



VILLAGE OF PALMETTO BAY

Mayor Karyn Cunningham
Vice Mayor John DuBois
Council Member Patrick Fiore (Seat 1)
Council Member David Singer (Seat 2)
Council Member Marsha Matson (Seat 3)

Village Manager Edward Silva
Village Attorney John C. Dellagloria
Village Clerk Missy Arocha

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.

AGENDA

REGULAR VILLAGE COUNCIL MEETING

MONDAY, JANUARY 6, 2020 – 7:00 PM

(Proclamations, Awards, and Presentations will commence at 6:30 PM)

Village Hall Chambers, 9705 E. Hibiscus Street
(305) 259-1234

1. **CALL TO ORDER, ROLL CALL, INVOCATION, PLEDGE OF ALLEGIANCE, AND DECORUM STATEMENT, IN THAT ORDER:** Any person making impertinent or slanderous remarks, or who becomes boisterous, while addressing the Council may be barred from further appearance before the Council by the Mayor, unless permission to continue or again address the Council is granted by a majority vote of the Council. Applauding speakers shall be discouraged. Heckling or verbal outbursts in support or opposition to a speaker, or his or her remarks, shall be prohibited. No signs or placards shall be allowed in the Council meeting. Persons exiting the Council meeting shall do so quietly. All cellular telephones and beepers are to be silenced during the meeting.

2. **PROCLAMATIONS, AWARDS, PRESENTATIONS**
 - A. Proclamation to Director Juan Perez, MDCPD
 - B. Recognition of Officer Peter Calvert
 - C. Recognition of Officer James Sickles
 - D. Recognition of 2019 State of the Village Sponsors

3. APPROVAL OF MINUTES

- A. Regular Council Meeting (December 2, 2019)

4. CONSENT AGENDA

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE PARKS AND RECREATION AND COMMUNITY OUTREACH COMMITTEE; APPOINTING MAYOR KARYN CUNNINGHAM AS THE COUNCIL LIAISON TO THE PARKS AND RECREATION AND COMMUNITY OUTREACH COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham)*
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE TREE ADVISORY BOARD; APPOINTING MEMBER JENNA CRAWFORD TO THE TREE ADVISORY BOARD; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham)*
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE CHARTER REVISION COMMISSION; APPOINTING MEMBER TIM SCHAFFER TO THE CHARTER REVISION COMMISSION; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Village Clerk Missy Arocha)*
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE YOUTH COMMUNITY INVOLVEMENT BOARD TASK FORCE; APPOINTING MEMBER CAROLINA BRANCO TO THE TASK FORCE; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Village Clerk Missy Arocha)*
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, EXTENDING FOR NINETY (90) DAYS THE SUNSET DATE OF THE NEIGHBORHOOD PROTECTION COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember Marsha Matson)*
- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, DIRECTING THE VILLAGE MANAGER TO CONTINUE THE EFFORTS TO ACHIEVE A LOWER COMMUNITY RATING SYSTEM PROGRAM (CRS) FOR THE BENEFIT OF THE RESIDENTS OF PALMETTO BAY; REQUESTING THAT THE CONTINUANCE OF THE PROGRAM ACHIEVE THE LOWEST POSSIBLE RATING; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham)*

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO THE PALMETTO BAY POLICING UNIT, COMMUNITY OUTREACH UNIT; APPROVING FUNDING IN THE AMOUNT OF \$496 FROM THE COMMUNITY OUTREACH UNIT, OFFICER FRIENDLY BUDGET, TO OFFSET THE COST OF THE UPCOMING FIELDTRIP FOR 31 YOUTH CRIME WATCH STUDENTS FROM CORAL REEF ELEMENTARY AND HOWARD DRIVE ELEMENTARY SCHOOLS TO THE KENNEDY SPACE CENTER; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration)*
- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING THE PREPARATION OF THE VILLAGE COUNCIL AGENDA; PROVIDING THAT ANY AGENDA ITEM THAT HAS BEEN CONTINUED TWICE SHALL BE PLACED AS THE FIRST ITEM TO BE HEARD UNDER ITS RESPECTIVE SECTION OF THE AGENDA; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer and Councilmember Marsha Matson)*
- I. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; APPROVING THE PARTICIPATION OF THE VILLAGE OF PALMETTO BAY AS A SPONSOR OF THE WEST PERRINE DR. MARTIN LUTHER KING, JR., ANNUAL CELEBRATION; AUTHORIZING THE VILLAGE MANAGER TO DISBURSE UP TO \$1,000 AS PART OF THE VILLAGE'S SPONSORSHIP CONTRIBUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration)*

5. REQUESTS, PETITIONS AND PUBLIC COMMENTS

6. VILLAGE MANAGER'S REPORT

- Village-wide updates:
 - Franjo Road project
 - Natural Forest Community Designation (NFC)
 - Recap of upcoming issues
 - Village Manager's farewell
- Village Police Commander Report

7. VILLAGE ATTORNEY'S REPORT

- Litigation update
- Memorandum relating to Village laws and procedures

8. VILLAGE CLERK'S REPORT

- Calendar update
- Council's legislative travel to Tallahassee

9. BOARD AND COMMITTEE REPORTS - Minutes provided for Council's information, in lieu of verbal reports:

- A. Education Advisory Board (November 18, 2019)
- B. Parks & Rec. and Community Outreach Committee (October 29, 2019)

10. RESOLUTIONS WITH PUBLIC COMMENT

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, HIRING _____ AS THE PROFESSIONAL EXECUTIVE SEARCH FIRM FOR THE SOLICITATION OF CANDIDATES FOR THE POSITION OF VILLAGE MANAGER, AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Village Attorney John Dellagloria and Village Clerk Missy Arocha)*
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ADVISORY BOARDS AND COMMITTEES; ESTABLISHING A COMMITTEE FOR THE SELECTION OF THE PERMANENT VILLAGE MANAGER; DIRECTING THE COMMITTEE TO REVIEW THE FINALISTS AND MAKING A RECOMMENDATION TO THE VILLAGE COUNCIL; THE COMMITTEE SHALL SUNSET IMMEDIATELY FOLLOWING THE RECOMMENDATION MADE TO THE VILLAGE COUNCIL, AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham)*
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRAFFIC; PETITIONING MIAMI-DADE COUNTY TO UPDATE THEIR TRAFFIC PLAN, SPECIFICALLY AS IT RELATES TO CONNECTIVITY FOR THE VILLAGE OF PALMETTO BAY; RESCINDING ALL PREVIOUS RESOLUTIONS AGAINST BRIDGING; PROPOSING STUDIES FOR CONNECTIVITY IN PALMETTO BAY AND ALL OF SOUTH MIAMI-DADE AND IDENTIFYING A FUNDING SOURCE FOR THE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from November 4 & December 2, 2019)*
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PRIVATE DEVELOPMENT PROJECTS; AMENDING RESOLUTION 2018-14; REQUIRING THAT A POTENTIAL DEVELOPER MAKES A PRESENTATION AT A MEETING BEFORE THE GENERAL PUBLIC

REGARDING A PROPOSED DEVELOPMENT PROJECT FOR THE PURPOSE OF DISCUSSING THE PROJECT PARAMETERS AND CHARACTERISTICS AND TO RESPOND TO QUESTIONS AND INQUIRIES FROM THE RESIDENTS; PROVIDING THAT SUCH A MEETING SHALL BE AT LEAST TWO WEEKS PRIOR TO COUNCIL DELIBERATIONS ON SAID PROPOSED PROJECT; PROVIDING THAT ALL RELEVANT QUESTIONS BY RESIDENTS MAY BE ASKED AT THE MEETING; PROVIDING FOR FACILITATION OF THE MEETING BY THE VILLAGE PUBLIC INFORMATION OFFICER; REQUIRING ANSWERS TO BE GIVEN BY STAFF AND THE DEVELOPER RELEVANT TO THE PROPOSED PROJECT; REQUIRING AT LEAST 7-DAYS NOTICE FOR THE MEETING; REQUIRING THAT ALL SUCH MEETING TAKE PLACE ON THE EVENING OF A REGULAR SEMESTER SCHOOL DAY OF THE MIAMI-DADE PUBLIC SCHOOLS; AND TEMPORARILY SUSPENDING A DEVELOPER MEETING DURING TIMES WHEN THE VILLAGE HAS A DEVELOPMENT MORATORIUM AND/OR A ZONING IN PROGRESS RESOLUTION IN EFFECT FOR THE PROPERTY TO BE DEVELOPED; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. *(Sponsored by Councilmember Marsha Matson)*
(Deferral from September 9, September 23, October 7, November 4, & December 2, 2019)

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, PROVIDING THE REQUIRED THIRTY (30) DAY NOTICE TERMINATING THE AGREEMENT FOR PROFESSIONAL AUDITING SERVICES WITH CABALLERO, FIERMAN, LLERENA & GARCIA, LLP; AUTHORIZING THE RETENTION OF A NEW FIRM TO PERFORM THE 2018-2019 FISCAL YEAR AUDIT FOR THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Vice Mayor John DuBois)*

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE INTERIM VILLAGE MANAGER TO RETAIN AN INDEPENDENT AUDITING FIRM TO REVIEW REVENUE AND EXPENDITURES FOR VILLAGE FISCAL YEARS 2016-17, 2017-18, 2018-19 AND 2019-20; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham)*

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE ENERGY EFFICIENCY GRANT AND INSTALLATION OF ENERGY EFFICIENT LIGHTING AT CORAL REEF AND PALMETTO BAY PARKS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE ATTACHED CHANGE REQUEST WITH AMERICAN ENERGY SERVICES (AES); FURTHER AUTHORIZING THE VILLAGE MANAGER TO APPROVE THIS AND SUBSEQUENT CHANGE

ORDERS AND EXPENDITURE OF PROJECT GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$250,000 AS APPROVED IN RESOLUTION 2019-26; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration) (Deferral from December 2, 2019)*

- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE MIAMI-DADE COUNTY TRANSIT ONE-HALF (1/2) CENT SALES TAX FOR TRANSIT; DIRECTING THE VILLAGE ATTORNEY TO FILE A MOTION FOR THE VILLAGE TO INTERVENE AS PLAINTIFF IN THE EXISTING LAWSUIT CHALLENGING THE ILLEGAL DIVERSION OF REVENUE RAISED BY THE VOTER-APPROVED TRANSIT ONE-HALF (1/2) CENT SALES TAX; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9, September 23, October 7, November 4, & December 2, 2019)*
- I. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO A PROJECT TO COMMEMORATE THE 100TH ANNIVERSARY OF THE PASSAGE OF THE WOMEN'S SUFFRAGE AMENDMENT TO THE U.S. CONSTITUTION, DIRECTING THE VILLAGE MANAGER TO DIRECT THE PUBLIC INFORMATION OFFICER TO CONDUCT VIDEO INTERVIEWS OF PERSONS KNOWLEDGEABLE OF WOMEN'S LIVES AND POLITICAL PARTICIPATION IN THE PALMETTO BAY AREA IN THE EARLY 1900s, AND INTERVIEWS OF CURRENT AND PAST PALMETTO BAY WOMEN MAYORS AND COUNCILPERSONS, AND INSTRUCTING THE PUBLIC INFORMATION OFFICER TO PREPARE A VIDEO PRESENTATION TO BE POSTED ON THE VILLAGE WEBSITE, AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember Marsha Matson) (Deferral from November 4 & December 2, 2019)*
- J. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, WITH ATTACHMENT(S), SUPPORTING _____ CONCEPT OF THE BETTER BUS PROJECT REDESIGN OF COUNTY BUS NETWORK; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham) (Deferral from December 2, 2019)*
- K. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE STORMWATER MASTER PLAN; APPROVING THE SELECTION OF KIMLEY-HORN AND ASSOCIATES, INC., TO UPDATE THE VILLAGE'S STORMWATER MASTER PLAN; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH SAID COMPANY AND ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$84,500; AND PROVIDING AN EFFECTIVE DATE.

(Sponsored by Administration) (Deferral from October 7, November 4, & December 2, 2019)

- L. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; APPROVING THE PROPOSED MASTER PLAN COMPONENTS FOR LUDOVICI PARK ON AN ITEM BY ITEM BASIS FROM RECOMMENDATIONS LISTED HEREIN; PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration) (Deferral from October 7, November 4, & December 2, 2019)*

- M. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; APPROVING THE PROPOSED MASTER PLAN COMPONENTS FOR PERRINE WAYSIDE “DOG PARK” ON AN ITEM BY ITEM BASIS FROM RECOMMENDATIONS LISTED HEREIN; PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration) (Deferral from November 4 & December 2, 2019)*

- N. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO FORM A TRAFFIC TASK FORCE TO STUDY AND MAKE RECOMMENDATIONS TO RELIEVE TRAFFIC CONGESTION AND TRAFFIC PATTERNS IN THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from December 2, 2019)*

- O. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; APPROVING THE ANNUAL “PALMETTO BAY INDEPENDENCE DAY CELEBRATION” ON JULY 4TH, 2020; AUTHORIZING THE VILLAGE MANAGER TO ALLOCATE AND EXPEND UP TO \$42,500 NET FUNDING FOR EXPENSES RELATED TO THE ANNUAL EVENT; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration) (Deferral from December 2, 2019)*

- P. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REQUESTING ADMINISTRATION TO APPROACH MIAMI-DADE COUNTY TO COMPLETE THE BICYCLE NETWORK IN THE COMMUNITY; BRING BACK OPTIONS ON DESIGN AND FUNDING NO LATER THAN 90-DAYS FROM APPROVAL WITH OPTIONS ON HOW TO IMPLEMENT SAID BICYCLE NETWORK; NETWORK SHALL CONSIST OF EAST-WEST CONNECTIVITY ON SW 152ND STREET, SW 168TH STREET, SW 184TH STREET AND NORTH-SOUTH CONNECTIVITY ON SW 77TH AVENUE AND SW 87TH AVENUE; AUTHORIZING THE VILLAGE MANAGER TO BEGIN A DIALOGUE WITH MIAMI-DADE COUNTY, PROVIDE COST ESTIMATES TO THE VILLAGE COUNCIL; AND

PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9, September 23, October 7, November 4, & December 2, 2019)*

Q. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING VILLAGE PARK FACILITIES; DIRECTING THE MANAGER TO RECOMMEND TO THE VILLAGE COUNCIL AN ARCHITECT WITH AN ASSOCIATED PROPOSED CONCEPT FOR DRAWING CONSTRUCTION PLANS TO REPLACE THE CORAL REEF PARK RECREATION BUILDING; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9, September 23, October 7, November 4, & December 2, 2019)*

R. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING THE VILLAGE VETERANS' PARK; DIRECTING THE MANAGER TO RECOMMEND TO THE VILLAGE COUNCIL AN APPROPRIATE DESIGN PROFESSIONAL (ARCHITECT, PARK PLANNER, OR OTHER APPROPRIATE PROFESSIONAL) WITH AN ASSOCIATED PROPOSED CONCEPT FOR DRAWING DESIGN AND/OR CONSTRUCTION PLANS FOR THE VILLAGE VETERANS' PARK; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9, September 23, October 7, November 4, & December 2, 2019)*

S. *(Alternate A)*
A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO A COMMUNITY CENTER ON VILLAGE-OWNED PROPERTY; DIRECTING THE MANAGER TO PREPARE A RECOMMENDED PLAN FOR THE DEVELOPMENT OF A COMMUNITY CENTER ON THE PROPERTY OWNED BY THE VILLAGE (FORMER SCHOOL SITE) IN THE DOWNTOWN URBAN VILLAGE (DUV) ZONING DISTRICT (EAST OF AND NEAR VILLAGE HALL); AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9, September 23, October 7, November 4, & December 2, 2019)*

(Alternate B)
A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SALE OF VILLAGE-OWNED PROPERTY; DIRECTING THE MANAGER TO DEVELOP A RECOMMENDED PLAN FOR THE SALE OF THE PROPERTY OWNED BY THE VILLAGE (FORMER SCHOOL SITE) IN THE DOWNTOWN URBAN VILLAGE (DUV) ZONING DISTRICT (EAST OF AND CLOSE TO VILLAGE HALL); AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer)*

(Deferral from September 9, September 23, October 7, November 4, & December 2, 2019)

11. RESOLUTIONS REQUIRING PUBLIC HEARING

12. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

- A. AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CHAPTER 15 OF THE VILLAGE OF PALMETTO BAY'S CODE OF ORDINANCES ENTITLED "ENVIRONMENT", BY ADDING SECTION 15-2 STYLED "BIRD SANCTUARY", AND ESTABLISHING THE VILLAGE AS A BIRD SANCTUARY; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Item 12A has been replaced by item 13C on First Reading)*
- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING SECTION 30-30-.11 (f) OF THE VILLAGE'S ZONING CODE STYLED "WEBSITE NOTICE" BY EXEMPTING PORTIONS OF CURRENT APPLICATIONS THAT ARE NON-COMPLIANT WITH THE AMERICANS WITH DISABILITIES ACT (ADA) FROM BEING PART OF THE ENTIRE APPLICATION REQUIRED TO BE POSTED ON THE VILLAGE'S WEBSITE; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. *(Sponsored by Vice Mayor John DuBois and the members of the Village Council)*

13. ORDINANCES FOR FIRST READING WITH PUBLIC COMMENT

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO FUND BALANCE POLICY; IDENTIFYING THE FUND BALANCE LEVEL TO ENSURE UNINTERRUPTED OPERATIONS FOR THE VILLAGE GOVERNMENT; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. *(Sponsored by Administration) (Deferral from December 2, 2019)*
- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CAPITAL ASSET FUNDING POLICY; IDENTIFYING FUNDING FOR CAPITAL ASSETS/PROJECTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. *(Sponsored by Administration) (Deferral from December 2, 2019)*
- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CHAPTER 15 OF THE VILLAGE OF PALMETTO BAY'S CODE OF ORDINANCES

ENTITLED "ENVIRONMENT", BY ADDING SECTION 15-2 STYLED "BIRD SANCTUARY"; ESTABLISHING THE VILLAGE AS A BIRD SANCTUARY; PROVIDING FOR DEFINITIONS, PROVIDING FOR PENALTIES, AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer)*

14. OTHER BUSINESS

15. COUNCIL COMMENTS

16. NEXT MEETING AND ADJOURNMENT

WE, THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, HEREBY COMMIT OURSELVES TO MAINTAINING CIVILITY IN OUR PUBLIC AND POLITICAL DISCOURSE AND PLEDGE TO THE FOLLOWING PRINCIPLES:

- We will respect the right of all citizens in our community to hold different opinions;
- We will avoid rhetoric intended to humiliate or question the wisdom of those whose opinions are different from ours;
- We will strive to understand differing perspectives;
- We will choose our words carefully;
- We will speak truthfully without accusation and we will avoid distortion;
- We will speak out against violence, prejudice, and incivility in all of their forms, whenever and wherever they occur

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.



MINUTES
REGULAR VILLAGE COUNCIL MEETING
MONDAY, DECEMBER 2, 2019 – 7:00 PM

(Proclamations, Awards, and Presentations will commence at 6:30 PM)
 Village Hall Chambers, 9705 E. Hibiscus Street, Palmetto Bay, FL 33157

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

Recognitions and presentations were held at approximately 6:30 p.m.

- A. Swearing-in of Charter Official John C. Dellagloria
- B. Recognition of Zio Artu Restaurant (formerly known as Julio's)
- C. Presentation of State Representatives:
 - o Senator Jose Javier Rodriguez (District #37)
 - o Representative Vance Aloupis, Jr., (District #115)
 - o Representative Javier Fernandez (District #114)

1. **CALL TO ORDER, ROLL CALL, INVOCATION, PLEDGE OF ALLEGIANCE, AND DECORUM STATEMENT, IN THAT ORDER:** Any person making impertinent or slanderous remarks, or who becomes boisterous, while addressing the Council may be barred from further appearance before the Council by the Mayor, unless permission to continue or again address the Council is granted by a majority vote of the Council. Applauding speakers shall be discouraged. Heckling or verbal outbursts in support or opposition to a speaker, or his or her remarks, shall be prohibited. No signs or placards shall be allowed in the Council meeting. Persons exiting the Council meeting shall do so quietly. All cellular telephones and beepers are to be silenced during the meeting.

Following recognitions and presentations, Mayor Cunningham called the meeting to order at approximately 7:02 p.m.

The following members of the Village Council were present during roll call:

Mayor Karyn Cunningham
 Vice Mayor John DuBois
 Councilmember Patrick
 Councilmember David Singer
 Councilmember Marsha Matson

The following Charter Officials were in attendance:

Village Attorney John C. Dellagloria
 Village Manager Edward Silva
 Village Clerk Missy Arocha

The Invocation was led by Rabbi Gansburg (Chabad at Palmetto Bay & Deering Bay).

The pledge of allegiance was led by Rabbi Gansburg.

Mayor Cunningham disposed the decorum statement.

Vice Mayor DuBois ***motioned*** for a Special Council Meeting on Friday, December 6, 2019 at 10:00 a.m. for the purposes of negotiating the contract for the Interim Village Manager, Gregory Truitt. The motion was ***seconded*** by Councilmember Singer. Following Council discussion, the ***motion passed (4-1)***; Councilmember Singer voting in opposition.

3. APPROVAL OF MINUTES

Councilmember Fiore ***motioned*** to approve the minutes. The motion was ***seconded*** by Councilmember Singer. All voted in favor (5-0). The ***minutes were approved unanimously.***

- A. Special Council Meeting I (October 17, 2019)
- B. Special Council Meeting II (October 17, 2019)

4. CONSENT AGENDA

Clerk Arocha reported that items 4A, 4B, 4C, and 4D were timely pulled from the consent agenda. Mayor Cunningham reported that the items from the consent agenda were going to be heard in the beginning of Resolutions with Public Comment. No objections from the Council were received to hear the items first.

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING PARKS AND RECREATION; AUTHORIZING THE USE OF CORAL REEF PARK AT NO COST ON DECEMBER 8, 2019 TO DEPARTMENT OF THE ARMY B CO, 377TH MILITARY INTELLIGENCE BATTALION FOR THE PURPOSE OF CONDUCTING A FAMILY READINESS GROUP SUPPORT EVENT; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration)*

Item 4A was pulled from the Consent Agenda.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING PARKS AND RECREATION; AUTHORIZING THE USE OF CORAL REEF PARK AT NO COST ON DECEMBER 22, 2019 TO CHABAD OF PALMETTO BAY AND DEERING BAY, INC. FOR THE PURPOSE OF CONDUCTING A CHANUKAH CELEBRATION; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration)*

Item 4B was pulled from the Consent Agenda.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING PARKS AND RECREATION; AUTHORIZING THE USE OF THALATTA ESTATE AT NO COST ON DECEMBER 20, 2019 TO NICKLAUS CHILDREN'S HOSPITAL FOR THE PURPOSE OF CONDUCTING A NCHS EMPLOYEE RECOGNITION EVENT; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration)*

Item 4C was pulled from the Consent Agenda.

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING PARKS AND RECREATION; AUTHORIZING THE USE OF CORAL REEF PARK AT NO COST ON JANUARY 26, 2020 TO CHILDREN FOR CHILDREN, INC. FOR THE PURPOSE OF CONDUCTING A FUNDRAISING RUN/WALK; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration)*

Item 4D was pulled from the Consent Agenda.

5. REQUESTS, PETITIONS AND PUBLIC COMMENTS

The following members of the public addressed the Village Council during public comments:

- Eric Tullberg (7884 SW 179th Terrace) – urged the Council to support cycling and walking in Palmetto Bay; reported that on SW 164th Street (in front of Veterans' Park) there was no existing sidewalk, but a sidewalk was recently built, including the addition of trees; thankful for the updates made to the Veterans' park; stated that a bike map is not on the Village website and encouraged that it be placed on the website; bike map is useful to cyclists; urged the Council to implement a Courteous Palmetto Bay Campaign, a document that can form the basis of a campaign for road users (car, bike, or pedestrian) – to make our commute more pleasant.
- Gary Pastorella (6940 SW 68th Court) – not in favor of Councilmember Singer negotiating the contract for the Interim Village Manager, Gregory Truitt; reported that party house located at 14201 Old Cutler Road had numerous complaints, totaling to 26 and urged that the issue be addressed; spoke in opposition to item 10F and urged the Council to oppose bridging and connectivity.
- Jessica Melvin (11601 SW 68th Court) - spoke on behalf of Children for Children and urged the Council to approve authorizing the use of Coral Reef Park at no cost on January 26, 2020 to the organization Children

to Children for the purposes of conducting a fundraising run/walk event dedicated to restoring the lives of children from newborn to 18 years of age.

- James Woodard (17001 SW 90th Avenue) – urged the Council to accommodate those people that cannot stay for the duration of the entire meeting by letting them speak during open comments, particularly during Ordinances; he urged the Council to allow people to speak on the item regarding bird sanctuaries.
- Heidi Sanchez (8825 SW 178th Terrace) – spoke in support of item 13C relating to Bird Sanctuary Ordinance on First Reading.
- Jennifer Santino Finger (14621 SW 78th Avenue) – spoke in support of item 13C relating to Bird Sanctuary Ordinance on First Reading.
- Debbie Hutchins (16100 SW 87th Avenue) – spoke in opposition to item 10F regarding petitioning Miami Dade County to update their traffic plan as it relates to connectivity for all South Miami Dade.
- Norman Peiser (7400 SW 170th Terrace) – spoke in support of item 4B, Chabad of Palmetto Bay and Deering Bay for the purposes of conducting a Chanukah celebration at Coral Reef Park.
- Christian Rato (17240 SW 89th Court) – spoke in opposition to no-left turn signs on SW 87th Avenue urged the Council to work with the county to find a solution for traffic
- Vitality Falkovitch (9280 SW 167th Terrace) – spoke in support of the Village’s policing unit and thanked them for their service.
- Patricia Rodriguez (8420 SW 181st Street) - reported that neighborhoods are being destroyed by traffic, sidewalks and easements in the Village does not exist; spoke in support of bridging and connectivity; in favor of a bird sanctuary.
- Madeline Roman (9383 SW 182nd Street) – spoke in opposition to item 10C and urged the Council to vote against the purchase of additional speed humps; reported that speed bumps create loud noises produced by the speeding cars in the neighborhoods; spoke in opposition to item 10F – the study that was done by Marlin was done inaccurately, the bridge that will be handled by the county --- putting no right turn signs is going to affect everyone else (ex. 94th avenue); opposed to the Freebee.
- David Keebler (7680 SW 170th Street) – spoke in opposition to item 10F and urged the Council to vote against bridging in the community, particularly on SW 77th Avenue.

- Beverly Gerald (14271 SW 74th Court) – spoke in opposition to item 10F and urged the Council to vote against bridging in the Village.
- Carl Crawford (7760 SW 175th Street) – reported that he recently moved to the community and urged the Council to vote in opposition to bridging in the Village.
- Mayade Ersoff (8270 SW 163rd Street) - reported that she has been requesting speed bumps since 2016 and wants permanent speed bumps on her street and to date, no speed bumps have been installed on her street.
- Ray Perez (7620 SW 168th Terrace) – spoke in opposition to bridging in the Village.
- Richard Rusak (17602 SW 84th Avenue) – spoke in support of item 10D, no right turns signs would help alleviate traffic in the Malbrook neighborhood.; however, the signs need to be on SW 87th, not SW 168th.

6. VILLAGE MANAGER'S REPORT

Public Services Director Dionisio Torres provided an update on the Franjo Road project. Following his report, he answered questions raised by the Council together with Manager Silva.

Major Maria Guerra provided the Village Police Commander Report for the month of November 2019.

7. VILLAGE ATTORNEY'S REPORT

Attorney Dexter Lehtinen provided an update on the Luxcom litigation.

Attorney Dellagloria reported that the legal services bill from Schultz Riedi Catalano and Fuente PLLC for the months of August, September, and October 2019 in the amount of \$64,915 was not incorporated onto the agenda; however, he urged the Council to incorporate the proposed Resolution he handed out onto the record for approval.

Councilmember Matson ***motioned*** to incorporate and approve the Resolution relating to Attorneys' fees from Schultz Riedi Catalano and Fuente PLLC for the months of August, September, and October 2019 in the amount of \$64,915. The motion was ***seconded*** by Councilmember Singer. ***All voted in favor (5-0). The motion passed unanimously.***

Attorney Dellagloria provided an update on the Indigo litigation particularly the stipulation for dismissal and reported that the parties of the action have agreed to dismiss the appeal by getting rid of the case. He urged the Council to give him the authority to move forward on the matter.

Vice Mayor DuBois recused himself from the discussion.

Councilmember Matson ***motioned*** to dismiss the appeal on the matter relating to the Indigo litigation as described by Attorney Dellagloria. The motion was ***seconded*** by Councilmember Fiore. ***All voted in favor (4-0)***; Vice Mayor DuBois being absent.

8. VILLAGE CLERK'S REPORT

Clerk Arocha provided a calendar update, a public records request update, and an update on the Passport Acceptance Facility.

