VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of November 5, 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 7:05 p.m.

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

A. Recognition of Spring/Summer League – 10 year old & under tennis team

Mayor Stanczyk asked Parks and Recreation Director Fanny Carmona to present certificates to the undefeated team.

B. Presentation of donation to local public schools in honor of the 10-Year Anniversary

Principal Maileen Ferrer of Perrine Elementary and Principal Magda R. Pereira Southwood Middle School were recognized. Director Carmona-Gonzalez and the Mayor and Council provided checks to each principal.

C. Expression of Gratitude to Mr. and Mrs. Theodore Nicholeris, J.B. Cash Foundation, Inc.

Councilwoman Lindsay noted that Theodore and Janis Nicholeris provided the Village with a check for $4,000 to the Palmetto Bay Foundation to be used for historic preservation. She read the Certificate provided and added that she hopes the generosity of the Nicholeris family inspires others to give.

3. APPROVAL OF MINUTES

A. Minutes of the Local Planning Agency Meeting of October 1, 2012
B. Minutes of the Regular Council Meeting of October 1, 2012

Vice Mayor Pariser moved this item forward. Seconded by Councilman Tendrich. All voted in favor. The motion carried (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 $23,549.29; 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 IN THE AMOUNT OF $10,508.72; PROVIDING AN EFFECTIVE DATE.

C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AN EXISTING AGREEMENT WITH SUNCOAST NURSERY & TIKI HUTS, INC. FOR TREE PLANTING SERVICES WITHIN THE VILLAGE OF PALMETTO BAY; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED $50,000.00 TO PROVIDE VILLAGE-WIDE LANDSCAPING SERVICES IN THE PUBLIC RIGHT-OF-WAY IN FY 2012-13; AND PROVIDING FOR AN EFFECTIVE DATE.

D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE OF PALMETTO BAY'S STORMWATER MASTER PLAN UPDATE; APPROVING THE SELECTION OF KIMLEY-HORN AND ASSOCIATES, INC., TO PROVIDE CIVIL ENGINEERING SERVICES TO THE VILLAGE; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED $79,800.00; AND PROVIDING FOR AN EFFECTIVE DATE.

E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GRANTS; AUTHORIZING THE VILLAGE MANAGER TO ACCEPT THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM, CONTRACT AWARD FY 2013 IN THE AMOUNT OF $3,711 FOR THE PURPOSE OF SUPPORTING THE SCHOOL RESOURCE OFFICER PROJECT RAD/KID IN THE VILLAGE OF PALMETTO BAY; AND PROVIDING AN EFFECTIVE DATE.

Councilman Fiore moved to approve the Consent Agenda items. Seconded by Vice Mayor Pariser. All voted in favor. The Resolutions were adopted (5-0.)

5. **REQUESTS, PETITIONS AND PUBLIC COMMENTS**: The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Marsha Matson, 9300 SW 180 Street; Steve Kreisher, 18201 SW 98 Avenue; and Louis Medina, 14780 SW 146 Court, Miami, FL.

6. **VILLAGE MANAGER'S REPORT**

Manager Williams and Finance Director Desmond Chin provided the 4th Quarter Fiscal Year 2012-Budget to Actuals Report.

Village Policing Unit Commander Gregory Truitt provided an update. He welcomed residents to take advantage of going on a "ride-along" with a police officer.

Mayor Stanczyk, Councilwoman Lindsay, and Councilman Tendrich remarked how much they enjoyed Pumpkin Patrol on Halloween night.

Manager Williams announced that Director Chin will be inviting two of his employees to the December Council meeting to be recognized. Director Chin announced that Marti Brasovan and Dorothy Henderson will be retiring at the end of this year. He stated that they are both outstanding individuals and employees who will be missed.

Manager Williams advised that the Village will be holding a flag raising ceremony in honor of Veteran's Day at Palmetto Bay Park on November 12th at 10 am. He thanked Vice Mayor Pariser for his suggestions.

Manager Williams advised that the Village, through the leadership of the Council and the coordination of the Clerk's office, is conducting its annual food drive to assist Feeding South Florida. Clerk Alexander encouraged all to participate.

