

VILLAGE OF PALMETTO BAY
Minutes of the Special Council Meeting of May 21, 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 7:40 p.m. Mayor Stanczyk led the pledge of allegiance.

2. RESOLUTION REQUIRING PUBLIC HEARING

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING IN PROGRESS PURSUANT TO SECTION 30-30.10; TO CREATE AN ORDINANCE IMPOSING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS BY THE EARLIER OF FOUR MONTHS OR THE FINAL ADOPTION OF THE VILLAGE'S REVISIONS TO THE LAND DEVELOPMENT CODE TO CREATE NEIGHBORHOOD PRESERVATION AND COMPATIBILITY REGULATIONS; THIS ZONING IN PROGRESS RESOLUTION SHALL RESULT IN THE DRAFTING OF A MORATORIUM ORDINANCE IN ORDER TO COMPLETE THE NEW NEIGHBORHOOD PRESERVATION AND COMPATIBILITY REGULATIONS; PROVIDING AN EFFECTIVE DATE. [Sponsored by Council Person Joan Lindsay].

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

Director of Planning & Zoning Darby Delsalle provided staff report, noting that the matter was raised by Councilwoman Lindsay on April 16th at a Committee of the Whole Meeting and staff was directed to bring forth a Zoning in Progress Resolution in contemplation of a moratorium. He explained that the matter was discussed on May 7th and was advertised for the May 21 meeting. Director Delsalle provided an explained of the Code Section 30-30.10, adding that the matter will require two readings.

Attorney Boutsis noted that staff is incorporating staff report and all public comments into the record from the May 7th meeting.

Councilman Lindsay asserted that the number one goal of the Comprehensive Development Master Plan, when adopted in 2005, was to provide “quality neighborhood protection.” She noted that the public hearing process is important; however, some of the development applications contain numerous conditions due to the lack of written guidelines for neighborhood protection. She explained that the proposed legislation will not remove any development order that exists and all those development orders in existence should be allowed to proceed. Councilwoman Lindsay asserted that there is also no intention to remove the public hearing process; rather, specific criteria for items that may disrupt the tranquility of the community, such as noise, lights, dust, and traffic would be addressed. She provided a history of moratoriums that had been adopted in the past. She stated that the purpose of the moratorium would be to keep the “status quo” while an ordinance is written that would define the criteria. Councilwoman Lindsay noted that this legislation is not a RLUIPA (Religious Land Use and Institutionalized Persons Act) nor a Bert J. Harris issue.

Clerk Alexander announced the public hearing decorum rules.

The following individuals addressed the Council: Stanley Kowlessar, 8360 SW 140 Drive; JB Harris, 8220 SW 180 Street; Peter England, 7620 SW 171 Street; Helen Sandow, 8260 SW 151 Street; Carol Vega, 8875 SW 178 Terrace; Francis Lake, 16041 SW 81 Avenue; Jean Button, 8625 SW 181 Terrace; Julie LaVoie, 7461 SW 175 Street; Diane Jardigan, 17120 SW 78 Avenue; Theodore Nickoleris, 15804 SW 82 Court; Tucker Cruzan, 17501 SW 92 Avenue; Aida Cruzan, 17501 SW 92 Avenue; Mimi Maldonado, 8355 SW 183 Terrace; James Woodard, 17001 SW 90 Avenue; Rainer Schael, 18171 SW 90 Court; Eugene Flinn, 8261 SW 162 Street; Sammy Flores, 18102 SW 87 Place; John Burkowski, 9260 SW 165 Street; Carol Exposito, 7700 SW 178 Street; Chuck Latshaw, 8825 SW 154 Terrace; Paula Palm, 8895 SW 152 Street; Gary Amore, 17920 SW 83 Avenue; Sally Duncan, 8700 SW 149 Terrace; Richard Duncan, 8700 SW 149 Terrace; Pamela Reid, 7201 SW 144 Street; Donna Latshaw, 8825 SW 154 Terrace; Steve Kreisher, 18201 SW 98 Avenue; Marsha Matson, 9300 SW 180 Street; Beth Kalbac, 15404 SW 74 Court; Libby Williams, 7860 SW 180 Street; Terry Vogel, 7541 SW 174 Street; Maria Stout-Tate, 8320 SW 152 Street; Eric Haas, 7406 SW 169 Terrace; Betty Pegram, 18121 SW 82 Avenue; Linda Robinson, 15605 SW 77 Court; Susan Admire, 6220 SW 180 Street; Anthony Gorman, 14140 SW 72 Avenue; Don Waters, 14610 SW 69 Avenue; Simon Ferro, 100 SE 2nd Street; Chet England, 15300 SW 80 Avenue; Gary Pastorella, 6940 SW 142 Terrace; Henry Clifford, 8875 SW 171 Street; Sandra Burkowski, 9260 SW 165 Street; Jackeline Caproon, 8285 SW 164 Terrace; Diane Lehman, 17300 SW 87 Court; William Thiel, 9100 SW 174 Street; Susan Ludovici, 7790 SW 174 Street; David Zisman, 14145 Farmer Road; Jack Fell, 7201 Mitchell Drive; Bev Gerald, 14271 SW 74 Court; Chris Salisbury, 17321 SW 87 Court; and Mike Green, 8163 SW 171 Street.

