VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of July 11, 2011
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 7:15 p.m. Mayor Stanczyk led the pledge of allegiance. She announced that the Village is experiencing

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

A. Proclamation - Palmetto Senior High Boys' Volleyball: Mayor Stanczyk and the Village Council called the young men forward and read the proclamation, introduced the boys, and congratulated them.

B. Presentation by Robert Levy & Associates

Mr. Ronald Book provided a presentation, explaining the recent legislative session. Mr. Robert Levy discussed reapportionment and encouraged all to attend the public hearings. He provided information concerning the CITT issue, adding that the County has agreed to fund the new cities out of County's share. Mr. Levy noted that the legislative session will begin in January. The Council thanked the two gentlemen.

State of Florida Representative Dwight Bullard was recognized and provided information concerning redistricting. He further thanked the Manager and the Council for opening the doors to Perrine Elementary and the KAPOW program.

3. APPROVAL OF MINUTES

A. Minutes of the June 6, 2011 Regular Council Meeting: Clerk Alexander provided Minutes, as revised by Vice Mayor Pariser. Councilman Tendrich moved to approve the Minutes, as corrected. Seconded by Councilman Fiore. 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 ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR FIGUEREDO & BOUTSIS, P.A. IN THE AMOUNT OF $27,552.72; PROVIDING AN EFFECTIVE DATE.

B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO EXTEND THE SERVICES OF RICHARD L. DOODY, ESQ. FOR AN ADDITIONAL ONE (1) YEAR TO SERVE AS THE CODE ENFORCEMENT SPECIAL MASTER FOR THE VILLAGE OF PALMETTO BAY AT AN ESTIMATED ANNUAL COST OF $7,000; AND PROVIDING AN EFFECTIVE DATE.

C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; CONTINUING THE SERVICES OF ROSS GIS CONSULTING, INC. FOR ONE (1) YEAR, TO PROVIDE GEOGRAPHIC INFORMATION SERVICES (GIS) TO THE VILLAGE OF PALMETTO BAY AT AN ESTIMATED ANNUAL COST OF $9,000; AND PROVIDING AN EFFECTIVE DATE.

D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGE/COUNTY AGREEMENTS; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A FIVE (5) YEAR INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR FILM PERMITTING; AND PROVIDING FOR AN EFFECTIVE DATE.

E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA RELATING TO FINANCIAL AUDITING SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXTEND THE CONTRACT WITH MARCUM, LLP (RACHLIN) FOR FINANCIAL AUDITING SERVICES IN AN AMOUNT NOT TO EXCEED $40,000.00 FOR THE FISCAL YEAR 2010-11 AUDIT; PROVIDING FOR AN EFFECTIVE DATE.

Clerk Alexander reported that Items 4B and 4E were timely pulled from the Agenda.

Councilman Tendrich moved to approve the remaining items. Seconded by Vice Mayor Pariser. 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; Warren Lovely; Shelley Solomon, of a criminal justice research consulting firm; Gary Amore, 17924 SW 74 Street; Tom David, 13725 SW 73 Court; Laura Oso, 21133 Saga Bay; Elizabeth Rothfuss, 7791 SW 136 Street; Margaret Brodeur, 7445 SW 164 Street; Beatrice Herman, 17251 SW 86 Avenue;

an unidentified woman; Sylvia Manona, Assistant Director of Miami-Dade County Libraries; Rick Cook, 16775 SW 80 Avenue.

6. **VILLAGE MANAGER'S REPORT**: Manager Williams advised that he will be providing the Council with information concerning the upcoming Budget and the action to be taken by Council this evening.

7. **VILLAGE ATTORNEY'S REPORT**

   A. July, 2011 Update: Attorney Boutsis noted that she had submitted her report and would answer any questions that arise.

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

9. **RESOLUTIONS**

   A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AD VALOREM TAXES; ESTABLISHING THE PROPOSED MAXIMUM MILLAGE RATE AND SETTING THE DATES, TIMES AND LOCATION FOR THE FIRST AND SECOND BUDGET HEARINGS FOR FY 2011-2012; FURTHER DIRECTING THE VILLAGE CLERK TO FILE SAID RESOLUTION WITH THE MIAMI-DADE COUNTY PROPERTY APPRAISER; AND PROVIDING FOR AN EFFECTIVE DATE.

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

   Manager Williams advised that staff is suggesting September 12 and September 26 for the two State-required budget hearings. He advised that staff is proposed a maximum millage rate of 2.447 mils. He explained that if the Council accepts the current rate, the ability to raise taxes is capped. Manager Williams noted that there is opportunity for reduction, but the maximum will not be changed. He announced that due to a PSC-authorized recalculation of the FPL franchise fee, the Village is potentially facing a $454,000 loss in FPL franchise fee revenue. He noted that staff will be diligently reviewing and re-thinking expenses due to this lost revenue.