Following the Clerk's Report, Councilmember Matson ***motioned*** to hear agenda items 13D, 10E, and 10C out of order. The motion was ***seconded*** by Vice Mayor DuBois. ***All voted in favor (5-0). The motion passed unanimously.***

9. BOARD AND COMMITTEE REPORTS - Minutes provided for Council's information, in lieu of verbal reports:

- A. Art in Public Places Advisory Board (September 18, 2019)
- B. Neighborhood Protection Committee (October 23, 2019)
- C. Parks & Rec. Community Outreach Committee (September 23, 2019)

Chris Olson, Chair of the Parks & Rec. and Community Outreach Committee explained the recommendations that were approved by the committee for the Wayside Park. He also explained that all the items listed on the presentation for Ludovici Park were approved by the committee. He stated that the committee is in favor of monthly meetings for 2020 and urged the Council to vote in opposition to item 10T relating to design and construction plans for the Veterans' park.

- D. Tree Advisory Board (October 21, 2019)

Henry Clifford, Chair of the Tree Advisory Board reported that he went over to Coral Reef Elementary School and met with enthusiastic children and urged the Council to designate the Coral Reef Park Pineland area as MDC provided approval. He reported that the designation will help and protect the designation to control that property in the Village.

- E. Veterans' Park Task Force (September 18, 2019)

Tony Musto, Chair of the Community Center Task Force provided an update of the final findings of the task force and spoke in support of a buildable community center for the Village. He reported that the Task Force is not in favor of selling back the land.

Councilmember Singer ***motioned*** to hear and move forward the consent agenda items prior to items 13D, 10E, and 10C. The motion was ***seconded*** by Councilmember Fiore. ***All voted in favor (5-0). The motion passed unanimously.***

CONSENT AGENDA ITEM 4A:

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING PARKS AND RECREATION; AUTHORIZING THE USE OF CORAL REEF PARK AT NO COST ON DECEMBER 8, 2019 TO DEPARTMENT OF THE ARMY B CO, 377TH MILITARY INTELLIGENCE BATTALION FOR THE PURPOSE OF CONDUCTING A FAMILY READINESS GROUP SUPPORT EVENT; AND PROVIDING AN EFFECTIVE DATE. (*Sponsored by Administration*)

Item 4A was moved by Councilmember Singer. Seconded by Councilmember Fiore.

Parks & Rec. Director, Fanny Carmona answered questions raised by Councilmember Singer on the proposed Resolution.

Following no objections from the Council on the Resolution, Mayor Cunningham called the question in favor of the Resolution. ***All voted in favor (4-0); Vice Mayor DuBois being absent. The Resolution passed unanimously.***

CONSENT AGENDA ITEM 4B:

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING PARKS AND RECREATION; AUTHORIZING THE USE OF CORAL REEF PARK AT NO COST ON DECEMBER 22, 2019 TO CHABAD OF PALMETTO BAY AND DEERING BAY, INC. FOR THE PURPOSE OF CONDUCTING A CHANUKAH CELEBRATION; AND PROVIDING AN EFFECTIVE DATE. (*Sponsored by Administration*)

Item 4B was moved by Councilmember Singer. Seconded by Councilmember Fiore.

Parks & Rec. Director, Fanny Carmona answered questions raised by Councilmember Singer on the proposed Resolution.

Following no objections from the Council Resolution, Mayor Cunningham called the question in favor of the Resolution. ***All voted in favor (5-0). The Resolution passed unanimously.***

CONSENT AGENDA ITEM 4C

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING PARKS AND RECREATION; AUTHORIZING THE USE OF THALATTA ESTATE AT NO COST ON DECEMBER 20, 2019 TO NICKLAUS CHILDREN'S HOSPITAL FOR THE PURPOSE OF CONDUCTING A NCHS EMPLOYEE RECOGNITION EVENT; AND PROVIDING AN EFFECTIVE DATE. (*Sponsored by Administration*)

Item 4C was moved by Councilmember Fiore. Seconded by Councilmember Singer.

Village Manager Edward Silva answered questions raised by the Council on the proposed Resolution.

Following no objections from the Council on the Resolution, Mayor Cunningham called the question in favor of the Resolution. ***The Resolution failed (2-3); Councilmember(s) Fiore, Singer, and Matson voting in opposition.***

CONSENT AGENDA ITEM 4D

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING PARKS AND RECREATION; AUTHORIZING THE USE OF CORAL REEF PARK AT NO COST ON JANUARY 26, 2020 TO CHILDREN FOR CHILDREN, INC. FOR THE PURPOSE OF CONDUCTING A FUNDRAISING RUN/WALK; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration)*

Item 4D was moved by Councilmember Singer. Seconded by Councilmember Fiore.

Councilmember Singer spoke in support of the item and reported that he would like to make a monetary contribution to the organization.

Following no objections from the Council on the Resolution, Mayor Cunningham called the question in favor of the Resolution. ***All voted in favor (5-0). The Resolution passed unanimously.***

RESOLUTIONS – ITEM 10E; OUT OF ORDER

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE PLACEMENT OF MATERIALS ON THE VILLAGE WEBSITE TO BE COMPLIANT WITH THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT("ACT"); DIRECTING THE VILLAGE MANAGER TO INSURE COMPLIANCE WITH THE ACT WITHIN THE NEXT SIX (6) MONTHS, AND THEREAFTER TO PLACE ON THE VILLAGE WEBSITE ALL VILLAGE COUNCIL MEETINGS DOCUMENTS SINCE JANUARY 1, 2016; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilwoman Marsha Matson)*

Item 10E was moved by Councilmember Matson. Seconded by Councilmember Singer.

Councilmember Matson reported that the purpose and intent of the Resolution is to make the Village website compliant with the Americans with Disabilities Act. She spoke in favor of amending the proposed Resolution to three months versus six months, including hiring a Village employee or consultant with knowledge and experience to make the website compliant with ADA requirements. She explained that the approval of the Resolution would require all Council materials to be placed on the website, specifically Resolutions and supporting documents dating back to 2016-present.

She also explained that the Village of Islamorada has an ADA web accessible site, including a specialized ADA coordinator, Section 504 coordinator, and a developed ADA Grievance Procedure and designated web accessibility response team to address concerns. She urged that their website be used as a tool for the future development of the Village's website.

Councilmember Singer spoke in support of the Resolution; however, he stated that none of the costs associated with the Resolution are included in the Village's approved budget. He recommended that all costs associated with the Resolution, including the proposal of allocating a new employee for the effort, should come back to the Council for consideration.

Vice Mayor DuBois spoke in support of viewing the numbers associated with the Resolution and consider a budget amendment midway through the fiscal year. He also spoke in support of not waiting several months to restore the Village website, he prefers to restore the website although materials are not ADA compliant and is in favor of facing suit if a litigation may arise on the matter with the courts.

Attorney Dellagloria provided a legal explanation on non-compliant ADA materials and reported that the Village is taking the appropriate steps to move forward on meeting compliance regulations. He also reported that the Council may direct staff to restore the website even if materials are not compliant and that he will defend the Village if a suit arises.

Vice Mayor DuBois ***motioned*** to amend the Resolution to include that the Village Clerk shall as quickly as possible restore the entire historical content to the website and on a going forward basis continue to put non-ADA compliant material on the website for the sake of transparency in conjunction with the rest of the language of the Resolution so that if it does go to litigation, the Village has something to stand on to make every effort to making the website compliant as quickly as possible. The motion was ***seconded*** by Councilmember Matson.

Clerk Arocha questioned the type of content that the motion relates to. She explained that the Village Clerk's office is not responsible for all the content of the Village website.

Vice Mayor DuBois responded all the material that was taken off the website as a result of the ADA compliance issue and all of the material between that time and now that you couldn't put on the website due to the ADA issue.

Clerk Arocha asked if she may get authorization to work with the communications division to restore the website.

Vice Mayor DuBois responded that the authorization is implied on the amendment.

Councilmember Singer questioned if the proposed Resolution follows the proper rules of procedures regarding the spending and allocation of funds without it being budgeted in the approved budget.

Manager Silva responded that budget allocations may be done, but they must state from where (i.e., reserves). He also responded that any employee that Council decides to add has to be done through a modification of the budget to add that employee in.

Attorney Dellagloria explained that if the Council chooses to select a consultant instead of an employee that three proposals that include pricing may be sought to forgo the RFP process. He used the Professional Executive Search Firm process as an example during his explanation.

Vice Mayor DuBois ***motioned*** to amend his prior motion to include that three proposals from outside firms be sought to assist in achieving website compliance.

Councilmember Singer urged that the motion specify where the money will come from (i.e., reserves).

Vice Mayor DuBois ***re-amended his motion*** to include that three proposals from outside firms be sought to assist in achieving website compliance and that that any money spent will be spent from reserves (funds will be expended from unrestricted general funds reserves). The motion was ***seconded*** by Councilmember Matson. ***All voted in favor (5-0). The motion passed unanimously.***

Councilmember Fiore ***motioned*** to the amend the Resolution by striking lines 33-35: The Village Manager is hereby directed to hire either a Village employee or a consultant with knowledge and experience in order to make the Village website compliant with the ACT. The motion was ***seconded*** by Vice Mayor DuBois. ***All voted in favor (5-0). The motion passed unanimously.***

Mayor Cunningham called the question in favor of the amended Resolution. ***All voted in favor (5-0). The amended Resolution passed unanimously.***

RESOLUTIONS – ITEM 10C; OUT OF ORDER

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRAFFIC CALMING; AUTHORIZING THE VILLAGE MANAGER TO ISSUE REQUEST FOR PROPOSALS FOR THE INSTALLATION OF 24 PERMANENT SPEED TABLES AT THE LOCATIONS SPECIFIED ON THIS RESOLUTION; WAIVING PROCUREMENT REQUIREMENTS TO AVOID DELAYS IN THE PROCESS; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilmember Patrick Fiore)

Item 10C was moved by Councilmember Fiore.

Mayor Cunningham passed the gavel to Vice Mayor DuBois and seconded the motion to bring item 10C forward.

Councilmember Fiore provided an explanation on the purpose and intent of the Resolution and requested to add an additional permanent speed table at SW 83rd Avenue from SW 162nd Street to SW 163rd Street.

Mayor Cunningham reported that she too wanted to add an additional location for a permanent speed table near 18025 SW 83rd Court.

Councilmember Matson spoke in support of the item; however, she questioned the process for obtaining speed tables. She explained that there several residents on a waiting list dated back to 2016 whom requested temporary speed tables that to date have not received a speed table; therefore, she requested an update as to the existing process for the request of speed tables.

Councilmember Singer reported that the Resolution is for the request of quotes – not for the installation of speed tables. He also spoke in opposition to speed tables; urged the Council to consider the overall traffic in the Village.

Manager Silva explained the existing process for the request of speed tables and answered questions raised by the Council on the matter.

Councilmember Matson ***motioned*** to add the streets listed on the temporary speed tables dated from 2016 to be treated as priority, including adding a speed table at SW 83rd Avenue from SW 162nd Street to SW 163rd Street. The motion was ***seconded*** by Councilmember Fiore. ***All voted in favor (5-0). The motion passed unanimously.***

Councilmember Fiore ***motioned*** to include SW 83rd Court between SW 176th Street and SW 180th Street. The motion was ***seconded*** by Mayor Cunningham. ***All voted in favor (5-0). The motion passed unanimously.***

Mayor Cunningham called the question in favor of the amended Resolution. ***All voted in favor (5-0). The amended Resolution passed unanimously.***

ORDINANCES FOR FIRST READING – ITEM 13C; OUT OF ORDER

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CHAPTER 15 OF THE VILLAGE OF PALMETTO BAY'S CODE OF ORDINANCES ENTITLED "ENVIRONMENT", BY ADDING SECTION 15-2 STYLED "BIRD SANCTUARY", AND ESTABLISHING THE VILLAGE AS A BIRD SANCTUARY; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer)*

Item 13C was moved by Councilmember Fiore. Seconded by Councilmember Singer.

The following individuals addressed the Council during public comments:

- James Woodward (17001 SW 90th Avenue) – spoke in support of item 13C and urged the Council to consider all wildlife.
- Heidi Sanchez (8825 SW 171st Terrace) – spoke in support of item 13C.
- Henry Clifford (8875 SW 171st Street) – spoke in support of item 13C.

Councilmember Singer provided a report on the purpose and intent of the Ordinance.

Mayor Cunningham, Vice Mayor DuBois, and Councilmember Fiore spoke in support of the Ordinance on First Reading.

Mayor Cunningham and Vice Mayor DuBois requested to be listed as co-sponsors to the Ordinance. Councilmember Singer accepted.

Councilmember Matson spoke in support of the Ordinance, however, she reported that she would like the Ordinance on Second Reading to include the prohibition of taking and killing of birds.

Councilmember Singer ***motioned*** to amend the Ordinance to include a \$500 registration fee and \$225 first fine fee. The motion was ***seconded*** by Councilmember Fiore. ***All voted in favor (5-0). The motion passed unanimously.***

Following no further discussion on the item, Mayor Cunningham called the question in favor of the amended Ordinance on First Reading via a roll-call vote:

- Councilmember Singer - YES
- Vice Mayor DuBois - YES
- Mayor Cunningham - YES
- Councilmember Fiore - YES
- Councilmember Matson - YES

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

ORDINANCES FOR FIRST READING – ITEM 13D; OUT OF ORDER

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING SECTION 30-30.11(F) OF THE VILLAGE'S ZONING CODE STYLED "WEBSITE NOTICE" BY CURRENTLY EXEMPTING APPLICATIONS THAT ARE NON-COMPLIANT WITH THE AMERICANS WITH DISABILITIES ACT (ADA) FROM BEING A PORTION OF THE ENTIRE APPLICATION REQUIRED TO BE POSTED ON THE VILLAGE'S WEBSITE; AMENDING SECTION 30-30.11(C), BY ADDING A NEW SUBSECTION (7) BY REQUIRING ADA COMPLIANT NEW APPLICATIONS BEGINNING SIX (6) MONTHS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Vice Mayor John DuBois and the members of the Village Council)*

Item 13D was moved by Councilmember Singer. Seconded by Councilmember Fiore.

Attorney Dellagloria explained the purpose and intent of the Ordinance and answered questions raised by the Council on the matter.

Councilmember Matson ***motioned*** to amend the Ordinance to three months versus six months. Councilmember Singer ***seconded*** the motion. ***All voted in favor (5-0). The motion pass unanimously.***

Following no further discussion on the item, Mayor Cunningham called the question in favor of the amended Ordinance on First Reading via a roll-call vote:

- Vice Mayor DuBois - YES
- Mayor Cunningham - YES
- Councilmember Fiore - YES
- Councilmember Matson - YES
- Councilmember Singer - YES

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

Councilmember Matson ***motioned*** to hear Section 12-Ordinances on Second Reading out of order. The motion was seconded by Councilmember Singer. ***All voted in favor (5-0). The motion pass unanimously.***

12. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

The following individuals addressed the Village Council during the Public Hearing:

- Eric Tullberg (7884 SW 179th Terrace) – urged the Council to enforce items that are passed and spoke in support of item 12A.
- Henry Clifford (8875 SW 171st Street) – reported that he agreed with Eric Tullberg and spoke in support of item 12A. He also reported that accurate equipment is necessary to determine noise level limits.

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO NOISE REGULATION IN THE CATEGORY OF PUBLIC FACILITIES AND INSTITUTIONAL; PROVIDING THAT NOISE LEVEL LIMITS (DBA) IN PUBLIC FACILITIES AND INSTITUTIONAL ARE REDUCED FROM 65 TO 60 DBA FROM 7:00 AM TO 11:00 PM AND REDUCED FROM 60 TO 55 DBA FROM 11:00 PM TO 7:00 AM; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham and Co-Sponsored by Vice Mayor John DuBois, Councilmember Patrick Fiore, Councilmember David Singer, and Councilmember Marsha Matson)*

Item 12A was moved by Councilmember Fiore. Seconded by Councilmember Matson.

Following no objections from the Council on the Ordinance on Second Reading, Mayor Cunningham called the question in favor of the Ordinance via a roll-call vote:

- Councilmember Matson - YES
- Councilmember Fiore - YES
- Vice Mayor DuBois - YES
- Mayor Cunningham - YES
- Councilmember Singer - YES

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

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PROCUREMENT; CREATING VILLAGE CODE DIVISION 2, SECTION 2-175(P) TO INCLUDE, WITHIN THE EXISTING PRIOR LITIGATION DISCLOSURE REQUIREMENT FOR APPLICANTS SEEKING TO PROVIDE GOODS OR SERVICES TO THE VILLAGE, THE DISCLOSURE OF LITIGATION RELATING TO THE VILLAGE BY ANY PERSON OR ENTITY CLOSELY-RELATED TO THE APPLICANT, IN ADDITION TO THE APPLICANT ITSELF; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember Marsha Matson)*

Item 12B was moved by Councilmember Matson. Seconded by Councilmember Singer.

Following no objections from the Council on the Ordinance on Second Reading, Mayor Cunningham called the question in favor of the Ordinance via a roll-call vote:

- Vice Mayor DuBois - YES
- Mayor Cunningham - YES
- Councilmember Fiore - YES
- Councilmember Matson - YES
- Councilmember Singer - YES

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

- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO STORMWATER UTILITY FEES; REVISING THE STORMWATER UTILITY FEE STRUCTURE IN SUPPORT OF THE VILLAGE STORMWATER MANAGEMENT SYSTEM; ESTABLISHING OCTOBER 1, 2019 AS THE EFFECTIVE DATE OF THE NEW STORMWATER FEE AMOUNT; PROVIDING FOR ORDINANCES IN

CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. *(Sponsored by Administration)*

Item 12C was moved by Councilmember Matson. Seconded by Councilmember Singer.

Manager Edward Silva provided an explanation on the purpose and intent of the Ordinance on Second Reading and answered questions from the Council on the matter.

Following no objections from the Council on the Ordinance on Second Reading, Mayor Cunningham called the question in favor of the Ordinance via a roll-call vote:

- Councilmember Fiore - NO
- Councilmember Singer - NO
- Councilmember Matson - YES
- Vice Mayor DuBois - NO
- Mayor Cunningham - YES

The Ordinance failed (2-3).

10. RESOLUTIONS WITH PUBLIC COMMENT

The following individuals addressed the Council during public comments:

- Eric Tullberg (7884 SW 179th Terrace) – not in favor of a national search for a Village Manager; 10F – build a 6 foot bridge along the C100 canal; solicit one of the councilmembers to go with me to go talk with DOC to get more funding for the county roads in our Village.
- Henry Clifford (8875 SW 171st Street) – opposed to item 10J; bridges, if you put a no right turn sign, doesn't work.
- Beatrice Herrmann (17251 SW 86th Avenue) – spoke on behalf of resident, Jacquelyn Prussing in support of item 10U – community center will benefit the residents in the long term.

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SCHOOL PARTNERSHIP; APPROVING THE MASTER JOINT USE AGREEMENT BETWEEN THE VILLAGE OF PALMETTO BAY AND THE SCHOOL BOARD OF MIAMI DADE COUNTY TO ALLOW DESIGNATED PARK FACILITIES AND DESIGNATED SCHOOL SITES WITHIN THE VILLAGE TO BE MADE AVAILABLE FOR USE BY BOTH PARTIES FOR RECREATIONAL AND EDUCATIONAL PURPOSES; PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration) (Deferral from October 7th, and November 4th, 2019)*

Item 10A was moved by Councilmember Singer. Seconded Councilmember Fiore.

Deputy Manager Olga Cadaval provided a report on the item and explained that the Resolution does not commit the Village to anything; anything decided would have to come to Council in the future. She reported that the item was discussed by the Education Advisory Board and their recommendation was to approve it. She answered questions raised by the Council on the matter relating to liability, funding, and fencing.

Councilmember Matson reported that she read the contract and after reviewing exhibit A, she was not in favor of the item.

Manager Silva reported that the parking lot parking lot that is proposed would be extra parking for Coral Reef park and that the proposal has been part of the plans since 2007. He answered questions raised by the Council regarding parking and the existing proposal.

At 11:00 p.m. Councilmember Singer ***motioned*** to extend the meeting to 11:30 p.m. The motion was ***seconded*** by Councilmember Fiore. ***All voted in favor (5-0). The motion passed unanimously.***

Mayor Cunningham called the question in favor of the Resolution. ***The Resolution passed (3-2)***; Vice Mayor DuBois and Councilmember Matson voting in opposition.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE APPOINTMENT OF A NEW VILLAGE MANAGER; PROVIDING FOR LETTERS OF INTEREST FROM PROFESSIONAL SEARCH FIRMS; PROVIDING FOR ADVERTISEMENTS FOR THE POSITION; PROVIDING FOR A TIME-LINE IN ORDER FOR THE APPOINTMENT TO BE MADE BY FRIDAY FEBRUARY 28, 2020; ALLOWING FOR THE COUNCIL TO ADOPT FURTHER PROCEDURES; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Village Attorney John Dellagloria and Village Clerk Missy Arocha)*

Item 10B was moved by Councilmember Singer. Seconded Councilmember Fiore.

Attorney Dellagloria provided an explanation on the purpose and intent of the Resolution. He answered questions raised by the Council on the appointment of a new Village Manager.

Vice Mayor DuBois ***motioned*** that a three-tier proposal be considered for the search: (a) first tier asking for a national search and the cost associated with it; (b) second tier being a regional or statewide search;

(c) third tier being a South Florida search. The motion was **seconded** by Councilmember Singer. **The motion passed (4-1)**; Councilmember Fiore voting in opposition.

Mayor Cunningham called the question in favor of the amended Resolution. **The Resolution passed (4-1)**; Councilmember Fiore voting in opposition.

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, DIRECTING THE VILLAGE MANAGER TO PLACE "NO RIGHT TURN" SIGNS AT THE FOLLOWING SEVEN INTERSECTIONS ALONG SW 87TH AVENUE: SW 181ST STREET; SW 180TH STREET; SW 179TH STREET; SW 178TH STREET; SW 176TH STREET; SW 174TH STREET; AND SW 170TH TERRACE DURING THE HOURS OF 6:30 AM AND 9:00 AM MONDAY THROUGH FRIDAY; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham)*

Item 10D was moved by Councilmember Singer. Seconded by Councilmember Fiore.

Mayor Cunningham provided an explanation on the purpose and intent of the Resolution and answered questions raised by the Council on the matter.

Councilmember Fiore **motioned** to defer the discussion to the Conflict Assessment Meeting with Miami Dade County Representatives scheduled for December 12, 2019 and specifically present and address the streets with Director Bravo. The motion was **seconded** by Vice Mayor DuBois. **The motion passed (4-1)**; Councilmember Singer voting in opposition.

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRAFFIC; PETITIONING MIAMI-DADE COUNTY TO UPDATE THEIR TRAFFIC PLAN, SPECIFICALLY AS IT RELATES TO CONNECTIVITY FOR ALL OF SOUTH MIAMI-DADE AND IDENTIFYING A FUNDING SOURCE FOR THE PLAN; PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilman Singer) (Deferral from November 4, 2019)*

Item 10F was deferred to the Regular Council Meeting Agenda of January 6, 2020.

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE ENERGY EFFICIENCY GRANT AND INSTALLATION OF ENERGY EFFICIENT LIGHTING AT CORAL REEF AND PALMETTO BAY PARKS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE

ATTACHED CHANGE REQUEST WITH AMERICAN ENERGY SERVICES (AES); FURTHER AUTHORIZING THE VILLAGE MANAGER TO APPROVE THIS AND SUBSEQUENT CHANGE ORDERS AND EXPENDITURE OF PROJECT GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$250,000 AS APPROVED IN RESOLUTION 2019-26; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration)*

Item 10G was deferred to the Regular Council Meeting Agenda of January 6, 2020.

- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, WITH ATTACHMENT(S), SUPPORTING _____ CONCEPT OF THE BETTER BUS PROJECT REDESIGN OF COUNTY BUS NETWORK; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham)*

Item 10H was deferred to the Regular Council Meeting Agenda of January 6, 2020.

- I. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PRIVATE DEVELOPMENT PROJECTS; AMENDING RESOLUTION 2018-14; REQUIRING THAT A POTENTIAL DEVELOPER MAKES A PRESENTATION AT A MEETING BEFORE THE GENERAL PUBLIC REGARDING A PROPOSED DEVELOPMENT PROJECT FOR THE PURPOSE OF DISCUSSING THE PROJECT PARAMETERS AND CHARACTERISTICS AND TO RESPOND TO QUESTIONS AND INQUIRIES FROM THE RESIDENTS; PROVIDING THAT SUCH A MEETING SHALL BE AT LEAST TWO WEEKS PRIOR TO COUNCIL DELIBERATIONS ON SAID PROPOSED PROJECT; PROVIDING THAT ALL RELEVANT QUESTIONS BY RESIDENTS MAY BE ASKED AT THE MEETING; PROVIDING FOR FACILITATION OF THE MEETING BY THE VILLAGE PUBLIC INFORMATION OFFICER; REQUIRING ANSWERS TO BE GIVEN BY STAFF AND THE DEVELOPER RELEVANT TO THE PROPOSED PROJECT; REQUIRING AT LEAST 7-DAYS NOTICE FOR THE MEETING; REQUIRING THAT ALL SUCH MEETING TAKE PLACE ON THE EVENING OF A REGULAR SEMESTER SCHOOL DAY OF THE MIAMI-DADE PUBLIC SCHOOLS; AND TEMPORARILY SUSPENDING A DEVELOPER MEETING DURING TIMES WHEN THE VILLAGE HAS A DEVELOPMENT MORATORIUM AND/OR A ZONING IN PROGRESS RESOLUTION IN EFFECT FOR THE PROPERTY TO BE DEVELOPED; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. *(Sponsored by Councilmember Marsha Matson) (Deferral from September 9th, September 23rd, October 7th, and November 4th, 2019)*

Item 10I was deferred to the Regular Council Meeting Agenda of January 6, 2020.

- J. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE MIAMI-DADE COUNTY TRANSIT ONE-HALF (1/2) CENT SALES TAX FOR TRANSIT; DIRECTING THE VILLAGE ATTORNEY TO FILE A MOTION FOR THE VILLAGE TO INTERVENE AS PLAINTIFF IN THE EXISTING LAWSUIT CHALLENGING THE ILLEGAL DIVERSION OF REVENUE RAISED BY THE VOTER-APPROVED TRANSIT ONE-HALF (1/2) CENT SALES TAX; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9th, September 23rd, October 7th, and November 4th, 2019)*

Item 10J was deferred to the Regular Council Meeting Agenda of January 6, 2020.

- K. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE PARKS AND RECREATION AND COMMUNITY OUTREACH COMMITTEE; APPOINTING A COUNCIL LIAISON TO THE PARKS AND RECREATION AND COMMUNITY OUTREACH COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Village Clerk Missy Arocha)*

Item 10K was deferred to the Regular Council Meeting Agenda of January 6, 2020.

- L. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE STORMWATER MASTER PLAN; APPROVING THE SELECTION OF KIMLEY-HORN AND ASSOCIATES, INC., TO UPDATE THE VILLAGE'S STORMWATER MASTER PLAN; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH SAID COMPANY AND ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$84,500; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration) (Deferral from October 7th and November 4th, 2019)*

Item 10L was deferred to the Regular Council Meeting Agenda of January 6, 2020.

- M. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO A PROJECT TO COMMEMORATE THE 100TH ANNIVERSARY OF THE PASSAGE OF THE WOMEN'S SUFFRAGE AMENDMENT TO THE U.S. CONSTITUTION, DIRECTING THE VILLAGE MANAGER TO DIRECT

THE PUBLIC INFORMATION OFFICER TO CONDUCT VIDEO INTERVIEWS OF PERSONS KNOWLEDGEABLE OF WOMEN'S LIVES AND POLITICAL PARTICIPATION IN THE PALMETTO BAY AREA IN THE EARLY 1900s, AND INTERVIEWS OF CURRENT AND PAST PALMETTO BAY WOMEN MAYORS AND COUNCILPERSONS, AND INSTRUCTING THE PUBLIC INFORMATION OFFICER TO PREPARE A VIDEO PRESENTATION TO BE POSTED ON THE VILLAGE WEBSITE, AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember Marsha Matson) (Deferral from November 4, 2019)*

Item 10M was deferred to the Regular Council Meeting Agenda of January 6, 2020.

- N. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; APPROVING THE PROPOSED MASTER PLAN COMPONENTS FOR LUDOVICI PARK ON AN ITEM BY ITEM BASIS FROM RECOMMENDATIONS LISTED HEREIN; PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration) (Deferral from October 7th and November 4th, 2019)*

Item 10N was deferred to the Regular Council Meeting Agenda of January 6, 2020.

- O. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; APPROVING THE PROPOSED MASTER PLAN COMPONENTS FOR PERRINE WAYSIDE "DOG PARK" ON AN ITEM BY ITEM BASIS FROM RECOMMENDATIONS LISTED HEREIN; PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration) (Deferral from November 4, 2019)*

Item 10O was deferred to the Regular Council Meeting Agenda of January 6, 2020.

- P. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO FORM A TRAFFIC TASK FORCE TO STUDY AND MAKE RECOMMENDATIONS TO RELIEVE TRAFFIC CONGESTION AND TRAFFIC PATTERNS IN THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer)*

Item 10P was deferred to the Regular Council Meeting Agenda of January 6, 2020.