Vice Mayor Pariser remarked that the timing of this legislation is appropriate, as there are no non-residential within residential zoning applications pending. He noted that he had felt the original legislation was overly restrictive and was pleased to see the modification for properties over one acre. He stated that the number one goal is neighborhood preservation and approximately 92% of the Village’s taxable folio numbers are residential properties. Vice Mayor Pariser opined that objective standards for compatibility are necessary.

Mayor Stanczyk stated that this legislation would create equity, as all would be informed of the defined rules.

Councilman Fiore asked Councilwoman Lindsay to exempt all residential properties, churches, and schools from the legislation. She declined.

Councilman Fiore stated that when the Bert J. Harris Act was enacted, private property protection was provided to all or the property owner would be entitled to relief. He stated that there is no implied threat or legal sufficiency. He remarked that there is no overwhelming reason for a moratorium and that modifying the existing code is not an overwhelming public interest. Councilman Fiore wondered aloud what the cost of loss revenue would be. He quoted Thomas Jefferson, "I predict future happiness for Americans if they can prevent the government from wasting the labors of the people under the pretense of taking care of them."

Mayor Stanczyk remarked that this effort will not affix a cost to any homeowner.

Councilman Tendrich opined that this matter will take longer than four months and objected to have a moratorium in place while ordinances are being considered. He noted that there are already mechanisms in place to require a public hearing before the Council if non-residential use is requested in a residential district. He remarked that this legislation is "pinpointing" a small group and he objects to the matter.

Councilwoman Lindsay thanked the speakers and noted that she, Director DelSalle, and Attorney Boutsis are working on the legislation to take care of the concerns. She thanked Attorney Simon Ferro who contacted her regarding a particular piece of property and she explained that she informed him that she did not agree with his suggested exemption as the property is surrounded by a residential district and is not zoned commercial at this time. She explained that there will be a waiver process written into the ordinance so the public can request a waiver, if needed.

Attorney Boutsis stated that there should be a finding of necessity in the record. She asked Councilwoman Lindsay if she would incorporate by reference her prior statement, as her finding of necessity.

Councilwoman Lindsay stated that in the Village's land development code, there are guidelines for building commercial properties in commercial areas; however, the Village lacks guidelines for building non-residentially in residential areas. She asserted that the legislation would preserve the status quo and allow for zoning in progress and, consequently, a moratorium to allow for the drafting of an ordinance. Vice Mayor Pariser moved to support the finding of necessity. Seconded by Councilwoman Lindsay. The Motion carried 3 to 2, Councilmen Fiore and Tendrich being opposed.

