



VILLAGE OF PALMETTO BAY

Mayor Shelley Stanczyk
Vice Mayor John DuBois
Council Member Patrick Fiore
Council Member Tim Schaffer
Council Member Joan Lindsay

Village Manager Ron E. Williams
Village Attorney Eve A. Boutsis
Village Clerk Meighan J. Alexander

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter, or hearing impaired to participate in this proceeding should contact the Village Clerk at (305) 259-1234 for assistance no later than four days prior to the meeting.

VILLAGE COUNCIL MEETING AGENDA Thursday, July 11, 2013 - 7:00 p.m. Village Hall Chambers, 9705 E. Hibiscus Street (305) 259-1234

1. **CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE**
2. **PROCLAMATIONS, AWARDS, PRESENTATIONS**
 - A. Miami Heat Day
3. **DECORUM STATEMENT**
4. **APPROVAL OF MINUTES**
 - A. Minutes of the Regular Council Meeting of June 3, 2013
5. **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 \$28,667.74; PROVIDING AN EFFECTIVE DATE.
6. **REQUESTS, PETITIONS AND PUBLIC COMMENTS**

7. VILLAGE MANAGER'S REPORT

- A. Village Police Commander Report

8. VILLAGE ATTORNEY'S REPORT

- A. July, 2013 Update

9. BOARD AND COMMITTEE REPORTS

- A. Educational Compact Advisory Committee Report

10. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, CERTIFYING AND DECLARING THE RESULTS OF THE SPECIAL MAIL BALLOT ELECTION OF JUNE 25, 2013; PROVIDING AN EFFECTIVE DATE.
- B. 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 2013-2014; FURTHER DIRECTING THE VILLAGE CLERK TO FILE SAID RESOLUTION WITH THE MIAMI-DADE COUNTY PROPERTY APPRAISER; AND PROVIDING FOR AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; APPROVING THE VILLAGE MANAGER'S RECOMMENDATION OF TABOR CONSTRUCTION CORP. AS THE MOST RESPONSIVE BIDDER FOR THE CORAL REEF PARK PEDESTRIAN BRIDGE RENOVATION PROJECT; AND, FURTHER AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT FOR CONSTRUCTION SERVICES UNDER BID-2013-PR-003 TO TABOR CONSTRUCTION CORP., FOR THE CORAL REEF PARK PEDESTRIAN BRIDGE RENOVATION PROJECT AT A COST OF \$43,920.00; PROVIDING AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS & RECREATION AND RESPONSE TO RFP-2013-PR-002; APPROVING THE VILLAGE MANAGER'S RECOMMENDATION OF TIP TOP ENTERPRISES, INC. AS THE MOST RESPONSIVE BIDDER IN PROVIDING LANDSCAPE/GROUND MAINTENANCE SERVICES FOR

ALL VILLAGE PARKS; AND FURTHER AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT NEGOTIATIONS; WITH SUBSEQUENT RECOMMENDATION FOR AWARD CONTINGENT UPON TERMS AND CONDITIONS AGREEABLE BY BOTH PARTIES AND FINAL APPROVAL BY THE VILLAGE COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ADMINISTRATION; DIRECTING THE VILLAGE MANAGER TO DEVELOP A REQUEST FOR PROPOSALS FOR PUBLIC OPINION SURVEY SERVICES; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Shelley Stanczyk)

11. RESOLUTIONS REQUIRING PUBLIC HEARING

- A. 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 RECOMMENDATION FROM THE AIPP ADVISORY BOARD TO APPROVE THE PUBLIC ART WORK ENTITLED "THE GATHERING" AS DESIGNED BY MICHAEL MCLAUGHLIN AND MODIFIED BY THE AIPP BOARD, TO INSTALL PUBLIC ART WITHIN THE PLAZA AREA OF VILLAGE HALL, LOCATED AT 9705 EAST HIBISCUS STREET; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT NEGOTIATIONS TO PURCHASE THE PUBLIC ART WHICH SHALL BE PAID THROUGH THE ART-IN-PUBLIC PLACES FUND IN AN AMOUNT NOT TO EXCEED \$45,000; AND PROVIDING FOR AN EFFECTIVE DATE.

