the Boys Scouts present to lead the pledge of allegiance.

**2. PROCLAMATIONS, AWARDS, PRESENTATIONS**

- A. Recognition of Troop 457 Eagle Scouts: Mayor Stanczyk recognized the recent Eagle Scouts from Troop 457. She thanked Mr. and Mrs. David Ziska for their hard work with the Scouts.
- B. Cutler Bay Mayor Ed MacDougall provided an update with regard to the P.A.C.E. program, noting that City of Miami has decided to join and the City of Coral Gables has indicated that it will be joining, as well. He noted that the cities of Palmetto Bay, Pinecrest, South Miami, Cutler Bay, Miami Shores, Miami, and Coral Gables will make up the full district.

Councilman Tendrich remarked that he believed City of Miami joined with solely the commercial district. Mayor MacDougall concurred.

C. Legislative Update – Book & Levy

Mr. Ron Book, 18851 NE 29 Avenue, Aventura, provided an update with regard to the recent legislative session, noting that several public policy issues were achieved, with significant focus on casino gambling, which received little support in Florida.

Councilman Fiore asked what can be done to address the matter of homeowner insurance, particularly the problem with homes east of US-1.

Mr. Bob Levy explained that major legislative changes will need to occur with regard to Citizen's. He stated that Citizen's is attempting to remove 678,000 policies, which will result in potential substantial rate increases.

Vice Mayor Pariser raised the issue of charter schools.

Mr. Levy explained that all of the PECO (Public Education Capital Outlay) dollars have been given to charter schools for the second year in a row. He remarked that it is unfortunate that tax dollars are going into for-profit and not-for-profit schools, rather than county schools.

### **3. APPROVAL OF MINUTES**

- A. Minutes of the Local Planning Agency Meeting of April 2, 2012
- B. Minutes of the Regular Council Meeting of April 2, 2012

Vice Mayor Pariser moved to approve the Local Planning Agency Minutes of April 2, 2012. Seconded by Councilwoman Lindsay. All voted in favor. The Minutes were approved unanimously (5-0.)

Vice Mayor Pariser moved to approve the Regular Council Meeting Minutes of April 2, 2012. Seconded by Councilwoman Lindsay. All voted in favor. The Minutes were approved unanimously (5-0.)

### **4. CONSENT AGENDA**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; EXPRESSING SUPPORT FOR THE 2012 RELAY FOR LIFE EVENT HELD IN PALMETTO BAY THROUGH DONATION OF TWO LIGHT TOWERS; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Shelley Stanczyk)
- 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 \$22,183.39; 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 \$14,888.56; PROVIDING AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; AMENDING RESOLUTION 2011-79; RE-SCHEDULING THE BUDGET WORKSHOP TO JUNE 6, 2012 (PREVIOUSLY SCHEDULED FOR MAY 14, 2012); PROVIDING AN EFFECTIVE DATE.

- 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 GAMETIME C/O DOMINICA RECREATION PRODUCTS, INC. FOR THE PURCHASE, DELIVERY AND INSTALLATION OF OUTDOOR FITNESS EQUIPMENT AND SURFACING AT PALMETTO BAY PARK; PIGGYBACKING WITH U.S. COMMUNITIES CONTRACT No. #110179; AND AUTHORIZING THE VILLAGE MANAGER TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$38,299.47; AND PROVIDING AN EFFECTIVE DATE.

Clerk Alexander reported that Items B & C were timely pulled by Councilman Fiore.

Mayor Stanczyk stated that those items would be heard as Item 9. I. and J.

Councilman Fiore moved to approve the Consent Item. Seconded by Vice Mayor Pariser. All voted in favor. The Resolution passed unanimously (5-0.)