Mayor Stanczyk called the question. The matter passed (3 to 2) on roll call vote, as follows: Mayor Stanczyk: Yes; Vice Mayor Pariser: Yes; Councilmember Fiore: No; Councilmember Tendrich: No; Councilmember Lindsay: Yes.

3. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 9:55 pm.

Prepared and submitted by:

*Meighan J. Alexander, CMC
Village Clerk*

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

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of June 4, 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 7:10 p.m. Mayor Stanczyk led the pledge of allegiance.

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

A. Recognition of Officers – Life Saving Award: Commander Truitt honored Officer Alex Castillo, Officer Fidel Rubido, Officer Ronald Rodriguez, and Officer Danny Torres. The officers had responded to a home and saved the life of a person who was trying to commit suicide in his vehicle by carbon dioxide poisoning.

Mayor Stanczyk thanked Commander Truitt and the officers for their diligence.

B. Eagle Scout Recognitions – Boy Scout Troop 20: Mayor Stanczyk and the Council recognized the Eagle Scouts for their commitment and hard work.

C. Silver and Gold Award Recipients – Girl Scouts: Mayor Stanczyk and the Council provided certificates and proclamations to the Girl Scouts and thanked them for their dedication to the efforts of Scouting.

3. APPROVAL OF MINUTES

A. Minutes of the Regular Council Meeting of May 7, 2012: Vice Mayor Pariser moved to approve the Minutes, as submitted. Seconded by Councilwoman Lindsay. All voted in favor. The Minutes passed 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 \$19,436.67; PROVIDING AN EFFECTIVE DATE.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO EXTEND THE SERVICES OF MR. RICHARD L. DOODY, ESQ. FOR AN ADDITIONAL PERIOD OF ONE (1) YEAR TO SERVE AS THE CODE ENFORCEMENT SPECIAL MASTER FOR THE VILLAGE OF PALMETTO BAY AT AN ESTIMATED ANNUAL COST OF \$7,000; AND PROVIDING AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO EXTEND THE SERVICES OF ROSS GIS CONSULTING, INC. FOR ONE (1) YEAR, TO PROVIDE GEOGRAPHIC INFORMATION SERVICES (GIS) TO THE VILLAGE OF PALMETTO BAY AT AN ESTIMATED ANNUAL COST OF \$9,000; AND PROVIDING AN EFFECTIVE DATE.

Clerk Alexander reported that no Council member had requested that any item be removed from the Consent Agenda.

Councilman Tendrich moved to approve the Consent Agenda. Seconded by Vice Mayor Pariser. All voted in favor. The Resolutions passed unanimously (5-0.)

5. REQUESTS, PETITIONS AND PUBLIC COMMENTS

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. Please note that each speaker has 3 minutes, when you have reached the end of three minutes, please sit down and allow someone else the opportunity to speak. State your name and address and speak clearly into the microphone.

The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Stanley Kowlessar, 8360 SW 148 Drive; David Zisman, 13535 Farmer Road; Carol Exposito, 7700 SW 178 Street; Rex Lehman, 17300 SW 87 Court; Carol Vega, 8845 SW 178 Terrace; Rick Cook, 16775 SW 80 Avenue; Peter England, of the Palmetto Bay Village Voice, PBVV, 7620 SW 171 Street; Simon Ferro, 100 SE 2 Street; Ramon Ferrer, Area Manager for Florida Power & Light; Henry Clifford, 8875 SW 171 Street; Bev Gerald, 14271 SW 74 Court; Mayor Cindy Lerner, Village of Pinecrest, 12645 S Dixie Highway; Susan Ludovici, 7790 SW 176 Street; Jacqueline Caproon, 8285 SW 164 Terrace.

6. VILLAGE MANAGER'S REPORT

A. Village Police Commander Update

Commander Truitt provided an update. Manager Williams urged the public to report any suspicious activity.

