

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of June 2, 2014
Village Hall Chambers
9705 East Hibiscus Street

1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

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

Staff present:
Village Manager Ron E. Williams
Village Attorney Dexter W. Lehtinen
Village Clerk Meighan J. Alexander

Mayor Stanczyk called the meeting to order at 7:05 p.m. She led the pledge of allegiance. Mayor Stanczyk announced that Councilman Patrick Fiore is not present due to the passing of his father, who was a distinguished Korean War Veteran. She asked all to join her in a moment of silence.

Attorney Lehtinen noted that Councilman Fiore's father served with the 7th Infantry Division in the Korean War; enlisted as a Private, and emerged as a Staff Sergeant. He noted that Councilman Fiore's father had received a Bronze Star, which is a meritorious earning, and his service in the Korean War was a critical element of the entire Cold War struggle.

- 2. DECORUM STATEMENT** Clerk Alexander read the following decorum statement: Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Village of Palmetto Bay Council shall be barred from further audience at this meeting before the Village of Palmetto Bay Council by the presiding officer, unless permission to continue or again address the council be granted by the majority vote of the council members.

Mayor Stanczyk asked Attorney Lehtinen for guidance concerning deferral of items. Attorney Lehtinen advised that the Council may vote on withdrawal of items; or move matters to another date. He stated that it would be acceptable to defer or move at this time.

Mayor Stanczyk moved to defer Item 10A. She remarked that there may be a special council meeting later this month; however, at this time, she would like to defer the matter. Attorney Lehtinen noted that as the matter had not been debated, the Mayor may defer it and re-agenda the matter at a later date.

Manager Williams stated that staff would defer Item 10B, as Councilman Fiore had expressed interest in discussing the item.

Councilman Schaffer moved to defer Item 12A to date certain of July 7th. Vice Mayor DuBois seconded the matter. Vice Mayor DuBois suggested that the matter be deferred to the special council meeting at the end of June that the Mayor had mentioned, if there is one to be scheduled, as the topics are similar.

Councilman Schaffer remarked that a special council meeting hasn't currently been scheduled. Vice Mayor DuBois stated that the motion could be worded so that the matter is scheduled to a date certain, whichever is the earliest of the two dates.

Attorney Lehtinen opined that any such date would have to meet the various notice requirements under the Florida Statutes.

Vice Mayor DuBois moved to amend the date of the deferral to July 7th or an earlier date, as long as the meeting date set would meet the notice requirements. Councilman Schaffer seconded.

Mayor Stanczyk called the question on the main motion to defer. All voted in favor (4-0.) She announced that Item 12A would be deferred to either July 7th or an earlier date, provided the earlier date met legal notice requirements.

Mayor Stanczyk stated that as she was the sponsor of Item 13A, she suggested withdrawing the item. Clerk Alexander noted that the item was scheduled for public hearing. Attorney Lehtinen stated that the matter could be deferred to date certain or earliest meeting; however, it would require a motion, as it is also scheduled for the Local Planning Agency Meeting.

Mayor Stanczyk moved to defer Item 13A to either July 7th or the earliest date that would meet legal notice requirements. Seconded by Councilwoman Lindsay. All voted in favor (4-0.)

Mayor Stanczyk closed the Regular Council Meeting and opened the Local Planning Agency Meeting.

3. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Eagle Scouts -- Troop 457: Mayor Stanczyk and the members of the Council recognized the Eagle Scouts and presented each young man with a proclamation and expressed gratitude to the gentlemen for their efforts.
- B. Westminster Christian School – Softball Championship: Mayor Stanczyk and the Council congratulated the Westminster Christian School Girls Varsity Softball team for their victory, winning the 3A State Championship Title.