5. **REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Peter England, Palmetto Bay Village Voice, 7620 SW 171 Street; Carol Exposito, 7800 SW 178 Street; Chris Salisbury, 17321 SW 87 Court; Eugene Flinn, 8261 SW 162 Street; Ed Feller, 7960 SW 144 Street; Gary Pastorella, 6940 SW 142 Terrace; Maria Stout-Tate, 8320 SW 152 Street; Leanne Tellam, 14625 SW 83 Avenue; Chuck Latshaw, 8825 SW 154 Terrace; Marsha Matson, 9300 SW 180 Street; Helen Sandow, 8260 SW 151 Street; Millie Maldonado, 8355 SW 183 Terrace; Rex Lehman, 17300 SW 87 Court; Beatrice Hermann, 17251 SW 86 Avenue; Rick Cook, 16775 SW 86 Avenue; Jason Prussing, 9341 SW 178 Street; Lou Kallinos, 17494 SW 83 Court; Arlene Feller, 7960 SW 144 Street; and Rainer Schael, 18171 SW 90 Court.

Mayor Stanczyk noted that the Council is looking forward to the budget town hall hearing. She encouraged residents to come to this meeting to have an opportunity to hear and discuss matters and provide suggestions and input.

Attorney Boutsis remarked that the moratorium item is solely for residential zoning of one acre or more, including non-residential uses. Mayor Stanczyk encouraged all to contact the Council, rather than incorrectly interpreting the matter. She asked that all speakers treat each other with respect. She provided a brief history of moratoriums imposed in Palmetto Bay.

## 6. VILLAGE MANAGER'S REPORT

- A. Village Police Commander Update: Commander Truitt provided an update. Mayor Stanczyk asked how the DARE program was doing. Commander Truitt noted that the program, and RadKids, is doing well and thanked the Council for allowing the police to continue this outreach.

Mayor Stanczyk asked how residents can begin a Crime Watch group. Commander Truitt asked residents to contact Officer Peter Judge or any supervisor.

Commander Truitt asked residents to check their mailboxes for an important flyer containing information on Operation Look-Out, a training program that teaches people to be aware of their surroundings.

Vice Mayor Pariser thanked Commander Truitt for the outstanding response times; Palmetto Bay has one of the lowest rates of all municipalities.

- B. Recognizing National Public Works Week: Manager Williams thanked Public Works Director Patterson for her division's service. He expressed his pride with the efforts of this Department.

Director Corrice Patterson thanked the Council and Manager for recognizing the efforts of the department.

- C. Second Quarter Budget to Actuals: Finance Director Desmond Chin provided a summary of the second quarter–mid-year budget.

Vice Mayor Pariser asked for an explanation of the revenue shortfall.

Director Chin noted that \$443,000 was allocated from surplus \$443K; however, the tennis program is coming in at \$390,000.

Manager Williams added that during the preparation for the budget, the Village anticipated the \$443,000 revenue shortfall from FPL and adjusted accordingly. He noted that based upon increased revenues in the tennis program, the Village does not believe the \$443,000 will be required to balance budget.

Clerk Alexander provided an update concerning the calendar: May 21 at 7 pm – Zoning and Special Council meeting; May 30 at 6:30 pm – Charter Revision Commission; June 4<sup>th</sup> at 7 pm – Regular Council; and June 6<sup>th</sup> at 7 pm – Budget Town Hall Meeting.

## **7. VILLAGE ATTORNEY'S REPORT**

- A. May, 2012 Update: Attorney Boutsis noted that her report was provided in writing to the Council. She announced that she wished to have an attorney-client session regarding the legal action: Shores at Palmetto Bay LLC v. Village of Palmetto Bay, Appellate Court Case no: 12-029 (Fla. 11th Jud. Cir.); Village Resolution No.: 2011-85 and desires advice from the Village Council regarding litigation strategy and/or settlement. The meeting will be held at approximately 6:00 p.m., on Monday, May 21, 2012.

## **8. BOARD AND COMMITTEE REPORTS: None at this time.**

## **9. RESOLUTIONS**

Councilman Tendrich moved to Item 9 H. as the next item to be heard. Seconded by Councilwoman Lindsay. All voted in favor (5-0.)

Councilwoman Lindsay moved to accept the substituted item. Seconded by Vice Mayor Pariser. All voted in favor (5-0.) The motion carried.