Vice Mayor Pariser thanked the Commander for his outreach and for the Crime Watch meetings. He asked that residents going on vacation consider placing a watch order on their homes.

Manager Williams provided his report, noting that the Village received projected assessment numbers for this year and the Village is up 2.18% (the Village was down 1.28% last year.) He reminded all to attend the budget workshop.

Manager Williams advised the Council that the issue of the Basin C Water and Sewer project is in the preliminary stages. He provided by boundaries and advised that this effort continues the numerous water and sewer projects that had been put in place. He noted that a paving project, commencing June 21, in the Village of Pinecrest on US-1 from SW 102 Street to SW 136th Street may impact the Village with traffic delays. He reported that the completion date is December 12th and staff will provide information in the future as it becomes available.

Clerk Alexander provided an update of the calendar: June 5 at 5:15 pm, Educational Compact Advisory Committee; June 6 at 7 pm, Budget Town Hall Meeting; June 11 at 7 pm, Committee of the Whole Meeting; July 9 at 7 pm, next Regular Council Meeting.

Manager Williams stated that he would provide information regarding the water and sewer project to the next Committee of the Whole meeting.

7. **VILLAGE ATTORNEY'S REPORT:** June, 2012 Update: Attorney Boutsis noted that her written report was provided and she was available to answer any questions. She advised that she would be attending the next Palmer Trinity hearing on June 12 at 10:30 a.m.
8. **BOARD AND COMMITTEE REPORTS:** None.
9. **RESOLUTIONS**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LOCALIZED DRAINAGE IMPROVEMENTS PHASE IV; RESCINDING THE PREVIOUSLY AUTHORIZED CONSTRUCTION SERVICES FOR DRAINAGE IMPROVEMENTS IN THE AREAS OF SW 81 AVENUE AT SW 144 STREET, SW 86 AVENUE AT SW 150 TERRACE AND SW 149 TERRACE; SW 159 TERRACE FROM SW 89 AVENUE TO END; SW 85 AVENUE AT SW 144 STREET BY QUALITY PAVING CORPORATION VIA RESOLUTION 2011-12, DATED MARCH 7, 2011; AND FURTHER, AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO

CONTRACT WITH MAGGOLC, INC. TO PROVIDE CONSTRUCTION SERVICES FOR DRAINAGE IMPROVEMENTS; CONTRACTING WITH THE SECOND LOWEST RESPONSIVE/RESPONSIBLE BIDDER ON INVITATION TO BID 2011-PW-101; AND AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$157,195.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Pariser moved this matter forward. Seconded by Councilman Fiore.

Manager Williams provided staff report, noting that this effort is not a new project; rather, the Village was dissatisfied with the contractor that had previously been awarded the contract. He noted that staff had worked with the Village Attorney to terminate the previous contractor in order to complete the work with the second lowest bidder.

Public Work Director Corrice Patterson advised that three of the seven areas were completed and four areas remain.

Mayor Stanczyk asked if staff anticipates any difficulty with projects completed by the previous contractor. Manager Williams replied that the Village is holding their bond and while staff does not anticipate any difficulty, the Village did not wish to continue with poor quality work.

Mayor Stanczyk called the question. The matter 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 MEETING SCHEDULE OF COMMITTEE OF THE WHOLE WORKSHOPS FOR THE YEAR 2012; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Shelley Stanczyk)

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

Clerk Alexander noted that there was a substituted item provided with corrected dates. Councilwoman Lindsay moved to consider the substituted item. Seconded by Vice Mayor Pariser.

Mayor Stanczyk remarked that she asked the Clerk to prepare this Resolution for ease in calendaring and scheduling the Council's workshops.

Vice Mayor Pariser asked if the five-day deadline was the procedure currently in place. Clerk Alexander replied that there is no procedure at this time.

Manager Williams advised that a five-day deadline allows administration time to provide either an answer to a Council member prior to the workshop or have the materials ready for open discussion.