- Q. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; APPROVING THE ANNUAL "PALMETTO BAY INDEPENDENCE DAY CELEBRATION" ON JULY 4TH, 2020; AUTHORIZING THE VILLAGE MANAGER TO ALLOCATE AND EXPEND UP TO \$42,500 NET FUNDING FOR EXPENSES RELATED TO THE ANNUAL EVENT; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration)*

Item 10Q was deferred to the Regular Council Meeting Agenda of January 6, 2020.

- R. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REQUESTING ADMINISTRATION TO APPROACH MIAMI-DADE COUNTY TO COMPLETE THE BICYCLE NETWORK IN THE COMMUNITY; BRING BACK OPTIONS ON DESIGN AND FUNDING NO LATER THAN 90-DAYS FROM APPROVAL WITH OPTIONS ON HOW TO IMPLEMENT SAID BICYCLE NETWORK; NETWORK SHALL CONSIST OF EAST-WEST CONNECTIVITY ON SW 152ND STREET, SW 168TH STREET, SW 184TH STREET AND NORTH-SOUTH CONNECTIVITY ON SW 77TH AVENUE AND SW 87TH AVENUE; AUTHORIZING THE VILLAGE MANAGER TO BEGIN A DIALOGUE WITH MIAMI-DADE COUNTY, PROVIDE COST ESTIMATES TO THE VILLAGE COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9th, September 23rd, October 7th, and November 4th, 2019)*

Item 10R was deferred to the Regular Council Meeting Agenda of January 6, 2020.

- S. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING VILLAGE PARK FACILITIES; DIRECTING THE MANAGER TO RECOMMEND TO THE VILLAGE COUNCIL AN ARCHITECT WITH AN ASSOCIATED PROPOSED CONCEPT FOR DRAWING CONSTRUCTION PLANS TO REPLACE THE CORAL REEF PARK RECREATION BUILDING; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9th, September 23rd, October 7th, and November 4th, 2019)*

Item 10S was deferred to the Regular Council Meeting Agenda of January 6, 2020.

- T. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING THE VILLAGE VETERANS' PARK; DIRECTING THE MANAGER TO RECOMMEND TO THE VILLAGE COUNCIL AN APPROPRIATE DESIGN

PROFESSIONAL (ARCHITECT, PARK PLANNER, OR OTHER APPROPRIATE PROFESSIONAL) WITH AN ASSOCIATED PROPOSED CONCEPT FOR DRAWING DESIGN AND/OR CONSTRUCTION PLANS FOR THE VILLAGE VETERANS' PARK; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9th, September 23rd, October 7th, and November 4th, 2019)*

Item 10T was deferred to the Regular Council Meeting Agenda of January 6, 2020.

U. *(Alternate A)*

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO A COMMUNITY CENTER ON VILLAGE-OWNED PROPERTY; DIRECTING THE MANAGER TO PREPARE A RECOMMENDED PLAN FOR THE DEVELOPMENT OF A COMMUNITY CENTER ON THE PROPERTY OWNED BY THE VILLAGE (FORMER SCHOOL SITE) IN THE DOWNTOWN URBAN VILLAGE (DUV) ZONING DISTRICT (EAST OF AND NEAR VILLAGE HALL); AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9th, September 23rd, October 7th, and November 4th, 2019)*

Item 10U-A was deferred to the Regular Council Meeting Agenda of January 6, 2020.

(Alternate B)

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SALE OF VILLAGE-OWNED PROPERTY; DIRECTING THE MANAGER TO DEVELOP A RECOMMENDED PLAN FOR THE SALE OF THE PROPERTY OWNED BY THE VILLAGE (FORMER SCHOOL SITE) IN THE DOWNTOWN URBAN VILLAGE (DUV) ZONING DISTRICT (EAST OF AND CLOSE TO VILLAGE HALL); AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9th, September 23rd, October 7th, and November 4th, 2019)*

Item 10U-B was deferred to the Regular Council Meeting Agenda of January 6, 2020.

11. RESOLUTIONS REQUIRING PUBLIC HEARING: None.

13. ORDINANCES FOR FIRST READING WITH PUBLIC COMMENT

A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO FUND BALANCE POLICY; IDENTIFYING THE FUND BALANCE

LEVEL TO ENSURE UNINTERRUPTED OPERATIONS FOR THE VILLAGE GOVERNMENT; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. (*Sponsored by Administration*)

Item 13A was deferred to the Regular Council Meeting Agenda of January 6, 2020.

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CAPITAL ASSET FUNDING POLICY; IDENTIFYING FUNDING FOR CAPITAL ASSETS/PROJECTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. (*Sponsored by Administration*)

Item 13B was deferred to the Regular Council Meeting Agenda of January 6, 2020.

14. **OTHER BUSINESS:** None.

15. **COUNCIL COMMENTS:** None.

16. **NEXT MEETING AND ADJOURNMENT**

At approximately 11:29 p.m. Councilmember Matson ***motioned*** to extend the meeting to midnight. The motion was ***seconded*** by Councilmember Fiore. The ***motion failed (2-3)***; Mayor Cunningham, Vice Mayor DuBois, and Councilmember Cunningham voting in opposition.

The Regular Council Meeting was adjourned at 11:29 p.m.

The Minutes were approved on this 6th day of January 2020.

Prepared by: _____
Missy Arocha, Village Clerk

Approved by: _____
Karyn Cunningham, Mayor

RESOLUTION NO. 2020-____

1
2
3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
4 VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE
5 PARKS AND RECREATION AND COMMUNITY OUTREACH
6 COMMITTEE; APPOINTING MAYOR KARYN CUNNINGHAM AS
7 THE COUNCIL LIAISON TO THE PARKS AND RECREATION AND
8 COMMUNITY OUTREACH COMMITTEE; AND PROVIDING FOR AN
9 EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham)*

10
11 **WHEREAS**, pursuant to Section 2-55 of the Village's Code of
12 Ordinances, the mission of the Parks and Recreation and Community
13 Outreach Committee is to provide recommendations to the Village
14 Council in matters of village parks and recreation levels of service and
15 to provide recommendations to the Village Council in matters of
16 community engagement and public awareness; and

17
18 **WHEREAS**, the Village Council shall appoint a non-voting
19 Council Liaison to each board or committee while the Mayor shall be
20 the non-voting honorary liaison to each board or committee; and

21
22 **WHEREAS**, there is a need to appoint a non-voting Council
23 Liaison to the Parks and Recreation and Community Outreach
24 Committee; and

25
26 **WHEREAS**, the Council Liaison is the intermediary between the
27 Council and the Committee; and

28
29 **WHEREAS**, the Council Liaison should regularly attend his or her
30 assigned committee meeting to strengthen the relationship between it
31 and the Council.

32
33 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE**
34 **OF PALMETTO BAY, FLORIDA, THAT:**

35
36 **Section 1.** All the above "whereas" clauses are true and correct.

37
38 **Section 2.** The need exists to appoint a Council Liaison to the
39 Parks and Recreation and Community Outreach, and the Village
40 Council is desirous in appointing Mayor Karyn Cunningham as the

1 Council Liaison, effective immediately.

2
3 **Section 3.** This Resolution shall be effective upon adoption.

4
5 **PASSED** and **ADOPTED** this 6th day of January 2020.

6
7
8 Attest: _____
9 **Missy Arocha** **Karyn Cunningham**
10 **Village Clerk** **Mayor**

11
12 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
13 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,
14 FLORIDA ONLY:

15
16
17
18 _____
19 **John C. Dellagloria**
20 **Village Attorney**

21
22
23
24 **FINAL VOTE AT ADOPTION:**

25
26 Council Member Patrick Fiore _____
27
28 Council Member David Singer _____
29
30 Council Member Marsha Matson _____
31
32 Vice-Mayor John DuBois _____
33
34 Mayor Karyn Cunningham _____

RESOLUTION NO. 2020-____

1
2
3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF
4 THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE
5 TREE ADVISORY BOARD, APPOINTING JENNA CRAWFORD AS
6 A NEW MEMBER TO THE VILLAGE OF PALMETTO BAY TREE
7 ADVISORY BOARD; AND PROVIDING AN EFFECTIVE DATE.
8 *(Sponsored by Mayor Karyn Cunningham)*
9

10
11 **WHEREAS**, on January 12, 2009, the Village of Palmetto Bay,
12 through adoption of Ordinance 09-02, created the Village of Palmetto
13 Bay Tree Advisory Board to promote the general welfare and to
14 encourage the preservation of green space and the environment by
15 reviewing and making recommendations as to developing and
16 administering a comprehensive tree management program; and
17

18 **WHEREAS**, the Tree Advisory Board is tasked with assisting the
19 Village in developing an urban or community forestry program, and
20 ultimately, an annual, systematic management of the Village's tree
21 resources, including, tree planting, maintenance and removal program
22 for trees on streets, parks and other public places; and
23

24 **WHEREAS**, Ordinance 09-02 defines the membership, meeting
25 requirements, conflict of interest, and duties of the Tree Advisory
26 Board; and
27

28 **WHEREAS**, Rick Cohen an appointee of Mayor Karyn
29 Cunningham resigned from the Tree Advisory Board on November 20,
30 2019 and the need to fill his vacancy on the Tree Advisory Board
31 exists; and
32

33 **WHEREAS**, Mayor Karyn Cunningham is desirous in appointing
34 Jenna Crawford to the Tree Advisory Board to fill the existing vacancy
35 and Jenna Crawford has accepted to join the Tree Advisory Board;
36 and
37

38 **WHEREAS**, pursuant to the Village's Code of Ordinances,
39 Jenna Crawford is experienced and knowledgeable in at least one of
40 the identified fields of urban planning, landscape architecture, forestry,

1 nursery, arborist, and/or other environmental civic activity.

2
3 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE**
4 **OF PALMETTO BAY, FLORIDA, THAT:**

5
6 **Section 1.** The above whereas clauses are true and correct and
7 incorporated by the Village Council.

8
9 **Section 2.** Jenna Crawford is appointed as Mayor Karyn
10 Cunningham's appointee of the Tree Advisory Board and she has
11 agreed to serve for two years without compensation.

12
13 **Section 3.** This Resolution shall take effect immediately upon
14 its adoption

15
16 **PASSED and ADOPTED** this 6th day of January 2020.

17
18 Attest:

19
20
21
22 _____
23 **Missy Arocha**
24 **Village Clerk**

Karyn Cunningham
Mayor

25
26
27 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
28 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,
29 FLORIDA ONLY:

30
31
32
33 _____
34 **John C. Dellagloria**
35 **Village Attorney**

1 **FINAL VOTE AT ADOPTION:**

2

3 Council Member Patrick Fiore _____

4

5 Council Member David Singer _____

6

7 Council Member Marsha Matson _____

8

9 Vice-Mayor John DuBois _____

10

11 Mayor Karyn Cunningham _____

RESOLUTION NO. 2020-____

1
2
3 **A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE**
4 **VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ARTICLE**
5 **VI, SECTION 6.2 OF THE VILLAGE CHARTER, CHARTER**
6 **REVISION; APPOINTING TIM SCHAFFER AS A MEMBER TO THE**
7 **CHARTER REVISION COMMISSION; AND PROVIDING AN**
8 **EFFECTIVE DATE.** *(Sponsored by Councilmember David Singer)*
9

10 **WHEREAS**, the Village Charter, Section 6.2 provides that at the
11 first regular meeting in December 2015, and thereafter every fifth year,
12 the Council shall appoint and fund a Charter Revision Commission (the
13 "Commission"); and
14

15 **WHEREAS**, the Commission shall consist of five electors,
16 including one from each of the three Residential Areas in the Village;
17 and
18

19 **WHEREAS**, the Mayor and, Vice Mayor shall make an at-large
20 appointment and each Council District Person ("Councilmember") shall
21 make an appointment from their respective Districts; and
22

23 **WHEREAS**, the Mayor shall appoint one person to the
24 Commission who is the Vice-Mayor or Councilmember who is serving a
25 second consecutive term, who shall serve as a non-voting Commission
26 member. In the event a second term Vice Mayor or Councilmember is
27 not serving, the Mayor may appoint a sitting Vice Mayor or
28 Councilmember. The Mayor shall not be eligible for appointment to the
29 Commission; and
30

31 **WHEREAS**, the Commission shall commence its proceedings
32 within 45 calendar days after appointment by the Council.
33

34 **WHEREAS**, and meetings of the Commission shall be held in the
35 Council Chambers located at 9705 E. Hibiscus Street, Palmetto Bay;
36 and
37

38 **WHEREAS**, Roger Snyder the appointee of Councilmember
39 David Singer resigned from the Commission on November 2019 and
40 the need to fill his vacancy on the Commission exists; and

41 **WHEREAS**, Councilmember David Singer is desirous in
42 appointing Tim Schaffer to the Commission to fill the existing vacancy
43 and Tim Schaffer has accepted; and
44

45 **WHEREAS**, pursuant to the Village Charter, Tim Schaffer resides
46 in District 2 and will rightfully adhere to the duties and responsibilities of
47 the Commission without compensation.
48

49 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND**
50 **VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY,**
51 **FLORIDA, AS FOLLOWS:**
52

53 **Section 1.** The above recitals are true and correct and are
54 incorporated herein by this reference.
55

56 **Section 2.** The Village Council appoints Tim Schaffer to the
57 Commission.
58

59 **Section 3.** This Resolution shall become effective upon
60 adoption.
61

62 **PASSED AND ADOPTED** this 6th day of January 2020.
63

64
65 Attest:

66 _____
67 **Missy Arocha**
68 **Village Clerk**

69 _____
70 **Karyn Cunningham**
71 **Mayor**

72
73
74
75 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
76 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:
77

78
79 _____
80 **John C. Dellagloria**
 Village Attorney

81 **FINAL VOTE AT ADOPTION:**

82

83 Council Member Patrick Fiore _____

84

85 Council Member David Singer _____

86

87 Council Member Marsha Matson _____

88

89 Vice-Mayor John DuBois _____

90

91 Mayor Karyn Cunningham _____

1 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
2 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,
3 FLORIDA ONLY:

4
5
6
7

8 **John C. Dellagloria**
9 **Village Attorney**

10
11

12 **FINAL VOTE AT ADOPTION:**

13
14
15
16
17
18
19
20
21
22

Council Member Patrick Fiore _____

Council Member David Singer _____

Council Member Marsha Matson _____

Vice-Mayor John DuBois _____

Mayor Karyn Cunningham _____

RESOLUTION NO. 2020-_____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, EXTENDING FOR NINETY (90) DAYS THE SUNSET DATE OF THE NEIGHBORHOOD PROTECTION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember Marsha Matson)*

WHEREAS, pursuant to Section 10.2 of the Code of Ordinances of the Village, the Neighborhood Protection Committee (Committee) is tasked with preserving the tranquility and safety of single-family neighborhoods from non-single family development regarding matters such as excessive noise, light intrusion, dust and other matters that effect the health and wellbeing of those neighborhoods; and

WHEREAS, the Committee is scheduled to sunset on February 10, 2020; and

WHEREAS, in order for the Committee to conclude its' mission, the Council wishes to extend the Committee's service for ninety (90) days.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, THAT:

Section 1. The term of the Neighborhood Protection Committee is extended for ninety (90) days up to and including May 10, 2020.

Section 2. This Resolution shall take effect immediately upon its adoption.

PASSED and ADOPTED this 6th day of January 2020.

Attest:

Missy Arocha
Village Clerk

Karyn Cunningham
Mayor

1 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
2 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLOR-
3 IDA ONLY:

4
5
6
7

8 _____
9 **John C. Dellagloria**
10 **Village Attorney**

11

12 **FINAL VOTE AT ADOPTION:**

13
14
15
16
17
18
19
20
21
22

Council Member Patrick Fiore _____
Council Member David Singer _____
Council Member Marsha Matson _____
Vice-Mayor John DuBois _____
Mayor Karyn Cunningham _____

RESOLUTION NO 2020- _____

1
2
3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
4 VILLAGE OF PALMETTO BAY, FLORIDA, DIRECTING THE
5 VILLAGE MANAGER TO CONTINUE THE EFFORTS TO ACHIEVE A
6 LOWER COMMUNITY RATING SYSTEM PROGRAM (CRS) FOR THE
7 BENEFIT OF THE RESIDENTS OF PALMETTO BAY; REQUESTING
8 THAT THE CONTINUANCE OF THE PROGRAM ACHIEVE THE
9 LOWEST POSSIBLE RATING; AND PROVIDING FOR AN
10 EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham)*

11
12 **WHEREAS**, the Village of Palmetto Bay has been a National
13 Flood Insurance Program (NIFP) participant in good standing since
14 February 2, 2005, and seeks to improve its flood resiliency by
15 participating in the Community Rating System (CRS); and

16
17 **WHEREAS**, the Village Council is interested in lowering the CRS
18 rating in order to increase the resident's savings in property flood
19 insurance; and

20
21 **WHEREAS**, the Village of Palmetto Bay is determined to be
22 compliant with the Florida Division of Emergency Management by virtue
23 of a Community Assistance Visit that was closed on May 5, 2016; and

24
25 **WHEREAS**, it is the intent of the Mayor and Village Council to
26 continue the efforts of lowering the Village's CRS rating and strive to
27 exceed the minimum NFIP requirements set forth in Parts 59, 60, and
28 65 of the National Flood Insurance Program 2017 Regulations (Title 44
29 of the Code of Federal Regulations); and by implementing the Florida's
30 unified minimum CRS credits of the new 2017 handbook, will act to
31 adopt additional measures that may improve its CRS rating; and

32
33 **WHEREAS**, the Village Council and Administration will now
34 continue their efforts to lower the existing rating of CRS "class 8" to a
35 lower rating class; and

36
37 **WHEREAS**, the Village Council is directing the Village Manager to
38 work with department directors collectively in order to achieve a lower
39 rating.

1 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF**
2 **PALMETTO BAY, FLORIDA, THAT:**

3
4 **Section 1. Effective Date** This Resolution shall become effective
5 and executed as directed upon approval.

6
7 **PASSED and ADOPTED** this 6th day of January 2020.

8
9 Attest:

10
11
12 _____
13 **Missy Arocha**
14 **Village Clerk**

_____ **Karyn Cunningham**
Mayor

15
16
17 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR
18 THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO
19 BAY, FLORIDA ONLY:

20
21
22 _____
23 **John C. Dellagloria**
24 **Village Attorney**

25
26
27 **FINAL VOTE AT ADOPTION:**

28
29 Council Member David Singer _____

30
31 Council Member Patrick Fiore _____

32
33 Council Member Marsha Matson _____

34
35 Vice-Mayor John DuBois _____

36
37 Mayor Karyn Cunningham _____



To: Honorable Mayor and Village Council

Date: January 6, 2020

From: Edward Silva/ Village Manager

Re: Approval of funding for Youth Crime Watch Field Trip

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO THE PALMETTO BAY POLICING UNIT, COMMUNITY OUTREACH UNIT; APPROVING FUNDING IN THE AMOUNT OF \$496 FROM THE COMMUNITY OUTREACH UNIT, OFFICER FRIENDLY BUDGET, TO OFFSET THE COST OF THE UPCOMING FIELDTRIP FOR 31 YOUTH CRIME WATCH STUDENTS FROM CORAL REEF ELEMENTARY AND HOWARD DRIVE ELEMENTARY SCHOOLS TO THE KENNEDY SPACE CENTER. (Sponsored by Administration)

BACKGROUND AND ANALYSIS:

The Village of Palmetto Bay Policing Unit, Community Outreach Unit (COU), in cooperation with Coral Reef elementary and Howard Drive elementary schools is co-sponsoring a fieldtrip to Kennedy Space Center for the Youth Crime Watch members at each school. The Village of Palmetto Bay Policing Unit, COU, will be able to offset a portion of the costs for the thirty-one (31) students who participate in Youth Crime Watch between both schools, by sixteen (16) dollars per student, using the Officer Friendly budget provided to COU each fiscal year. As provided by Section 2-22 of the Village's Code of Ordinances, Council approval is required for any contributions by the Village in terms of funds or resources with a 4/5 vote.

Given the excellent relationship between our local elementary schools and the Village of Palmetto Bay, it is recommended that the Village Council consider approval of the proposed donation.

FISCAL IMPACT:

The costs of the agreed donations:

Coral Reef Elementary	\$ 288.00
Howard Drive Elementary	\$ 208.00
Estimated Total	\$496.00

1 RESOLUTION NO. 2020-____

2
3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
4 VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO THE
5 PALMETTO BAY POLICING UNIT, COMMUNITY OUTREACH UNIT;
6 APPROVING FUNDING IN THE AMOUNT OF \$496 FROM THE
7 COMMUNITY OUTREACH UNIT, OFFICER FRIENDLY BUDGET, TO
8 OFFSET THE COST OF THE UPCOMING FIELDTRIP FOR 31 YOUTH
9 CRIME WATCH STUDENTS FROM CORAL REEF ELEMENTARY
10 AND HOWARD DRIVE ELEMENTARY SCHOOLS TO THE KENNEDY
11 SPACE CENTER; AND PROVIDING AN EFFECTIVE DATE.
12 *(Sponsored by Administration)*

13
14 **WHEREAS**, the Village of Palmetto Bay (VPB) Policing Unit,
15 Community Outreach Unit (COU), in cooperation with Coral Reef
16 elementary and Howard Drive elementary schools is co-sponsoring a
17 fieldtrip to Kennedy Space Center for the Youth Crime Watch members
18 at each school; and,

19
20 **WHEREAS**, the VPB Policing Unit, COU, will be able to offset a
21 portion of the costs for the thirty-one (31) students who participate in
22 Youth Crime Watch between both schools, by \$16 per student, from the
23 COU budget; and,

24
25 **WHEREAS**, the attached agreement, which was approved by the
26 School Board in October 2018, allows the Village to use the recreational
27 facilities and parking lot at Coral Reef Elementary School and Howard
28 Drive Elementary School during non-school hours; and,

29
30 **WHEREAS**, Section 2-22 of the Village's Code of Ordinances
31 requires a 4/5 vote of the Council for any contributions by the Village in
32 terms of funds or resources; and,

33
34 **WHEREAS**, the Village Council desires to allocate the total of \$496
35 from the COU budget to offset some of the costs related to the field trip
36 for the Youth Crime Watch participants.
37

1 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND**
2 **THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY,**
3 **FLORIDA, AS FOLLOWS:**

4
5 **Section 1.** The Village Council hereby approves funding in the
6 amount of \$496 from the COU, Officer Friendly budget to offset the costs
7 of the upcoming field trip for 31 Youth Crime Watch students from Coral
8 Reef and Howard Drive Elementary schools to the Kennedy Space
9 Center.

10
11 **Section 2:** This Resolution shall take effect immediately upon
12 approval.

13
14
15 **PASSED and ADOPTED** this 6th day of January 2020.

16
17
18 Attest: _____
19 **Missy Arocha** **Karyn Cunningham**
20 **Village Clerk** **Mayor**

21
22
23 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE**
24 **AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA**
25 **ONLY:**

26
27
28 _____
29 **John C. Dellagloria**
30 **Village Attorney**

1 **FINAL VOTE AT ADOPTION:**

2

3 Council Member Patrick Fiore _____

4

5 Council Member David Singer _____

6

7 Council Member Marsha Matson _____

8

9 Vice-Mayor John DuBois _____

10

11 Mayor Karyn Cunningham _____

12

RESOLUTION NO. 2020-_____

1
2
3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF
4 THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING THE
5 PREPARATION OF THE VILLAGE COUNCIL AGENDA; PROVID-
6 ING THAT ANY AGENDA ITEM THAT HAS BEEN CONTINUED
7 TWICE SHALL BE PLACED AS THE FIRST ITEM TO BE HEARD
8 UNDER ITS RESPECTIVE SECTION OF THE AGENDA; AND
9 PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember*
10 *David Singer and Councilmember Marsha Matson)*

11
12 **WHEREAS**, agendas for Village Council meetings have items
13 that on many occasions are not heard due to the number of agenda
14 items and the time limitations of meetings imposed by the Village Char-
15 ter; and

16
17 **WHEREAS**, some items have been continued for future Council
18 meetings four times or more; and

19
20 **WHEREAS**, these recurring continuances have the effect of de-
21 laying items of importance to the sponsors and the public; and

22
23 **WHEREAS**, the Council wishes to address this matter as pro-
24 vided herein.

25
26 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF**
27 **PALMETTO BAY, FLORIDA, THAT:**

28
29 **Section 1.** The Village Clerk is hereby authorized to place any
30 item that has been continued on at least two occasions to be placed as
31 the first item to be heard under the respective section of the agenda.

32
33 **Section 2.** By way of example, a Resolution continued at least
34 twice shall be the first item under Tab 10; an Ordinance continued at
35 least twice shall be placed first under Tab 12, etc.

36
37 **Section 3.** Nothing herein shall limit the ability of the Council to
38 amend the placement of items to be heard as deemed necessary at the
39 Council meeting.

40

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

Section 4. This Resolution shall take effect immediately upon its adoption.

PASSED and **ADOPTED** this 6th day of January 2020.

Attest:

Missy Arocha
Village Clerk

Karyn Cunningham
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:

John C. Dellagloria
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore _____

Council Member David Singer _____

Council Member Marsha Matson _____

Vice-Mayor John DuBois _____

Mayor Karyn Cunningham _____

RESOLUTION NO. 2020-____

1
2
3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
4 VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL
5 EVENTS; APPROVING THE PARTICIPATION OF THE VILLAGE OF
6 PALMETTO BAY AS A SPONSOR OF THE WEST PERRINE DR.
7 MARTIN LUTHER KING, JR., ANNUAL CELEBRATION;
8 AUTHORIZING THE VILLAGE MANAGER TO DISBURSE UP TO
9 \$1,000 AS PART OF THE VILLAGE'S SPONSORSHIP
10 CONTRIBUTION; AND PROVIDING FOR AN EFFECTIVE DATE.
11 (*Sponsored by Administration*)
12

13 **WHEREAS**, West Perrine Community Development Corporation is
14 making preparation for the annual Dr. Martin Luther King Jr., Holiday
15 Parade and Festivities; and
16

17 **WHEREAS**, the Village is eager to provide support for this
18 worldwide event wherein the local communities honor the legacy of Dr.
19 King and celebrate his birthday and remember his teachings of non-
20 violence and sanctity of human rights for all; and
21

22 **WHEREAS**, the Village of Palmetto Bay believes that supporting
23 this annual event remains a worthwhile endeavor.
24

25 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND**
26 **VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY,**
27 **FLORIDA, AS FOLLOWS:**
28

29 **Section 1:** The Village of Palmetto Bay, Florida, expresses its
30 support of the 2020 Dr. Martin Luther King Jr., Holiday Parade and
31 Festivities happening the week of January 14-20, 2020.
32

33 **Section 2:** The Village Manager is authorized to disburse an
34 amount not to exceed \$1,000 for the Village to participate as a Corporate
35 Sponsor.
36

37 **Section 3:** This Resolution shall take effect immediately upon the
38 date of its adoption herein.
39
40

Living the Dream;
Let Freedom Ring!



Remember! Celebrate! Act!
A DAY ON, NOT A DAY OFF!

OFFICERS

Chairman

Robert L. Spencer

Vice-Chairman

Edward Hanna, Jr.

Secretary/Treasurer

Linda Webb

ADVISORY BOARD

Percy Anderson

Debra Bellamy

Charles Bethel

Sam Burley

Larry Corbett

Romanita Ford

Henry Godwin

Rufus Grant

Angela Green

Floyd Johnson

Patricia Johnson

Harvy Langston

Angela Roberts

Willie Spencer

Frank Tomlin

Joseph Tomlin

Ron Tookes

Horace Turnbull

James Williams

Arthur Whitehead

Dorothy Zeigler



Building A Better
Community

WEST PERRINE

COMMUNITY DEVELOPMENT CORPORATION

THE WEST PERRINE DR. MARTIN LUTHER KING, JR. HOLIDAY CELEBRATION

POST OFFICE BOX 570877 • MIAMI FLORIDA 33257

PHONE: (786) 298-6925

September 3, 2019

**RE: Sponsorship Opportunities for the 2020 Annual West Perrine
Dr. Martin Luther King Jr. Holiday Celebration**

Dear Supporter:

The *West Perrine Community Development Corporation* is making preparations for the 2020 **Dr. Martin Luther King, Jr. Holiday Parade and Festivities: January 14 - 20, 2020**. The national theme calls on us to remember the work and legacy of Dr. King, to celebrate his birthday as a national holiday and act on his teachings- in keeping with his principles of nonviolence and human rights.

Since 1980, we have made this celebration a family oriented, community awareness and cultural event. What began as a very small parade... made up of a couple of area high school bands has become a major production, consisting of more than four (4) events over the course of the holiday weekend. Past celebrations include the following:

- **Annual "Kick-Off Breakfast held at the Doubletree Hotel**
(Our past guest speakers included: Rev. Dr. Joseph Lowery, Mr. Carl T. Rowan, Dr. Jawanza Kunjufu, Dr. Robert Ingram, Bishop Victor T. Curry, and Mayor Johnny Ford).
- **MLK Business Expo held at Palmetto Bay Village Center**
This event features over 100 businesses displaying their goods and services. Technical support services were provided and networking opportunities.
- **The Annual Commemorative Parade**
The West Perrine MLK Parade has become a quality production that features dignitaries, decorative floats, area businesses, electrifying performances by high school and college bands; and of course, directly from Nassau, Grand Bahamas Island. The Grand Bahamas Junkanoo Band and The Royal Police Band.

