

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of January 6, 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 Patrick Fiore
Council Member Tim Schaffer
Council Member Joan Lindsay

Staff present:
Village Manager Ron E. Williams
Interim Village Attorney John R. Herin, Jr.
Village Clerk Meighan J. Alexander

Mayor Stanczyk called the meeting to order at 7:06 p.m. She began the meeting with the "Proclamations, Awards, and Presentations."

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Recognition of Southwood Middle School award winners (Junior Thespians District Competition)

Mayor Stanczyk and the Council recognized students Marissa Coppola, Douglas Tellam and Connor Upshaw from Southwood Middle School for winning in two categories: character design for Ms. Coppola, and Duet Acting for Mr. Tellam and Mr. Upshaw.

- B. Arbor Day Recognition: Mayor Stanczyk joined the Council with Public Works Director Corrice Patterson and member of the Tree Advisory Board Henry Clifford to recognize Arbor Day.

Councilman Schaffer moved to table the Regular Council Meeting and return to the Local Planning Agency Meeting. Seconded by Councilman Fiore. All voted in favor. (The Local Planning Agency Meeting concluded at 8:04 pm.)

The Regular Council meeting re-convened at 8:05 pm

Vice Mayor DuBois moved to hear the public hearing concerning co-designation of SW 144 Terrace. Seconded by Councilman Schaffer. All voted in favor.

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, CO-DESIGNATING SW 144 TERRACE BETWEEN SW 68 COURT AND SW 68 AVENUE AS

“GEORGE JOHNSON WAY”; PROVIDING FOR AN EFFECTIVE DATE.
[Sponsored by Council Person Patrick Fiore].

Vice Mayor DuBois moved the item forward. Seconded by Councilman Schaffer.

Clerk Alexander advised that she had performed the research as directed by Council.

Councilman Fiore thanked the Council for their support. He stated that while he did not have the pleasure of meeting Mr. Johnson, he had read the materials and believes Mr. Johnson’s commitment to the church and his neighbors is commendable.

Mayor Stanczyk opened the public hearing. The following individuals addressed the Council: Don Noe, 6844 SW 145 Terrace; Caroline Johnson, 6842 SW 144 Terrace; Lewis Fraser, 14670 SW 69 Place; Rick Cook, 16775 SW 87 Avenue; Craig Branson, 8357 SW 182 Terrace; and, Jeanette Sullivan, 16433 SW 76 Avenue.;

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

4. APPROVAL OF MINUTES

- A. Minutes of the Local Planning Agency Meeting of December 9, 2013
- B. Minutes of the Regular Council Meeting of December 9, 2013

Clerk Alexander pointed out that there was an error on page 4 of 11 of the Regular Council Meeting minutes. She explained that Vice Mayor DuBois, not Councilwoman Lindsay had moved the item forward. She thanked Councilwoman Lindsay for informing her of the error.

Councilman Schaffer moved to approve the Minutes, as amended. Seconded by Vice Mayor DuBois. All voted in favor. The Minutes were adopted (5-0.)

5. REQUESTS, PETITIONS AND PUBLIC COMMENTS: The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace.

Councilman Schaffer stated that work is being performed on 168 Street to install guard rails on the bridge to make it safer for bicyclists. Mayor Stanczyk asked if the County is seeking to install a bridge at the end of SW 87 Avenue and SW 168 Street. Manager Williams stated that he would ask the Public Works Director to investigate.

Resident, Rick Cook, 16775 SW 87 Avenue, addressed the Council concerning the Fire Rescue Advisory Board.

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 GRAYROBINSON, P.A. IN THE AMOUNT OF \$3,459.50; PROVIDING AN EFFECTIVE DATE.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA RELATING TO STATE LEGISLATIVE SERVICES; RATIFYING AND APPROVING AN EXTENSION TO THE CONTRACT WITH RONALD L. BOOK, P.A. AND ROBERT M. LEVY FOR STATE LEGISLATIVE SERVICES IN THE AMOUNT OF \$3,500 PER MONTH FOR A ONE YEAR PERIOD; PROVIDING FOR AN EFFECTIVE DATE.

Clerk Alexander advised the Councilman Schaffer had timely pulled Item 6B. Mayor Stanczyk advised that the matter would be heard as Item 10 C.

Councilwoman Lindsay moved the Consent Agenda forward. Seconded by Vice Mayor DuBois.

Councilman Schaffer moved to approve the remaining Consent Agenda item. Seconded by Councilwoman Lindsay. All voted in favor. The Resolutions were adopted.

7. VILLAGE MANAGER'S REPORT

Manager Williams advised that the Village will be participating in the annual Martin Luther King, Jr., Parade scheduled for this Saturday, January 18th. He asked the Clerk to confirm the details with the Council. He also noted that Village Attorney proposals had been provided to all.

Village Police Commander Gregory Truitt provided a report concerning the recent status of the Village. He advised that commercial burglaries reduced 38% and residential reduced 35%, with 67 less burglaries from this year to last year.