C. Legislative Update -- Book & Levy

Mr. Ron Book provided the legislative update. He announced that a \$77.1 Billion budget was passed, with \$300,000 for water services for Palmetto Bay. He advised that he had provided the Council with written information concerning the important updates that may affect Palmetto Bay. He provided an update concerning casinos/gaming; red light cameras; sales tax holiday for hurricane preparedness items; and, legislation concerning child sexual abuse matters. He noted that there was also an increase of per pupil funding and \$50 million in additional PECO funds to Miami-Dade County Public Schools. He also provided information concerning Jackson Memorial Hospital, Baptist Health Systems, Barry University, and the City of Miami's museum park. Mr. Book thanked Manager Williams for his assistance and expressed his gratitude to the Council.

Mr. Bob Levy stated that he was displeased that the State did not raise State employee salaries after so many years without an increase. He also noted that the failure to fund the entertainment industry will result in the loss of millions of dollars to the State. Mr. Levy also expressed displeasure at the lack of funding for additional judges at the court systems. He concluded that the taxpayer will soon experience higher taxes with the increase in school funding. He thanked the Council.

D. Presentation by Miami-Dade County Fire Department

The following representatives of Miami-Dade County Fire Rescue (MDFR) were recognized: Mr. Carlos Heredia, Planning Section Supervisor, Mr. Scott Mendelsberg, Assistant Director-Budget, Planning & Grants Management, and Assistant Chief of Operations Arthur Holmes. Mr. Heredia announced that MDFR has recently found a new location for a fire station: a single family home for sale at 14200 Old Cutler Road parcel, a one acre parcel on the corner of SW 142nd and Old Cutler. Mr. Heredia stated that this property will assist with meeting the coverage of a two-mile radius, covering an eastern portion of Palmetto Bay and north Pinecrest. He explained that the owner is willing to sell to MDFR and the station will use the backside of the parcel for the entryway and parking.

Mayor Stanczyk asked for explanation concerning the type of buffering and the design.

Chief Holmes explained that there would be landscaping and a wall; he noted that MDRF would provide several examples of the design once the site is purchased and zoning is considered.

Mayor Stanczyk asked for information concerning the egress.

Mr. Heredia stated that a request for a traffic signal and flashing lights would be made.

Councilman Schaffer asked the representatives to address the noise concerns expressed by some residents.

Chief Holmes explained that sirens are only used to clear the roadways; there would be minimal use of sirens on Old Cutler, as he believes there is not a great deal of traffic.

Vice Mayor DuBois asked if the Village will be working with MDRF on site plan approval. Manager Williams stated that MDRF has consulted with Planning & Director Darby Delsalle and will continue to do so.

Mayor Stanczyk thanked the MDRF for working with her and opened public comment. The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Chet England, 15300 SW 80 Avenue; Gary Pastorella, 6940 SW 142 Terrace; Anthony Gorman, 14140 SW 72 Avenue; Ed Feller, 7960 SW 144 Street; Larry Ribler, 17131 SW 86 Avenue; Oscar Fonseca, 14250 SW 72 Avenue; Rick Cook, 16775 SW 80 Avenue; Bev Gerald, 14271 SW 74 Court; Sergio Bola, 15725 SW 77 Court; Peter England, 7620 SW 171 Street; Robert Horowitz, 7401 SW 172 Street; and, Henry Clifford, 8875 SW 171 Street.

Vice Mayor DuBois remarked that upon viewing the map, two fire stations are needed. He asked where the funding would come from and when.

Mr. Mendelsberg replied that MDRF is not concerned about losing units, as they do not appear to be facing budgetary cuts in the coming year. He stated that they will be moving as quick as possible. He suggested that once they have purchased the property, they will need Village zoning approval, and then return to the County for approval. He stated that the structure could possibly be built in the Spring of 2015.

- E. Florida Representative Michael Bileca provided a legislative update, noting that the success came about as a by-product of the delegation that worked well together and puts aside their own issues to work together for the community.

Vice Mayor DuBois asked for clarification concerning the limits for increasing tuition at public universities. Representative Bileca advised that the public universities can now only increase the tuitions by 0%-6%; however, University of Florida and Florida State University have different guidelines.