**West Perrine MLK Celebration
Sponsorship Letter
September 3, 2019**

- **The Marching Band Extravaganza (A Festival of Bands)**

This event features the distinguished sounds, moves and grooves of some of South Florida's finest high school marching bands and none other than the World-Famous Florida A&M University Marching 100 Rattler Band and The Bethune Cookman University Marching Wildcat Band.

As we plan for the 2020 MLK Celebration, we are in need of your support-*Sponsorship support*. Sponsorship levels vary and each level is accompanied by a generous package. ***Why should you become a part of this event?*** Some of the benefits to supporting this worthwhile celebration include media exposure promotional/publicity opportunities and community presence. Positive cultural activities have positive effects on communities and the cultures that they represent, which is why we are strongly committed to this event and its meaning. (See *Enclosure*).

Please take advantage of this opportunity to be a part of a worthwhile celebration that seeks to unify the communities of Miami-Dade County on a day when we must ***"Remember! Celebrate! Act!"*** and share in Dr. King's dream of a world united together in harmony fostering the spirit of universal love and brotherhood.

All sponsorships should be made payable to West Perrine Community Development Corporation (WPCDC) and must be received by Friday, November 15, 2019.

If you have any questions or require additional information, please feel free to contact me at (786) 298-6925.

Sincerely,



Edward Hanna, Jr.
Committee Chairman

Enclosures:

Dr. Martin Luther King Jr. Holiday Celebration
January 14 – 20, 2020

Sponsorship Levels

\$50,000 TITLE SPONSOR

Entitlement includes:

- 20 VIP Tables (200 tickets) to the MLK Unity Kick-Off Breakfast
- 200 MLK Souvenir Journals
- 200 VIP Tickets to the Band Extravaganza "*Festival of Bands*"
- 406 Parade Display Banners along the Parade Route
- 3 Complimentary Parade Entries in the MLK Parade
- 6 Complimentary Decorative Floats in the MLK Parade
- Front Cover of the MLK Souvenir Journal & 2 Full Pages in the Souvenir Journal
- Your company name and logo as "Title Sponsor" classification on all promotional materials, press releases and publications
- Company name mentioned on all TV & Radio promotions as "Title Sponsor"

\$25,000 PRESENTING SPONSOR

Entitlement includes:

- 20 VIP Tables (200 tickets) to the MLK Unity Kick-Off Breakfast
- 200 MLK Souvenir Journals
- 200 VIP Tickets to the Band Extravaganza "*Festival of Bands*"
- 90 Parade Display Banners along the Parade Route
- 3 Complimentary Parade Entries in the MLK Parade
- 3 Complimentary Decorative Floats in the MLK Parade
- Back Cover of the MLK Souvenir Journal
- Your company name and logo as "Presenting Sponsor" classification on all promotional materials, press releases and publications
- Company name mentioned on all TV & Radio promotions as "Presenting Sponsor"

\$10,000 PLATINUM SPONSOR

Entitlement includes:

- 5 VIP Tables (50 tickets) to the MLK Unity Kick-Off Breakfast
- 50 MLK Souvenir Journals
- 40 VIP Tickets to the Band Extravaganza "*Festival of Bands*"
- 37 Parade Display Banners along the Parade Route
- 1 Complimentary Parade Entries in the MLK Parade
- 2 Complimentary Decorative Floats in the MLK Parade
- Inside Front Cover of the MLK Souvenir Journal
- Your company name and logo as "Platinum Sponsor" classification on all promotional materials, press releases and publications
- Company name mentioned on all TV & Radio promotions as "Platinum Sponsor"

\$7,500 GOLD SPONSOR

Entitlement includes:

- 3 VIP Tables (30 tickets) to the MLK Unity Kick-Off Breakfast
- 30 MLK Souvenir Journals
- 30 VIP Tickets to the Band Extravaganza "*Festival of Bands*"
- 20 Parade Display Banners along the Parade Route
- 1 Complimentary Parade Entries in the MLK Parade
- 2 Complimentary Decorative Floats in the MLK Parade
- Inside Back Cover of the MLK Souvenir Journal
- Your company name and logo as "Gold Sponsor" classification on all promotional materials, press releases and publications
- Company name mentioned on all TV & Radio promotions as "Gold Sponsor"

\$5,000 SILVER SPONSOR

Entitlement Includes:

- 2 VIP Tables (20 tickets) to the MLK Unity Kick-Off Breakfast
- 20 MLK Souvenir Journals
- 20 VIP Tickets to the Band Extravaganza "*Festival of Bands*"
- 19 Parade Display Banners along the Parade Route
- 1 Complimentary Parade Entry in the MLK Parade
- 1 Complimentary Decorative Float in the MLK Parade
- Full Page Ad (Inside Back Page) in the MLK Souvenir Journal
- Your company name and logo as "Silver Sponsor" classification on all promotional materials, press releases and publications
- Company name mentioned on all TV & Radio promotions as "Silver Sponsor"

\$2,500 BRONZE SPONSOR

Entitlement Includes:

- 2 VIP Tables (20 tickets) to the MLK Unity Kick-Off Breakfast
- 20 MLK Souvenir Journals
- 20 VIP Tickets to the Band Extravaganza "*Festival of Bands*"
- 16 Parade Display Banners along the Parade Route
- 1 Complimentary Parade Entry in the MLK Parade
- Full Page Ad in the MLK Souvenir Journal
- Your company name and logo as "Bronze Sponsor" classification on all promotional materials, press releases and publications
- Company name mentioned on all TV & Radio promotions as "Bronze Sponsor"

\$1,000 CORPORATE SPONSOR

Entitlement includes:

2 VIP Tables (20 tickets) to the MLK Unity Kick-off Breakfast
20 MLK Souvenir Journals

10 VIP Tickets to the Band Extravaganza "*Festival of Bands*"

1 Parade Display Banners along the Parade Route

1 Complimentary Parade Entry in the MLK Parade

Full Page Ad in the MLK Souvenir Journal

Your company name and logo as "Corporate Sponsor" classification
on all promotional materials, press releases and publications

Company name mentioned on all TV & Radio promotions as "Corporate Sponsor"

\$500 CHAMPION SPONSOR

Entitlement includes:

1 VIP Tables (10 tickets) to the MLK Unity Kick-off Breakfast
10 MLK Souvenir Journals

10 VIP Tickets to the Band Extravaganza "*Festival of Bands*"

1 Complimentary Parade Entry in the MLK Parade

December 30, 2019

To: Mayor and City Council
Village Clerk
Village Manager

From: John C. Dellagloria
Village Attorney



RE: Public Records Law
Ex-Parte Communications
Voting Conflicts
Meetings with Administration Staff
Agenda Items and Meetings

Owing to my review of Village laws and procedures that have come up since my appointment, I thought it best to send this memo to advise and point out the legal issues regarding the above-referenced matters.

I. Public Records Requests

I have reviewed the Village of Palmetto Bay's Public Record Request Policy and it is a good overall guide to the law. That said, there are two categories into which these requests fall. There are routine requests, typified by individuals coming in to the Building Department to view and get copies of permits. Presently, this entails the requester being told a written request must be filed, which is contrary to the law and our own policy. Then, the request goes from the Building Department to the Village Clerk who sends it to the Manager and by the time a release of the permit is approved, up to two weeks could pass, which is also violative of the law. In speaking to the Interim Manager, we agree that the policy needs to be reviewed to allow these routine, matter of fact requests to be complied with immediately, and without the illegal requirement to compel a written request. The second category is evinced by the Luxcom requests. Owing to the continuing and voluminous requests the Village to which must respond, and as the approval or denial of certain, non-routine requests is fraught with potential legal action, these public record requests should be copied to my office as well as to the Village Manager, with my office and the Manager's making the final decision as to the appropriate legal response. In time, the distinctions between these categories will become clear to the administrative staff.

II. Ex-Parte Communications and Conflicts of interest

1. The Village's Code of Ordinances has a procedure which allows for ex-parte communications. In order to comply with the law, attached is a copy of the procedures that must be followed. At subsequent Council meetings, I will inquire of the members to address the dictates of the code.

2. I have attached Form 8B, a state disclosure form which must be completed and attached to the minutes of the meeting where a councilperson has conflicted out of voting on an item. (the term recusal is not technically correct, a conflict must be declared and abstentions are not permitted pursuant to Florida Statute).

III. Meetings with Administrative Staff

The Village Charter, at Section 4.2 (B) addresses "Interference with Administration". The exact language states: "Except for the purpose of **inquiries and investigations made in good faith and in accordance with a resolution adopted by the Village Council**, the Council and any of its individual members shall **deal** with Village employees who are subject to the direction and supervision of the Village Manager solely through the Village Manager, and neither the Council nor its members shall give **orders** to any such employee either publicly or privately."

While I was a resident at the time the Village was created, I was not involved with the Charter nor its "legislative history" as to what the framers had in mind with this specific language. I also realize that the "inquiries and investigations" language can be interpreted and followed as a complete prohibition to **any** contact with staff outside of the Manager, as opposed to a literal reading which seems to prevent the Council from questioning or investigating some type of improper behavior of a staff member, and the Council being prevented from somehow "dealing" with some untoward motive. While the Charter clearly states that no Councilperson can "order" a staff member to do or not do something, it defies common sense that a duly elected representative of the public cannot ask a question of a staff member that in no way "orders or directs" action.

I do not intend to interpret this provision contrary to the current way of only going through the Manager, or lawsuits galore will pop up. I will however suggest that if the Council believes that ordinary communications about questions concerning agenda items or other routine matters is something the

Council wishes to consider, then, short of a Charter Amendment - which can be one of the issues the Charter Committee takes up- a way to comport with the Charter is this: pass a duly adopted Resolution of the Council that allows "inquiries" about routine matters that are in the purview of the powers of the Council, but keeping to the prohibition of giving orders. I can draft a Resolution but I don't think it is necessary as I know that the Interim Manger has advised staff that they can of course have contact with the council for routine inquires.

IV. Agenda

Resolution 2019-49 adopted this past March establishes time-lines for the preparation of agenda items. In speaking with the Village Clerk we are respectfully asking the Council to amend the time-line. Currently, the Council can submit items 12 days before the Council meeting. It is very difficult for insuring that all agenda items are ready considering that pursuant to the current time-line, our offices have only 3 days from the council members submitting items and the final agenda being prepared. As the request is to have the council submit items at least 15 days before the meeting, it will allow us to have almost a week to have the sponsor review the item, make any changes, and have it in final for the agenda. Of course, if a council member needs to add a last-minute item, that will be honored.

Sec. 2-106. - Ex parte communications.

(a) *Intention.* Pursuant to F.S. § 286.0115, this section is intended to eliminate the presumption of prejudice that may result from ex parte communications with village council and board members and to permit site visits, the receipt of expert opinions, and the reading of mail and other communications relating to applications for zoning and other land development orders, and appeals of administrative orders and code compliance citations.

(b) *Definitions.* As used in this section, the following terms shall be defined as follows:

Applicant means an individual, corporation or other authorized representative, including the village staff, that files an application or an appeal which initiates a quasi-judicial proceeding.

Application means an application for a site-specific rezoning, variance, special exception, conditional use permit or other request for land development approval, an appeal of an administrative order or a denial of an application, as authorized by the village's land development regulations, or an appeal of a code compliance citation.

Chair means the mayor, unless otherwise provided, and the chair person of any planning and zoning board, or code compliance board.

Member means a village councilmember and a member of any planning and zoning board, or code compliance board.

Public participant means a person who appears at any quasi-judicial hearing, including but not limited to a member of a homeowner's association, an officer or member of an environmental, homebuilding or development association, or a concerned citizen's organization, an official or employee of a governmental entity other than the village, a developer, a property owner, or an interested citizen, as well as any representative or attorney for any of the foregoing. A public participant does not include the applicant, a village official or village staff.

Quasi-judicial hearing means a public proceeding on an application for a zoning designation or map change, or any other land development permit, or an appeal from an administrative action on an application for a land development permit, substantial compliance determination, an appeal from a code compliance citation, or any other matter in which the village is required by law to give notice and an opportunity to be heard to parties and adversely affected persons, to investigate facts, and to make findings of fact and conclusions of law.

Site visit means an inspection of the real property by a council or board member that is the subject of an application for a quasi-judicial order, determination or appeal. The mere act of driving by a site in the regular course of driving to a particular location, such as to work or shopping, which is not undertaken for the purpose of inspecting the particular property is not a site visit for purposes of this chapter.

Village official means a member of the village council or any board that is authorized to make findings of fact, conclusions of law and to enter an order on any application or appeal that requires a quasi-judicial hearing.

Village staff means an employee or agent of the village.

- (c) *Ex parte communications between village officials, applicants and public participants* . If any person not otherwise prohibited by statute, charter, or ordinance communicates with any village official in any manner other than publicly at a quasi-judicial hearing regarding the merits of any matter on which action may be taken by the council or a board on which the village official is a member, the communication shall not create a presumption of prejudice provided that the following disclosure is made:
- (1) A village official shall disclose the name of the communicator, and the time, place and substance of the communication. The disclosure shall be made a part of the record before final action is taken on the matter.
 - (2) A village official may read a written communication from any person; provided, however, a written communication that relates to a quasi-judicial action pending before the official shall be made a part of the record before final action is taken on the matter.
 - (3) A village official may communicate with an expert witness, village staff member, or consultant, conduct an investigation, make site visits and receive expert opinions regarding quasi-judicial action pending before him or her, provided that the activities and the existence of the investigations, site visits, or expert opinions are disclosed and made a part of the record before final action is taken on the matter.
 - (4) Disclosure, either written or oral, made pursuant to subsections (c)(1), (2), and (3) of this section must be made before or during the public meeting at which a vote is taken and must be made a part of the record. Persons who have opinions contrary

to those expressed in the ex parte communication shall be given a reasonable opportunity to refute or respond to the communication.

(Ord. No. 02-03(03-01), § 1, 1-6-2003)

Sec. 2-107. - Quasi-judicial hearing procedures.

- (a) *Purpose*. It is the purpose of this section to provide a fair, open and impartial procedure for the conduct of quasi-judicial hearings by the village council, planning and zoning board, and code compliance board. Unless otherwise provided by law, quasi-judicial hearings shall be conducted substantially as provided in this section.
- (b) *Proceedings*.
 - (1) *Legal representation*. Applicants may be represented by legal counsel. The village council, the planning and zoning board, and the code compliance board may be advised by the village attorney, special counsel or other designated counsel (collectively referred to as "village attorney").
 - (2) *Participants at hearings*. All persons who testify on any application must sign in and be sworn by the presiding officer, clerk or counsel. All persons testifying subject themselves to cross examination. Each person who addresses the village council, planning and zoning board, or code compliance board, other than members of village staff, shall provide the following information: his, or her, name and address; state whether the person speaks on his, or her, own behalf, or on behalf of another person, association or entity (third party); if the person represents a third party, the person shall also identify the third party and whether the person is authorized to speak on its behalf and whether the view expressed by the speaker represents an established policy of the third party that has been approved by the principal or its governing body; and whether the person is, or will receive, compensation for appearing at the hearing, and whether the person or any immediate family member, or an entity in which he or she has a controlling interest, has a financial interest in the pending matter.
- (c) *Conduct of hearing*. All quasi-judicial hearings shall be recorded by mechanical means. A court reporter may be retained and paid for by any interested person to transcribe the proceedings. Any person may order and pay for a transcript of the proceedings. The court reporter shall identify himself or herself to the village attorney before the hearing. The order of hearing shall be as follows:
 - (1) The chair shall read a preliminary statement once at the beginning of the quasi-judicial public hearing agenda, announce the particular agenda item, and open the public hearing. The chair shall conduct the meeting, and all questions shall be asked through the chair;

- (2) The applicant, witnesses, village staff and all participants asking to speak shall be sworn at the time the matter is brought on for hearing. Attorneys shall not be sworn unless an attorney intends to testify to facts or to offer an expert opinion;
 - (3) The chair shall decide any parliamentary objections and objections to evidentiary matters with the advice of the village attorney;
 - (4) The village staff shall present its report, which shall be made part of the record;
 - (5) The applicant shall present its case;
 - (6) Participants in support of the application shall present their testimony and any evidence;
 - (7) Opponents shall have the right to cross examine individual speakers;
 - (8) Opposition shall present their testimony and evidence;
 - (9) The applicant shall have the right to cross examine individual speakers;
 - (10) Members may ask questions of a speaker at any time through the chair;
 - (11) Village staff shall be given time for rebuttal if requested. Village staff shall have the right to cross examine the applicant and others participants who present testimony and evidence and shall be subject to cross examination;
 - (12) The applicant shall be provided time for rebuttal if requested; and
 - (13) The chair shall close the public hearing. Members shall discuss the matter in public, make or accept proposed findings of fact and conclusions of law, and render a decision. No further presentations or testimony shall be permitted unless directed by the village attorney.
- (d) *Record of the hearing*. Following the final disposition of the application or appeal, all evidence admitted at the hearing, the application or appeal file, staff reports, the approved order and ex parte disclosures shall be maintained in a separate file which shall constitute the record on the matter. The record will be made available to the public for inspection upon request at any time during normal business hours.

(Ord. No. 02-03(03-01), § 1, 1-6-2003)

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
COUNTY	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, _____, hereby disclose that on _____, 20 ____ :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____ , by whom I am retained; or
- inured to the special gain or loss of _____ , which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

RESOLUTION NO. 2019-49

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGE COUNCIL PROCEDURES; ESTABLISHING A FORMAL PROCESS FOR THE PREPARATION OF MEETING AGENDAS FOR VILLAGE COUNCIL MEETINGS; IDENTIFYING A TIMELINE FOR THE SUBMISSION OF INFORMATION AND DOCUMENTS RELATED TO AGENDA ITEMS AND DEFINING THE ROLES OF COUNCILMEMBERS AND CHARTER OFFICERS IN THE AGENDA PROCESS; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Administration)

WHEREAS, the Village is committed to its transparency in government approach and the timely publishing of meeting agendas is important to that endeavor; and,

WHEREAS, to avoid any potential delays, Village staff developed a formal process that identifies information required for agenda items, provides a timeline for the submission of information and documents and defines the roles of Councilmembers and Charter Officers in the process; and,

WHEREAS, the proposed process was provided to the Village Council for review and comment and no changes were proffered; and,

WHEREAS, the Council desires to establish a policy to guide the agenda preparation process as provided below.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The Village Council hereby establishes the following policy for the preparation of agenda items for Council meetings:

Note: The “day” noun utilized throughout the document shall refer to calendar days. The term “Council meetings” include Regular and Special Council meetings and Zoning Hearings, as applicable.

41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82

a. Charter Officers Requirements:

- 10 Days Before Council Meeting:
Village Attorney meets with the Village Manager and the Village Clerk to finalize any require legal review of agenda items prepared by Administration and Council.
- 9 Days Before Council Meeting
Village Clerk finalizes the Agenda to be distributed to the Village Council no later than 8 days prior to the meeting.

b. Village Council Process:

- 12 Days Before Council Meeting:
Councilmembers submit agenda items to the Village Clerk and the Village Attorney. Village Clerk forwards items to the Village Manager as notification and/or for staff action as applicable.
- 10 Days Before Council Meeting:
Councilmembers submit optional cover memos for Council-sponsored agenda items to the Village Clerk. If the Council-sponsored items requires information or reports from Village staff, the item along with the request for staff report is sent to the Village Manager to allow sufficient time for research.
- 8 Days Before Council Meeting:
There shall be an exception to submit agenda items for emergency and urgent time sensitive items only, but would require an explicit approval from the parliamentarian.
- 7 Days Before Council Meeting:
Councilmembers may request the presence of a specific staff member to provide their expertise during a Special Council meeting and/or a Committee of the Whole meeting. In those instances, Council will make the request directly to the Village Manager 7 days in advance of the meeting.

d. Agenda Item Council Reports:

- Council reports should include a historical synopsis explaining how and under what circumstances the item is being brought before the Council for approval along with any relative cost and funding information and any other details necessary as determined by the sponsoring Council member.

83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115

Section 2. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 18th day of March 2019.

Attest: DocuSigned by:
Missy Arocha

6EDC211E5E8C48C...
Missy Arocha
Village Clerk

DocuSigned by:
Karyn Cunningham

35B93CD2D9CB470...
Karyn Cunningham
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

DocuSigned by:
Dexter W. Lehtinen

1B1D08E71321445
Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

- Council Member Patrick Fiore YES
- Council Member David Singer YES
- Council Member Marsha Matson YES
- Vice-Mayor John DuBois YES
- Mayor Karyn Cunningham YES

Minutes for Educational Advisory Committee Meeting 11/18/2019

- **Call to Order and Attendance**

The chair called the meeting to order at 6:37 pm. Present from the committee: Joshua Clarin, Katie Landsea, Diane Quick, Greg Zawyer; Present from the public: Harold Cole

- **Old Business**

Update on Palmetto Bay Educational Brochure – current revision is still lacking a few school logos and there are typos and omissions that have been identified. Also moved the Superintendent, School Board members, and committee.

- **November Discussion**

Final planning for the presentation of the Rosemary Fuller Award at the State of the Village on 11/22 was discussed. The award has been ordered and will be picked up this week.

Future meeting dates were selected, with morning meetings for December, February, May, and September and evening meetings for January, March, April, and June.

- **Next Meeting Date and Time**

The next meeting is scheduled for December 6, 2019 at 9:00 a.m.

- **List of Agenda Items for Next Meeting**

Further updates regarding educational publication, discussion of later start time pilot for Palmetto Bay schools, traffic update regarding smart mobility and need to ensure that committee has a voice in the ongoing construction of 136th street at Howard Drive Elementary School.

- **Adjournment**

The chair adjourned the meeting at 7:19 p.m.

MEETING MINUTES
 PARKS & RECREATION AND COMMUNITY OUTREACH COMMITTEE MEETING
 Tuesday, October 29, 2019 at 7:00 p.m.
 Village of Palmetto Bay Municipal Center
 9705 E. Hibiscus Street, Palmetto Bay, FL 33157

In Attendance:

David Greenwell (Filling in for Chair)
 Heidi Feder (Filling in for Secretary)
 Sheila Frazier
 Leo Llinas
 Beatriz Hermann
 Ed Feller
 Council Liaison – Marsha Matson
 Staff Liaison – Parks and Recreation Director – Fanny Carmona
 Guests: Jackie Swazo – FIU Student (and her friend)

Excused Absences:

Beth Adler
 Chris Olson

1. Call to Order: 7:00 p.m.
 - Counsel women Matson gave updates of the status of the Master plan for Thalatta, Ludovici and the dog park. On Nov 12 the village will have a new atty and on January 15, 2020 our current village manager Ed Silva is leaving.
 - There will be a vote for a joint partnership for Coral Reef Park and the School Board.
 - New plans for a coral reef park building will be up for a vote. Also, up for a vote will be the need for an architect for veteran's park.
 - Commemoration of women's suffrage right to vote
 - Approval was for 14.9 Operating budget. 11 percent of that is for parks (1.6 million)
 - Coral Reef Park - \$451,000 (Playground improvement, Walking Path and Bridge Improvement, build two new tennis court and voted for tennis pro shop where the old rec building was)
 Total Administration - \$396,000

Dr. Felled discussed if we can outsource the tennis courts and make a profit, that would be good. Beatriz acknowledged that everyone appeared to be happy with the tennis pros and Dr. Felled that it would be great from them to put a proposal together and run it.

Notice was made that Ines Mander has missed more than three meetings and should be removed from the committee.

2. Approval of Minutes:

- Minutes need to be amended: Sheila's name is spelled wrong.
- On the last page, 1st paragraph, last word needs to be cut not "cute".
- David Greenwell had an excused absence
- Heidi brought up that due to the typo in the paperwork that was provided last meeting regarding the parks staff that would be cut, the numbers would need to be changed to the director of parks and recreation will lose 1 full time position for the park. No one is losing their job. In addition, she felt that last meeting was a waste of time discussing wrong information and it put Fanny on the spot when it didn't need to

3. Old Business

- Will get back to finish the repainting at Coral Reef Parks
- Sheila stated that the Perrine wayside park expended on the North side without impacting the dog park. Sheila spoke to the owner of the Day Care Center and she said people are free to use her property on the weekend. Not in favor of adding a bathroom at the park (unless it is grant money)
- Sheila made a **motion** "Do not consider to relocate the parking lot to the Eastern side and reach out to the day care owner who agreed to make available her parking spots. Dr. Feller seconded it. Vote was in favor -unanimous
- Discussion of Grooming station vs concrete slab to wash dogs. David called for a **motion**, "To consider wash station on concrete. We do not need another grooming facility and not commercial use. Vote – All approved.
- Racquetball court facing north is painted
- Update on food Vendor: Got approved for grease track. He should be able to open in 2-3 weeks. The public will be notified.

4. New Business

- Council agenda for what to do with the area where the old building at Coral Reef Park was torn down.
 - We don't have the deed for Veteran's park. The council wants to take a vote to budget money for an architect to design a plan when there isn't money there. Since we don't have Veteran's park yet. Ed made the **motion**, there was a 2nd. "Only minimum expenditure for this park be budgeted until the village is in possession of the deed to the land." This motion was unanimously passed after Leo opposed and clarified the language.
- Council woman Matson wants to expand the hotdog concession on the north side of Coral Reef Park and lay foundation for 1000 square feet for an estimated half million.

- Ed called for a motion and Beatriz second it, Motion: An addition to be built to the present refreshment stand to replace the community room that was previously in the building that fell down as proposed by Council Woman Matson. Vote – All in favor.
 - Leo brought up wanted to meet once a month to get more things accomplished. Heidi stated that we use to but then had meetings where we were still waiting for council to vote on items for committee to proceed. Committee is okay with meeting one time a month as long as there are new items to discuss.
 - Send any agenda ideas to Miss and cc Fanny.
 - Beatriz reminded that there is an art showing at the Perrine Community Center the 3rd Saturday of month. It is going really well and they are booked through next April. Beatriz gets the food and wine donated for these events. There was be a second showing of last month's artist on November 6 from 6:30 – 8:00. Palmetto Bay is the only place in the county that provides a free venue to show artists. Beatriz was approached by a couple of musicians to do something at the Center. Also, they are looking for a cooking class and dance class.
 - November 22 – There will be two pieces of artwork on display at Thalatta Estate for the State of the Village Address.
 - Assignment of parks: Ed – Coral Reef Park; David – Palmetto Bay Park; Leo – Dog Park; Beatriz - Perrine Community Center; Sheila – Ludovici Park; Heidi - Thalatta Estate
5. Next meetings Dec 17 at 7 and January 21 at 7 pm
 6. Next meeting to discuss results of passed items from council and Veteran's part shore development

Adjournment at 8:22

RESOLUTION NO. 2020-_____

1
2
3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF
4 THE VILLAGE OF PALMETTO BAY, FLORIDA, HIRING
5 _____ AS THE PROFESSIONAL EXECUTIVE SEARCH
6 FIRM FOR THE SOLICITATION OF CANDIDATES FOR THE POSI-
7 TION OF VILLAGE MANAGER, AND PROVIDING FOR AN EFFEC-
8 TIVE DATE. (*Sponsored by Village Attorney John Dellagloria and Vil-
9 lage Clerk Missy Arocha*)

10
11 **WHEREAS**, pursuant to Resolution 2019-162, the Village Council
12 authorized the Village Clerk and Village Attorney to undertake the pro-
13 cess of advertising for a Professional Executive Search firm to solicit
14 candidates for the position of Village Manager; and

15
16 **WHEREAS**, the Village has received responses from seven (7)
17 firms; and

18
19 **WHEREAS**, the Village Council desires to select the firm and es-
20 tablish the qualifications that are required for the position of Village
21 Manager.

22
23 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF**
24 **PALMETTO BAY, FLORIDA, THAT:**

25
26 **Section 1.** The Executive Search Firm of _____ (“Firm”) is
27 selected to solicit candidates for the position Village Manager.

28
29 Section 2. The Village Attorney and _____ are authorized to
30 negotiate the terms of a contract between the Village and the Firm, with
31 the contract to be presented to the Village Council at a meeting to be
32 scheduled.

33
34 **Section 3.** This Resolution shall take effect immediately upon its
35 adoption.

36
37 **PASSED** and **ADOPTED** this 6th day of January 2020.

