VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of October 3, 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 7:05 p.m. Mayor Stanczyk led the pledge of allegiance. She reminded the public of the decorum rules and asked them to silence cell phones and other electronic devices.

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

A. Proclamation for Walk to End Alzheimer's in Miami-Dade County

Mayor Stanczyk called the Council forward to present the proclamation for this important event. Mr. William Sussman thanked the Village for recognizing hos devastating this illness can be.

3. APPROVAL OF MINUTES

A. Minutes of the September 12, 2011 First Budget Hearing
B. Minutes of the Regular Council Meeting of September 12, 2011

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

Mayor Stanczyk asked the Council to consider hearing the Ordinance on the PACE matter next. Councilman Tendrich moved the PACE item to be heard as the next item. Seconded by Vice Mayor Pariser. All voted in favor.

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, CREATING CHAPTER 17 "GREEN CORRIDOR PACE DISTRICT" OF THE VILLAGE CODE OF ORDINANCES; AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF CUTLER BAY AND THE

VILLAGE OF PALMETTO BAY, AND ANY OTHER INTERESTED MUNICIPALITIES; PURSUANT TO 163.01 THE "FLORIDA INTERLOCAL COOPERATION ACT OF 1969", TO ESTABLISH THE GREEN CORRIDOR DISTRICT AS A SEPARATE LEGAL ENTITY; TO FINANCE ENERGY RELATED "QUALIFIED IMPROVEMENTS" THROUGH VOLUNTARY ASSESSMENTS; TO ALLOW IMPROVED PROPERTY TO BE RETROFITTED WITH ENERGY RELATED QUALIFYING IMPROVEMENTS TO ALLEVIATE THE PROPERTY'S BURDEN FROM ENERGY CONSUMPTION; AND TO CREATE THE DISTRICT AS A MEANS OF IMPLEMENTING AND FINANCING A QUALIFYING IMPROVEMENT PROGRAM FOR ENERGY CONSERVATION AND EFFICIENCY IMPROVEMENTS WITHIN THE DISTRICT; THE VILLAGE IS AUTHORIZING THE ENTRANCE INTO A PARTNERSHIP WITH ONE OR MORE LOCAL GOVERNMENTS FOR THE PURPOSE OF PROVIDING AND FINANCING QUALIFYING IMPROVEMENTS, WHICH PROGRAM MAY BE ADMINISTERED BY A FOR-PROFIT ENTITY OR A NOT-FOR PROFIT ORGANIZATION ON BEHALF OF AND THE DISCRETION OF THE DISTRICT; AUTHORIZING A PROPERTY OWNER WITHIN THE VILLAGE INTERLOCAL TO APPLY TO THE DISTRICT FOR FUNDING TO FINANCE A QUALIFYING IMPROVEMENT AND ENTER INTO A FINANCING AGREEMENT WITH THE DISTRICT; THE COSTS OF THE PROGRAM THAT ARE INCURRED BY THE VILLAGE UNDER THE PROGRAM MAY BE COLLECTED AS A NON-AD VALOREM ASSESSMENT TO BE COLLECTED PURSUANT TO SECTION 197.3632; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Mayor Shelley Stanczyk].

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

Mayor Stanczyk welcomed Paul Vrooman, former Mayor of Cutler Bay.

Mr. Vrooman offered an explanation of the program. He stated that this program allows people to hold onto their cash and still install energy-efficient devices. He stated that as a homeowner he would be more comfortable getting a reference from the green corridor district that expects to do a large number of these panels, then taking his chance with a vendor that is not referred to him. He noted that without the program, if a homeowner spent money to purchase energy-efficient devices and then moved, the debt remains with the homeowner, but the device stays on the property.

Councilman Tendrich asked for clarification regarding the construction of the energy-efficient device on the home.

Mr. Vrooman explained that the vendor will investigate the house and if the house does not benefit significantly as a result of the installation of the panels, then, it is likely that the house will not qualify for the program.

Councilman Tendrich remarked that since YGreene is a relatively new company, he asked Mr. Vrooman to provide the background of the company. Mr. Vrooman did so, noting that the City of Sacramento recently entered into this program.

Vice Mayor Pariser noted that when he met with Manager Williams, Manager Alexander from Cutler Bay, Mayor MacDougall, and Attorney Friedman of Cutler Bay they discussed the Third Party Agreement. He asked if YGreene has a "tipping point" concerning the number of cities or participants that would make the process viable.

Mr. Vrooman noted that he did not know the viable level for YGreene.

Vice Mayor Pariser noted that many of the projects involved retrofitting. He expressed his hope that the program will work.

Mayor Stanczyk expressed that the philosophy of this program is improvement.

Councilman Fiore expressed that he was glad that this matter is legislated by Ordinance, rather than a resolution, in order to offer more protections to the Village.

Councilwoman Lindsay noted that the agreement indicates on the second page (under term and commencement) that YGreene is looking for a significant district membership of 500,000 or more.