Mayor Stanczyk expressed her gratitude concerning the insurance matters and the displacement of non-standard lines.

Councilman Schaffer asked if there had been discussion concerning opening the State for more windstorm carriers. Representative Bileca explained that some companies have expressed interest and Citizen's rolls have dropped. He stated that, unfortunately, while the State is in a better position, there is still room for improvement.

Manager Williams thanked Representative Bileca for his multi-year support for Village projects. Mayor Stanczyk thanked Representative Bileca, as well.

4. APPROVAL OF MINUTES

- A. Minutes of the Regular Council Meeting of May 5, 2014: Councilman Schaffer moved to approve the Minutes, as submitted. Seconded by Councilwoman Lindsay. All voted in favor (4-0.) The Minutes passed unanimously.

5. REQUESTS, PETITIONS AND PUBLIC COMMENTS: The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Warren Lovely, 15323 SW 74 Place; Gary Pastorella, 6940 SW 142 Terrace; Leanne Tellam 14625 SW 83 Avenue; and, Oscar Fonseca, 14250 SW 72 Avenue.

6. 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 LEHTINEN SCHULTZ RIEDI CATALANO FUENTE, PLLC, IN THE AMOUNT OF \$4,617.00; PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO INVITATION TO BID 1314-11-005 VILLAGE-WIDE TREE INVENTORY; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH E. SCIENCES, INC., TO PROVIDE VILLAGE-WIDE TREE INVENTORY SERVICES IN ACCORDANCE WITH THE URBAN AND COMMUNITY FORESTRY GRANT MEMORANDUM OF AGREEMENT; IN AN AMOUNT NOT TO EXCEED \$38,556.00; AND PROVIDING FOR AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO INVITATION TO BID 1314-11-006 EMERGENCY DEBRIS REMOVAL AND MANAGEMENT SERVICES; APPROVING THE SELECTION OF THREE CONTRACTORS TO PROVIDE EMERGENCY DEBRIS REMOVAL AND MANAGEMENT SERVICES TO THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE CONTRACT AGREEMENTS WITH BERGERON EMERGENCY SERVICES, INC., DRC EMERGENCY SERVICES, LLC, AND CERES ENVIRONMENTAL SERVICES, INC.; AND PROVIDING FOR AN EFFECTIVE DATE.

Clerk Alexander announced that no items had been timely pulled from the Consent Agenda.

Vice Mayor DuBois moved to approve the Consent Agenda Resolutions. Seconded by Councilman Schaffer. All voted in favor (4-0.) The Resolutions passed unanimously.

7. VILLAGE MANAGER'S REPORT

- A. Village Police Commander Report: Village Policing Unit Commander Gregory Truitt provided an update.
- B. Manager Williams advised that the Village is currently updating its hurricane plan. He announced that the Village has received information from Miami Dade County's Property Appraiser and expect the final numbers on July 1st.

Manager Williams announced that the Fitch Ratings had finished its review and the Village's AA status was affirmed and the Village received an AA+ general obligation bond rating. He advised that a press release was expected from New York in the near future.

Manager Williams asked Building Official Ed Silva and Parks and Recreation Director Fanny Carmona-Gonzalez to come forward. He advised that staff has been reviewing the structure of the aging community room (received from the County upon incorporation, constructed in the 1970's) at Coral Reef Park. He stressed the importance of safety in that facility and advised that the Director will begin limiting programming in the community room. He stated that emergency shoring is needed and staff is working on a comprehensive analysis for the facility, which will return to Council in early July.

Mr. Silva advised that, currently, the building is closed and the emergency shoring should be completed within the next few weeks. He explained that there are severe deficiencies with regard to connections and the de-lamination of the beams. He stated that the structural engineers have provided preliminary information concerning the significant deterioration of this building; the expense to repair and bring the matter up to code exceeds the value of this building.

Vice Mayor DuBois asked why the Village should shore up the facility, if the end result is to demolish the building.