1 Attest:

2

3

4

5 _____
6 **Missy Arocha**
7 **Village Clerk**

8 _____
9 **Karyn Cunningham**
10 **Mayor**

11

12

13

14

15

16 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
17 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLOR-
18 IDA ONLY:

19

20

21

22

23

24 _____
25 **John C. Dellagloria**
26 **Village Attorney**

27

28

29

30

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore _____

Council Member David Singer _____

Council Member Marsha Matson _____

Vice-Mayor John DuBois _____

Mayor Karyn Cunningham _____

RESOLUTION NO. 2020-_____

1
2
3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF
4 THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AD-
5 VISORY BOARDS AND COMMITTEES; ESTABLISHING A COM-
6 MITTEE FOR THE SELECTION OF THE PERMANENT VILLAGE
7 MANAGER; DIRECTING THE COMMITTEE TO REVIEW THE FI-
8 NALISTS AND MAKING A RECOMMENDATION TO THE VILLAGE
9 COUNCIL; THE COMMITTEE SHALL SUNSET IMMEDIATELY
10 FOLLOWING THE RECOMMENDATION MADE TO THE VILLAGE
11 COUNCIL, AND PROVIDING AN EFFECTIVE DATE. (*Sponsored by*
12 *Mayor Karyn Cunningham*)
13

14 **WHEREAS**, the Village Council adopted Resolution 2019-162,
15 which authorized the retention of a professional executive search firm
16 ("firm") to solicit applicants for the position of permanent Village Man-
17 ager; and
18

19 **WHEREAS**, in order to select the individual for the position of Vil-
20 lage Manager, the Village Council wishes to establish a committee to
21 make recommendations to the Village Council regarding the applicants
22 chosen by the firm; and
23

24 **WHEREAS**, the Village Council hereby establishes the Commit-
25 tee and its composition.
26

27 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF**
28 **PALMETTO BAY, FLORIDA, THAT:**
29

30 **Section 1.** There is hereby established a "Village Manger Selec-
31 tion Committee" for the purpose of making recommendations to the Vil-
32 lage Council for the selection of a permanent Village Manager.
33

34 **Section 2.** The Committee shall be comprised of five (5) individ-
35 uals, with each Councilmember choosing a Committee Member.
36

37 **Section 3.** The Village Clerk and Village Attorney shall serve as
38 ex-officio members solely to assist the Committee as needed.
39

40 **Section 4.** The Committee will sunset immediately upon sending
41 its recommendations to the Council.

RESOLUTION NO. 2020-_____

1
2
3
4 **A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE**
5 **VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRAFFIC;**
6 **PETITIONING MIAMI-DADE COUNTY TO UPDATE THEIR TRAFFIC**
7 **PLAN, SPECIFICALLY AS IT RELATES TO CONNECTIVITY FOR**
8 **THE VILLAGE OF PALMETTO BAY; RESCINDING ALL PREVIOUS**
9 **RESOLUTIONS AGAINST BRIDGING; PROPOSING STUDIES FOR**
10 **CONNECTIVITY IN PALMETTO BAY AND ALL OF SOUTH MIAMI-**
11 **DADE AND IDENTIFYING A FUNDING SOURCE FOR THE PLAN;**
12 **PROVIDING FOR AN EFFECTIVE DATE. (*Sponsored by Councilmem-***
13 ***ber David Singer*)**

14
15 **WHEREAS**, there is a demonstrated need to seek and implement
16 measures to relieve existing and future traffic congestion within the Vil-
17 lage; and

18
19 **WHEREAS**, the roadway network along major Miami-Dade
20 County roads is incomplete within the Village limits; and,

21
22 **Whereas**, the Village has passed resolutions against bridges that
23 provide connectivity that could mitigate traffic congestion.

24
25 **WHEREAS**, Miami-Dade County is asked to update studies on all
26 bridges in Palmetto Bay and a regional connectivity study for all of South
27 Dade to demonstrate the benefits of connectivity,

28
29 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND**
30 **THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY,**
31 **FLORIDA, THAT:**

32
33 **Section 1.** The Village Council hereby petitions Miami-Dade
34 County to update their Traffic Plan as it relates to connectivity for the
35 Village of Palmetto and all South Dade and furthermore requests that a
36 funding source be identified for this purpose.

37
38 **Section 2.** The Village Council further requests that Miami-Dade
39 County provide a response to this petition to the Village Council.
40

1 **Section 3.** The Village Council further rescinds all previous reso-
2 lutions against bridging in Palmetto Bay effective once an overall com-
3 prehensive traffic study showing how bridging and connectivity would
4 help to relieve traffic congestion is presented and adopted by Council,
5 specifically on SW 87 Ave, SW 77 Ave., SW 174 street and SW 97 Ave.
6

7 **Section 4.** Miami-Dade County shall present such traffic study to
8 the residents along with funding and timeline commitments to the Vil-
9 lage for approval and adoption no later than July 2020.
10

11 **Section 5.** The Village Clerk shall transmit a certified copy of this
12 Resolution to Miami-Dade County officials, including the County Mayor,
13 the Director of the Miami-Dade County Department of Transportation
14 and Public Works, and all members of the Transportation Planning Or-
15 ganization.
16

17 **Section 6.** This Resolution shall be effective upon adoption.
18

19 **PASSED and ADOPTED** this 6th day of January 2020.
20

21 Attest:
22
23
24

25 _____
26 **Missy Arocha**
27 **Village Clerk**
28

25 _____
26 **Karyn Cunningham**
27 **Mayor**
28

29
30 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE**
31 **USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,**
32 **FLORIDA ONLY:**
33
34
35
36
37

38 _____
39 **John C. Dellagloria**
40 **Village Attorney**

1 **FINAL VOTE AT ADOPTION:**

2

3 Council Member Patrick Fiore _____

4

5 Council Member David Singer _____

6

7 Council Member Marsha Matson _____

8

9 Vice-Mayor John DuBois _____

10

11 Mayor Karyn Cunningham _____

RESOLUTION 2020-____

1
2
3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
4 VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PRIVATE
5 DEVELOPMENT PROJECTS; AMENDING RESOLUTION 2018-14;
6 REQUIRING THAT A POTENTIAL DEVELOPER MAKES A
7 PRESENTATION AT A MEETING BEFORE THE GENERAL PUBLIC
8 REGARDING A PROPOSED DEVELOPMENT PROJECT FOR THE
9 PURPOSE OF DISCUSSING THE PROJECT PARAMETERS AND
10 CHARACTERISTICS AND TO RESPOND TO QUESTIONS AND
11 INQUIRIES FROM THE RESIDENTS; PROVIDING THAT SUCH A
12 MEETING SHALL BE AT LEAST TWO WEEKS PRIOR TO COUNCIL
13 DELIBERTIONS ON SAID PROPOSED PROJECT; PROVIDING THAT
14 ALL RELEVANT QUESTIONS BY RESIDENTS MAY BE ASKED AT THE
15 MEETING; PROVIDING FOR FACILITATION OF THE MEETING BY THE
16 VILLAGE PUBLIC INFORMATION OFFICER; REQUIRING ANSWERS TO
17 BE GIVEN BY STAFF AND THE DEVELOPER RELEVANT TO THE
18 PROPOSED PROJECT; REQUIRING AT LEAST 7-DAYS NOTICE FOR
19 THE MEETING; REQUIRING THAT ALL SUCH MEETING TAKE PLACE
20 ON THE EVENING OF A REGULAR SEMESTER SCHOOL DAY OF THE
21 MIAMI-DADE PUBLIC SCHOOLS; AND TEMPORARILY SUSPENDING A
22 DEVELOPER MEETING DURING TIMES WHEN THE VILLAGE HAS A
23 DEVELOPMENT MORATORIUM AND/OR A ZONING IN PROGRESS
24 RESOLUTION IN EFFECT FOR THE PROPERTY TO BE DEVELOPED;
25 AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.
26 *(Sponsored by Councilmember Marsha Matson)*

27
28 **WHEREAS**, the Village Council prides itself on transparency and open
29 government; and

30
31 **WHEREAS**, new development in the Village has a great impact on the
32 quality of life of the residents of the Village; and

33
34 **WHEREAS**, it is appropriate for developers to present to the general
35 public information available on their proposed project, inclusive of
36 responding to questions and inquiries from the residents; and

37
38 **WHEREAS**, the scheduling of the presentations in advance of Council
39 considerations will allow sufficient time for residents to address any and all
40 questions and concerns to the potential developer, which also reduces the

1 amount of time to be dedicated to project discussions during a Council
2 meeting where time is more limited; and

3
4 **WHEREAS**, the said presentations should be meaningful in the scope
5 of information presented, in the time allowed and required for the
6 presentation, in the time for when the presentations are scheduled, and with
7 sufficient advance notice given for such presentation; and

8
9 **WHEREAS**, such presentations being part of the application review
10 process, they shall not take place during such periods when there are
11 development moratoria or Zoning in Progress Ordinances in effect for the
12 properties to be developed.

13
14 **NOW THEREFORE. BE IT RESOLVED BY THE VILLAGE OF**
15 **PALMETTO BAY, FLORIDA, THAT:**

16
17 **Section 1. Amendment of Resolution 2018-14.** Resolution
18 2018-14 shall be amended as set forth below, with the underlined section
19 being additions to the existing Resolution 2018-14.

20
21 **Section 2. Presentations required.** Private developers of residential
22 and/or commercial projects which are greater than 5 units and which shall
23 require Council approval to develop, shall make a presentation to the general
24 public no later than two (2) weeks prior to Council deliberations. At which
25 time, traffic studies, plans, architectural presentations and any and all other
26 pertinent information by associate professionals available on the project shall
27 be presented to the public for public discussion, inquiries and questions.

28
29 **Section 3. Notice.** Developers shall schedule the presentations
30 with the Village Clerk and notice of the meeting shall be placed on the official
31 website of the Village of Palmetto Bay at least seven (7) calendar days prior
32 to the meeting. This may not be a Sunshine meeting.

33
34 **Section 4. Meeting procedure.** The meeting for such presentation
35 shall take place on the evening of a regular semester school day of the
36 Miami-Dade County Public Schools. The meeting shall allocate equal time
37 to the developer and the public, for a minimum of fifteen (15) minutes for the
38 presentation of the developer, and fifteen (15) minutes for questions by the
39 public, whereby the developer and any Village staff present shall answer all

1 relevant questions from the public to the best of their ability. The said
2 meeting shall be facilitated by the Village's Public Information Officer.

3
4 **Section 5. Suspension during moratoriums.** A proposed
5 development project public meeting shall be suspended and deferred during
6 all periods when the Village has a development moratorium or a zoning in
7 progress ordinance in effect for the property/properties to be developed and
8 shall resume when such development moratorium or zoning in progress
9 ordinance terminates.

10
11 **Section 6. Effective Date.** This Resolution shall become effective
12 upon adoption.

13
14 **PASSED AND ADOPTED** this 6th day of January 2020.

15
16
17
18 Attest:

19 _____
20 **Missy Arocha**
21 **Village Clerk**

22 _____
23 **Karyn Cunningham**
24 **Mayor**

25
26
27
28
29
30 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
31 AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:
32
33
34
35
36
37
38
39
40

30 _____
31 **John C. Dellagloria**
32 **Village Attorney**

1 **FINAL VOTE AT ADOPTION:**

2

3 Mayor Karyn Cunningham _____

4

5 Vice Mayor John Dubois _____

6

7 Council Member David Singer _____

8

9 Council Member Patrick Fiore _____

10

11 Council Member Marsha Matson _____

12

ATTACHMENT A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

To: Honorable Mayor and Village Council Date: August 28, 2019

From: Councilmember Masha Matson Re: Developer Community Presentations

PURPOSE OF THE PROPOSED ACTION:

The purpose of this Amendment to Resolution 2018-14 is to clarify the procedures to be followed for the Developer Presentations required by Resolution 2018-14.

MAJOR POINTS/REASONS FOR THE PROPOSED ACTION:

It appears that some of the presentations have been ineffective due to insufficient notice, short time period, inopportune time during vacations when fewer residents attend, restrictions on questions, and being presented during a time when a moratorium or a ZIP ordinance is in place. The existing Resolution does not clarify when and how the developer presentation has to occur, except that it has to occur at least 2 weeks prior to Council consideration. The proposed additions will strengthen Resolution 2018-14, and the developer presentation will become more meaningful and informative for the public.

The additions make it clear that the presentation should be on the evening of a regular semester public school day, which avoids the perception that matters are considered when many residents are absent. The additions also clarify that such presentations should be suspended during times when moratoria or ZIP ordinances are in place.

PRELIMINARY ESTIMATE OF THE COST OF IMPLEMENTATION

None, as the Resolution simply amends an existing Resolution with specific notice and procedural guidelines.

SOURCE OF FUNDS TO PAY SUCH COSTS:

Not applicable.

RESOLUTION NO. 2020-_____

1
2
3 **A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF**
4 **THE VILLAGE OF PALMETTO BAY, FLORIDA, PROVIDING THE**
5 **REQUIRED THIRTY (30) DAY NOTICE TERMINATING THE**
6 **AGREEMENT FOR PROFESSIONAL AUDITING SERVICES WITH**
7 **CABALLERO, FIERMAN, LLERENA & GARCIA, LLP; AUTHORIZ-**
8 **ING THE RETENTION OF A NEW FIRM TO PERFORM THE 2018-**
9 **2019 FISCAL YEAR AUDIT FOR THE VILLAGE; AND PROVIDING**
10 **AN EFFECTIVE DATE. (Sponsored by Vice Mayor John DuBois)**

11
12 **WHEREAS**, Pursuant to Resolution 2019-70, the Village Council
13 approved extending the initial term of the agreement (the "Agreement")
14 to retain the firm of Caballero, Fierman, Llerena & Garcia, LLP (the
15 "Firm") to perform the fiscal year 2018-2019 financial audit for the Vil-
16 lage; and

17
18 **WHEREAS**, pursuant to Article 6 of the initial Agreement between
19 the Firm and the Village, either party may terminate the Agreement with-
20 out cause upon thirty (30) days written notice; and

21
22 **WHEREAS**, as the Firm has not commenced working on the
23 2018-2019 audit, the Village wishes to terminate the Agreement and
24 authorize the solicitation of a new firm to perform the Village's fiscal year
25 2018-2019 audit.

26
27 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE**
28 **COUNCIL OF PALMETTO BAY, FLORIDA, THAT:**

29
30 **Section 1.** Pursuant to the initial Agreement for Professional Au-
31 diting Services approved by the Village Council through Resolution
32 2015-81, the Council terminates the firm of Caballero, Fierman, Llerena
33 & Garcia. LLP.

34
35 **Section 2.** This Resolution shall serve to give the required thirty
36 (30) notice under the Agreement.

37
38 **Section 3.** During the next 30 day period, the Firm is not required
39 to perform any auditing services.

1 **Section 4.** Pursuant to Section 6 of the Agreement, the termina-
2 tion shall not relieve the firm of any obligations or liabilities resulting
3 from any acts committed by the firm prior to the termination of the con-
4 tract.

5
6 **Section 5.** The administration is hereby authorized to retain a new
7 firm to perform the 2018-2019 fiscal year audit for the Village, and to
8 negotiate an agreement to be approved by the Village Council.

9
10 **Section 6.** This Resolution shall take effect immediately upon its
11 adoption.

12
13 **PASSED and ADOPTED** this 6th day of January 2020.

14
15 Attest:

16
17
18
19 _____
20 **Missy Arocha**
21 **Village Clerk**

Karyn Cunningham
Mayor

22
23
24 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE**
25 **USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,**
26 **FLORIDA ONLY:**

27
28
29
30 _____
31 **John C. Dellagloria**
32 **Village Attorney**

1 **FINAL VOTE AT ADOPTION:**

2

3 Council Member Patrick Fiore _____

4

5 Council Member David Singer _____

6

7 Council Member Marsha Matson _____

8

9 Vice-Mayor John DuBois _____

10

11 Mayor Karyn Cunningham _____

RESOLUTION NO. 2020-____

1
2
3 **A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL**
4 **OF THE VILLAGE OF PALMETTO BAY, FLORIDA,**
5 **AUTHORIZING THE INTERIM VILLAGE MANAGER TO**
6 **RETAIN AN INDEPENDENT AUDITING FIRM TO REVIEW**
7 **REVENUE AND EXPENDITURES FOR VILLAGE FISCAL**
8 **YEARS 2016-17, 2017-18, 2018-19 AND 2019-20; AND**
9 **PROVIDING AN EFFECTIVE DATE.** (*Sponsored by Mayor Karyn*
10 *Cunningham*)

11
12 **WHEREAS**, the Village Council is in the process of appointing a
13 new Village Manager as the current Village Manager is resigning his
14 position as of January 15, 2020; and

15
16 **WHEREAS**, the Village Council deems it to be in the best interests
17 of the Village to provide the new Manager with a complete accounting of
18 the Village's financial condition; and

19
20 **WHEREAS**, it is important to ensure the effective operation of the
21 Village, review compliance with appropriate fiscal and regulatory
22 standards, and address potential opportunities and/or challenges before
23 the selection of a new Village Manager; and

24
25 **WHEREAS**, the Village Council wishes to authorize the Interim
26 Village Manager Gregory Truitt to solicit and select a firm to audit the
27 financial records of the Village for fiscal years 2016-17, 2017-18 and to
28 the extent that the records are available, fiscal year 2018-19 and 2019-20.

29
30 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE**
31 **OF PALMETTO BAY, FLORIDA, THAT:**

32
33 **Section 1.** The above recitals are incorporated as if set forth in
34 full.

35
36 **Section 2.** The Interim Village Manager is hereby noticed to solicit
37 and select a firm to audit the financial records of the Village for fiscal
38 years 2016-17, 2017-18 and to the extent that the records are available,
39 fiscal year 2018-19 and 2019-20.

1 **Section 3.** The audit shall be completed and received by Council
2 no later than March 2, 2020.

3
4 **PASSED** and **ADOPTED** this 6th day of January 2020.

5
6 Attest:

7
8
9 _____
10 **Missy Arocha**
11 **Village Clerk**

_____ **Karyn Cunningham**
Mayor

12
13 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
14 AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA
15 ONLY:

16
17
18
19 _____
20 **John C. Dellagloria**
21 **Village Attorney**

22
23
24 **FINAL VOTE AT ADOPTION:**

- 25
26 Council Member Patrick Fiore _____
27
28 Council Member David Singer _____
29
30 Council Member Marsha Matson _____
31
32 Vice-Mayor John DuBois _____
33
34 Mayor Karyn Cunningham _____



To: Honorable Mayor and Village Council

Date: December 2, 2019

From: Edward Silva, Village Manager

Re: Energy Efficient Lighting Grant
Contract Change Request

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE ENERGY EFFICIENCY GRANT AND INSTALLATION OF ENERGY EFFICIENT LIGHTING AT CORAL REEF AND PALMETTO BAY PARKS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE ATTACHED CHANGE REQUEST WITH AMERICAN ENERGY SERVICES (AES); FURTHER AUTHORIZING THE VILLAGE MANAGER TO APPROVE THIS AND SUBSEQUENT CHANGE ORDERS AND EXPENDITURE OF PROJECT GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$250,000 AS APPROVED IN RESOLUTION 2019-26; AND PROVIDING AN EFFECTIVE DATE. (*Sponsored by Administration*)

BACKGROUND AND ANALYSIS:

The Florida Small Community Energy Efficient Lighting Grant Program administered by the Florida Department of Agriculture and Consumer Services, which awards funding for several different types of projects to aid small communities and local governments. Earlier this year, the village submitted a new grant application to replace high energy consumption lights at Coral Reef Park (CRP) and Palmetto Bay Park (PBP) with LED lights at both parking lots and PBP recreational building.

Staff was successful in receiving funding for \$199,720 from the Efficient Lighting Grant Program. The Village's financial commitment to the project is \$50,280 in matching funds, or the approximate equivalent of 20% of the total project cost equaling \$250,000. On February 4, 2019 via Resolution 2019-26 Council accepted the grant award with amounts as previously stated. Later, on July 1, 2019 via Resolution 2019-100, Council approved the selection of American Energy Services (AES) as the lowest responsive responsible bidder pursuant to ITB#1819-12-011

to install energy efficient lighting at Coral Reef Park and Palmetto Bay Park at the bid amount of \$79,987.

On July 30, 2019 staff was advised of the recount conducted by AES by reviewing photos provided with the bid resulting in Change Order 1 (CO1) in the amount of \$24,110.61. The count provided by staff was of the poles which was a lower number than the bulb count of said poles (i.e. PBP has a single pole with 3 light bulbs).

Work began on September 9, 2019 at CRP after the delivery of materials and approval of permits. On September 17, 2019, the Project Manager of AES's locally procured sub-contractor, L&S Lighting & Electrical Enterprises, conducted a walk through of PBP which resulted in the need for additional lights plus globe acorn covers that were not previously ordered. This resulted in the development of Change Order 2 (CO2) received on September 18, 2019 in the amount of \$15,532.49.

While working at CRP parking lot 2, it was discovered that a pole was missing required pieces to install the new light fixture. L&S provided these attachments which resulted in the development of Change Order 3 in the amount of \$448.84.

All change orders plus the original bid proposal amount equal a total of \$120,078.94 which is significantly lower than the total allocated grant amount of \$250,000. Staff is asking for council to approve the change orders and authorize the manager to sign all related documents.

FISCAL/BUDGETARY IMPACT:

There are no changes to the fiscal impact of this project.

Grant Request:	\$ 199,720 (79.888%)
Grant Match:	\$ 50,280 (20.112%)
Total Project Cost:	\$ 250,000 (100%)

RECOMMENDATION:

Approval is recommended.

Attachments:

- Exhibit A: AES Change Order 3
- Exhibit B: AES Change Orders 1 & 2
- Exhibit C: Resolution 2019-26 (accepting the grant funds)
- Exhibit D: Resolution 2019-100 (approving AES as contractor)

1 RESOLUTION NO. 2020-_____

2
3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
4 VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE
5 ENERGY EFFICIENCY GRANT AND INSTALLATION OF ENERGY
6 EFFICIENT LIGHTING AT CORAL REEF AND PALMETTO BAY
7 PARKS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE
8 ATTACHED CHANGE REQUEST WITH AMERICAN ENERGY
9 SERVICES (AES); FURTHER AUTHORIZING THE VILLAGE
10 MANAGER TO APPROVE THIS AND SUBSEQUENT CHANGE
11 ORDERS AND EXPENDITURE OF PROJECT GRANT FUNDS IN AN
12 AMOUNT NOT TO EXCEED \$250,000 AS APPROVED IN
13 RESOLUTION 2019-26; AND PROVIDING AN EFFECTIVE DATE.
14 (*Sponsored by Administration*)
15
16

17 **WHEREAS**, the Village of Palmetto Bay previously submitted a
18 grant application to the Florida Department of Agriculture and Consumer
19 Services requesting assistance from the Florida Small Community
20 Energy Efficient Lighting Grant Program to fund needed improvements to
21 the Coral Reef Park & Palmetto Bay Park lights; and,
22

23 **WHEREAS**, the Village Council adopted Resolution No. 2018-48
24 authorizing the Village Manager to apply and accept this grant if
25 approved; and,
26

27 **WHEREAS**, the Village was successful in securing grant funding in
28 the amount of \$199,720, and providing a grant match of \$50,280 for the
29 proposed lighting improvements project totaling \$250,000; and,
30

31 **WHEREAS**, the Village Council accepted the grant funds via
32 Resolution No. 2019-26; and,
33

34 **WHEREAS**, the Village Council approved the selection of
35 American Energy Services (AES) contractor to perform services at both
36 Coral Reef & Palmetto Bay Parks via Resolution 2019-100 with the
37 submitted bid proposal of \$79,987; and,
38

39 **WHEREAS**, AES began work in September 2019 and has
40 completed work at Palmetto Bay Park as of October 2019; and,

1 **WHEREAS**, AES submitted Change Orders 1 & 2 for Palmetto Bay
2 Park for additional materials and were signed by the Manager as they
3 were required for the project; and,
4

5 **WHEREAS**, AES submitted Change Order 3 for materials they
6 used to add fixtures to a light pole at Coral Reef Park so the newly
7 installed light may work; and,
8

9 **WHEREAS**, the addition of the change orders increases the project
10 cost and staff is seeking Councils approval to increase the contract
11 amount to cover these change orders not to exceed the allocated grant
12 funds.
13

14 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND**
15 **VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY,**
16 **FLORIDA, AS FOLLOWS:**
17

18 **Section 1.** The Village Council hereby authorizes the Village
19 Manager to execute all current and future change orders related to the
20 Energy Efficient Grant Program not to exceed the allocated grant
21 amount.
22

23 **Section 2.** The Village Manager is authorized to sign the required
24 change orders, in substantial form and content to the attached Exhibit A,
25 and other related project documents.
26

27 **Section 3.** This Resolution shall become effective immediately.
28

29 **PASSED AND ADOPTED** this 6th day of January 2020.
30
31
32
33
34
35

36 Attest: _____

37 **Missy Arocha**
38 **Village Clerk**
39
40

Karyn Cunningham
Mayor

1 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE**
2 **AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA**
3 **ONLY:**

4
5
6 _____
7 **John C. Dellagloria**
8 **Village Attorney**

9
10
11
12
13 **FINAL VOTE AT ADOPTION:**

- 14 Council Member Patrick Fiore _____
15
16 Council Member David Singer _____
17
18 Council Member Marsha Matson _____
19
20 Vice-Mayor John DuBois _____
21
22 Mayor Karyn Cunningham _____
23



1708 Whitehead Road, Suite #100, Woodlawn, MD, 21207
 Phone: (301) 482-0025
 Fax: (301) 482-0048

Coral Reef Park and Palmetto Bay

Change Order 3

Date: 10/3/2019

Scope	Quantity	Total Material	Total Labor
Quantity Discrepancy			
Coral Reef Park: (1) pole missing fixtures, new wiring run, and mounting tenon bracket. All labor and material furnished (Cree PT-2-180 bracket)	1	\$ 212.00	\$ 236.84
		\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -
Rentals and Services			
Misc. Material			

Thank you for your business!

Material	\$	212.00
Labor	\$	236.84
Discount		
Total Cost	\$	448.84

Signature: _____



1708 Whitehead Road, Suite #100, Woodlawn, MD, 21207
 Phone: (301) 482-0025
 Fax: (301) 482-0048

Coral Reef Park and Palmetto Bay

Change Order 1

Date: 7/30/19

Scope	Quantity	Total Material	Total Labor
Quantity Discrepancy			
Task 1 Lights: Increase from 5 to 11. Task 2 Lights: Increase from 9 to 18. Task 3 Lights: Increase from 2 to 16. Task 5 Lights: Increase from 5 to 10. Task 6 Lights: Decrease from 36 to 28.	16	\$ 21,482.67	\$ 9,078.95
		\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -
Rentals and Services			
45' Articulating Lift rental price difference	1	\$ 1,549.00	
Misc. Material			
Included		\$ -	

Thank you for your business!

Material	\$	23,031.67
Labor	\$	9,078.95
Discount	\$	(8,000.00)
Total Cost	\$	24,110.61

Signature: _____



1708 Whitehead Road, Suite #101-A, Woodlawn, MD, 21207
 Phone: (301) 482-0025
 Fax: (301) 482-0048

Coral Reef Park and Palmetto Bay- Change Order-02

Date: 9/17/2019

ATTENTION: Djenepha Polynice Hall

dhall@palmettobay-fl.gov

Phone: (P) 305-259-1234 ext. 1277 – (F) 305-259-1290

ATTENTION: Litsy Pittser

lpittser@palmettobay-fl.gov

Scope	Quantity	Total Material	Total Labor
Additional Pole lighting- Missed Counts			
35' Dual Head Poles- Basketball Court PBP	19	\$ 3,222.40	\$ 8,093.12
Globe- Acorn Cover Replacements and Wing Clamp Set			
Walkway Path Lights- PBP	7	\$ 1,929.20	\$ 372.71
Globe- Acorn Cover Replacements			
Attic Stock	3	\$ 784.40	\$ -
		\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -
Lift Rental			
45' Articulating Lift	1	\$ 1,130.67	\$ -
Misc. Material Included			

Material	\$	7,066.67
Labor	\$	8,465.83
Discount	\$	-
Total Cost	\$	15,532.49

Thank you for your business!

 (Signature) (Date)

- Price and terms are valid for a period of 30 days from date of this estimate.
- All light fixtures, lamps, wire nuts, quick connects or other miscellaneous materials required to complete the tasks are to be provided by American Energy Services.
- Price is for Labor, Materials, Recycling, Rental, and any Other Miscellaneous Materials.
- Final cost to 0 Is Due Within 30 Days of Final Invoice. After 30 Days Interest Will Accrue at 6% per month
- Certificate of Insurance to be Issued to 0 Upon Signature of Proposal
- Price based on use of standard ladders and/or equipment to access installations.
- Price is based on the estimated rebate at the time of the proposal, and the final rebate value may change based on the Utility provider program guidelines and the post inspection. Any change in the rebate value at the completion of the project will be passed on to the customer in the final invoice.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

RESOLUTION NO. 2019-26

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GRANTS; ACCEPTING A GRANT AWARD OF \$199,720 UNDER THE STATE'S SMALL COMMUNITY ENERGY EFFICIENT LIGHTING GRANT PROGRAM FOR LIGHTING IMPROVEMENTS TO CORAL REEF PARK AND PALMETTO BAY PARK; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE GRANT AGREEMENT AND OTHER RELATED DOCUMENTS AS REQUIRED; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration)*

WHEREAS, the Village of Palmetto Bay previously submitted a grant application to the Florida Department of Agriculture and Consumer Services requesting assistance from the Florida Small Community Energy Efficient Lighting Grant Program to fund needed improvements to the Coral Reef Park & Palmetto Bay Park lights; and,

WHEREAS, the Village Council adopted Resolution No. 2018-48 authorizing the Village Manager to apply and accept this grant if approved; and,

WHEREAS, the Village was successful in securing grant funding in the amount of \$199,720, and providing a 20% grant match of \$50,280 for the proposed lighting improvements; and,

WHEREAS, the Village desires to move forward with the acceptance of the Florida Small Community Energy Efficient Lighting Grant award and enter into a required applicant grant agreement with the Florida Department of Agriculture and Consumer Services.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The Village Council hereby accepts the grant award from the Florida Department of Agriculture and Consumer Services' Florida Small Community Energy Efficient Lighting Grant Program in the amount of \$199,720.