Mr. Vrooman stated that the Intermodal agreement is with Cutler Bay, not his agreement. He stated that he is aware that there is a scale that would make sense for YGreene to commence the program. He stated that he believes that when the City of Miami expressed interest, YGreene would then meet the threshold.

Mayor Stanczyk called the question. All voted in favor. The matter passed on first reading 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 $15,854.68; 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 WHITE & CASE, FOR THE SERVICES OF JUSTICE RAOUL CANTERO IN PALMER TRINITY V. VILLAGE OF PALMETTO BAY - APPELLATE MATTER; IN THE AMOUNT OF $8758.82; PROVIDING AN EFFECTIVE DATE.

C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CANAL MAINTENANCE; AUTHORIZING ARAZOZA BROTHERS, INC. TO PROVIDE MAINTENANCE SERVICES FOR SECONDARY SYSTEM CANAL SW MARAL ESTATES AND BELAIRE SECTION CANAL IN SECTIONS 28 & 33, TOWNSHIP 55 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED $13,914; AND PROVIDING FOR AN EFFECTIVE DATE.

D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH PALMETTO FORD TRUCK SALES, INC. TO PROVIDE VEHICLE REPAIR AND MAINTENANCE SERVICES FOR VILLAGE OWNED SHUTTLE BUSES; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED $10,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A TEN (10) YEAR INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY WATER AND SEWER DEPARTMENT TO CONTINUE THE BILLING OF STORMWATER UTILITY CHARGES; AND PROVIDING FOR AN EFFECTIVE DATE.

F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PROFESSIONAL SERVICES; AUTHORIZING KIMLEY-HORN AND ASSOCIATES TO ASSIST THE VILLAGE WITH THE PREPARATION OF AN APPLICATION FOR INCLUSION IN THE NATIONAL FLOOD INSURANCE (NFIP) COMMUNITY RATING SYSTEM (CRS); FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED $10,600; AND PROVIDING FOR AN EFFECTIVE DATE.

Clerk Alexander noted that Items D and F were timely pulled by Vice Mayor Pariser.

Mayor Stanczyk stated that the resolution would be moved to the last item listed under "Resolutions".

Councilman Tendrich moved to approve the remaining consent items. Seconded by Councilman Fiore. All voted in favor. The consent items passed unanimously (5-0.)

5. REQUESTS, PETITIONS AND PUBLIC COMMENTS

The following individuals addressed the Council: Teresa Jazmin, 9430 SW 181 Street; Eric Tullberg, 7884 SW 179 Terrace; Ed Feller, 7960 SW 144 Street; Jerry Templar, 8120 SW 182 Street; Eugene Flinn, 8261 SW 162 Street; Arlene Feller, 7960 SW 144 Street; Steve Kreisher, 18201 SW 98 Avenue; and Beverly Gerald, 14271 SW 74 Court.

6. VILLAGE MANAGER'S REPORT

Manager Williams asked the Council to note that staff is seeking ranking of the auditors. Clerk Alexander stated that the matter will be heard at a special Council Meeting prior to the Committee of the Whole Meeting and staff would like the rankings by October 7th.

Vice Mayor Pariser asked how rankings can be performed without interviews. Clerk Alexander stated that the responses to the procurement action were provided; however, the Council can schedule interviews.

Manager Williams stated that based upon the rankings, staff could schedule interviews with the top three ranked firms.

Vice Mayor Pariser asked for the deadline. Finance Director Desmond Chin replied that it would be optimal to select an auditor in November.

Mayor Stanczyk asked the Manager to explain the "rain tax" mentioned by Mr. Kriesher. Manager Williams advised that Public Works Director Patterson would speak to Mr. Kriesher and explain the stormwater utility tax.

Clerk Alexander announced the following meetings: October 12th – Committee of the Whole Meeting; October 17th – Zoning Hearing; October 19 – State of the Village address; October 24th – Charter Review Commission Meeting at 5:30; and October 26th – Building and Permitting Town Hall Meeting; November 7th – Regular Council Meeting; November 14 – Zoning Hearing. Mayor Stanczyk asked the Clerk to provide the deadlines. She noted that all items for the November 7th meeting must be given to the Manager during the week of October 24th and the deadline for placing items on the Committee of the Whole Meeting Agenda is October 7th.

7. VILLAGE ATTORNEY'S REPORT

A. September, 2011 Update: Attorney Boutsis advised that she has provided her report in writing.

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 AN EXISTING AGREEMENT WITH H & J ASPHALT, INC. ROADWAY FOR RESURFACING AND STRIPING OF PUBLIC ROADWAYS WITHIN THE VILLAGE OF PALMETTO BAY; FURTHER AUTHORIZING THE

VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED $300,000.00 TO CONTINUE RESURFACING AND STRIPING VILLAGE ROADWAYS IN FY 2011-12; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams provided staff report. He noted that the funds have been allocated through the Special Revenue budget.