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

Item 9 H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING IN PROGRESS PURSUANT TO SECTION 30-30.10; TO CREATE AN ORDINANCE IMPOSING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS BY THE EARLIER OF FOUR MONTHS OR THE FINAL ADOPTION OF THE VILLAGE'S REVISIONS TO THE LAND DEVELOPMENT CODE TO CREATE NEIGHBORHOOD PRESERVATION AND COMPATIBILITY REGULATIONS; THIS ZONING IN PROGRESS RESOLUTION SHALL RESULT IN THE DRAFTING OF A MORATORIUM ORDINANCE IN ORDER TO COMPLETE THE NEW NEIGHBORHOOD PRESERVATION AND COMPATIBILITY REGULATIONS; PROVIDING AN EFFECTIVE DATE. [Council Person Joan Lindsay].

Attorney Boutsis provided staff report. She explained that first reading/public hearing of the matter shall be held on June 4<sup>th</sup> and that the purpose of this Resolution is to allow work to begin on a Neighborhood Preservation and Compatibility ordinance. Attorney Boutsis noted the exemptions. She further explained that the item will be scheduled for public hearing on May 21.

Councilwoman Lindsay provided an explanation of her sponsorship of this matter. She provided a history and explanation of the Village's Comprehensive Master Development Plan. She noted that quality neighborhood protection was listed as the number one goal. She remarked that while there are guidelines for many areas, there are no guidelines for non-residential uses within residential areas. Councilwoman Lindsay stated that it is important to have an ordinance that will establish consistent guidelines for these non-residential uses so that the rules can be applied equitably. She stated that impacts on the neighborhoods, such as addressing odor, dust, glare, traffic, etc., should be clearly defined so that residents can attend a public hearing and know that equal protection is applied. She further explained that existing development orders are not impacted. She asserted that it is important to maintain the status quo. She encouraged all to attend on May 21<sup>st</sup> for the formal hearing on this item.

Vice Mayor Pariser thanked Councilwoman Lindsay for her explanation and stated that he was pleased to see the substitution on the dais, as he felt it was more appropriate.

Mayor Stanczyk opened the matter to public comment. The following individuals were heard: Sammy Flores, Christ Fellowship 18102 SW 87 Place; Betty Noe, 6844 SW 145 Terrace; Simon Ferro, 100 SE 2<sup>nd</sup> Street; Rick Cook, 16775 SW 80 Avenue; Gary Pastorella,

6940 SW 142 Terrace; Beatrice Hermann, 17251 SW 86 Avenue; Chris Salisbury, 17321 SW 87 Court; Warren Lovely, 15323 SW 74 Place; Henry Clifford, 8875 SW 171 Street; Jerry Templar, 8220 SW 182 Street; Jacqueline Caproon, 8285 SW 164 Terrace; Gary Amore, 17920 SW 83 Avenue; Rainer Schael 18171 SW 90 Court; Eugene Flinn, 8261 SW 162 Street; and Maria Stout-Tate, 8320 SW 152 Street.

Vice Mayor Pariser moved to schedule a special Council Meeting for May 21<sup>st</sup> and defer this item to that date. Seconded by Councilwoman Lindsay. The motion passed (4 to 1, Councilman Fiore being the sole opposing vote.)

(The Council took a brief recess.)

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BOARDS AND AGENCIES; ACCEPTING THE JOINT REPORT OF THE BUILDING AND PERMITTING ADVISORY COMMITTEES; PREPARED BY THE RESIDENTIAL PERMITTING SUBCOMMITTEE AND COMMERCIAL PERMITTING SUBCOMMITTEE; AND PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Shelley Stanczyk].

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

Mayor Stanczyk stated that the purpose of this Resolution is to accept the report. She thanked the Committee for their diligence.

Mr. Rainer Schael, Chair, thanked the Council.

Councilman Tendrich moved to accept the report. Seconded by Vice Mayor Pariser.

Vice Mayor Pariser asked if accepting the report results in codification of the report. Attorney Boutsis replied that the Council was only accepted the report. Vice Mayor Pariser thanked the Committee for their knowledge and assistance.

Councilwoman Lindsay expressed her appreciation for this Committee.