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

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE GREEN CORRIDOR DISTRICT; AUTHORIZING THE EXECUTION OF AN AMENDED INTERLOCAL AGREEMENT BETWEEN THE TOWN OF CUTLER BAY AND THE VILLAGE OF PALMETTO BAY, AND ANY OTHER INTERESTED MUNICIPALITIES; PURSUANT TO 163.01 THE "FLORIDA INTERLOCAL COOPERATION ACT OF 1969", AMENDING THE INTERLOCAL AS PROVIDED UNDER STATE LAW; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Shelley Stanczyk)

Mayor Stanczyk stated that she is withdrawing this matter.

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, OPPOSING THE PROPOSED BASE RATE INCREASE BY FLORIDA POWER AND LIGHT; AUTHORIZING THE MAYOR TO FILE THIS RESOLUTION WITH THE FLORIDA PUBLIC SERVICE COMMISSION; PROVIDING FOR DISTRIBUTION BY THE VILLAGE CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Shelley Stanczyk].

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

Mayor Stanczyk reported that the proposed resolution does not include the Village joining in any litigation process nor any contribution of funds for litigation. She stated that the resolution is a policy statement that the Village does not support the rate increase.

Vice Mayor Pariser remarked that FPL has been a good corporate neighbor; however, he is not in favor of rate increase during these times. Councilman Tendrich concurred.

Councilwoman Lindsay provided a history of the rate increases permitted since 2009 and while she is sympathetic to the increased cost of construction of natural gas plants, she opined that under this current economy, she is not in favor of increasing costs to the taxpayers.

Councilman Fiore remarked that he will not be in favor of joining into litigation against Florida Power & Light.

Mayor Stanczyk stated that the step of intervening is not included this evening.

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

10. RESOLUTIONS REQUIRING PUBLIC HEARING: None at this time.

11. ORDINANCES FOR FIRST READING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, PURSUANT TO THE ENACTED ZONING IN PROGRESS RESOLUTION; CREATING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF USE WITHIN THE RESIDENTIAL ZONING DISTRICTS FOR PROPERTIES OVER AN ACRE IN SIZE FOR THE LESSER OF A FOUR MONTH PERIOD OR UNTIL SUCH TIME THAT AN ORDINANCE IS ADOPTED APPROVING NEW REGULATIONS THERETO; SUCH TEMPORARY MORATORIUM TO APPLY TO ALL PROPERTIES WITHIN THE RESIDENTIAL ZONING DISTRICTS THAT ARE OVER AN ACRE IN SIZE; EXEMPTING HEALTH, SAFETY WELFARE OR MAINTENANCE TYPE PERMITS; PROVIDING WAIVER PROVISION THROUGH HEARING BEFORE THE VILLAGE COUNCIL; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Councilwoman Joan Lindsay) **(PUBLIC HEARING REQUIRED.)**

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

Planning & Zoning Director Darby Delsalle provided staff report. He noted that staff needs direction with regard to post-ordinance adoption and what the ordinance aims to achieve. He added that staff will need to be prepared for a broader review, if necessary, and whether input from additional agencies would be needed.

Attorney Boutsis suggested that Council consider putting the matter on the Committee of the Whole Agenda in order to provide direction to staff so that a time table can be established. Councilwoman Lindsay stated that she would speak to Attorney Boutsis about the matter.

Mayor Stanczyk opened the public hearing. The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Stanley Kowlessar, 8360 SW 148 Drive; and Chet England, 15300 SW 80 Avenue.

Mayor Stanczyk advised that institutional uses with regard to zoning have existed in Miami-Dade County for many years. She stated that she did not believe this matter includes the document that was drafted in the past.

Councilwoman Lindsay stated that she is not working on the former draft of the institutional uses code. She reiterated that she is working on consistency with the current code.

The public hearing continued: Peter England, 7620 SW 171 Street; Beatrice Hermann, 17251 SW 86 Avenue; Bev Gerald, 14271 SW 74 Court; Susan Ludovici, 7790 SW 176 Street; and Warren Lovely, 15323 SW 74 Place.