Vice Mayor Pariser asked if the matter was separately bid. Manager Williams noted that this firm had been selected through formal process in the past and the entire amount of that bid was not expended. He advised that the contractor would be continuing under the same terms and conditions.

Councilman Fiore asked if the SW 144 Street improvements and the paving on US-1 would be done under the State effort. Manager Williams advised that it would.

Vice Mayor Pariser asked if the project would be funded as part of the CITT funding. Manager Williams advised that it would be funded CITT and Special Revenue – gas tax funds.

Councilman Tendrich moved to approve the resolution. Seconded by Councilman Fiore. All voted in favor. The Resolution was adopted unanimously (5-0.)

B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH PALMETTO FORD TRUCK SALES, INC. TO PROVIDE VEHICLE REPAIR AND MAINTENANCE SERVICES FOR VILLAGE OWNED SHUTTLE BUSES; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED $10,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Vice Mayor Pariser remarked that he pulled the item from consent to discuss the prices offered.

Manager Williams stated that with regard to the IBus's, the trucks are all Ford vehicles and had previously been maintained through the outside contractor.

Mayor Stanczyk stated that she believes the outsourced company had been using this dealership. Manager Williams confirmed that this particular vendor performs a significant amount of service on major trucks.

Councilman Tendrich remarked that the cost that mechanics charge per hour has raised, not declined with the economy.

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

C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PROFESSIONAL SERVICES; AUTHORIZING KIMLEY-HORN AND ASSOCIATES TO ASSIST THE VILLAGE WITH THE PREPARATION OF AN APPLICATION FOR INCLUSION IN THE NATIONAL FLOOD INSURANCE (NFIP) COMMUNITY RATING SYSTEM (CRS); FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED $10,600; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Williams provided staff report.

Mr. Gary Rate of Kimley Horn advised that there is a benefit to being included in the NFIP due to the fact that when County and/or municipal improvements are performed, taxpayers may be benefit by reduction in Florida insurance premiums.

Manager Williams noted that significant improvements have been done and the firm of Kimley Horn will assist with documenting the items.

Vice Mayor Pariser expressed his thanks and hope for a lower premium by revising the flood insurance map.

Mr. Rate stated that staff would invite FEMA to come to the community for a visit and then they will submit the activities for a maximizing of savings.

Councilwoman Lindsay asked if staff would get the documentation together by the May 1st date. Mr. Rate stated that they would; however, scheduling the FEMA visit may be the only delay as it is a funding issue for FEMA to send someone here.

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

10. RESOLUTIONS REQUIRING PUBLIC HEARING

11. ORDINANCES FOR FIRST READING

A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PUBLIC COMMENTS; CREATING ARTICLE VIII OF CHAPTER 2, ENTITLED "BOARDS AND COMMITTEES, GENERALLY"; REQUIRING ALL SCHEDULED BOARD AND COMMITTEE MEETING TO PROVIDE FOR PUBLIC COMMENT PERIOD AT THE END OF EACH MEETING;

PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Mayor Stanczyk stated that in the interest of transparency, she suggested broadening the ordinance to include all advisory committees.

Vice Mayor Pariser stated that most of the advisory committees don't have a lot of members of the public attending and suggested that mandating public comment at the end should be left to the discretion of the chair.

Attorney Boutsis suggested removing the words "at the end of".

Vice Mayor Pariser moved to amend. Seconded by Councilman Tendrich. All voted in favor. The motion carried unanimously (5-0.)

Councilman Tendrich moved to approve the ordinance as amended. Seconded by Vice Mayor Pariser. All voted in favor. The ordinance passed on first reading unanimously (5-0.)

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 PUBLIC COMMENTS; CREATING SECTION 2-51 OF THE VILLAGE'S CODE OF ORDINANCES ENTITLED "CHARTER REVISION COMMISSION"; TO PROVIDE FOR PUBLIC COMMENTS AT CHARTER REVISION MEETINGS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Council Person Howard Tendrich].

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

Vice Mayor Pariser suggested the same amendment as the previous ordinance, removing the words "at the end of".

Councilman Tendrich moved to amend. Seconded by Vice Mayor Pariser. All voted in favor. The motion passed.

Mayor Stanczyk opened the public hearing. The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace and Bev Gerald. Mayor Stanczyk closed the public hearing.

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

13. OTHER BUSINESS: None at this time.

14. COUNCIL COMMENTS

Vice Mayor Pariser wished all a happy new year and remarked how happy he was to attend the grand opening of the South Dade Cultural Arts Center.

Councilman Fiore asked if staff could include more signage concerning the rules on the walking path at Coral Reef Park. Manager Williams stated he would investigate.

Mayor Stanczyk echoed Vice Mayor Pariser's remarks concerning the South Dade Cultural Arts Center, noting how the performance highlighted the distress and recovery of Hurricane Andrew. She invited all to attend the October 19th State of the Village address.

15. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 8:45 pm.

Prepared and submitted by:

Meighan J. Alexander, CMC
Village Clerk

Approved by the Village Council on this 7th day of November, 2011.

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.