Manager Williams advised that staff is in the process of negotiating the contract with Miami-Dade Police and the contract is expected to be presented to the Council this July.

Councilman Schaffer asked if the evaluations for the Village Attorney Services could begin at the Committee of the Whole Meeting. Clerk Alexander advised that the Committee of the Whole Meeting would be scheduled for February 19.

Vice Mayor DuBois suggested the Council Meeting of March.

Following discussion, it was determined that the evaluations would take place on February 19th, with final award at the Council Meeting of March 3rd.

8. VILLAGE ATTORNEY'S REPORT

- A. December, 2013 Report: Attorney Herin advised that he had provided his report via email.

Manager Williams advised that he and the Village Attorney will be requesting individual meetings with the members of the Council within the next week to review several issues.

9. BOARD AND COMMITTEE REPORTS: None.

10. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AD HOC ADVISORY BOARDS; APPOINTING MEMBERS TO THE EDUCATION ADVISORY BOARD; PROVIDING AN EFFECTIVE DATE.

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

Mayor Stanczyk provided a brief introduction. She nominated Leanne Tellam. Councilman Schaffer nominated Alvin Siegel.

Mayor Stanczyk stated that it is important to have individuals on this Board who are currently involved in the schools. She noted that Ms. Quick has children in the system. She stated that Mr. Siegel had previously served on an advisory board and Ms. Quick has not had an opportunity to serve.

Councilman Schaffer moved to approve Leanne Tellam. Seconded by Vice Mayor DuBois. All voted in favor.

Councilman Schaffer stated that he believes both individuals are exceptional and he requested deferring his nomination until later in the meeting.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE LOCAL PLANNING AGENCY, ADOPTING THE EVALUATION AND APPRAISAL REPORT (EAR) OF THE VILLAGE'S COMPREHENSIVE PLAN WHICH RECOMMENDS CERTAIN AMENDMENTS THERETO; AUTHORIZING TRANSMITTAL OF THE REPORT TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor DuBois moved the item forward. Seconded by Councilwoman Lindsay.

Planning & Zoning Director Darby Delsalle provided staff report.

Councilwoman Lindsay advised that she had spoken with Director Delsalle and is supportive of this effort.

Vice Mayor DuBois moved to approve the Resolution. Seconded by Councilman Schaffer. All voted in favor. The Resolution was approved unanimously (5-0.)

Councilman Schaffer moved to re-open Item 10 A. Seconded by Councilwoman Lindsay.

Councilman Schaffer moved to nominate Ms. Diane Quick as his appointment and approve the Resolution. Seconded by Councilwoman Lindsay. All voted in favor. The Resolution was approved unanimously (5-0.)

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA RELATING TO STATE LEGISLATIVE SERVICES; RATIFYING AND APPROVING AN EXTENSION TO THE CONTRACT WITH RONALD L. BOOK, P.A. AND ROBERT M. LEVY FOR STATE LEGISLATIVE SERVICES IN THE AMOUNT OF \$3,500 PER MONTH FOR A ONE YEAR PERIOD; PROVIDING FOR AN EFFECTIVE DATE. (from Consent Agenda)

Councilman Schaffer moved this item forward. Seconded by Vice Mayor DuBois.

Manager Williams provided staff report.

Councilman Schaffer expressed his dissatisfaction with the services received during Miami-Dade County Days. He stated that he does not believe the cost is worth the services rendered.

Manager Williams advised that the firm has been acting on the Village's behalf for a long time; and, during the lucrative years, total state grants were approximately \$18M in the early part of Palmetto Bay. He stated that in the last few years, the Village received \$250,000; however, the governor had vetoed this amount and the grants to many other cities.

Following brief comment, Vice Mayor DuBois stated that the lobbyists could assist with regular canal maintenance through the South Florida Water Management District. He remarked that he has not met with Mr. Book, only Mr. Levy.

Manager Williams stated that there is a formal contract with both firms; however, the Village's primary contact is Bob Levy.

Vice Mayor DuBois stated that he is aware that Mr. Book's is reputed to be one of the best lobbyists in Tallahassee.

Mayor Stanczyk advised that when she has spoken to Mr. Book, he is always well-versed of the issues facing Palmetto Bay.

Councilman Fiore remarked that the Village should consider revisiting the contract following the legislative session.

Councilman Schaffer moved to approve. Seconded by Vice Mayor DuBois. All voted in favor. The Resolution was passed unanimously (5-0.)

11. RESOLUTIONS REQUIRING PUBLIC HEARING

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, CO-DESIGNATING SW 144 TERRACE BETWEEN SW 68 COURT AND SW 68 AVENUE AS "GEORGE JOHNSON WAY"; PROVIDING FOR AN EFFECTIVE DATE. [Sponsored by Council Person Patrick Fiore]. (Heard at the commencement of the meeting.)

12. ORDINANCES FOR FIRST READING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING SECTION 30-30.6, "VARIANCES", OF THE CODE OF ORDINANCES OF PALMETTO BAY ESTABLISHING VARIANCE REVIEW CRITERIA AND PROCEDURES 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. [Sponsored by Council Person Patrick Fiore].