1 **Section 2.** The Village Manager is authorized to sign the required
2 grant agreement, in substantial form and content to the attached Exhibit
3 A, and other related grant documents.
4

5 **Section 3.** This Resolution shall become effective immediately.
6

7 **PASSED AND ADOPTED** this 4th day of February 2019.
8
9

10 DocuSigned by:
11 Attest: *Missy Arocha*
12 35B93CD226CB470
13 Missy Arocha
14 Village Clerk

DocuSigned by:
Karyn Cunningham
Karyn Cunningham
Mayor

15
16 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
17 AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA
18 ONLY:
19

20
21 DocuSigned by:
22 *Dexter W. Lehtinen*
23 1B1D06E71321445
24 Dexter W. Lehtinen
25 Village Attorney

26
27 **FINAL VOTE AT ADOPTION:**

28
29 Council Member Patrick Fiore YES
30
31 Council Member David Singer YES
32
33 Council Member Marsha Matson YES
34
35 Vice-Mayor John DuBois YES
36
37 Mayor Karyn Cunningham YES

1
2
3
4 **RESOLUTION NO. 2019-100**

5 **A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL**
6 **OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING**
7 **TO PROCUREMENT; APPROVING THE SELECTION OF**
8 **AMERICAN ENERGY SERVICES AS THE LOWEST**
9 **RESPONSIVE RESPONSIBLE BIDDER PURSUANT TO**
10 **ITB#1819-12-011 TO INSTALL ENERGY EFFICIENT LIGHTING**
11 **AT CORAL REEF PARK AND PALMETTO BAY PARK AND**
12 **AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN**
13 **AGREEMENT FOR SAID IMPROVEMENTS IN THE AMOUNT**
14 **OF \$ 79,987.00; AND PROVIDING FOR AN EFFECTIVE DATE.**

15 *(Sponsored by Administration)*
16

17 **WHEREAS**, on February 4, 2019, Council approved a grant in the
18 amount of \$ 199,720.00 with a 20% grant match of \$ 50,280.00 from
19 Florida Agriculture and Consumer Services under the Florida Community
20 Energy Efficient Lighting Grant Program Resolution No. 2019-26; and
21

22 **WHEREAS**, the Village published ITB# 1819-12-011 Energy
23 Efficient Lighting for Coral Reef Park and Palmetto Bay Park; and
24

25 **WHEREAS**, the Village received (3) Bids in response and chose the
26 lowest most responsive responsible bidder.
27

28 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE**
29 **OF PALMETTO BAY, FLORIDA, THAT:**
30

31 **Section 1.** The Village Manager is hereby authorized to execute an
32 agreement with American Energy Services in the amount of \$ 79,987.00
33 to complete the improvements of Coral Reef Park and Palmetto Bay Park.
34

35
36 **Section 2.** This Resolution shall take effect immediately upon its
37 adoption.
38
39
40

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

PASSED and ADOPTED this 1st day of July 2019.

Attest:

DocuSigned by:
Missy Arocha
B5DC211E5F8C48C...
Missy Arocha
Village Clerk

DocuSigned by:
Karyn Cunningham
35B93CD2D9CB470...
Karyn Cunningham
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:

DocuSigned by:
Dexter W. Lehtinen
1B1D08E71321495...
Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

- Council Member Patrick Fiore YES
- Council Member David Singer YES
- Council Member Marsha Matson YES
- Vice-Mayor John DuBois YES
- Mayor Karyn Cunningham YES

RESOLUTION NO. 2020-_____

1
2
3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
4 VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE
5 MIAMI-DADE COUNTY TRANSIT ONE-HALF (1/2) CENT SALES
6 TAX FOR TRANSIT; DIRECTING THE VILLAGE ATTORNEY TO
7 FILE A MOTION FOR THE VILLAGE TO INTERVENE AS PLAINTIFF
8 IN THE EXISTING LAWSUIT CHALLENGING THE ILLEGAL
9 DIVERSION OF REVENUE RAISED BY THE VOTER-APPROVED
10 TRANSIT ONE-HALF (1/2) CENT SALES TAX; AND PROVIDING AN
11 EFFECTIVE DATE. (*Sponsored by Councilmember David Singer*)
12

13 **WHEREAS**, the voters of Miami-Dade County approved a local
14 option one-half (1/2) cent sales tax for the purpose of rapid transit,
15 including but not limited to rapid transit in south Miami-Dade County,
16 under the terms and conditions specified in the referendum; and
17

18 **WHEREAS**, Miami-Dade County has failed to meet the terms and
19 conditions specified in the referendum, on which the voters relied in
20 their approval of the local option sales tax, and instead the County has
21 diverted such sales tax revenues to operating costs not permitted under
22 the terms and conditions of the referendum; and
23

24 **WHEREAS**, the illegal diversion of transit sales tax revenue has
25 resulted in a lack of rapid transit services in south Miami-Dade County
26 in general and in the vicinity of the Village of Palmetto Bay; and
27

28 **WHEREAS**, a lawsuit has been filed against Miami-Dade County
29 (Defendant) challenging the improper use of the sales tax revenue, and
30 a comprehensive motion to dismiss the lawsuit by the Defendant
31 County has been dismissed (*Lago v. Miami-Dade County*, Case No.
32 2018-27285 CA 31 (11th Judicial Circuit, Florida); and
33

34 **WHEREAS**, the Village of Palmetto Bay has legal standing to
35 engage in litigation on behalf of its residents, because its residents are
36 substantially injured by the diversion of the transit sales tax revenue, in
37 that the lack of rapid transit serving south Miami-Dade contributes to
38 serious traffic congestion, impairing travel by Village residents; and
39

1 **WHEREAS**, the Village of Palmetto Bay has legal standing to
2 engage in litigation on behalf of itself as a Florida municipal corporation,
3 because the Village is substantially injured by the diversion of transit
4 sales tax revenue, in that the lack of rapid transit serving south Miami-
5 Dade is a substantially negative factor in the Village’s land use and
6 traffic regulation decision-making, and impairs the ability of the Village
7 to provide public services; and

8
9 **WHEREAS**, legal cases upholding legal standing for municipal
10 corporations as quasi-sovereigns in the context of municipal challenges
11 to predatory lending practices within their communities (as well as
12 similar cases) establish the elements of legal standing in the context of
13 the improper diversion of transit sales tax revenue by Miami-Dade
14 County; and

15
16 **WHEREAS**, intervention by the Village as a plaintiff in the existing
17 litigation is the most efficient and effective method for the Village to
18 legally challenge the improper diversion of transit sales tax revenue.

19
20 **NOW, THEREFORE, BE IT RESOLVED BY THE**
21 **MAYOR AND VILLAGE COUNCIL AS FOLLOWS:**

22
23 **Section 1.** The Village Attorney is hereby directed to file a motion for
24 the Village of Palmetto Bay to intervene as a party plaintiff in the case
25 of *Lago v. Miami-Dade County*, Case No. 2018-27285 CA 31 (11th
26 Judicial Circuit, Florida), on behalf of itself as a municipal corporation
27 and on behalf of its residents, challenging the improper diversion of
28 funds raised by the voter-approved transit sales tax.

29
30 **Section 2.** This Resolution shall become effective upon approval.

31
32
33 **PASSED and ADOPTED** this 6th day of January 2020.

34
35
36 Attest: _____

37 **Missy Arocha**
38 **Village Clerk**

39 **Karyn Cunningham**
40 **Mayor**

1 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
2 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,
3 FLORIDA ONLY:

4
5
6

7 _____
8 **John C. Dellagloria**
9 **Village Attorney**

10

11 **FINAL VOTE AT ADOPTION:**

12
13
14
15
16
17
18
19
20
21

Council Member Patrick Fiore _____
Council Member David Singer _____
Council Member Marsha Matson _____
Vice-Mayor John DuBois _____
Mayor Karyn Cunningham _____

RESOLUTION 2020-____

1
2
3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
4 VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO A PROJECT TO
5 COMMEMORATE THE 100TH ANNIVERSARY OF THE PASSAGE OF THE
6 WOMEN'S SUFFRAGE AMENDMENT TO THE U.S. CONSTITUTION,
7 DIRECTING THE VILLAGE MANAGER TO DIRECT THE PUBLIC
8 INFORMATION OFFICER TO CONDUCT VIDEO INTERVIEWS OF
9 PERSONS KNOWLEDGEABLE OF WOMEN'S LIVES AND POLITICAL
10 PARTICIPATION IN THE PALMETTO BAY AREA IN THE EARLY 1900s,
11 AND INTERVIEWS OF CURRENT AND PAST PALMETTO BAY WOMEN
12 MAYORS AND COUNCILPERSONS, AND INSTRUCTING THE PUBLIC
13 INFORMATION OFFICER TO PREPARE A VIDEO PRESENTATION TO BE
14 POSTED ON THE VILLAGE WEBSITE, AND PROVIDING FOR AN
15 EFFECTIVE DATE. *(Sponsored by Councilmember Marsha Matson)*

16
17 **WHEREAS**, the 19th Amendment to the United States Constitution
18 granting women the right to vote became law on August 26, 1920; and

19
20 **WHEREAS**, although Florida did not ratify the amendment until 1969,
21 Florida did pass a law granting all residents suffrage in 1921, and Florida
22 women voted and ran for office the next year; and

23
24 **WHEREAS**, over the decades, women have increasingly occupied
25 positions of responsibility in all areas of Florida government; and

26
27 **WHEREAS**, federal, state, and local governments throughout the
28 country are creating projects and planning events to celebrate and honor this
29 milestone in American history; and

30
31 **WHEREAS**, the Palmetto Bay Women's Suffrage Amendment
32 Centennial Project proposed and approved herein by the Council is the
33 Village's opportunity both to reflect on the past and to celebrate the advances
34 made thus far in Palmetto Bay.

35
36 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND**
37 **VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA,**
38 **AS FOLLOWS:**

1 **Section 1. Whereas Clauses.** The above whereas clauses are
2 incorporated by reference into this Resolution.

3
4 **Section 2. Palmetto Bay Women’s Suffrage Amendment**
5 **Centennial Project.** The Mayor and Village Council resolve that the Village
6 Manager shall direct the Public Information Officer (“PIO”) to produce a video
7 project that describes women’s political participation and right to vote in the
8 Palmetto Bay area as embraced by the women’s suffrage movement set
9 forth above. For such purpose, the PIO shall interview five people to
10 describe what life was like for women in the area of Palmetto Bay from
11 approximately 1900 to 1920, the date of ratification of the 19th
12 amendment. Each council member shall nominate one person, who is a
13 descendent of an area family, a long-time village resident, an historian, or
14 other knowledgeable person to be interviewed. Each person is to be videoed
15 by the PIO about family stories, histories, memorabilia, photos, and any other
16 information related generally to the lives of women in the Palmetto Bay area
17 and specifically to the struggle to win women’s right to vote. The PIO shall
18 also interview past and current women mayors and councilmembers of the
19 Village, discussing their perspectives on being women in politics and holding
20 elected office in the Village.

21
22 **Section 3: Posting of Project on Village Web site.** The collection of
23 interviews and materials shall be posted on the Village website when
24 complete.

25
26 **Section 4: Other Activities.** Other village activities, such as a
27 screening event, can be organized around the completed videos.

28
29 **Section 5: Completion date:** The project shall be completed no later
30 than August 26, 2020, the 100th anniversary of the passage of the 19th
31 Amendment.

32
33 **Section 6. Effective Date.** This Resolution shall take effect
34 immediately upon approval.

1 **PASSED and ADOPTED** this 6th day of January 2020.

2
3 Attest:

4
5
6 _____
7 **Missy Arocha**
8 **Village Clerk**

_____ **Karyn Cunningham**
Mayor

9
10 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND
11 RELIANCE OF THE VILLAGE OF PALMETTO BAY, ONLY:
12
13
14
15

16 _____
17 **John C. Dellagloria**
18 **Village Attorney**

19
20
21 **FINAL VOTE AT ADOPTION;**

- 22
- 23 Councilmember Patrick Fiore _____
- 24
- 25 Councilmember David Singer _____
- 26
- 27 Councilmember Marsha Matson _____
- 28
- 29 Vice Mayor John DuBois _____
- 30
- 31 Mayor Karyn Cunningham _____

1 Attest:

2

3

4

5

6 Missy Arocha
7 Village Clerk

Karyn Cunningham
Mayor

8

9

10 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
11 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,
12 FLORIDA ONLY:

13

14

15

16

17 John C. Dellagloria
18 Village Attorney

19

20

21

22 FINAL VOTE AT ADOPTION:

23

24 Council Member Patrick Fiore _____

25

26 Council Member David Singer _____

27

28 Council Member Marsha Matson _____

29

30 Vice-Mayor John DuBois _____

31

32 Mayor Karyn Cunningham _____



Subject

Summary of Better Bus Project Network Concepts for Palmetto Bay

Better Bus Project

A bus system redesign is a collaborative planning effort to decide where today's bus service should go (and how frequently), starting from a clean slate. The biggest outcome of the project will be a new bus network that's more useful for more people – concentrating frequent service, building better connections, and creating a stronger network.

The Better Bus Project is being led by Transit Alliance Miami in partnership with Miami-Dade County. It is the first advocacy-led and community-driven bus system redesign in the country. The project includes the County bus system and trolley systems in the City of Miami, Miami Beach and Coral Gables.

Context

The County bus system has lost over 25 million boardings in the past five years, one of the steepest declines in ridership in the country. The growth in municipal trolley ridership only accounts for 15% of the decline¹. When considering transit ridership, one must consider the entire system as a whole. The system is still experiencing a net loss of riders despite gains in some municipal systems.

The County currently only operates five frequent bus routes, defined as a bus arriving every 15 minutes throughout the day. Several routes are extremely circuitous, while both County and Municipal services duplicate each other.

The project is cost-neutral, and assumes the same operating budget for both systems.

More information about our existing network can be found in the Choices Report at:

www.betterbus.miami/choices

There is also a robust community engagement process for the project, that can be found at:

www.betterbus.miami/connect

Concepts

The project has released two network concepts. These concepts aren't proposals. They are different ways of thinking about how we could design our new bus network, depending on the goals that we deem most important. These concepts were designed in collaboration with City staff.

¹ Better Bus Project Choices Report, p. 5



Better Bus Project

If our goal was to increase ridership, we would provide extremely useful service (every 15 minutes or less) in the places where we have the most jobs and most people, and less service everywhere else.

If our goal was to spread out our service across the region, regardless of the ridership outcome, we would be seeking coverage. We would have less frequent routes, but our service would be spread further across the County.

The two network concepts alongside the existing network demonstrate these goals and a few other key choices as the County its residents, businesses, and leaders decide how they want to design the bus system. The key questions are

- How Much Change? Both the Coverage and Ridership Concepts would change the network significantly to increase the freedom and access people have by transit. The trade-off is that many people are used to the service as it is, and will complain if we change anything.
- Whether and how to change trolley services? Both the Coverage and Ridership Concepts assume that the City of Miami and Miami Beach would change their trolley networks to maximize job access overall. The trade-off is that Trolley routes are the result of a community-driven process and are controlled by cities, and they have different fares and vehicles. This means changing both trolleys and the county network requires more coordinating and effort on the part of everyone.
- How far apart should bus stops be? Both the Coverage and Ridership Concepts assume that bus stops should be about every 1,000 to 1,300 feet apart on most high ridership routes. This allows riders to get where they are going faster. The downside is that some people have physical limitations on walking and some places are unpleasant to walk in, especially in summer.
- Ridership or Coverage? The Coverage Concept changes the network to maximize job access, widen stop spacing, and redesign trolley services but ensures that everyone who is within $\frac{1}{4}$ of transit today is still near a stop. The Ridership Concept changes the network even more, but shifting service away from low density areas and increasing frequency in the denest and busiest places in the county.

The Existing Network spends about 70% of its resources on Ridership goals and about 30% on Coverage goals and duplication. The Coverage Concept spends about 80% of its resources on Ridership Goals and about 20% on coverage goals, as most of the duplication has been removed. The Ridership Concept spends about 90% of its resources on Ridership goals and the remaining 10% on Coverage goals. The engagement process is centered around answering the key questions above and finding out where, in the spectrum these concepts represent, the community would like their future bus system to be ahead of designing the final network plan later this year.



In the included network maps, routes are color-coded by frequency (see the legend in the top left), with red lines being the most frequent (a bus arriving every 15 minutes throughout the day).

Taking a Position

By Palmetto Bay taking a position on the network concepts, it aids County Commissioners in taking their position on the two concepts ahead of designing a final network plan.

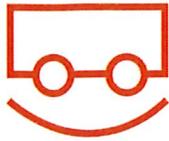
Outcomes

As elected officials, it is far more important to focus on the outcomes of the redesigned network rather than every new twist and turn in the redesigned routes. We have measured very specific outcomes to help guide your decision, and have included some below.

We use job access as a proxy to measure a person's access to services and opportunities. Even if someone isn't traveling to a job on transit, they are generally traveling to somewhere that has jobs (for example, the grocery store, which has employees, and therefore jobs).

The outcomes for the average resident in Miami-Dade County are:

- The Coverage Concept:
 - Increases by 33% the number of jobs reachable by transit in 45 minutes for the average resident.
 - Increases the number of jobs that the average person in poverty could reach in an hour by 32,000, a 28% increase.
 - Increases the percent of residents near high frequency service from 10% to 18
 - Maintains the overall number of people near any transit service at the current level of about 60%.
- The Ridership Concept:
 - Increases by 51% the number of jobs reachable by transit in 45 minutes for the average resident.
 - Increases the number of jobs that the average person in poverty could reach in an hour by 50,000, a 44% increase.
 - Increases the percent of residents near high frequency service from 10% to 28%
 - Reduces the percent of people near any transit service from 60% to 48%.



Better Bus Project

Route 31 operates on the busway from Dadeland South to Cutler Bay and comes every 30 minutes at midday on weekdays, as indicated by the blue line on the map above . It serves an average of 25 boardings an hour every weekday and serves an average of 1,119 boardings a day on weekdays.

Route 38 operates on the busway from Dadeland South to Florida City and comes every 20 minutes at midday on weekdays, as indicated by the purple line on the map above. It serves an average of 30 boardings an hour every weekday and serves an average of 6,551 boardings a day on weekdays.

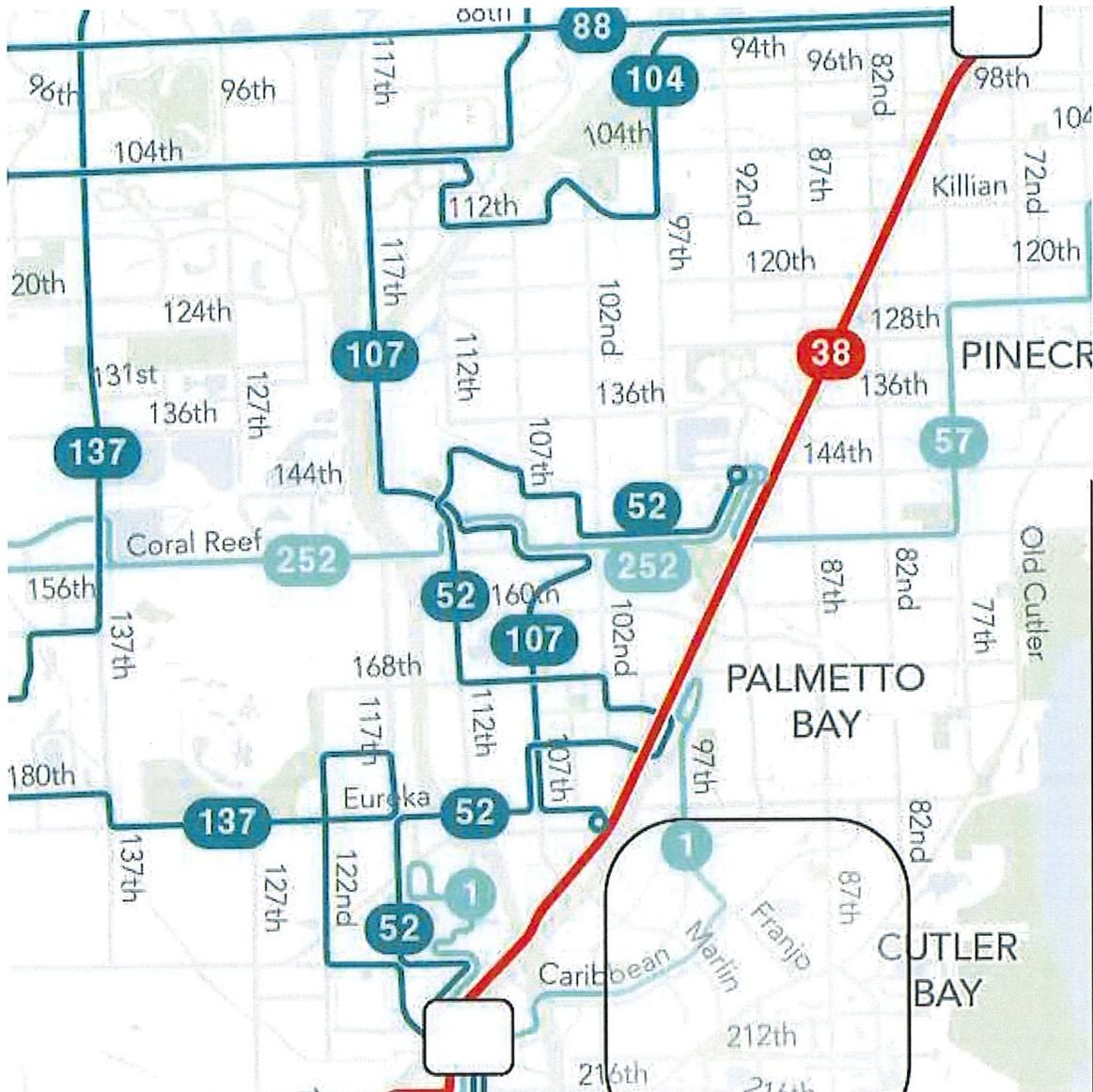
Route 1 operates every 40 minutes and serves an average of 13 boardings an hour every weekday and 319 boardings a day on weekdays. Route 1 heading north starts at SW 114 Avenue & Quail Roost Drive and ends at SW 165 Street & US 1.

Route 57 operates every 60 minutes and serves an average of 11 boardings an hour every weekday and 428 boardings a day on weekdays. Route 57 heading north starts at Jackson South Hospital, connects to South Miami Metrorail, and ends at Miami Airport Station.

Coverage Concept



Better Bus Project



Route 38 is combined with Route 31 and will operate more frequently at a 15 minute frequency throughout the day from Dadeland South Metrorail to Florida City.

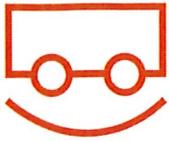
Route 1 would be reduced to a 60 minute frequency running on the same streets and patterns as today.

Route 57 would remain at a 60 minute frequency running on the same streets and patterns as today.



Better Bus Project

In this concept, the average resident in Palmetto Bay can access 19% more jobs in 60 minutes on transit (compared to the existing network) due to increases in frequency on the busway and services that connect to it.



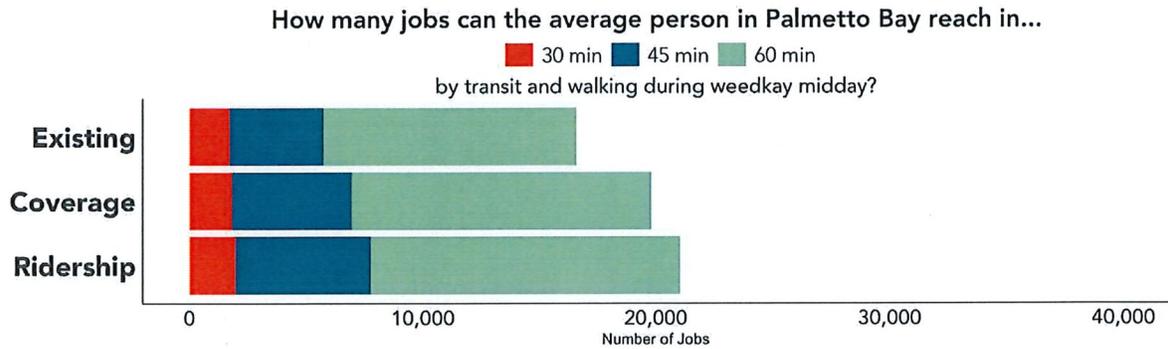
Better Bus Project

In this concept, we invest in the most frequent service on the routes that carry the most riders. Therefore, resources from Route 1 and Route 57 are invested in operating more frequent service on the busway as those routes have an average of 13 boardings per hour, which is below the systemwide average 21 boardings an hour, and far below the productivity of Routes 31 or 38 at which get 25 and 30 boardings per hour, respectively.

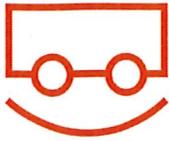
In this concept, the average resident in Palmetto Bay can access 27% more jobs in 60 minutes on transit (compared to the existing network) due to further increases in frequency on the busway and services that connect to it.

Palmetto Bay's local services can continue to provide local service that would connect to more frequent regional connections in the Ridership concept.

The charts below shows how job access outcome changes between the concepts for the average resident in Palmetto Bay.



The isochrones below visualizes the physical changes in freedom between the existing network and the two concepts. The legend in the top right will help you understand them, and the specific.

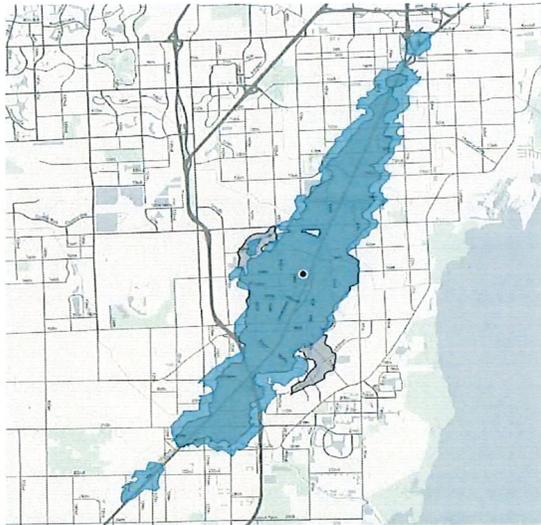


Better Bus Project

How far can I travel in 45 minutes from Busway and 168th at noon?

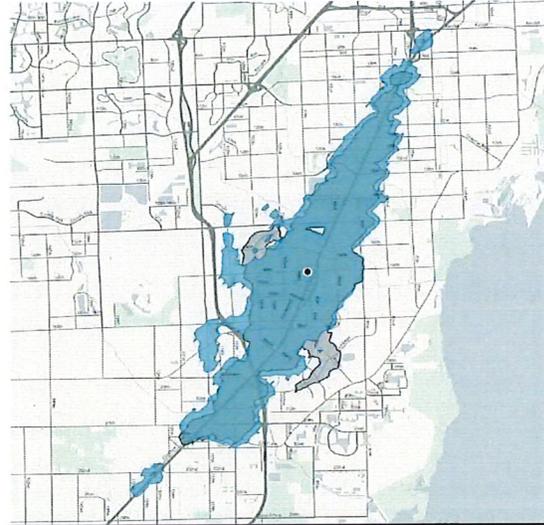


Ridership Concept



Change in jobs reachable	+8,640	+45%
Change in residents reachable	+9,705	+20%

Coverage Concept



Change in jobs reachable	+6,355	+30%
Change in residents reachable	+11,020	+20%

The trade-off of the increased frequency, which improves the overall access to jobs, is that there are fewer routes, so some people are a longer walk to service, or are too far from service to reasonably walk to a route. We can see the effect of this by looking at how many people or jobs are within a 1/2 mile and 1/4 mile of service in the charts that follow.

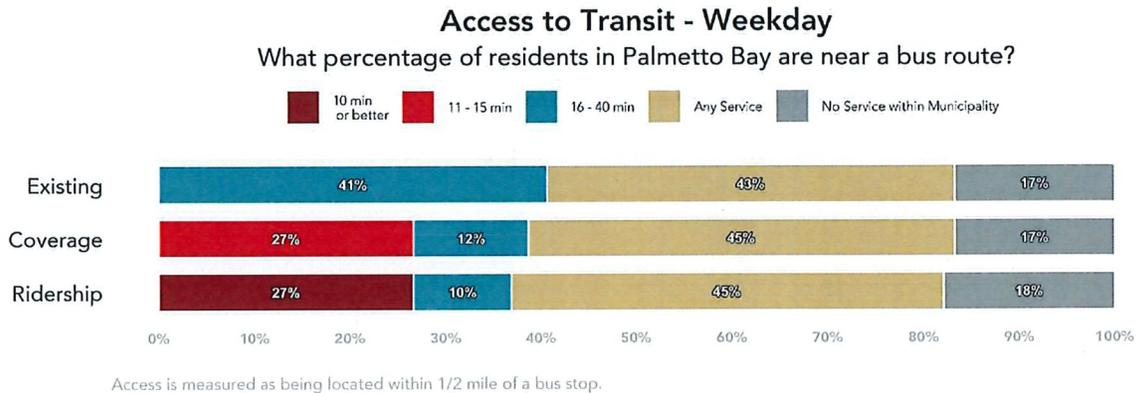
The calculations above and below do include the IBus Route A but do not take into account the peak-only IBus Route B or the Freebee express services as they are not available at midday. However, it is worth considering them when deciding between the two concepts as they both increase the access to regional transit services during peak periods.