Manager Williams advised that Holiday by the Bay is scheduled for December 22nd this year at Ludovici Park.

7. **VILLAGE ATTORNEY'S REPORT**

A. November, 2012 Update: Attorney Boutsis noted that her report was provided and she was available to answer any questions.

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 ELECTIONS; CREATING THE VILLAGE CANVASSING BOARD FOR

THE PURPOSE OF CANVASSING ELECTION RETURNS FOR A POSSIBLE NOVEMBER 20, 2012 RUN-OFF ELECTION FOR THE VICE MAYOR SEAT AND DISTRICT 2 COUNCIL SEAT; PROVIDING AN EFFECTIVE DATE.

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

Clerk Alexander reported that she had reached out to the Clerk of Miami-Dade County, they declined to serve; she contacted two judges and three local clergy, and had been unable to fill the positions. She advised that in accordance with the Ordinance, she spoke to the following elected/appointed Miami-Dade County municipal officials, who had agreed to serve:

Councilwoman Sue Loyzelle – Cutler Bay
Councilman Joe Corradino – Pinecrest
Barbara Herrera – Clerk of Doral

Councilman Tendrich moved to approve the Resolution, inserting the appointees. Seconded by Vice Mayor Pariser. 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 THE VILLAGE MANAGER TO ENTER INTO CONTRACT WITH MUSCO LIGHTING FOR THE PURCHASE, DELIVERY AND INSTALLATION OF TENNIS COURT LIGHTING SYSTEM AT CORAL REEF PARK; PIGGYBACKING WITH CLAY COUNTY RFP/CONTRACT NO. 08/09-3; AND AUTHORIZING THE VILLAGE MANAGER TO APPROVE AN EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED $249,500; AND PROVIDING AN EFFECTIVE DATE

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

Manager Williams provided staff report. He asked Building Official Ed Silva and Parks and Recreation Director Fanny Carmona-Gonzalez to provide additional information.

Director Carmona-Gonzalez advised that this vendor had installed and is providing maintenance for the lighting at Palmetto Bay Park and is very responsive.

Vice Mayor Pariser remarked that the lighting at Coral Reef is antiquated.

Director Carmona-Gonzalez explained that staff had performed an analysis and significant funds will be saved in maintenance costs. She explained that the system will be computerized, which will allow certain court lights to be turned off when not in use.

Building Official Silva added that it is a matter of cost versus long term savings. He stated that Musco is a very reliable vendor.

Mayor Stanczyk called the question. The Resolution passed unanimously (5-0.)

C. 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. FOR ROADWAY 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 $287,650.00 TO CONTINUE RESURFACING AND STRIPING VILLAGE ROADWAYS IN FY 2012-13; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Director of Public Works Corrice Patterson provided staff report, noting that this resurfacing project continued the Village's seven-year plan and also moves forward with a three-year contract agreement with H & J Asphalt.

Councilwoman Lindsay noted that funding comes from special revenue and the 8 cent fuel and local option gas tax.

Mayor Stanczyk called the question. The Resolution passed unanimously (5-0.)

D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE ART-IN-PUBLIC PLACES (AIPP) PROGRAM, ACCEPTING THE RECOMMENDATIONS OF THE AIPP ADVISORY BOARD TO APPROVE THE KINETIC SCUPLTURAL ART INSTALLATION ENTITLED "RIPPLES" AS DESIGNED BY JEFFREY LAUDENSLAGER AND THE MOSAIC TILE INSTALLATION AT BASE OF PEDESTAL BY NORA CERVINO, TO MEET THE AIPP ORDINANCE REQUIREMENTS FOR WESTMINSTER CHRISTIAN PRIVATE ELEMENTARY SCHOOL ADDITION LOCATED AT 15000 LUDLAM ROAD; PROVIDING FOR SEVERABILITY; AND, AN EFFECTIVE DATE.

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

Director of Planning & Zoning Darby Delsalle provided staff report, noting that Westminster is filling the requirement of their site plan, which includes their new elementary building. He explained that this project will cost $5,000,000; therefore, Art-in-Public Places requirements must be met.