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, DIRECTING STAFF TO TELEVISION AND PROVIDE LIVE STREAMING VIDEO OF THE 2012 AND FUTURE CHARTER REVISION COMMISSION MEETINGS; PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilman Howard Tendrich.)

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

Councilman Tendrich stated that many have approached him requesting that the Village should have live streaming and televised broadcast of these meetings, which is relatively inexpensive for the village.

Mayor Stanczyk called the question. The Resolution passed (3 to 2, Mayor Stanczyk and Councilwoman Lindsay opposed.)

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GENERAL ELECTION OF NOVEMBER, 2012, DIRECTING STAFF TO POST CAMPAIGN TREASURER REPORTS AND REPORT SUMMARY SHEETS FOR THE 2012 CAMPAIGN; PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilman Howard Tendrich.)

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

Councilman Tendrich opined that it is important for people to know who is providing campaign funds and this Resolution would require staff to publish the reports.

Vice Mayor Pariser remarked that the reports are already public record; therefore, the publishing of them is acceptable.

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 ADVISORY BOARDS; CREATING RULES AND REGULATIONS FOR ALL ADVISORY BOARDS; PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilman Howard Tendrich.)

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

Councilman Tendrich stated that he felt this Resolution was important as it defines the rules for the Advisory Committees and also allows for more people to be involved by preventing residents from serving on multiple committees. He stated that he had modeled this Resolution from the one he received from the City of Doral. He noted that many other provisions are included, such as publishing Minutes of meetings. He opined that the Resolution would go far in making the Village more transparent and "friendly."

Councilwoman Lindsay stated that her understanding was that the Council's procedure was to bring an item to a Committee of the Whole Meeting before considering this type of resolution.

Attorney Boutsis explained that, in the past, it was discussed that if an item required significant legal review, the Council would discuss the item at a Committee of the

Whole meeting, as the Council must approve the attorney's bill as an independent contractor to the Village.

Mayor Stanczyk suggested referring the matter to a Committee of the Whole meeting. Councilwoman Lindsay asked Councilman Tendrich if he would agree to do so. Councilman Tendrich concurred.

Councilwoman Lindsay moved to defer this item to be heard at the next Committee of the Whole meeting. Seconded by Councilman Tendrich. All voted in favor.

Mayor Stanczyk asked the Clerk to poll the Council for a date for the next Committee of the Whole.

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AD HOC ADVISORY BOARDS; APPOINTING MEMBERS TO THE EDUCATIONAL COMPACT ADVISORY COMMITTEE; PROVIDING AN EFFECTIVE DATE.

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

Councilwoman Lindsay thanked all of the applicants, noting that they are all well qualified. She encouraged all to attend the meetings. She provided that her appointee will be Gretchen Goldstein.

Councilman Tendrich appointed Alexandra Flinn.

Mayor Stanczyk appointed Leanne Tellam.

Vice Mayor Pariser appointed Jaime Ehrenreich.

Following brief discussion, Councilman Fiore appointed Sherry Farmer.

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 THALATTA ESTATE; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BERMELLO, AJAMIL & PARTNERS (AS ESTABLISHED BY RESOLUTION NO. 2010-36) TO PROVIDE ARCHITECTURAL SERVICES, AND FOR ARCHITECT TO PREPARE BID DOCUMENTS AND SEALED ENGINEERED DRAWINGS FOR THE REHABILITATION OF THE THALATTA ESTATE MAIN HOUSE AND OTHER RELATED IMPROVEMENTS FOR THE AMOUNT OF \$55,978; AND PROVIDING AN EFFECTIVE DATE.

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

Manager Williams provided staff report.

Vice Mayor Pariser asked if the problem with the foundation is being addressed.

Building Official Ed Silva noted that a structural analysis was performed and the foundation will be addressed in the scope of work, if there is a problem.

Councilwoman Lindsay asked if there would be sufficient funds to address the entire project, including the electrical issues. Manager Williams advised that the Council had allocated \$450,000, which staff believes will be sufficient funds.