Better Bus Project

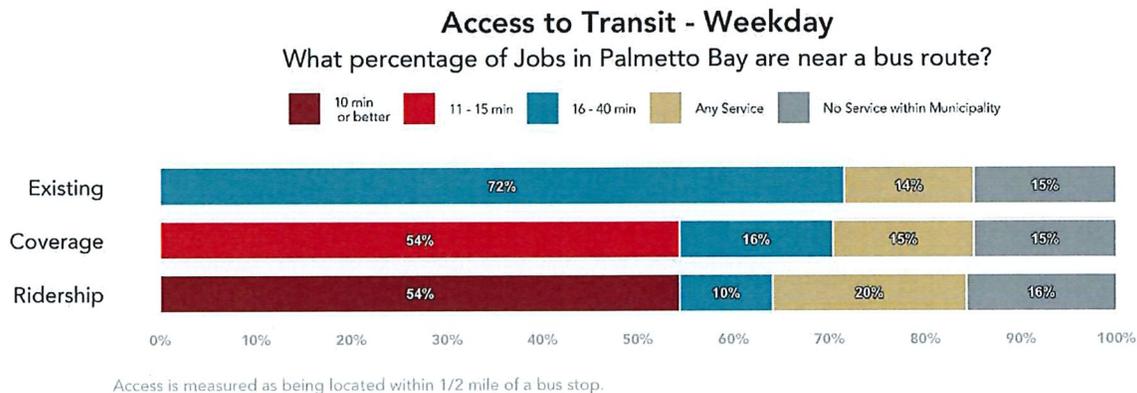
Residents within 1/2 mile of service

The chart below shows that in the Existing Network, about 84% of residents in Palmetto Bay are within 1/2 a mile of transit today, but none are near a frequent route (something coming every 15 minutes or better at midday). In the Coverage Concept the percent of residents within 1/2 a mile of any service remains to 84% but now 39% are near a frequent route. In the Ridership Concept, while 42% of residents are within 1/2 a mile of some transit, 27% of residents are near a bus coming every 10 minutes.



Jobs within 1/2 mile of service

The chart below shows that in the Existing Network, about 86% of jobs in Palmetto Bay are within 1/2 a mile of transit today, but none are near a frequent route (something coming every 15 minutes or better at midday). In the Coverage Concept the percent of jobs within 1/2 a mile of service is 85%, but now 70% are within 1/2 a mile of a frequent route. In the Ridership Concept, while 84% of jobs are within 1/2 a mile of some transit, 54% of jobs are within 1/2 a mile of a bus coming every 10 minutes.

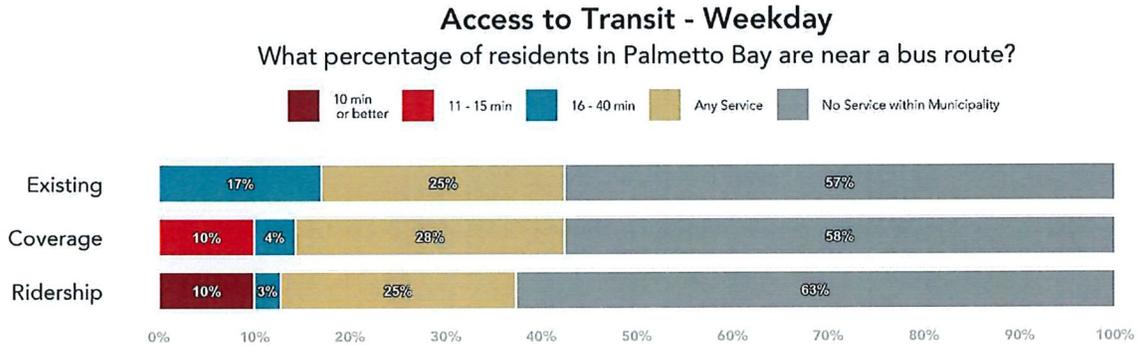




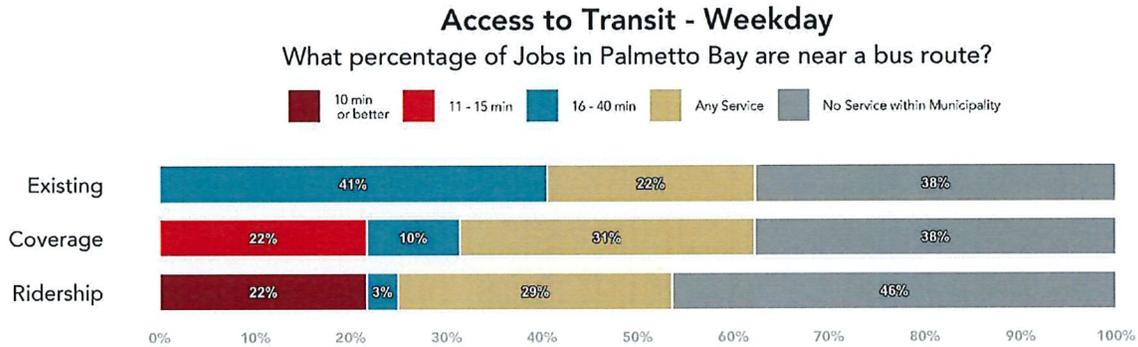
Better Bus Project

Jobs and Residents within 1/4 mile of service

The charts below also measure access to transit for jobs and residents, but **within a 1/4 mile** instead of a 1/2 mile. The outcomes are largely similar, with the largest increase in access to frequent service in the Ridership concept.



Access is measured as being located within 1/4 mile of a bus stop.



Access is measured as being located within 1/4 mile of a bus stop.



To: Honorable Mayor and Village Council

Date: October 7, 2019

From: Edward Silva, Village Manager

Re: Stormwater Master Plan Update

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE STORMWATER MASTER PLAN; APPROVING THE SELECTION OF KIMLEY-HORN AND ASSOCIATES, INC., TO UPDATE THE VILLAGE'S STORMWATER MASTER PLAN; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH SAID COMPANY AND ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$84,500; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration)*

BACKGROUND AND ANALYSIS:

In February 2004, as per Resolution No. 04-21, the Village of Palmetto Bay contracted Kimley-Horn and Associates, Inc., for the development of a Stormwater Master Plan (SWMP). The SWMP was completed and accepted in December 2004 as part of Resolution No. 04-22. The SWMP included a Capital Improvement Plan (CIP) that identified seventeen priority stormwater improvement projects (basins) throughout the Village of Palmetto Bay based on observed flooding, flood complaints, roadway conditions, traffic volumes, and hydraulic analysis.

In 2012, as per Resolution No. 2012-83, the Village of Palmetto Bay authorized Kimley-Horn to complete an update to the 2004 SWMP. This first update was completed basically 7 years after the original SWMP. Recently, there has been increased awareness regarding the possible effects of sea level rise. In addition, 7 years have transpired since the first update was completed and there have been several stormwater projects and localized drainage improvement projects completed during that period that have enhanced and improved the Village's stormwater system; we are recommending that the SWMP be updated again.

Kimley-Horn has intimate knowledge as to the drainage improvements completed within the village, as they have completed several recent stormwater projects, namely the design and contract administration & inspection for Sub-Basin 59/60 constructed during 2018-2019, and the design for Sub-Basin 61.

FISCAL/BUDGETARY IMPACT:

Funding is available and budgeted for this item under "Stormwater" in an amount not to exceed \$84,500 in Fiscal Year 2019-2020.

RECOMMENDATION:

Approval is recommended.

Attachments:

- (1) Attachment A: Kimley Horn Stormwater Master Plan Update Proposal

1 Services requested a proposal from said company to update the
2 SWMP; and

3
4 **WHEREAS**, having completed the original SWMP in 2004, along
5 with an update in 2012 and implementing four of the Village's
6 stormwater capital improvement projects, Kimley-Horn and Associates,
7 Inc. has extensive information and local knowledge that will be used to
8 minimize data collection activities for the SWMP update.

9
10 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE**
11 **OF PALMETTO BAY, FLORIDA, THAT:**

12
13 **Section 1.** The Village Council hereby approves the selection of
14 Kimley-Horn and Associates, Inc. to update the Village's Stormwater
15 Master Plan.

16
17 **Section 2.** The Village Manager is authorized to enter into an
18 agreement with said company, in substantial form and content to the
19 attached Exhibit A, and to issue a purchase order in an amount not to
20 exceed \$84,500.

21
22 **Section 3.** This Resolution shall become effective upon adoption.

23
24
25 **PASSED and ADOPTED** this 6th day of January 2020.

26
27
28 Attest:

29
30
31 _____
32 **Missy Arocha**
33 **Village Clerk**

34
35
36 _____
37 **Karyn Cunningham**
38 **Mayor**

1 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
2 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,
3 FLORIDA ONLY:

4
5
6

7 **John C. Dellagloria**
8 **Village Attorney**

9
10

11 **FINAL VOTE AT ADOPTION:**

12
13
14
15
16
17
18
19
20
21

Council Member Patrick Fiore _____
Council Member David Singer _____
Council Member Marsha Matson _____
Vice-Mayor John DuBois _____
Mayor Karyn Cunningham _____

EXHIBIT "A"

PROJECT AGREEMENT

Between

VILLAGE OF PALMETTO BAY, FLORIDA

And

Kimley-Horn and Associates, Inc.

for

Work Authorization No. 19-XX

2020 Stormwater Master Plan Update

PROJECT AGREEMENT

Between

THE VILLAGE OF PALMETTO BAY, FLORIDA

And

Kimley-Horn and Associates, Inc.

For

Work Authorization No. 19-XX

2020 Stormwater Master Plan Update

Pursuant to the provisions contained in the "continuing services agreement" between the VILLAGE OF PALMETTO BAY, FLORIDA, 9705 East Hibiscus Street, Palmetto Bay, Florida 33157 (the "VILLAGE") and Kimley-Horn and Associates, Inc., ("CONSULTANT" or "ENGINEER") dated June 20, 2013, this project agreement authorizes the CONSULTANT to provide the services as set forth below:

The VILLAGE and CONSULTANT agree as follows:

SECTION 1. SCOPE OF SERVICES

1.1 The CONSULTANT shall provide engineering services to the VILLAGE for the project as described in the "Project Description" attached as Exhibit "1."

1.2 The "Scope of Services and Project Schedule" and tasks to be provided by the CONSULTANT for this project are those services and tasks as listed in Exhibit "2."

1.3 The VILLAGE may request changes that would increase, decrease, or otherwise modify the Scope of Services. The changes must be contained in a written change order executed by the parties in accordance with the provisions of the continuing services agreement, prior to any deviation from the terms of the project agreement, including the initiation of any extra work.

SECTION 2. DELIVERABLES

As part of the Scope of Services and Project Schedule, the CONSULTANT shall provide to the VILLAGE the following Deliverables:

See Scope of Services in Attachments Exhibit "2".

SECTION 3. TERM/TIME OF PERFORMANCE/DAMAGE

3.1 **Term.** This project agreement shall commence on the date this instrument is fully executed by all parties and shall continue in full force and effect until the project is completed, unless otherwise terminated pursuant to section 6 or other applicable provisions of this project agreement. The VILLAGE manager, in his sole discretion, may extend the term of this agreement through written notification to the CONSULTANT. The extension shall not exceed 30 days. No further extensions of this agreement shall be effective unless authorized by the VILLAGE council.

3.2 **Commencement.** The CONSULTANT's services under this project agreement and the time frames applicable to this project agreement shall commence upon the date provided in a written Notification of Commencement ("Commencement Date") provided to the CONSULTANT from the VILLAGE. The CONSULTANT shall not incur any expenses or obligations for payment to third parties prior to the issuance of the Notification of Commencement. CONSULTANT must receive written notice from the VILLAGE manager or his designee prior to the beginning the performance of services.

3.3 **Contract Time.** Upon receipt of the Notification of Commencement, the CONSULTANT shall commence services to the VILLAGE on the Commencement Date, and shall continuously perform services to the VILLAGE, without interruption, in accordance with the time frames set forth in the "Project Schedule," a copy of which is attached and incorporated into this agreement as Exhibit "2". The number of calendar days from the Commencement Date, through the date set forth in the Project Schedule for completion of the project or the date of actual completion of the project, whichever shall last occur, shall constitute the Contract Time.

3.4 **Liquidated Damages.** Unless otherwise excused by the VILLAGE in writing, in the event that the CONSULTANT fails to meet the contract time for completion of services as determined by the Project Schedule, the CONSULTANT shall pay to the VILLAGE the sum of dollars identified below per day for each and every calendar day unexcused delay beyond the completion date, plus approved time extensions, until completion of the project: \$0 per day. The CONSULTANT may claim extension if the factors involved are not under their direct control.

Any sums due and payable hereunder by the CONSULTANT shall be payable, not as a penalty, but as liquidated damages representing and estimate at or before the time of executing this agreement. When the VILLAGE reasonably believes that completion will be inexcusably delayed, the VILLAGE shall be entitled, but not required, to withhold from any amounts otherwise due the CONSULTANT an amount then believed by the VILLAGE to be adequate to recover liquidated damages applicable to the delays. If and when the CONSULTANT overcomes the delay in achieving completion, or any part thereof, for which the VILLAGE has withheld payment, the VILLAGE shall promptly release to the CONSULTANT those funds withheld, but no longer applicable, as liquidated damages.

3.5 All limitations of time set forth in this agreement are of the essence.

SECTION 4. AMOUNT, BASIS AND METHOD OF COMPENSATION

4.1 **Lump Sum Compensation.** VILLAGE agrees to pay CONSULTANT as compensation for performance of all services described in Exhibit "2" a Lump Sum amount of \$84,500.00.

4.2 **Reimbursable Expenses.** The following expenses are reimbursable at their actual cost: travel and accommodations, long distance telephone calls, facsimile, courier services, mileage (at a rate approved by the VILLAGE), photo and reproduction services. All document reproductions are also reimbursable, at a rate approved by the VILLAGE.

SECTION 5. BILLING AND PAYMENTS TO THE CONSULTANT

5.1 Invoices

5.1.1 **Lump Sum Compensation and Reimbursable Expenses.** CONSULTANT shall submit invoices which are identified by the specific project number on a monthly basis in a timely manner. These invoices shall identify the nature of the work performed, the phase of work, and the estimated percent of work accomplished in accordance with the Payment Schedule set forth in Exhibit "3", to this project agreement. Invoices for each phase shall not exceed amounts allocated to each phase of the Project plus reimbursable expenses accrued during each phase. The statement shall show a summary of fees with accrual of the total and credits for portions previously paid by the VILLAGE. The VILLAGE shall pay CONSULTANT within 30 days of approval by the VILLAGE manager of any invoices submitted by CONSULTANT to the VILLAGE.

5.2 **Disputed Invoices.** In the event that all or a portion of an invoice submitted to the VILLAGE for payment to the CONSULTANT is disputed, or additional backup documentation is required, the VILLAGE shall notify the CONSULTANT within 15 working days of receipt of the invoice of the objection, modification or additional documentation request. The CONSULTANT shall provide the VILLAGE with additional backup documentation within five working days of the date of the VILLAGE's notice. The VILLAGE may request additional information, including but not limited to, all invoices, time records, expense records, accounting records, and payment records of the CONSULTANT. The VILLAGE, at its sole discretion, may pay to the CONSULTANT the undisputed portion of the invoice. The parties shall endeavor to resolve the dispute in a mutually agreeable fashion.

5.3 **Suspension of Payment.** In the event that the VILLAGE becomes credibly informed that any representations of the CONSULTANT, provided pursuant to subparagraph 5.1, are wholly or partially inaccurate, or in the event that the CONSULTANT is not in compliance with any term or condition of this project agreement, the VILLAGE may withhold payment of sums then or in the future otherwise due to the CONSULTANT until the inaccuracy,

or other breach of project agreement, and the cause thereof, is corrected to the VILLAGE's reasonable satisfaction.

5.4 **Retainage.** The VILLAGE reserves the right to withhold retainage in the amount of 10 percent of any payment due to the CONSULTANT until the project is completed. Said retainage may be withheld at the sole discretion of the VILLAGE manager and as security for the successful completion of the CONSULTANT's duties and responsibilities under the project agreement.

5.5 **Final Payment.** Submission of the CONSULTANT's invoice for final payment and reimbursement shall constitute the CONSULTANT's representation to the VILLAGE that, upon receipt from the VILLAGE of the amount invoiced, all obligations of the CONSULTANT to others, including its CONSULTANT's, incurred in connection with the project, shall be paid in full. The CONSULTANT shall deliver to the VILLAGE all documents requested by the VILLAGE evidencing payments to any and all subconsultant's, and all final specifications, plans, or other documents as dictated in the Scope of Services and Deliverable. Acceptance of final payment shall constitute a waiver of any and all claims against the VILLAGE by the CONSULTANT.

SECTION 6. TERMINATION/SUSPENSION

6.1 **For Cause.** This project agreement may be terminated by either party upon five calendar days written notice to the other party should the other party fail substantially to perform in accordance with its material terms through no fault of the party initiating the termination. In the event that CONSULTANT abandons this project agreement or causes it to be terminated by the VILLAGE, the CONSULTANT shall indemnify the VILLAGE against any costs incurred in replacing CONSULTANT for this project agreement. In the event that the CONSULTANT is terminated by the VILLAGE for cause and it is subsequently determined by a court of competent jurisdiction that the termination was without cause, the termination shall thereupon be deemed a termination for convenience under section 6.2 of this project agreement and the provision of section 6.2 shall apply.

6.2 **For Convenience.** This project agreement may be terminated by the VILLAGE for convenience upon 14 days' written notice to the CONSULTANT. In the event of termination, the CONSULTANT shall incur no further obligations in connection with the project and shall, to the extent possible, terminate any outstanding subconsultant's obligations. The CONSULTANT shall be compensated for all services performed to the satisfaction of the VILLAGE and for reimbursable expenses incurred prior to the date of termination. The CONSULTANT shall promptly submit its invoice for final payment and reimbursement and the invoice shall comply with the provisions of paragraph 5.1 of this project agreement. Under no circumstances shall the VILLAGE make any payment to the CONSULTANT for services which have not been performed.

6.3 **Assignment upon Termination.** Upon termination of this project agreement, a copy of all of the CONSULTANT's work product shall become the property of the VILLAGE and the CONSULTANT shall, within 10 working days of receipt of written direction from the VILLAGE, transfer to either the VILLAGE or its authorized designee, a copy of all work product in its possession, including but not limited to designs, specifications, drawings, studies, reports and all other documents and data in the possession of the CONSULTANT pertaining to this project agreement. Further, upon the VILLAGE's request, the CONSULTANT shall assign its rights, title and interest under any subconsultant's agreements to the VILLAGE.

6.4 **Suspension for Convenience.** The VILLAGE shall have the right at any time to direct the CONSULTANT to suspend its performance, or any designated part thereof, for any reason whatsoever or without reason, for a cumulative period of up to 30 calendar days. If the suspension is directed by the VILLAGE, the CONSULTANT shall immediately comply with same. In the event the VILLAGE directs a suspension of performance as provided for herein through no fault of the CONSULTANT, the VILLAGE shall pay to the CONSULTANT its reasonable costs, actually incurred and paid, of demobilization and remobilization, as full compensation for the suspension.

SECTION 7. INCORPORATION OF TERMS AND CONDITIONS OF CONTINUING SERVICE AGREEMENT

7.1 This project agreement incorporates the terms and conditions set forth in the continuing services agreement dated June 11, 2010 between the parties as though fully set forth herein. In the event that any terms or conditions of this project agreement conflict with the continuing services agreement, the provisions of this specific project agreement shall prevail and apply.

[THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK.]

ATTEST:

VILLAGE OF PALMETTO BAY

VILLAGE Clerk

By: _____
Edward Silva, VILLAGE Manager

Date: _____

APPROVED AS TO FORM:

VILLAGE Attorney

ATTEST:

Kimley-Horn and Associates, Inc.

By: _____
Gary R. Ratay, P.E.
Vice President

Date: _____

WITNESSES:

Print Name: _____

Print Name: _____

Exhibit "1"

Project Description

The VILLAGE was incorporated in September 2002 and a Stormwater Master Plan (SWMP) was completed in December 2004. The SWMP included a Capital Improvement Plan (CIP) that addressed seventeen priority stormwater improvement projects (basins) throughout the VILLAGE based on observed flooding, flood complaints, roadway conditions, traffic volumes, and hydraulic analysis.

In December 2014, the original SWMP was updated because the original SWMP was over 7 years old and there had been several stormwater projects and localized drainage improvements that had enhanced and improved the VILLAGE's stormwater system. In addition, there had been changes in the construction industry that were reviewed and incorporated into the budgets for the stormwater program. That prior SWMP update is now 5 years old. In order to evaluate the stormwater program since that update as well as address and assess additional areas of the VILLAGE for stormwater programming and priorities, it is recommended that the VILLAGE perform a new update to their current SWMP. This second SWMP update will incorporate conceptual sea level rise impacts associated with the proposed priority basin stormwater improvements.

Having completed the prior SWMP documents as well as implementing several of the VILLAGE's stormwater capital improvement projects, the CONSULTANT has extensive information and local knowledge that will be used to minimize data collection efforts and to better serve the VILLAGE during this SWMP Update.

Exhibit "2"

Scope of Services and Project Schedule

Task 1 - Project Initiation/Meetings

The purpose of this task is to initiate the project including identifying project protocols and establishing the necessary coordination between the CONSULTANT and VILLAGE staff. The CONSULTANT will conduct a project Kick-off meeting after receiving notice to proceed from the VILLAGE. At this meeting, information will be reviewed about previous storm water management efforts and experiences, particularly those relative to ongoing flooding and pavement deterioration within the VILLAGE. The meeting will address the project schedule, coordination requirements, project goals, and project objectives.

Up to two (2) coordination meetings may be required between the VILLAGE and the CONSULTANT as discussed throughout the scope of services.

Deliverables:

- Kickoff meeting and coordination meetings

Task 2 - Data Collection

The CONSULTANT will collect and evaluate information contained in the current SWMP, readily available information that has been prepared since completion of the current SWMP, limited field data collection, and additional information that may include:

1. NPDES Permit information and data (from Miami-Dade County and the VILLAGE)
2. VILLAGE ordinances, regulations or guidelines for stormwater management (from VILLAGE)
3. Stormwater system Geographical Information System (GIS) coverage (from VILLAGE)
4. Design and record drawings of completed stormwater capital projects and localized drainage improvements (from VILLAGE)
5. Citizen complaint reports/Public Works Department Work Orders (from VILLAGE)
6. Records of stormwater management problem areas (from VILLAGE)

The CONSULTANT will prepare a brief memorandum summarizing the data collected to support the development of this Stormwater Master Plan Update. This memorandum will also include an initial update to the stormwater drainage deficiency map and identification of additional data needs, if any, to complete the Plan. This task does not include physically collecting field data such as topographic surveys or geotechnical testing. Mapping protocol will be consistent with the current SWMP (CAD only).

Deliverables:

- Data Collection memorandum

Task 3 - Stormwater Master Plan Update

The result of this task is to develop a Stormwater Master Plan Update that utilizes the services performed and information collected in Tasks 1 and 2. This task will be conducted in the following three sub-tasks.

- 3.1 Existing Problems/Needs Assessment
- 3.2 Hydrologic/Hydraulic Modeling
- 3.3 Summary of Needed Improvements/Capital Improvements Plan (CIP)

3.1 Existing Problems/ Needs Assessment

The CONSULTANT will meet with the VILLAGE Staff to review stormwater complaints, identify the locations of stormwater problem areas and collect information relative to problem nature, and severity. In addition, the CONSULTANT will visit the VILLAGE during major storm events (rainfall lasting more than one-hour) that occur during the data collection and existing problems/needs assessment phases. The purpose of the visits will be to identify additional stormwater problem areas (locations where roadway flooding extends across an entire travel lane or where buildings appear to be in danger of flooding). Once these areas have been identified, the drainage deficiency map will be modified depicting the stormwater problem areas remaining as they relate to the current stormwater master plan and the additional stormwater problem areas identified as part of this assessment. This exhibit will be provided to the VILLAGE for review.

Once the exhibit depicting stormwater problem areas has been created, the CONSULTANT will meet with the VILLAGE to identify up to eight (8) Priority Sub-basins for Hydrologic/Hydraulic modeling. The selection of the Priority Sub-basins will be based on the Sub-basin boundaries defined in the previous Stormwater Master Plan and the severity of stormwater problems within each Sub-basin. The exhibit will also indicate stormwater improvements that have been completed since the previous SWMP.

3.2 Hydrologic/Hydraulic Modeling

The CONSULTANT will develop a hydrologic/hydraulic (H/H) stormwater model to evaluate the Priority Sub-basins. All stormwater facilities within a Priority Sub-basin may not be included in the model if they are not required to evaluate the area. The CONSULTANT will develop hydrologic and hydraulic stormwater models for the selected Sub-basins using SFWMD Cascade or another model acceptable to the VILLAGE. Typical data required for these models include:

- Stage/Storage relationships
- Time of Concentration

- Soils Infiltration/Storage
- Impervious Areas
- Curve Number/Runoff Coefficient
- Stormwater Facility Information
- Rainfall Data
- Flow Data
- Conceptual Sea Level Rise Impacts

The design level of service goal for each Priority Sub-basin will be based on recommendations contained in the original Stormwater Master Plan. The CONSULTANT will execute the model for the following storm events:

- 5-year/ 24-hour
- 10-year/ 24-hour
- 25-year/ 72-hour
- 100-year/ 72-hour

Model input and results of existing condition model will be reviewed with VILLAGE prior to proceeding with modeling of alternative solutions. Utilizing the H/H model the CONSULTANT will evaluate solutions for each of the selected Priority Sub-basins. The recommended improvements may include both structural and nonstructural controls to address the stormwater management problems identified.

In addition to storm water management, the CONSULTANT will utilize a spreadsheet model to estimate storm water quality or pollutant load reductions for total suspended solids, total phosphorus, and total nitrogen based on existing load use and proposed water quality improvements.

3.3 Summary of Needed Improvements/Capital Improvements Plan (CIP)

Utilizing the results of the above outlined tasks, the CONSULTANT will summarize the improvements that are needed to upgrade the level of service for the VILLAGE's stormwater system. This task will be summarized in a prioritized manner and will address the opinion of probable cost associated with each improvement.

The VILLAGE's CIP will be presented in a spreadsheet format. Each project will be outlined with a description and corresponding budget. A brief summary of each project including anticipated pollutant load reduction will be included as part of the CIP. The CIP will include updated budgets for projects included in the previous SWMP as well as budgets for improvements to meet level of service goals in the Priority Sub-basins identified in this SWMP Update, and Operation and Maintenance costs for the VILLAGE's storm water system. This scope of work does not include evaluation of the stormwater utility management report, review of the current stormwater utility rate, additional data for project funding, MS4, or CRS

compliance. Those evaluations or supporting documentation can be provide for specific basins as an additional service.

Upon completion of the above noted sub tasks, the CONSULTANT will prepare and distribute two (2) draft copies of the Stormwater Master Plan Update to the VILLAGE. The CONSULTANT will meet with the VILLAGE staff to present the contents of the report.

The CONSULTANT will incorporate comments from the VILLAGE staff and submit 10 copies of the final Stormwater Master Plan Update.

Deliverables:

- Two Draft Reports
- Ten Final Reports

Project Schedule

The CONSULTANT will provide our services as expeditiously as possible and will commence work within ten calendar days following receipt of a notice to proceed. Completion of the SWMP Update will require 7 months. The following is an anticipated breakdown of the schedule:

- Task 1 – 30 days after notice to proceed
- Task 2 – 90 days
- Task 3 – 90 days

The above schedule is subject to change based on VILLAGE review time and the requirement of storm events to occur for site observation.

Exhibit "3"

Payment Schedule

The CONSULTANT will complete this scope of services for the lump sum amount of **\$84,500.00.**

Task	Description	Labor Fee
1	Project Initiation/Meetings.....	\$7,500.00
2	Stormwater Data Collection.....	\$17,500.00
3	Stormwater Master Plan Update	\$59,500.00
	LUMP SUM FEE	\$84,500.00



To: Honorable Mayor and Village Council

Date: October 7, 2019

From: Edward Silva, Village Manager

Re: Proposed Master Plan
Components for Ludovici Park

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; APPROVING THE PROPOSED MASTER PLAN COMPONENTS FOR LUDOVICI PARK ON AN ITEM BY ITEM BASIS FROM RECOMMENDATIONS LISTED HEREIN; PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration)*

BACKGROUND AND ANALYSIS:

Following a series of public meeting and the offering of input by Village of Palmetto Bay citizenry regarding proposed revisions to the existing Ludovici Park Master Plan, a summary identifying recommendations was compiled for subsequent reviews and approvals. Pursuant to a comprehensive presentation of the all components and/or items recommended for the newly proposed Ludovici Park Master Plan, the Village Council direct the Manager to schedule a final review and consideration for approval, on an item by item basis, for finalization of the subject Master Plan components for Ludovici Park.