Mr. Robert Ludlam and Ms. Annie Heetderks of Westminster were recognized. Westminster provided a PowerPoint presentation wherein two pieces of art were described. The piece preferred by the school is entitled "Ripples" and will cost $67,500 upon completion. Art-in-Public Places requires 1.25% of the total project cost.

Mayor Stanczyk noted that she liked both of the pieces, but expressed concerned with possible hurricanes and the negative effect on the piece entitled "Ripples."

Director Delsalle advised that construction will meet the standards of the Florida Building Code.

Zoning Administrator Efren Nunez stated that the Advisory Board addressed this matter and the artist will have clamps that will insure the piece is resistant to the wind.

Vice Mayor Pariser asked if the school is insuring the piece. Mayor Stanczyk noted that maintenance and insurance is part of the program's requirement. Attorney Boutsis explained that it must be maintained for 20 years.

Councilman Tendrich asked why the Village is making this decision. Attorney Boutsis explained that approval by the Council is part of the public art process.

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

10. RESOLUTIONS REQUIRING PUBLIC HEARING: None.

11. ORDINANCES FOR FIRST READING

A. AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE COUNCIL; REVISING ORDER OF BUSINESS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Clerk Alexander advised that a substituted Ordinance was provided.

Vice Mayor Pariser moved the substituted Ordinance forward. Seconded by Councilman Tendrich.

Clerk Alexander explained that in order for her to read the decorum statement, the Agenda must be revised in order to allow for the reading.

Mayor Stanczyk called the question. The Ordinance passed unanimously on first reading (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 SPONSORSHIP PROGRAM; CREATED ARTICLE VIII, SECTION 2-300 RELATING TO SAME; PROVIDING FOR TERMS, CONDITIONS, EXEMPTIONS RELATING TO ACCEPTING DONATIONS, SPONSORSHIP AND PARTICIPATION IN EVENTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis provided staff report, noting that this Ordinance formalizes the process that the Manager has been following. She explained that this Ordinance is similar to one used by the City of Coral Gables. She noted that naming of facilities was removed from this ordinance following Council direction at first reading.

Councilman Tendrich noted that on page 4 of 9, line 36, to state that an illegal business would be prohibited from advertising seems obvious. He asked about churches that volunteer in Palmetto Bay.

Attorney Boutsis explained that this is a matter of separation of church and state.

Vice Mayor Pariser asked for clarification of line 36 "political purpose or party." Attorney Boutsis explained that is would cover all national parties.

Vice Mayor Pariser moved to include "or any political statement." Seconded by Councilwoman Lindsay. All voted in favor.

Mayor Stanczyk opened the public hearing. The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace and Chet England, 15300 SW 80 Avenue.

Following discussion, Councilwoman Lindsay moved to remove the term "religious" (page 5 of 9, subsection 2.) Seconded by Vice Mayor Pariser. All voted in favor.

Mayor Stanczyk called the question. The Ordinance was adopted unanimously, following roll call vote: Vice Mayor Pariser: yes; and, Mayor Stanczyk: yes; Councilman Fiore: yes; Councilman Tendrich: yes; and Councilwoman Lindsay: yes.

B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE'S GREEN INCENTIVE PROGRAM; MODIFYING SECTION 5-54 ENTITLED "SCOPE OF GREEN PROGRAM"; TO INCLUDE USES OF PUBLIC ASSEMBLAGE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis advised that there were no revisions following first reading.

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

Mayor Stanczyk called the question. The Ordinance was adopted unanimously, following roll call vote: Councilwoman Lindsay: yes; Vice Mayor Pariser: yes; and, Mayor Stanczyk: yes; Councilman Fiore: yes; and, Councilman Tendrich: yes.

C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO REMOVAL OF DUPLICATE PROVISION RELATING TO CHARTER SCHOOLS; REMOVING CHAPTER 9 PROVISIONS AND RESERVING THE CHAPTER AS CHARTER SCHOOLS ARE REGULATED UNDER 30-120 OF THE VILLAGE'S LAND DEVELOPMENT CODE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis advised that this ordinance removes duplicate language.