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 BOARDS AND AGENCIES; ESTABLISHING THE ZONING ADVISORY COMMITTEE; AUTHORIZING A FINAL REPORT BY SAID ADVISORY COMMITTEE; PROVIDING FOR A SUNSET OF THE COMMITTEE AFTER ISSUANCE OF THE FINAL REPORT AND/OR A SIX MONTH PERIOD, WHICHEVER OCCURS EARLIER; AND PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Shelley Stanczyk].

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

Mayor Stanczyk provided staff report. She noted that part of the original language included in the Resolution establishing the Building & Permitting Committee was to consider this Zoning Advisory Committee; however, the Council felt that the Building & Permitting Committee should move forward and complete their task. She asked the Council to consider establishing this Zoning Advisory Committee.

Vice Mayor Pariser stated that the Resolution should state that the members of the Committee be residents.

Following brief discussion, Vice Mayor Pariser moved to modify the resolution to state that no more than four members of the Committee may be non-residents. Seconded by Councilwoman Lindsay. All voted in favor. The motion carried unanimously (5-0.)

Councilmen Tendrich and Fiore expressed their opposition to the Mayor serving as liaison on this committee.

Mayor Stanczyk called the question, including the amendment. The Resolution passed (3 to 2, Councilman Fiore and Councilman Tendrich opposing.)

- 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 \$22,183.39; PROVIDING AN EFFECTIVE DATE.

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

Councilman Fiore asked if the item only included Attorney Boutsis' charges. Attorney Boutsis confirmed this to be true.

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

- 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 \$14,888.56; PROVIDING AN EFFECTIVE DATE.

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

Councilman Fiore asked the amount of the invoice. Clerk Alexander repeated the amount.

Councilman Fiore asked Attorney Boutsis if she knew how much longer the litigation would continue. Attorney Boutsis stated that the Village was waiting for the 3<sup>rd</sup> District Court of Appeals to set the final hearing. Councilman Fiore expressed his disapproval with the funds being spent.

Councilwoman Lindsay stated that White & Case have performed extraordinarily well.

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

**10. RESOLUTIONS REQUIRING PUBLIC HEARING:** None at this time.

**11. ORDINANCES FOR FIRST READING**

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; AMENDING ORDINANCE NO. 09-04 TO MODIFY PARK FEES RELATING TO THE EDWARD AND ARLENE FELLER COMMUNITY ROOM AT LUDOVICI PARK; PROVIDING FOR AN ADMINISTRATIVE WAIVER FOR ALL NONPROFITS OR COMMUNITY GROUPS TO THE USE OF THE EDWARD AND ARLENE FELLER

COMMUNITY ROOM, WITHOUT FEE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Council Person Patrick Fiore].

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

Councilman Fiore stated that he believes that as the taxpayers built the library, all residents should have access to the room. He stated that a deposit should be provided, and, if the room is in good shape, the deposit is returned. He noted that the Village can't regulate the content discussed at these meetings and the room would be open to all community groups and non-for-profits.

Mayor Stanczyk asked how many times the room has been used in the last year. Councilman Fiore stated that he did not know the number and deferred to staff.

Councilman Tendrich remarked that the room should be limited to Palmetto Bay-associated groups.

Attorney Boutsis advised that grant funding involved with the construction; therefore, the Village cannot discriminate between residents and non-residents.

Councilman Tendrich remarked that he felt a \$25 fee was reasonable.

Following brief comment, Manager Williams noted that the Village has always required a deposit for the rentals as part of the park fees, which deposit is refundable if the facility is returned in good shape.

Vice Mayor Pariser expressed his concern with over-utilization of the room.

Mayor Stanczyk allowed public comment. Ms. Beatrice Hermann, 17251 SW 86 Avenue; Dr. Ed Feller, 7960 SW 144 Street; Eric Tullberg, 7884 SW 179 Terrace; Warren Lovely, 15323 SW 74 Place; and Jerry Templar, 8120 SW 182 Street.

Mayor Stanczyk stated that during the 12 months, the revenue from the rental of the room has been approximately \$1,500. She noted that the Village passed a resolution allowing the Garden Club to use it without charge.

Vice Mayor Pariser suggested amending the Resolution to state that a user can use the room for no more than 10 hours per week, with the Council reviewing the policy in six months, and the rental of the room shall not conflict with the library operating hours. Councilman Fiore seconded the amendment.

