

VILLAGE OF PALMETTO BAY
Minutes of the Special Council Meeting of October 24, 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 on decorum and asked them to silence the cell phones.

2. RESOLUTION

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; APPROVING THE SELECTION OF A FIRM TO PROVIDE PROFESSIONAL AUDITING SERVICES AND OTHER RELATED DUTIES TO THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT NEGOTIATIONS WITH TOP RANKED FIRM; PROVIDING AN EFFECTIVE DATE.

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

Clerk Alexander read the caption and provided correction to the ranking: 1. Cherry, Bekaert & Holland, LLP; 2. Marcum, LLP; and 3. GLSC & Company, PLLC.

Mayor Stanczyk asked the reason for the correction. Clerk Alexander explained that staff requested the Council's evaluation and after correcting addition, the third ranked candidate was different from what was listed by staff.

Director Chin advised that the first category is the required audit, listed as the Annual Examination. He noted that the state and federal single audits are not optional; however, the audit would only be required if the Village receives a certain threshold of funds from a grant in a given year.

Vice Mayor Pariser asked if this was required by state statute. Director Chin noted that the requirements are mandated by state and federal legislation.

Director Chin described the categories of each audit and explained that staff will be recommending a three contract with two – one year renewals.

Director Chin opened the price ranking sealed bids and Clerk Alexander read the top three ranked firms' pricing schedules into the record.

Director Chin clarified that the hourly rates provided would be for additional consulting, if needed. He provided the example, noting that he would seek additional counseling for a bond issue.

Following brief discussion, Attorney Boutsis clarified that staff can seek assisting from other firms, if there is a project outside of the audit.

The Council took a moment to review the pricing sheets and offer their final rankings. Director Chin noted that the top three firms are: Cherry, Berkaert & Holland, LLP, Marcum, LLP, and GLSC & Company, PLLC.

Councilman Tendrich moved to insert Cherry, Berkaert & Holland, LLP, as the auditor which whom the Manager should begin negotiations. Seconded by Councilwoman Lindsay. All voted in favor. The Resolution passed unanimously (5-0.)

Attorney Boutsis announced the following attorney-client session:

Palmer Trinity Private School v. Village of Palmetto Bay, Appellate Court Case No.: 10-259-AP; LT. Reso. Nos. 2010-48 and 2011-53 and desires advice from the Village Council regarding litigation strategy and/or settlement. The meeting is to be held at approximately 7:00 p.m., on Thursday, November 17, 2011. The Mayor Shelley Stanczyk, Vice Mayor Brian W. Pariser, Councilman Patrick Fiore, Councilman Howard Tendrich, Councilwoman Joan Lindsay, and the Village Manager Ron E. Williams shall meet in private with the Village Attorney Eve Boutsis, of Figueredo & Boutsis, P.A., and attorneys Raoul G. Cantero and Evan Goldenberg of White & Case LLP and Hudson Gill or Jeff Hochman of Johnson, Anselmo, et. al. at the Village of Palmetto Bay, 9705 E. Hibiscus Street, Palmetto Bay, Florida. A certified court reporter shall record the time and termination of the session, all discussions and proceedings that occur, the names of all persons present at any time during the session and the names of all persons speaking. The transcript shall be made part of the public records upon conclusion of the litigation.

1. ORDINANCE (PUBLIC HEARING REQUIRED)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; AMENDING DIVISION 30-50.17(B) ENTITLED THE "B-2, BUSINESS DISTRICT"; RELATING TO THE USES PERMITTED WITHIN THE B-2 DISTRICT; MODIFYING THE LIST OF USES TO INCLUDE GUN SHOPS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis provided staff report. Mayor Stanczyk asked if this was required due to the recent revisions in fire arm laws. Attorney Boutsis advised that the Village had to examine the code with regard to gun use laws and is prohibited from making laws more stringent. She advised that there must be a recognized, permitted use for sales of fire arms and a recognized location for sales.

Councilman Tendrich asked if the Village must pass this ordinance. Attorney Boutsis advised that a location for gun sales must be defined within Palmetto Bay.

Vice Mayor Pariser remarked that while he is a gun owner and will be voting for the ordinance, to impose penalties on elected officials and find local government individually liable is not the proper way to inact legislation.

Following brief comment, Mayor Stanczyk opened the public hearing. The following individual addressed the Council: Bev Gerald, 14271 SW 74 Court. The public hearing was closed.

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

3. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 7:55 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

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