Manager Williams concurred; however, he noting that the shoring is not a significant expense and the Village needs to make the facility safe, particularly considering hurricane season, and discuss the comprehensive plan in July.

Councilwoman Lindsay asked Director Carmona-Gonzalez to provide a 4th of July update.

Director Carmona-Gonzalez provided an update of the event, noting that the staff is receiving quotes for the event and will have an 18-20 minute firework show, with carnival rides, face painting, food vendors, and music.

8. VILLAGE ATTORNEY'S REPORT

Attorney Lehtinen announced he, or Attorney Reidi, will be present with Director Delsalle at the Environmental Quality Control Board Meeting on June 12th. He advised that there is currently a Zoning Workshop at Palmer Trinity on June 11th at 7 pm. He stated that Council members may attend and it is not a quasi-judicial hearing; however, the members of the Council should disclose their attendance at a subsequent Palmer Trinity School quasi-judicial hearing. Attorney Lehtinen advised that his Powerpoint presentation that he had provided Council with regard to the Palmer Trinity litigation was uploaded to the Village's website.

Attorney Lehtinen advised that with regard to use of private cell phones by Council, the public record laws stated that your private cell phone becomes public when you use it to perform the public business. He added that it is proper for the Council to use a private phone to conduct the public business, as well.

Manager Williams announced that Communication Manager Bill Kress has uploaded the the Fitch Rating press release on the Village's website.

Clerk Alexander announced the calendar. Mayor Stanczyk directed her to announce a Committee of the Whole workshop, which is scheduled for June 18, 2014.

Vice Mayor DuBois stated that 32 applicants sought a waiver from the Environmental Quality Control Board and those individuals should check with the Village following the June 12th, 1:30 pm hearing for the outcome.

9. BOARD AND COMMITTEE REPORTS

10. RESOLUTIONS (Items deferred – earlier in this meeting)

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; CREATING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS OF A PROPOSED AMENDMENT TO THE VILLAGE CHARTER; CREATING SECTION 10.4, OF THE VILLAGE OF PALMETTO BAY'S CHARTER; PROVIDING FOR COPIES OF THE CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE VILLAGE CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS TO PLACE THE CHARTER AMENDMENT ON THE BALLOT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Mayor Shelley Stanczyk)

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BEAUTIFICATION OF US-1 MEDIANS WITHIN THE VILLAGE OF PALMETTO BAY; FURTHER AUTHORIZING THE VILLAGE

MANAGER TO ENTER INTO AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. TO PROVIDE LANDSCAPE DESIGN SERVICES AND TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$45,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

11. RESOLUTIONS REQUIRING PUBLIC HEARING

12. ORDINANCES FOR FIRST READING (Item deferred earlier in the meeting)

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; MODIFYING 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. (Sponsored by Councilman Tim Schaffer - deferred from Regular Council Meeting of May 5th.) -- **PUBLIC HEARING REQUIRED.**

13. ORDINANCES FOR SECOND READING AND PUBLIC HEARING (Item deferred earlier in the meeting.)

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING SECTION 30-30.3(d), "ADMINISTRATIVE (DE MINIMUS) VARIANCES", TO AMEND THE ADMINISTRATIVE VARIANCE REVIEW CRITERIA AND PROCEDURES RELATING TO SHEDS AND SIMILAR ACCESSORY STRUCTURES; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. [Cosponsored by Mayor Shelley Stanczyk and Council Person Patrick Fiore]

14. OTHER BUSINESS

15. COUNCIL COMMENTS

Clerk Alexander asked if the Mayor wished to place matters on the Committee of the Whole. Mayor Stanczyk stated that she would discuss this matter with staff at a later date.

Vice Mayor DuBois expressed his sympathy to Councilman Fiore and his family in light of his father's passing.

16. NEXT MEETING AND ADJOURNMENT

The Meeting adjourned at 9:21 pm.

Prepared and submitted by:

*Meighan J. Alexander, CMC
Village Clerk*

Approved by the Village Council on this _____ day of July, 2014.

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.