Councilwoman Lindsay asked if the \$500 deposit is included. Vice Mayor Pariser stated that he believes it is appropriate, as the deposit is fully refundable, if the room is not damaged.

Councilwoman Lindsay asked if a group, like a knitting club, could leave a deposit check on file, rather than having to write a check for each meeting. Manager

Williams stated that it may be a "safe-keeping issue"; however, staff will accommodate the groups.

Councilman Tendrich noted that after 90 days, an un-cashed check is void.

Councilwoman Lindsay asked if the Council could simply adopt a similar resolution, like the garden club resolution. Clerk Alexander advised that there is no resolution. Mayor Stanczyk asked her about the resolution establishing the garden club. Clerk Alexander explained that the garden club is not a village-established group.

Following brief discussion, Mayor Stanczyk called the question of the amendment. All voted in favor. The motion passed unanimously (5-0.)

Mayor Stanczyk called the question on the amended ordinance on first reading. The ordinance passed on first reading (4 to 1, Councilwoman Lindsay being opposed.)

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL, OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING DIVISION 30-150, ENTITLED "HISTORIC PRESERVATION," OF THE VILLAGE'S LAND DEVELOPMENT CODE, TO BE CONSISTENT WITH SECTION 16A, ENTITLED "HISTORIC PRESERVATION," OF THE MIAMI-DADE CODE OF ORDINANCES, WITH REGARDS TO AUTHORITY, RESPONSIBILITIES AND CRITERIA; PROVIDING FOR A LEGISLATIVE REVIEW CLAUSE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

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

Darby Delsalle, Director of Planning & Zoning, provided staff report.

Attorney Boutsis further explained that under Home Rule authority, the Village had its opportunity to enact this matter; however, as the time had passed, Miami-Dade County has the authority.

Vice Mayor Pariser moved to approve the proposed Ordinance as presented by staff. Seconded by Councilman Fiore.

Councilwoman Lindsay remarked that the Historic Preservation Committee has been involved in more than just designating properties. She stated that she understood the Committee received a grant to do oral histories and it was her understanding that part of the understanding of this original committee would be to archive the documents that were significant in the formation of the village.

Clerk Alexander stated that a Committee established to archive documents can be problematic, as the Florida Statutes define retention periods, thus the importance of a document would be subjective to the members of the Committee. She noted that archiving documents can be voluminous and expensive.

Mayor Stanczyk noted that the scope of the Committee is broad: recordings, videos, tours of the homes, etc. She stated that the Village could work with this Committee to carry out those functions.

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

## **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 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 Vice Mayor Pariser.

Attorney Boutsis provided staff report. Councilwoman Lindsay noted that this matter was "long over-due" and was similar to the process followed by the Citizen Initiative. She noted that the ordinance is mandated to be drafted by charter.

Vice Mayor Pariser stated that he was concerned with the provision requiring a special election, as this can be expensive.

Councilwoman Lindsay and Attorney Boutsis noted that this language was required by the County Charter.

Mayor Stanczyk opened the public hearing. Eric Tullberg was heard by the Council.

A roll call vote was taken and the Ordinance was adopted (4-1). The vote was as follows: Mayor Stanczyk: yes; Councilman Fiore: no; Councilman Tendrich: yes; Vice Mayor Pariser: yes; and Councilwoman Lindsay: yes.

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

**14. COUNCIL COMMENTS**

Mayor Stanczyk thanked all who participated in the recent Relay for Life event.

Councilwoman Lindsay thanked the Village Clerk, Human Resources Director Olga Cadaval, Parks and Recreation Director Fanny Carmona-Gonzalez, and Public Works Director Corrice Patterson for giving their time to speak to the girl scouts about women and careers. Manager Williams expressed his pleasure in the event.

## 15. NEXT MEETING AND ADJOURNMENT

The meeting was adjourned at 11:55 p.m.

*Prepared and submitted by:*

  
Meghan J. Alexander, CMC  
Village Clerk

*Approved by the Village Council on this 4<sup>th</sup> day of June, 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.