VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of December 3, 2012
Village Hall Chambers
9705 East Hibiscus Street

Mayor Stanczyk called the meeting to order at 7:05 p.m.

Swearing in of Vice Mayor and Councilmember Seat 2

Judge Joe Martinez swore in Councilmember Tim Schaffer. Councilmember Schaffer repeated the following oath of office: I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the state and Charter of the Village of Palmetto Bay; and that I will well and faithfully perform the duties of Councilmember on which I am now about to enter so help me God, and thereafter shall devote personal attention to the duties of the office, and continue in office until a successor qualifies.

Attorney Eve Boutsis swore in Vice Mayor John DuBois. Vice Mayor DuBois repeated the following oath of office: I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the state and Charter of the Village of Palmetto Bay; and that I will well and faithfully perform the duties of Vice Mayor on which I am now about to enter so help me God, and thereafter shall devote personal attention to the duties of the office, and continue in office until a successor qualifies.

The Council took a brief recess. The meeting re-convened at 7:30 p.m.

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 asked retiring employees Martha Brasovan and Dorothy Henderson to lead the pledge of allegiance.

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

A. Recognition of retiring employees (Finance Department): Martha Brasovan and Dorothy Henderson

Finance Director Desmond Chin introduced Marti and Dorothy and thanked them for their service, expressing both his and the Village's gratitude.

Human Resources Manager Olga Cadaval also noted that the Village was grateful for their commitment.

Mayor Stanczyk expressed how much she enjoyed working with both of the employees and presented Proclamations to each of the ladies.

3. APPROVAL OF MINUTES

A. Minutes of the Regular Council Meeting of November 5, 2012: Councilwoman Lindsay moved to approve the Minutes. Seconded by Councilman Schaffer. All voted in favor. The Minutes were adopted 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 $11,968.47; 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 $12,517.38; PROVIDING AN EFFECTIVE DATE.

C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO DRAIN CLEANING; AUTHORIZING ENVIROWASTE SERVICES GROUP, INC. TO CONTINUE PROVIDING STORM DRAIN CLEANING SERVICES WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED $25,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO OFFICE EQUIPMENT; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A 36-MONTH LEASE AGREEMENT WITH RICOH FOR TWO PHOTOCOPIERS AT A COST OF $314 MONTHLY FROM RICOH, USA,

INC., THROUGH MIAMI-DADE COUNTY CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

Clerk Alexander reported that Vice Mayor DuBois timely pulled items 4 A. and 4 B. Mayor Stanczyk noted that the items will now be heard as Items 9 C. and 9 D.

Councilman Fiore moved to approve the remaining Consent Agenda items. Seconded by Councilman Schaffer. All voted in favor. The Resolutions were approved unanimously (5-0.)

5. **REQUESTS, PETITIONS AND PUBLIC COMMENTS**: The following individuals addressed the Council: Chuck Latshaw, 8825 SW 154 Terrace; Eric Tullberg, 7884 SW 179 Terrace; Linda Robinson, 15605 SW 84 Court; Henry Clifford, 8875 SW 171 Street; Carol Exposito, 7700 SW 178 Street; Beatriz Herrmann, 17251 SW 86 Avenue; and Warren Lovely, 15323 SW 74 Place.

6. **VILLAGE MANAGER'S REPORT**

Manager Williams provided a staff report regarding the transfer of Franjo Road from the County to the Village. He advised that the transfer has been completed; the County will be forwarding executed paperwork in the near future. He announced the boat parade/food drive and the Village's Holiday by the Bay event.

Clerk Alexander announced the upcoming meetings.

Attorney Boutsis asked the Council if they would be willing to meet on Wednesday, December 12th, for an Attorney-Client session for the following case: Shores at Palmetto Bay LLC v. Village of Palmetto Bay, Appellate Court Case no: 12-029 (Fla. 11th Jud. Cir.).

Vice Mayor DuBois remarked that he is philosophically opposed to shade sessions and believe all discussions should be held in the public forum.

Attorney Boutsis stated that the decision to have a shade session or not is a Council decision. She noted that Miami-Dade County does not have shade session, but many communities do.

Mayor Stanczyk noted that the transcripts are confidential until the issue is resolved, then they are released to the public. She remarked that few people share private conversations with their attorneys when they discuss negotiation and strategy.

Councilman Fiore stated that former Council Member Howard Tendrich had also believed that shade sessions should be held in the public. He expressed his support to discuss all matters "in the Sunshine."