Vice Mayor Pariser stated that during the hearing of May 21st, the public who addressed the Council overwhelmingly urged support of the moratorium. He noted that the moratorium does not affect lots under one acre and administrative waivers can be granted. He remarked that the zoning code must be reviewed to address the lack of regulations for non-residential uses in residential zones. Vice Mayor Pariser stated that staff reports that there are no applications pending; therefore, only future projects will be addressed.

Councilman Fiore remarked that if no one is affected, then the Village should not take this action. He stated that there has been no public workshop on this matter to receive public input. He suggested that places of worship be exempt.

Mayor Stanczyk remarked that the Council heard about this matter at a Council workshop and has sought input.

Councilman Tendrich opined that the moratorium will take longer than the estimated four months and believes that a moratorium is not necessary. He stated that he believes the items listed target schools and churches. He remarked that noise is subjective, as the recent event at Southwood to honor a young lady, Kaely Camacho, who passed away, had music and fire trucks setting off their sirens; however, members of the Council came and complaints were not received.

Councilwoman Lindsay suggested that a moratorium is necessary to prevent someone from attempting to circumvent intended regulations while the Council drafts the regulations. She remarked that this matter has been raised three times: April 16, May 7, and May 21 and no one has contacted her except Attorney Simon Ferro. She reiterated that there is a section for waivers. She noted that a fair process is needed and this will not create a hardship to the public.

Mayor Stanczyk called the question. The matter passed (3-2), with Councilmen Fiore and Tendrich being opposed.

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 PARKS AND RECREATION; AMENDING ORDINANCE NO. 09-04 TO MODIFY PARK FEES RELATING TO THE EDWARD AND ARLENE FELLER COMMUNITY ROOM AT LUDOVICI PARK; PROVIDING FOR AN ADMINISTRATIVE WAIVER FOR ALL NONPROFITS OR COMMUNITY GROUPS TO THE USE OF THE EDWARD AND ARLENE FELLER COMMUNITY ROOM, WITHOUT FEE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Council Person Patrick Fiore].

Clerk Alexander noted that Vice Mayor Pariser wished to co-sponsor this matter.

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

Attorney Boutsis provided staff report.

Councilman Fiore thanked the Vice Mayor for co-sponsoring the proposed Ordinance. He stated that he was concerned regarding the language concerning library operating hours' interference.

Attorney Boutsis stated that on Page 2, Line 31, the Council could remove the language regarding not interfering with library operating hours and allow the Manager to use his discretion.

Vice Mayor Pariser stated that he is in favor of the matter being returned to Council following six months.

Mayor Stanczyk reported that the total rental for the parks' facilities is only \$4,500 annually. Manager Williams stated that he did not believe that figure was accurate and he would provide the correct information. Mayor Stanczyk suggested that this Ordinance be expanded to include all parks' facilities.

Manager Williams stated that use of the Village's facilities can impact the budget, particularly as the Council is also considering expanding hours at Thalatta Park.

Councilman Tendrich expressed his concern with opening the facility to all non-profit groups, even those not within Palmetto Bay.

Councilwoman Lindsay suggested adding a provision that would allow the Village clubs to have a regular meeting time; rather than a first-come, first-serve consideration that may prevent the library groups from meeting regularly.

Following discussion, the public hearing was opened. The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Jacqueline Caproon, 8285 SW 164 Terrace; Susan Ludovici, 7790 SW 176 Street; Steve Kriesher, 18201 SW 98 Avenue; Maria Stout-Tate, 8320 SW 152 Street; Jerry Templer, 8120 SW 182 Street; Warren Lovely, 15323 SW 74 Place; Bev Gerald, 14271 SW 74 Court; Beatrice Hermann, 17251 SW 86 Avenue; and, Carol Vega, 8845 SW 178 Terrace.