   Vice Mayor Pariser asked for further clarification regarding the background on the loss of franchise fee revenue.

   Finance Director Desmond Chin advised that each year, FPL and PSC meet to review estimates of fuel charges for previous years and compare the estimates to actuals. He noted that FPL had overpaid the fee and the franchise fee was ordered to be reduced. He explained that several newer cities, such as Doral, Aventura, Palmetto Bay, etc., have an agreement with the County and the franchise fee is shared.

   Manager Williams noted that the revenue was estimated at $1.332M; the estimate is now $878,000.

Vice Mayor Pariser suggested the Council hold a budget workshop before the first budget hearing. Councilwoman Lindsay concurred.

Clerk Alexander was directed to email each Council member to attempt to schedule a workshop date convenient to all.

Vice Mayor Pariser asked if there was the possibility that the PSC determination will be reversed. Director Chin advised that the determination was the result of an audit; there will be no reversal.

Councilman Tendrich moved to approve the Resolution, with the recommended millage rate and the dates provided by staff. Seconded by Councilwoman Lindsay. 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 PARKS AND RECREATION; AUTHORIZING AN EMERGENCY PURCHASE FOR THE PROCUREMENT AND INSTALLATION OF A FOUL-BALL NETTING SYSTEM AT PALMETTO BAY PARK IN AN AMOUNT NOT TO EXCEED $65,000; AND FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER TO THE LOWEST, MOST-RESPONSIVE BIDDER PURSUANT TO BID NO 2011-PR-001; AND PROVIDING AN EFFECTIVE DATE.

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

Manager Williams provided staff report. He explained that while a vendor has not been chosen, this issue is an important safety item for the softball complex. He noted that competitive bids will be formally opened on July 22; however, he is seeking authorization now as the Council does not meet in August.

Following brief discussion, Manager Williams confirmed that there are funds available for this effort.

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

C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO EXTEND THE SERVICES OF RICHARD L. DOODY, ESQ., FOR AN ADDITIONAL PERIOD OF ONE (1) YEAR TO SERVE AS THE CODE ENFORCEMENT SPECIAL MASTER FOR THE VILLAGE OF PALMETTO BAY AT AN ESTIMATED ANNUAL COST OF $7,000; AND PROVIDING AN EFFECTIVE DATE.

Clerk Alexander noted that this matter was pulled from the Consent Agenda, formerly Item 4B.

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

Manager Williams provided staff report, noting that Richard L. Doody was the only bidder who submitted during the last procurement effort. He noted that the Village has been very satisfied with his service.

Councilman Fiore noted that he was concerned with complaints that some have expressed.

Manager Williams noted that Mr. Doody served as an arbiter for code enforcement cases and is known to be fair. Attorney Boutsis advised that Mr. Doody is well-versed, even teaching code enforcement classes. Manager Williams asked Councilman Fiore to forward complaints to him so that he may investigate.

Mayor Stanczyk remarked that she has heard from some individuals who were happy with the outcome. Attorney Boutsis noted that Mr. Doody's rulings have never been appealed to circuit court.

Councilman Tendrich moved to approve the Resolution. Seconded by Councilwoman Lindsay. 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 FINANCIAL AUDITING SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXTEND THE CONTRACT WITH MARCUM, LLP (RACHLIN) FOR FINANCIAL AUDITING SERVICES IN AN AMOUNT NOT TO EXCEED $40,000.00 FOR THE FISCAL YEAR 2010-11 AUDIT; PROVIDING FOR AN EFFECTIVE DATE.

Clerk Alexander noted that this matter was pulled from the Consent Agenda, formerly Item 4E.

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

Manager Williams advised that the next audit is being scheduled and the current contract allows for an extension. He stated that this contract was re-bid in 2008.

Vice Mayor Pariser remarked that he had pulled this item from Consent. He noted that while the firm has performed well, he believes having the same audit firm each year is not the best business practice.

Councilman Tendrich noted that the firm seems very qualified and performs many audits for local governments. He asked Director Chin if different individuals are assigned to Palmetto Bay.

Director Chin noted that the firm rotates its staff.

Councilwoman Lindsay remarked that she appreciates Vice Mayor Pariser's concerns; however, she believes Councilman Tendrich has made a valid point. She asked if the fee of $40,000 is sufficient, as there was mention of additional fees due to federal programs and state programs that must be tested. Manager Williams replied that it was sufficient.

Director Chin clarified that there is a criteria of $500,000 in grants that triggers an audit and the Village will not reach this level.