Attorney Boutsis provided further information concerning the attendance and regulations of a shade session. She asked for consensus. Councilman Schaffer, Councilwoman Lindsay, and Mayor Stanczyk concurred to hold an Attorney-Client Session on December 12th at 6 pm.

7. VILLAGE ATTORNEY'S REPORT

A. December, 2012 Update: Attorney Boutsis provided her written report and advised the Council that she is 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, CERTIFYING AND DECLARING THE RESULTS OF THE GENERAL ELECTION OF NOVEMBER 6, 2012, AND RUN-OFF ELECTION OF NOVEMBER 20, 2012; PROVIDING AN EFFECTIVE DATE.

Councilman Fiore moved this matter forward. Seconded by Councilwoman Lindsay.

Clerk Alexander provided staff report.

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 COUNCIL MEETING PROCEDURES; ANNOUNCING THE REGULAR COUNCIL MEETING SCHEDULE; THE COMMITTEE OF THE WHOLE WORKSHOP DATES; THE LAND DEVELOPMENT PERMIT HEARINGS; AND, THE BUDGET WORKSHOP FOR THE YEAR 2013; PROVIDING AN EFFECTIVE DATE.

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

Clerk Alexander provided staff report. Mayor Stanczyk asked the Council to make certain they are available on those dates.

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 ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS

FOR FIGUEREDO & BOUTSIS, P.A. IN THE AMOUNT OF $11,968.47; PROVIDING AN EFFECTIVE DATE.

Attorney Boutsis noted that she had been contacted by the Vice Mayor and has provided the additional information.

Vice Mayor DuBois explained that he wishes to have the billing broken down into specifics as to what amount was spent on each issue, which would assist with auditing the matters.

Councilman Schaffer moved the item forward. Seconded by Councilman Fiore.

Vice Mayor DuBois asked why the attorney's bills are not paid on a monthly basis.

Attorney Boutsis explained that last month's bill was paid near the end of the month; however, her billing was due to be placed on the Council agenda prior to the check being received. Manager Williams stated that the invoices are paid monthly.

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 ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR WHITE & CASE IN THE AMOUNT OF $12,517.38; PROVIDING AN EFFECTIVE DATE.

Councilwoman Lindsay moved this matter forward. Seconded by Councilman Schaffer.

Vice Mayor DuBois asked why the Village is incurring an expense of over $10,000 with outside counsel at this stage when most believed the case to be concluded.

Mayor Stanczyk remarked that this is for the most recent case; and, the Village had additionally prevailed by not having to pay Palmer Trinity's attorney's fees.

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: None at this time.

12. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

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.

Councilwoman Lindsay moved this matter forward. Seconded by Councilman Schaffer.

Clerk Alexander provided staff report, noting that this Ordinance allows for the formality of reading the decorum statement.

All voted in favor. The Resolution passed unanimously (5-0.)

13. OTHER BUSINESS

14. COUNCIL COMMENTS

Vice Mayor DuBois asked if the date of the Committee of the Whole meeting could be changed from December 12th to December 13th. Following brief discussion, Clerk Alexander was directed to poll the Council via email.

Councilwoman Lindsay thanked all for coming. She congratulated the new Council Members and expressed her wish for a happy new year of working together.

Councilman Schaffer asked if Commander Truitt would be offering a report this evening. Mayor Stanczyk stated that he would be in the future. Councilman Schaffer expressed his pride in being elected; he is excited about the opportunity to be a public servant. He asked any residents to contact them with their concerns.

Councilman Fiore offered his congratulations to Councilman Schaffer and Vice Mayor DuBois. He thanked former Councilman Howard Tendrich and former Vice Mayor Brian Pariser for their years of service. He stated that he looks forward to working together in a positive manner.

Vice Mayor DuBois expressed that he was humbled by the support receive from the community. He thanked all who supported him and thanked his campaign workers for their efforts.

Mayor Stanczyk thanked those in attendance for acknowledging the efforts of the Village's public servants. She announced that the Village received a commendation from the CLEO Institute for its "green" initiatives. She also advised that the Village had received a proclamation from the Miami-Dade County School Board in honor of its ten year anniversary. She expressed her wish for a positive spirit moving forward.

15. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 8:28 pm.

Prepared and submitted by:

_____

Meighan J. Alexander, CMC
Village Clerk

Adopted by the Village Council on this ____ day of January, 2013.

_____

Shelley Stanczyk, Mayor

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