12. ORDINANCES FOR FIRST READING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING DIVISION 30-160, "ART IN PUBLIC PLACES"; MODIFYING SECTION 30-160.7, TO EXEMPT SINGLE FAMILY HOME REPAIRS OR CONSTRUCTION FROM THE PROGRAM; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Council Person Patrick Fiore].
- B. AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PUBLIC COMMENTS DURING MEETINGS OF THE VILLAGE COUNCIL; REVISING SECTION 2.47 ENTITLED "ORDER OF BUSINESS" AND SECTION 2.50 ENTITLED "COUNCIL MEETING AGENDA ITEMS" TO ENSURE COMPLIANCE WITH SECTION 286.0114, FLORIDA STATUTES, WHICH

PROVISION BECOMES EFFECTIVE LAW ON OCTOBER 1, 2013; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PUBLIC COMMENTS; AMENDING 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 BEGINNING OF EVERY MEETING CONSISTENT WITH SECTION 286.0114, FLORIDA STATUTES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.
- D. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO REPEAL THE LANGUAGE OF SECTION 27-89 OF THE VILLAGE'S CODE ENTITLED "PEDDLING PROHIBITED"; AND REPLACING IT WITH "NOTICE ON PREMISES THAT UNINVITED VENDORS, SOLICITORS, PEDDLERS, ETC. ARE NOT WANTED; AND PROVIDING PENALTIES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

13. 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 ZONING; AMENDING SECTIONS 30-70.5(b)(2) AND 30-70.6 OF THE LAND DEVELOPMENT CODE RELATING TO SINGLE-FAMILY DETACHED RESIDENTIAL DRIVEWAYS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Councilman Tim Schaffer].
- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA AMENDING ORDINANCE NO. 07-25 ENTITLED "AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE'S STREET SIGN REPLACEMENT PROGRAM; AUTHORIZING THE CITY MANAGER TO EXECUTE A FINANCE AGREEMENT WITH REGIONS BANK; PROVIDING FOR A TWO MILLION FIVE HUNDRED THOUSAND DOLLAR TAX EXEMPT LOAN UNDER A 12 YEAR AMORTIZATION TERM, AT 3.90 PERCENT FIXED INTEREST RATE; DEDICATING CITY FUNDS FOR FINANCING THE LOAN; PROVIDING FOR ORDINANCES IN CONFLICT; CODIFICATION, SEVERABILITY AND EFFECTIVE DATE." TO PROVIDE FOR ADDITIONAL PROJECTS;

PROVIDING CERTAIN OTHER MATTERS IN CONNECTION
THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

14. OTHER BUSINESS

The following items were presented by Vice Mayor DuBois:

- A. Motion to approve expenditure to have Village Manager contract outside legal counsel to review certain charter amendments (the 2 or 3 questionable ones including from the last election) and the one from a previous election requiring 75% approval of neighbors within a 2000' radius to vote for private school expansion.
- B. Motion to release shade session transcripts for Palmer Trinity relating to the 3rd DCA case.
- C. Motion to release all shade session transcripts for all cases that currently exist.
- D. Resolution to prohibit Palmetto Bay from engaging in shade sessions (requiring all meetings to be held in Sunshine).
- E. Motion directing the Village Manager to rescind letter sent to the owners of 8950 SW 152nd building dated June 24, 2013 (Sontag's building that was the former village hall).

15. COUNCIL COMMENTS

16. NEXT MEETING AND ADJOURNMENT

PURSUANT TO FLORIDA STATUTES 286.0105, THE VILLAGE HEREBY ADVISES THE PUBLIC THAT 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.