Vice Mayor Pariser moved to amend Page 2, line 35, to end the sentence after the word "non-profits." And include a Section 4 that would indicate a report be given to the Council to determine the continuation, modification or sunseting of the program. Seconded by Councilman Fiore. All voted in favor of the amendment (5-0.)

Mayor Stanczyk called the question. A roll call vote was taken, as follows: Councilman Tendrich: yes; Councilwoman Lindsay: no; Vice Mayor Pariser: yes; Mayor Stanczyk: yes; and, Councilman Fiore: yes. The Ordinance was adopted (4 to 1.)

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL, OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING DIVISION 30-150, ENTITLED "HISTORIC PRESERVATION," OF THE VILLAGE'S LAND DEVELOPMENT CODE, TO BE CONSISTENT WITH SECTION 16A, ENTITLED "HISTORIC PRESERVATION," OF THE MIAMI-DADE CODE OF ORDINANCES, WITH REGARDS TO AUTHORITY, RESPONSIBILITIES AND CRITERIA; PROVIDING FOR A LEGISLATIVE REVIEW CLAUSE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. (Staff requests deferral to date certain of July 9, 2012)

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

Councilman Tendrich moved to defer to date certain of July 9, 2012. Councilman Fiore seconded. All voted in favor. The matter was deferred unanimously (5-0.)

- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, PURSUANT TO SECTION 30-30.7(b) RELATING TO CHAPTER 30, DIVISION 100, ENVIRONMENTAL REGULATIONS, REPEALING THE EXISTING PROVISIONS OF 30-100.6 TO REPLACE SAME WITH THE MODEL FLOODPLAIN ORDINANCE REQUIRED BY THE STATE LEGISLATURE; PROVIDING FOR RESPONSIBILITIES OF THE BUILDING OFFICIAL AS FLOODPLAIN COORDINATOR' WHICH MODIFICATIONS ARE MANDATED BY THE STATE TO BE INCLUDED IN THE VILLAGE'S ORDINANCE 30-100.6, RELATING TO SAME; ADOPTING A NEW SECTION 30-100.6; ALSO REPEALING CHAPTER 18 RELATING TO SAME; ADOPTING FLOOD HAZARD MAPS, DESIGNATING A FLOODPLAIN ADMINISTRATOR, ADOPTING PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; ADOPTING LOCAL ADMINISTRATIVE AMENDMENTS AND LOCAL TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE PERTAINING TO THE DESIGN AND CONSTRUCTION OF BUILDINGS AND STRUCTURES IN FLOOD HAZARD AREAS; PROVIDING FOR ORDINANCES IN CONFLICT, REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Staff requests deferral to date certain of September 10, 2012)

Vice Mayor Pariser moved this matter forward. Seconded by Councilman Fiore.

Councilman Tendrich moved to defer this matter to September 10, 2012. Seconded by Councilman Fiore.

Vice Mayor Pariser expressed that he is concerned that the flood audit being conducted may be delayed. Mayor Stanczyk stated that deferring this matter could delay the process.

Attorney Boutsis stated that the federal government and the State of Florida need to coordinate their efforts.

All voting in favor of deferring the matter. The matter will be deferred to September 10, 2012 (5-0.)

13. OTHER BUSINESS: None at this time.

14. COUNCIL COMMENTS

Mayor Stanczyk suggested the use of community rooms be placed on the next Council workshop agenda.

Councilman Tendrich reported that two Palmer Trinity Students won Silver Knight Awards. He stated that the Village should have given them a proclamation but was told that there were too many awards this evening. He remarked that the Village should give the awards at the next meeting. Councilman Fiore asked the Mayor if she would direct this to be done at the next meeting. Mayor Stanczyk stated that school is out for summer break when the next meeting is scheduled. Councilman Fiore replied that the Village should provide the awards, even if the students are not present to accept them.

15. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 10:05 pm.

Prepared and submitted by:

*Meighan J. Alexander, CMC
Village Clerk*

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