Councilman Fiore moved this item forward. Seconded by Vice Mayor DuBois.

Director Delsalle provided staff report.

Councilman Schaffer asked if the ordinance allows more discretion for a hardship variance. Director Delsalle stated that the ordinance allows for general compatibility and seeks harmony.

Councilwoman Lindsay expressed her concern that the general compatibility standard is subjective. She explained that the Council has already granted

administrative variance standards that are substantial. She added that a super majority vote should be considered on general compatibility.

Mayor Stanczyk concurred, adding that "harmony" is a personal opinion and lacks fairness.

Councilman Schaffer stated that he is in favor of specific criteria for the Council to follow.

Vice Mayor DuBois remarked that the variance process is subjective by definition. He noted that the genesis of this issue was the variance sought in the past by Dr. Ruben Ricardo case; the Council did not have the subjectivity to grant that variance. He stated that the Village cannot be expected to list each possible case scenario to make the policy purely objective.

Councilman Fiore noted that harmony occurs when an application comes forward and all the neighbors agree. He recalled that many members of the Council had struggled with the decision to deny the variance sought by Dr. Ricardo.

Councilwoman Lindsay asserted that the process is in place: a hardship variance, wherein special conditions peculiar to your home may qualify as a hardship.

Following brief comment, Vice Mayor DuBois moved to approve the Ordinance. Seconded by Councilman Fiore. Following roll call vote, the matter failed to pass (3 to 2, Vice Mayor DuBois and Councilman Fiore supporting.)

- B. AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ELECTIONS; REVISING SECTION 10-11, CODE OF ORDINANCES OF THE VILLAGE OF PALMETTO BAY, FLORIDA TO MODIFY THE COMPOSITION OF THE VILLAGE OF PALMETTO BAY CANVASSING BOARD; 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.

Councilman Fiore moved this item forward. Seconded by Vice Mayor DuBois.

Clerk Alexander provided staff report.

Vice Mayor DuBois moved to approve the ordinance on first reading. Seconded by Councilwoman Lindsay. All voted in favor. The ordinance passed on first reading unanimously (5-0.)

13. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING SECTION 30-30.3, "ADMINISTRATIVE (DE MINIMUS) VARIANCES", TO MODIFY THE ADMINISTRATIVE VARIANCE REVIEW CRITERIA AND PROCEDURES TO BE REFLECTIVE OF PREVAILING COMMUNITY DEVELOPMENT PATTERNS; 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. [Sponsored by Council Person Patrick Fiore]

Councilman Schaffer moved the item forward. Seconded by Vice Mayor DuBois.

Director Delsalle asked the Council to incorporate his prior report, Council comments, and public comments into this hearing.

Mayor Stanczyk opened the public hearing. Ms. Bev Gerald, 14271 SW 74 Court, addressed the Council.

Mayor Stanczyk asked how the Downtown Redevelopment Task Force future plans may be affected by this law.

Director Delsalle advised that design standards are currently in place. He noted that the proposed charter school would not be eligible for an administrative variance -- it is limited to small scale developments.

Councilwoman Lindsay asked the criteria used when considering an administrative approval. Director Delsalle replied the subjective criteria has been removed. The ordinance is drafted so that criteria is defined and a great deal of discretion has been removed.

Councilwoman Lindsay asked if an administrative variance has been requested up to the limits defined, the variance will be granted. Director Delsalle stated that up to the limits defined, there is no subjectivity if the rules are met and the neighbors do not object.

Councilwoman Lindsay stated that she had understood that Director Delsalle would have discretion. Director Delsalle stated that subjectivity is removed; if the rules and criteria are followed, the variance is automatic.

Councilman Fiore moved to incorporate staff's report, all Council and public comments from the previous Local Planning Agency Meeting, with the proposed amendment. Seconded by Vice Mayor DuBois. All voted in favor.

Councilman Fiore moved to adopt the ordinance, as amended. Seconded by Vice Mayor DuBois. The matter was adopted, following roll call vote (3-2, Mayor Stanczyk and Councilwoman Lindsay opposed.)

14. **OTHER BUSINESS:** None.

15. **COUNCIL COMMENTS**

Councilman Schafer asked how to utilize the Fire Rescue Committee.

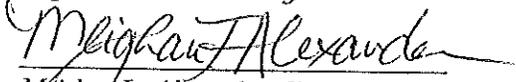
Mayor Stanczyk stated that she spoke with Chief Rick Cook and as a result of the work performed by the Committee in 2006, the Committee determined two locations; however, Miami-Dade County is responsible for fire services and will be siting the stations at either the Palmetto Bay Village Center or the USDA site.

Councilman Fiore stated that he believes rezoning may have to occur and the matter would have to come before Council.

16. **NEXT MEETING AND ADJOURNMENT**

The Meeting adjourned at 9:55 pm.

Prepared and submitted by:


Meghan J. Alexander, CMC
Village Clerk

Approved by the Village Council on this 3rd day of February, 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.