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

Mayor Stanczyk called the question. The Ordinance was adopted unanimously, following roll call vote: Councilman Tendrich: yes; Councilwoman Lindsay: yes; Vice Mayor Pariser: yes; and, Mayor Stanczyk: yes; and, Councilman Fiore: yes.

D. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; MODIFYING SECTION 30-30.2 RELATING TO DEVELOPMENT APPROVAL PROCEDURES; MODIFYING SECTION 30-30.2(q) RELATING TO FINES TO BE CONSISTENT WITH CHAPTER 162, FLORIDA STATUTE; MODIFYING DIVISION 30-50 ENTITLED "ZONING DISTRICTS"; MODIFYING PERMITTED AND CONDITIONAL LIST OF USES WITHIN THE ZONING DISTRICTS; CONSOLIDATING SECTION 30-60.15 INTO DIVISION 30-110 RELATING TO RELIGIOUS FACILITIES, PRIVATE SCHOOLS, CHILD CARE FACILITIES, AND OTHER NON-GOVERNMENTAL PUBLIC ASSEMBLY USES; 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. She noted that regarding physical standards of athletic fields and third party uses, there was discussion to remove the provision under line 7 through 10 of subsection 3(a).

Councilwoman Lindsay remarked that she concurs with striking that section.

Councilman Fiore expressed his opposition to the Ordinance, noting that the matter may result in litigation.

Attorney Boutsis explained that this language currently exists and setback standards have not been modified.

Councilman Tendrich remarked that if there is a significant loss, the property owner will have to abide by the setbacks. He mentioned Page 4 of 29 (line 40) that requires 250 feet from boundary for construction.

Attorney Boutsis advised that the requirement is not new, it is the current law for agricultural districts.

Councilwoman Lindsay explained that the setback is the same as the one included in the County's code, which was adopted by the Village. She stated that sections that do not have underlines or strike-throughs are the same as what was previously adopted.

Discussion ensued.

Councilwoman Lindsay asked Attorney Boutsis to address RELUIPA concerns. Attorney Boutsis advised that the Village is not targeting religious institutions; rather, including a broad concept regarding public assemblage and having it uniformly applied.

Councilman Tendrich asked if line 11 of Page 21, concerning prohibiting lighting of recreational areas, is more restrictive. Attorney Boutsis advised that it was more restrictive.

Mayor Stanczyk opened the public hearing. The following individuals addressed the Council: Chet England, 15300 SW 80 Avenue; Eric Tullberg, 7884 SW 179 Terrace; and Lois Chumbley, 7480 SW 159 Terrace.

Councilwoman Lindsay remarked that Village parks are not as close to residences as some other non-residential uses. She explained that the Village is trying to give consideration to homeowners, as when an activity is illuminated, it allows the activity to go later into the night, adding traffic and noise.

Mayor Stanczyk called the question. The Ordinance was adopted, following roll call vote: Councilman Fiore: no; Councilman Tendrich: no; Councilwoman Lindsay: yes; Vice Mayor Pariser: yes; and, Mayor Stanczyk: yes.

E. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; MODIFYING DIVISION 30-60, ENTITLED "GENERAL REGULATIONS"; REVISING SECTION 30-60.6 RELATING TO LIGHTING; PROVIDING HEIGHT LIMITATIONS FOR RESIDENTIAL DISTRICTS OF LIGHT POLES TO 15 FEET; AND PROVIDING FURTHER CLARIFICATION OF STANDARDS FOR RESIDENTIAL DISTRICTS, AND GENERAL REGULATIONS RELATING TO LIGHTING; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis provided staff report.

Councilman Tendrich asked if the light poles are only to be 15 feet high, how Coral Reef Park is affected. Attorney Boutsis stated that there would be governmental-use approval for the poles within the tennis courts.

Councilman Tendrich asked if this provision would be only for residential districts. Attorney Boutsis confirmed same.

Mayor Stanczyk opened the public hearing. The following individuals addressed the Council: Eric Tullberg; Chet England; and Steve Kreisher.

Following brief discussion, Mayor Stanczyk called the question. The Ordinance was adopted, following roll call vote: Mayor Stanczyk: yes; Councilman Fiore:

no; Councilman Tendrich: no; Councilwoman Lindsay: yes; and, Vice Mayor Pariser: yes.

F. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; MODIFYING DIVISION 30-60, ENTITLED "GENERAL REGULATIONS"; REVISING SECTION 30-60.11 RELATING TO PRE-CONSTRUCTION AND CONSTRUCTION STANDARDS TO PROVIDE ADDITIONAL DETAILED REQUIREMENTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis provided staff report.

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

Mayor Stanczyk called the question. The Ordinance was adopted unanimously, following roll call vote: Vice Mayor Pariser: yes; Mayor Stanczyk: yes; Councilman Fiore: yes; Councilman Tendrich: yes; and, Councilwoman Lindsay: yes.

G. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; MODIFYING DIVISION 30-60 ENTITLED "GENERAL REGULATIONS"; REVISING SECTION 30-60.29 RELATING TO NOISE STANDARDS; REVISING HOURS OF OPERATION OF TEMPORARY PUBLIC ADDRESS SYSTEMS; DELETING NOISE ORDINANCE FROM CHAPTER 15 OF THE CODE OF ORDINANCES AS IT IS A DUPLICATE PROVISION OF 30-~~30~~60.29; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis advised that a modification from first reading included the determination of sound level from the emitting property line. She explained that staff included its recommendation regarding the loudspeakers at Page 3, line 17.

Councilwoman Lindsay concurred with striking the language.

Mayor Stanczyk opened the public hearing. Ms. Lois Chumbley and Mr. Eric Tullberg addressed the Council.

Councilman Fiore remarked that he disagrees with excessive, unnecessary regulation.

Councilwoman Lindsay noted that the Village has stricken the section on loudspeakers and changed the noise decibel levels to be more in line with other municipalities. She noted that Palmetto Bay was 65 dB's and it was reduced to 60 to allow some latitude.

Mayor Stanczyk called the question. The Ordinance was adopted unanimously, following roll call vote: Councilwoman Lindsay: yes; Vice Mayor Pariser: yes; Mayor Stanczyk: yes; Councilman Fiore: yes; and, Councilman Tendrich: yes.

H. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; MODIFYING DIVISION 30-70 ENTITLED "PARKING REGULATIONS"; REVISING SECTION 30-70.4 TO PROVIDE FURTHER CLARITY IN THE REQUIREMENTS; 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.

Vice Mayor Pariser asked when a traffic study would be required. Director Delsalle noted that it would be included with site plan review if the land development code dictates it be performed.

Vice Mayor Pariser added the language, "where a traffic study is required <u>under the land development code</u>." Seconded by Councilman Tendrich.

Following brief discussion, all voted in favor of the amendment.

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

Mayor Stanczyk called the question. The Ordinance was adopted unanimously, following roll call vote: Councilman Tendrich: yes; Councilwoman Lindsay: yes; Vice Mayor Pariser: yes; Mayor Stanczyk: yes; and Councilman Fiore: yes.

I. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; MODIFYING DIVISION 30-100 ENTITLED "ENVIRONMENTAL

REGULATIONS"; REVISING SECTION 30-100.3 RELATING TO LANDSCAPING BUFFER AND MAINTENANCE STANDARDS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Attorney Boutsis provided staff report.

Mayor Stanczyk opened the public hearing. The following individuals addressed the Council: Eric Tullberg; Chet England; James McGhee, Alexander Montessori School.

Director Delsalle stated that he would meet with Mr. McGhee to address his particular concern.

Mayor Stanczyk called the question. The Ordinance was adopted unanimously, following roll call vote: Councilman Fiore: yes; Councilman Tendrich: yes; Councilwoman Lindsay: yes; Vice Mayor Pariser: yes; and, Mayor Stanczyk: yes.

13. OTHER BUSINESS: None.

14. COUNCIL COMMENTS

The Council members individually addressed their concerns with the difficulties experienced by all at early voting sites throughout the County.

15. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 9:45 pm.

Prepared and submitted by:

Meighan J. Alexander, CMC
Village Clerk

Adopted by the Village Council on this 3rd day of December, 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.