Councilman Fiore concurred with the Vice Mayor. He asked the fees for the previous years' audit. Councilwoman Lindsay noted that the documents state $31,000 for 2008 and $32,750 for 2009.

Manager Williams cautioned the Council not to restrict this firm from bidding again, as it is appropriate to allow them to compete. Attorney Boutsis advised that there is no legal prohibition, but the standard is four years.

Director Chin noted that the audit selection committee is mandated by statute and that the Council interviews and makes the selection.

Councilman Tendrich moved to approve the Resolution. His motion failed for lack of second.

Vice Mayor Pariser moved to issue a Request for Qualifications. Seconded by Councilwoman Lindsay. All voted in favor. The Motion 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 BUSINESS LICENSING; CLARIFYING THE PROVISIONS RELATING TO INSURANCE COMPANY LICENSING UNDER SECTION 6-44 OF THE VILLAGE'S CODE OF ORDINANCES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis provided staff report. She noted that the Village had been contacted to include clarification with regard to licensing of insurance companies.

Councilwoman Lindsay called the question. All voted in favor (5-0.) The Ordinance passed on first reading and will be scheduled for second reading.

B. 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 USER FEE WAIVER FOR PALMETTO BAY BRANCH LIBRARY CLUBS, GOVERNMENTAL AGENCY, OR INTERNAL REVENUE CODE 501(C)(3) CHARITABLE ORGANIZATIONS (HEREIN AFTER "QUALIFIED ORGANIZATIONS") AS TO THE USE OF THE EDWARD AND ARLENE FELLER COMMUNITY ROOM; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE (Sponsored by Vice Mayor Brian W. Pariser.)

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

Vice Mayor Pariser explained his sponsorship of the proposed Ordinance. He noted that he was contacted by several people and had visited the library. He noted that he witnessed about 15 individuals of a library group, trying to meet and speak to each other while other patrons of the library were there. Vice Mayor Pariser noted that the community room is used less frequently since Village Hall was constructed. He stated that he spoke to former Councilman Ed Feller and he acknowledged that the original intent of the room was for it to be used in conjunction with the use of the library and Dr. Feller was in favor of the ordinance. He stated that the waiver applies to library-sponsored groups, including book clubs, knitting clubs, etc., and also charitable organizations registered with Internal Revenue Service, not just not-for-profit.

Manager Williams noted that the Vice Mayor spoke to the Village Attorney concerning the drafting of this Ordinance.

Mayor Stanczyk stated that she is concerned that the Village may be opening the room for any 501(C)(3) organizations and government agencies, not just local organizations. She also expressed concern with overscheduling the room and the expense with preparation of the room and servicing the room.

Councilwoman Lindsay remarked that she had performed an analysis: the room generates $100 per hour with a minimum of $300 total; if the room is rented three nights each week, the lost could reach $46,800 annually. She opined that with the reduction of FPL franchise fees, it may not be appropriate to put the Village in a position to lose a significant amount of revenue. She asked the Vice Mayor to consider a friendly amendment to include only library clubs and/or village-sponsored or affiliated clubs.

Vice Mayor Pariser stated the Village is not renting the room nightly now and he believes the asset should be used for Village groups. He suggested that the Council may wish to discuss the item at a Committee of the Whole meeting.

Vice Mayor Pariser moved to table the ordinance until it has been discussed at a Committee of the Whole meeting. Seconded by Councilman Tendrich. All voted in favor. The motion carried (5-0.)

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

13. OTHER BUSINESS: None at this time.

14. COUNCIL COMMENTS

Vice Mayor Pariser congratulated Commander Truitt and the Village Policing Unit for the quick emergency response times.

Mayor Stanczyk concurred. She stated that many residents have expressed how pleased they are with our officers.

Manager Williams agreed, adding that Commander Truitt has outstanding officers on the Village's team.

Councilwoman Lindsay asked the status of a program to begin fingerprinting children in the schools. Commander Truitt noted that School Board Member Feldman was working on the matter. Vice Mayor Pariser suggested a coalition of cities to have this service.

Councilman Fiore asked the status with regard to the recent spike in burglaries. He complemented the Commander for the excellent police work in solving the Wendy's robbery.

Commander Truitt remarked that robbery has increased in the south end of Miami-Dade County. He noted that Robbery Intervention Detail officers are working diligently and there have been no robberies or auto thefts last week.

15. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 9:35 pm.

Prepared and submitted by:

Meighan J. Alexander

Meighan J. Alexander, CMC
Village Clerk

Approved by the Village Council on this 12th day of September, 2011.

Shelley Stanczyk, Mayor

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