FISCAL/BUDGETARY IMPACT:

Pursuant to approval of the final Parks Master Plan incorporating all park facilities, funding will be based on annual budget appropriations as projects are approved for placement on respective Capital Improvement Programs.

RECOMMENDATION:

Approval is recommended.

1 **Section 1.** The Village Council hereby approves the following
2 improvements to be incorporated into the 2019 Ludovici Park Master
3 Plan:

- 4 a. _____
- 5 b. _____
- 6 c. _____
- 7 d. _____
- 8 e. _____
- 9 f. _____
- 10 g. _____
- 11 h. _____
- 12 i. _____
- 13 j. _____

14
15 **Section 2.** This resolution shall take effect immediately upon its
16 adoption.

17
18
19 **PASSED and ADOPTED** this 6th day of January 2020.

20
21
22 Attest:

23
24
25 _____
26 **Missy Arocha**
27 **Village Clerk**

28
29 _____
30 **Karyn Cunningham**
31 **Mayor**

32
33
34
35 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE**
36 **USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,**
37 **FLORIDA ONLY:**

38
39
40
41 _____
42 **John C. Dellagloria**
43 **Village Attorney**

1 **FINAL VOTE AT ADOPTION:**

- 2
- 3 Council Member Patrick Fiori _____
- 4
- 5 Council Member David Singer _____
- 6
- 7 Council Member Marsha Matson _____
- 8
- 9 Vice-Mayor John DuBois _____
- 10
- 11 Mayor Karyn Cunningham _____

Ludovici Park Proposed Master Plan 2019

Ludovici Park 17641 Old Cutler Rd

(DRAFT)

- Proposed Improvements**
1. Add ADA Bathroom on 2nd Floor.
 2. Fix Elevator
 3. Add Reading Benches & Lights under Tree Canopy
 4. Community Chalk Board
 5. Life Size Chess
 6. Planter Wall Barrier on North Property line
 7. Plaza
 8. Educational Walking Path
 9. Lookout Tower
 10. Illuminated Crosswalk





To: Honorable Mayor and Village Council

Date: November 4, 2019

From: Edward Silva, Village Manager

Re: Proposed Master Plan
Components for Perrine Wayside "Dog
Park"

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; APPROVING THE PROPOSED MASTER PLAN COMPONENTS FOR PERRINE WAYSIDE "DOG PARK" ON AN ITEM BY ITEM BASIS FROM RECOMMENDATIONS LISTED HEREIN; PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration)*

BACKGROUND AND ANALYSIS:

Following a series of public meeting and the offering of input by Village of Palmetto Bay citizenry regarding proposed revisions to the existing Perrine Wayside "Dog Park" Master Plan, a summary identifying recommendations was compiled for subsequent reviews and approvals. Pursuant to a comprehensive presentation of the all components and/or items recommended for the newly proposed Perrine Wayside "Dog Park" Master Plan, the Village Council direct the Manager to schedule a final review and consideration for approval, on an item by item basis, for finalization of the subject Master Plan components for Perrine Wayside "Dog Park".

FISCAL/BUDGETARY IMPACT:

Pursuant to approval of the final Parks Master Plan incorporating all park facilities, funding will be based on annual budget appropriations as projects are approved for placement on respective Capital Improvement Programs.

RECOMMENDATION:

Approval is recommended.

- 1 i. Gazebo at Waters edge
- 2 j. Agility Courses
- 3 k. Cypress Trees in Water

4
5 **Section 2.** This Resolution shall take effect immediately upon its
6 adoption.

7
8 **PASSED and ADOPTED** this 6th day of January 2020.

9
10 Attest:

11
12
13
14
15 _____
16 **Missy Arocha**
17 **Village Clerk**

18 _____
19 **Karyn Cunningham**
20 **Mayor**

21 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
22 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,
23 FLORIDA ONLY:

24
25 _____
26 **John C. Dellagloria**
27 **Village Attorney**

28
29 **FINAL VOTE AT ADOPTION:**

30
31 Council Member Patrick Fiore _____

32
33 Council Member David Singer _____

34
35 Council Member Marsha Matson _____

36
37 Vice-Mayor John DuBois _____

38
39 Mayor Karyn Cunningham _____

RESOLUTION NO. 2020-_____

1
2
3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
4 VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE VIL-
5 LAGE MANAGER TO FORM A TRAFFIC TASK FORCE TO STUDY
6 AND MAKE RECOMMENDATIONS TO RELIEVE TRAFFIC CONGES-
7 TION AND TRAFFIC PATTERNS IN THE VILLAGE; AND PROVIDING
8 AN EFFECTIVE DATE. (*Sponsored by Councilmember David Singer*)
9

10 WHEREAS, there has been long-standing concerns regarding in-
11 creased traffic congestion in neighborhood streets throughout the Village;
12 and
13

14 WHEREAS, neighborhood residents have on many occasions
15 brought these issues to the Village Council; and
16

17 WHEREAS, while the Village Council and administration has at-
18 tempted to work with Miami-Dade County and has considered various so-
19 lutions, it will be beneficial to address these issues with and get recommen-
20 dations from a task force; and
21

22 WHEREAS, a task force comprised of individuals with professional
23 traffic credentials along with neighborhood residents could provide recom-
24 mendations beneficial to future solutions to the congestion concerns.
25

26 NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF
27 PALMETTO BAY, FLORIDA, THAT:
28

29 Section 1. The Village Manager is hereby authorized to form a task
30 force comprised of neighborhood residents and individuals with traffic ex-
31 pertise to study and make recommendations to the Village Council.
32

33 Section 2. The task force shall be comprised of 7 members, two
34 members from each district and one member who will be considered an at-
35 large resident. All members will be appointed by the Village Manager.
36

37 Section 3. The task force shall sunset one (1) year from the effective
38 date of this resolution.
39
40

1 **Section 4.** This Resolution shall take effect immediately upon its
2 adoption.

3
4 **PASSED** and **ADOPTED** this 6th day of January 2020.

5
6 Attest:

7
8
9 _____
10 **Missy Arocha**
11 **Village Clerk**

_____ **Karyn Cunningham**
Mayor

12
13 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
14 AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA
15 ONLY:

16
17
18
19
20 _____
21 **John C. Dellagloria**
22 **Village Attorney**

23
24
25 **FINAL VOTE AT ADOPTION:**

26 Council Member Patrick Fiore _____

27 Council Member David Singer _____

28 Council Member Marsha Matson _____

29 Vice-Mayor John DuBois _____

30 Mayor Karyn Cunningham _____



To: Honorable Mayor and Village Council

Date: December 2, 2019

From: Edward Silva, Village Manager

Re: Independence Day Celebration

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; APPROVING THE ANNUAL “PALMETTO BAY INDEPENDENCE DAY CELEBRATION” ON JULY 4, 2020; AUTHORIZING THE VILLAGE MANAGER TO ALLOCATE AND EXPEND UP TO \$42,500 NET FUNDING FOR EXPENSES RELATED TO THE ANNUAL EVENT; AND PROVIDING AN EFFECTIVE DATE.
(Sponsored by Administration)

BACKGROUND AND ANALYSIS:

The Fourth of July, also known as Independence Day, represents one of the most important historic events in American history. This significant national holiday is proudly celebrated in small and large cities alike all throughout the United States.

In recognition of this important occasion, a new tradition was started. In 2014 our village hosted our first “Palmetto Bay Independence Day Celebration”, featuring activities and entertainment for all ages, and the traditional fireworks display at the conclusion of the evening. Last year this event hosted an estimated 8,000 in attendance and nicely complemented the existing special events programming in Palmetto Bay.

Our residents have been extremely supportive of and thoroughly enjoy our community events, as evidenced in their growing popularity and attendance. Residents have expressed an interest in more community events which create an opportunity for them to mingle and share with their neighbors and fellow residents. The Palmetto Bay Independence Day Celebration provides a venue that will serve that purpose as we celebrate the birth of our country.

FISCAL IMPACT:

The estimated cost for the event is \$42,500 net. This item is funded under the Special Events Budget Adopted for FY 2019-2020 and via Resolution No. 2019-119. Potential sponsorship opportunities may also be available.

Re: Independence Day Celebration 2020
Page 2 of 2

Attachment:

- 2019 Independence Day Celebration Budget as reference

1 **Section 1.** The Village Manager is authorized to proceed with the
2 planning of the annual "Palmetto Bay Independence Day Celebration"
3 scheduled for July 4th, 2020.
4

5 **Section 2.** The Village Manager is authorized to allocate an
6 amount not to exceed \$42,500 net funding to cover the costs
7 associated with the event.
8

9 **Section 3.** This Resolution shall become effective immediately.
10

11 **PASSED and ADOPTED** this 6th day of January 2020.
12

13 Attest:
14

15
16 _____
17 **Missy Arocha**
18 **Village Clerk**

16 _____
17 **Karyn Cunningham**
18 **Mayor**

19
20 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE**
21 **USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,**
22 **FLORIDA ONLY:**
23

24
25 _____
26 **John C. Dellagloria, Esq.**
27 **Village Attorney**
28

29
30 **FINAL VOTE AT ADOPTION:**

31
32 Council Member Patrick Fiore _____
33

34 Council Member David Singer _____
35

36 Council Member Marsha Matson _____
37

38 Vice-Mayor John DuBois _____
39

40 Mayor Kary Cunningham _____

Independence Day Celebration- Budget Report 2019

TOTAL CASH REVENUE	\$	2,450.00	Total Revenue (Inc. product)	\$	3,550.00
TOTAL CASH SPONSORSHIP	\$	41,500.00			
OPERATING EXPENSES	\$	83,202.69			
STAFF EXPENSES	\$	2,675.74			
TOTAL GROSS BUDEGT	\$	85,878.43			
TOTAL SPONSORSHIP & REVENUES	\$	43,950.00			
TOTAL NET	\$	41,928.43			
TOTAL Cost Recovery %		51.18%	Estimated Attendance		7,500
REVENUE-SPONSORSHIP/TICKET SALES					
Type-Cash, In-kind, Product, Tickets		Description	Quantity		TOTAL
Sponsorship		*South Motors	Red Level-Check #030381		\$ 5,000.00
Sponsorship		*The Collection	Red Level-Check #112795		\$ 5,000.00
Sponsorship		*Doral Automotive Group	Blue Level-check #10693		\$ 1,000.00
Sponsorship		*Christ Fellowship	Blue Level-Check-#10476		\$ 1,000.00
Sponsorship		Corradino Group	White Level-Check #119736		\$ 3,500.00
Sponsorship		*Palmetto Station-FCI	Blue Level-#1637		\$ 1,000.00
Sponsorship		Florida Power & Light	Blue Level-Check #5000571679		\$ 1,000.00
Sponsorship		*The Estate Companies-	Blue Level-check-#001252		\$ 1,000.00
Sponsorship		Westminster Christian	Blue Level-check #23783		\$ 1,000.00
Sponsorship		Town of Culter Bay	Check-#8864		\$ 4,000.00
Sponsorship		*Miami Acura	Blue Level-check #24993		\$ 1,000.00
Sponsorship		Sunstate Bank	Sparkler Level-check #24652		\$ 500.00
Sponsorship		Marlin Engineerring	Blue Level-check #26574		\$ 1,000.00
Sponsorship		SACYR Construction	White Level- check #1351		\$ 2,500.00
Sponsorship		*New Leaf Chiropractic	Sparkler Level-check #1778		\$ 500.00
Sponsorship		*Gerdsrealty	Sparkler Level -Credit Card		\$ 500.00
Sponsorship		Lehtinen Schultz Attorneys	Sparkler Level-check #2672		\$ 500.00
Pending		Commissioner Daniela Levine Cava	Red Level-		\$ 5,000.00
Sponsorship		*Preferred Claim Solutions	Sparkler Level -Check 3862		\$ 500.00
Sponsorship		Shag Dixie, LLC-Bob Gallahar	Blue Level-check# 1015		\$ 1,000.00
Grant		MDC Cultural Grant	MDC Cultural GRANT		\$ 5,000.00
Prospects					
Sponsorship			2016 Collected-\$21,250		\$ -
Sponsorship			2017 Collected-\$24,342		\$ -
Sponsorship			2018 Collected-\$35,716		\$ -
			Total Cash Sponsors		\$ 41,500.00
In-Kind Sponsorship		Progressive	20 Yard Dumpster		\$ 550.00
In-Kind Sponsorship		Town of Cutler Bay	(5) Park Staff; (5) Pd Officers- 2 on Segways		\$ 3,000.00
			Total In-Kind Sponsorship		\$ 3,550.00

REVENUE-FOOD/MERCAHNDISE VENDORS

Food Vendor	Credit Card	Kona Ice	\$ 200.00
Food Vendor	Credit Card	Candy Bistro	\$ 200.00
Food Vendor	Credit Card	Frankie's Pizza	\$ 200.00
Food Vendor	Credit Card	Crepemaker	\$ 200.00
Food Vendor	Credit Card	Food Junkies Food Truck	\$ 200.00
Food Vendor	Credit Card	Che Grill	\$ 200.00
Food Vendor	Credit Card	Sports Grill	\$ 200.00
Food Vendor	Credit Card	Whip n' Dip Ice Cream	\$ 200.00
Food Vendor	Check	Yoko's Japanese Restaurant	\$ 200.00
Food Vendor	Credit Card	Light 8 Grill	\$ 200.00
Food Vendor	Credit Card	Asain Fusion	\$ 200.00
Food Vendor	Credit Card	Pig Floyd	\$ 200.00
		Total Food Vendors	\$ 2,400.00
Non-Food Vendors	Credit Card	Lauras Creations	\$ 25.00
Non-Food Vendors	Credit Card	My Tobacconist Smoke Shop	\$ 25.00
Artist	Samantha Zaitman	Anthem Singer	\$ -
Artist	School of Rock	Band	\$ -
Call to Artist	Bubble Guy	Bubbles	\$ -
Call to Artist	Wrapped in Wishes	Mixed Media	\$ -
Call to Artist	Patricia Keller	Mixed Media	\$ -
Call to Artist	Kamenes Creations	Mixed Media	\$ -
		Total Non-Food Vendors	\$ 50.00
		TOTAL CASH REVENUES	\$ 2,450.00

EVENT EXPENSES

PO/Invoices Submitted & Notes	Vendor	Description	Amount
I-4-4	Cutler Stew	(4) member band	\$ 1,400.00
I-6-21-19	Micheal Biamonte	Emcee	\$ 650.00
PO-	YML Portable Toilets	(2) Comfort Restroom Tailer	\$ 1,800.00
I-7-11-19	YML Portable Toilets	Overflow Fee & Repair to damaged Pedal`	\$ 700.00
Communications Budget	White Neon Media	Videography & Photography (\$2,350)	\$ -
Q-6-5-19	Mulching Solutions	35cy of playgorund mulch	\$ 1,728.00
		Mulch for Franjo Rd(vendor area)	\$ 299.99
		AD Marilyn Corerra July 4th Booklet (\$500)	\$ 500.00
	JJ Catering	Sponsor Reception Food for 100 guests (1,200 + \$300)	\$ 1,500.00
	BJ's	Sodas, Water & Wine for Sponsor Recption/Staff	\$ 191.01
	Publix	Juices	\$ 11.77
	Jimmy Johns	Sandwiches for Staff	\$ 171.18

Q-6/27: I-7/6/19	SFM Security	(15) Security Guards 4:30-11:0pm (7.5 hrs)/(1) Supervisor, (1) Overnight & (1) July 2nd for fireworks	\$ 3,056.75
Q-6-13	The Nose.com	(2) Caricatures @\$150/hr for 3 hrs	\$ 900.00
Inv#30859437-002/30859437-001	Herc Rentals	(13) Light Towers w/ estimated gas	\$ 1,911.40
mailed for Quote 5/7; Q-6-20; I-7/	Miami Dade Fire Rescue	Fire Wacht; 1 cap, a FF & Rescue Cart from Station #50	\$ 949.80
Q-6/17	Road Safe	Barricades, etc.	\$ 6,300.00
Pending Final Invoice	Road Safe	MOT	\$ 150.00
Pending Final Invoice	Road Safe	Additional 75 barricdes for Nicaklaus	\$ 1,000.00
Q-5/10	Road Safe	(30) Water Barriers	\$ 1,530.00
	Road Safe	(2) VMS Boards	\$ 640.00
Q-6/4/19	Bev & Jen's Face, Body & Balloon Art	Two (2) Glitter Tattoo Artist, Four (4) Face Painters for 4 hours	\$ 2,050.00
Q-6-19: I-6-27	Game Runner	(2) Game Trucks for 5 hrs	\$ 1,175.00
I-6-25	Awrads Trophy World	Jade Crystal Award-Shelley Stanczyk	\$ 67.95
Q-6/ /19	Solo Printing/Postage	6.25x8 Postcard Mailer to 10,493 residents (Mail, Printing (\$1,090) & Postage (\$1,626.42)) + 300 to Village Hall (10,793)	\$ 2,900.00
I-6/14	Happy Party Events	Sponsor Reception Lounge Furniture; Bar	\$ 725.99
Q-6-27	Fast Signs	(2) 3'x5' baners for bottom of stage for Top Sponsor-Comissioner Cava & Cutler Bay	\$ 213.16
I-5/18	Christina's Party Rental	(15) Picnic Benches, (15) Umbrellas, (30) Sand Bags; 200 chairs	\$ 2,476.00
I-7/18	Christina's Party Rental	Additional 10 benches w/umbrellas & Sand Baga	\$ 1,565.00
PO-	Light Fx Pros	15 Minute Fireworks sync to Music & Shoot at (3) points	\$ 17,500.00
	Light Fx Pros	Showmobile Stage	\$ 3,750.00
PO-	Light Fx Pros	Sound & Lighting	\$ 5,000.00
I-6-25	Light Fx Pros	Laser Show	\$ 2,500.00
	Pintney Bowes Machine	412 Letters to Business/Residents (\$0.50 each) in 1,075 ft radius	\$ 206.00
Q-6/11	Rent -A-Bartender	One (1) Bartender, 5-10pm	\$ 450.00

Q-6-13; I-6-26	Sun Flower Entertainment	(2) LED Robots w/CO2 guns & (2) LED Dancers for pictures & show (1 hour); (2) Patriotic Stiltwalkers making balloons (1.5 hrs)	\$ 2,000.00
Quote 6-5; I-7-11	United Site Serves	(30) Regular	\$ 1,575.00
I-6-27	Christina's Party rental	(2) ADA Toilets	\$ 415.00
Q-6-12; I 6-24	Reliable Two Way Communications	14 @ Ways Radios with Ear Pieces (Parks, pd, Security & Fireworks)	\$ 249.70
Q-5/22	VOPB Police Department	5 officers & 2 Detectives (\$7,451.20)	\$ -
PO-	The Event Depot	(14) Rides & Inflatables	\$ 12,993.99
EVENT TOTAL:			\$ 83,202.69
Approved Net by Reso.			\$ 50,000.00
Running Budget w/Sponsor \$			\$ 93,950.00

STAFF EXPENSE

<u>Staff Name</u>	<u>Hourly rate</u>	<u># of hours</u>	<u>TOTAL</u>
FULL TIME/HOURLY ADMIN STAFF			
Admin Staff	<u>Hourly Rate</u>	<u># of hrs worked</u>	<u>Total</u>
Fanny Carmona	\$ -	18	\$ -
Kirk Hearin	\$ -	15	\$ -
Melissa Saledo	\$ 22.00	16.5	\$ 363.00
Luis Tejeda-Supervisor	\$ -	15	\$ -
Saylin Paez	\$ -	18	\$ -
Nick Perez-Cubas	\$ -	14.5	\$ -
Amanda Wheeler	\$ 20.76	14.5	\$ 301.02
Thalatta Estate			
Ivette Calafell	\$ 10.76		\$ -
Rosa Sanchez	\$ 11.41		\$ -
Alessia Bencomo	\$ 15.50	7.5	\$ 116.25
Jorge Cardenas	\$ 12.24	5	\$ 61.20
James Laurent	\$ 16.27		\$ -
Palmetto Bay Park			
Michael Marrero	\$ 10.76	9.5	\$ 102.22
Mathew Mosqueda	\$ 10.76	7.5	\$ 80.70
Jorge Hernandez	\$ 12.24	7	\$ 85.68
Noah Hamel	\$ 10.76	7.5	\$ 80.70
Lis Garcia	\$ 11.65	7.5	\$ 87.38
JD Dalrymple	\$ 13.59		\$ -
Coral Reef Park			
Laritzzy Gonzalez	\$ 11.08	7.5	\$ 83.10
Carlos Espinosa	\$ 11.08	7.5	\$ 83.10
Anaeli	\$ 11.08		\$ -
James Conley	\$ 11.08	7.0	\$ 77.56

Angel Muniz	\$	11.08	7.5	\$	83.10
Jacob Woodfall	\$	15.35		\$	-
Carlos Cintra	\$	13.18		\$	-
DD	\$	11.08	7.5	\$	83.10



To: Honorable Mayor and Village Council

Date: September 9, 2019

From: Edward Silva/ Village Manager

Re: Palmetto Bay's Bike Network Plan

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REQUESTING ADMINISTRATION TO APPROACH MIAMI-DADE COUNTY TO COMPLETE THE BICYCLE NETWORK IN THE COMMUNITY; BRING BACK OPTIONS ON DESIGN AND FUNDING NO LATER THAN 90-DAYS FROM APPROVAL WITH OPTIONS ON HOW TO IMPLEMENT SAID BICYCLE NETWORK; NETWORK SHALL CONSIST OF EAST-WEST CONNECTIVITY ON SW 152ND STREET, SW 168TH STREET, SW 184TH STREET AND NORTH-SOUTH CONNECTIVITY ON SW 77TH AVENUE AND SW 87TH AVENUE; AUTHORIZING THE VILLAGE MANAGER TO BEGIN A DIALOGUE WITH MIAMI-DADE COUNTY, PROVIDE COST ESTIMATES TO THE VILLAGE COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Councilmember David Singer)

BACKGROUND AND ANALYSIS:

Due to the influx of density and number of vehicles of cars on the road, Miami Dade county has stated intention to increase non-motorized trips and reduce the numbers of motorized users by providing a bicycle network system throughout Dade County. The Village of Palmetto administration is seeking council approval to approach Miami Dade County in order to collaborate and study the possibility of incorporating a Village Bicycle network system to provide a secondary, safe means of transportation and a secondary option or residents. Upon resolution approval, the Village Manager will begin dialogue with Miami Dade county, bring forth cost estimates, design options and funding sources for the Village's Bike Network Plan.

FISCAL IMPACT:

The resolution being proposed has no immediate impact. Administration will provide estimates to Village Council for approval.

RECOMMENDATION:

Approval is recommended.

1 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE**
2 **OF PALMETTO BAY, FLORIDA, THAT:**

3
4 **Section 1. Effective Date.**

5
6 This Resolution shall become effective and executed as directed
7 upon approval.

8
9 **PASSED** and **ADOPTED** this 6th day of January 2020.

10
11
12
13 Attest: _____
14 **Missy Arocha** **Karyn Cunningham**
15 **Village Clerk** **Mayor**

16
17
18 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
19 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,
20 FLORIDA ONLY:

21
22
23
24 _____
25 **John C. Dellagloria**
26 **Village Attorney**

27
28
29 **FINAL VOTE AT ADOPTION:**

30
31 Council Member David Singer _____

32
33 Council Member Patrick Fiore _____

34
35 Council Member Marsha Matson _____

36
37 Vice-Mayor John DuBois _____

38
39 Mayor Karyn Cunningham _____

RESOLUTION NO. 2020-_____

1
2
3 **A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL**
4 **OF THE VILLAGE OF PALMETTO BAY, FLORIDA,**
5 **REGARDING VILLAGE PARK FACILITIES; DIRECTING THE**
6 **MANAGER TO RECOMMEND TO THE VILLAGE COUNCIL AN**
7 **ARCHITECT WITH AN ASSOCIATED PROPOSED CONCEPT**
8 **FOR DRAWING CONSTRUCTION PLANS TO REPLACE THE**
9 **CORAL REEF PARK RECREATION BUILDING; AND**
10 **PROVIDING AN EFFECTIVE DATE.** *(Sponsored by*
11 *Councilmember David Singer)*

12
13 **WHEREAS,** the recreation room at Coral Reef Park was unusable
14 for a lengthy period and has now been demolished; and

15
16 **WHEREAS,** a replacement recreation building is essential for the
17 full use of Coral Reef Park by the public.

18
19 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE**
20 **OF PALMETTO BAY, FLORIDA, THAT:**

21
22 **Section 1.** (1) The Village Manager is hereby directed to proceed
23 through the appropriate Request for Proposal (RFP) procedure in order to
24 recommend to the Village Council, as soon as practical, an architect with
25 an associated proposed concept for drawing construction plans to replace
26 the Coral Reef Park recreation building.

27
28 **Section 2.** This Resolution shall take effect immediately upon its
29 adoption.

30
31 **PASSED and ADOPTED** this 6th day of January 2020.

32
33 Attest:

34
35
36
37
38 _____
39 **Missy Arocha**
40 **Village Clerk**

38 _____
39 **Karyn Cunningham**
40 **Mayor**

1 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
2 AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA
3 ONLY:

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

John C. Dellagloria
Village Attorney

FINAL VOTE AT ADOPTION:

- Council Member Patrick Fiore _____
- Council Member David Singer _____
- Council Member Marsha Matson _____
- Vice-Mayor John DuBois _____
- Mayor Karyn Cunningham _____

RESOLUTION NO. 2020-_____

1
2
3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL
4 OF THE VILLAGE OF PALMETTO BAY, FLORIDA,
5 REGARDING THE VILLAGE VETERANS PARK;
6 DIRECTING THE MANAGER TO RECOMMEND TO THE
7 VILLAGE COUNCIL AN APPROPRIATE DESIGN
8 PROFESSIONAL (ARCHITECT, PARK PLANNER, OR
9 OTHER APPROPRIATE PROFESSIONAL) WITH AN
10 ASSOCIATED PROPOSED CONCEPT FOR DRAWING
11 DESIGN AND/OR CONSTRUCTION PLANS FOR THE
12 VILLAGE VETERANS PARK; AND PROVIDING AN
13 EFFECTIVE DATE. (*Sponsored by Councilmember David*
14 *Singer*)

15
16 **WHEREAS**, the establishment of the Veterans Park has been a
17 long-term goal of the Village; and

18
19 **WHEREAS**, whereas the location, size, and boundaries of the
20 Veterans Park have been established; and

21
22 **WHEREAS**, there are no impediments to undertaking the next
23 step in design of the Veterans Park.

24
25 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE**
26 **OF PALMETTO BAY, FLORIDA, THAT:**

27
28 **Section 1.** The Village Manager is hereby directed to proceed
29 through the appropriate Request for Proposal (RFP) procedure in
30 order to recommend to the Village Council, as soon as practical, an
31 appropriate design professional (architect, park planner, or other
32 appropriate professional) with an associated proposed concept for
33 drawing design and/or construction plans for the Village Veterans
34 Park. The Council will consider the recommendation and act
35 thereupon as the Council deems appropriate.

36
37 **Section 2.** This Resolution shall take effect immediately upon
38 its adoption.

39
40 **PASSED and ADOPTED** this 6th day of January 2020.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

Attest:

Missy Arocha
Village Clerk

Karyn Cunningham
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,
FLORIDA ONLY:

John C. Dellagloria
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore _____
Council Member David Singer _____
Council Member Marsha Matson _____
Vice-Mayor John DuBois _____
Mayor Karyn Cunningham _____

RESOLUTION NO. 2020-_____

1
2
3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
4 VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO A
5 COMMUNITY CENTER ON VILLAGE-OWNED PROPERTY;
6 DIRECTING THE MANAGER TO PREPARE A RECOMMENDED
7 PLAN FOR THE DEVELOPMENT OF A COMMUNITY CENTER ON
8 THE PROPERTY OWNED BY THE VILLAGE (FORMER SCHOOL
9 SITE) IN THE DOWNTOWN URBAN VILLAGE (DUV) ZONING
10 DISTRICT (EAST OF AND NEAR VILLAGE HALL); AND PROVIDING
11 FOR AN EFFECTIVE DATE. (*Sponsored by Councilmember David*
12 *Singer*)

13
14 **WHEREAS**, the land which the Village owns, east of and close to
15 Village Hall (former school site) is currently unused for any productive
16 purpose; and,

17
18 **WHEREAS**, the property could be used for a community center,
19 which would be of substantial benefit to the residents of the Village.

20
21 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND**
22 **VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY,**
23 **FLORIDA, AS FOLLOWS:**

24
25 **Section 1.** The Village Manager is directed to prepare, as soon
26 as practical, a recommended plan for the development of a community
27 center on the property owned by the Village in the Downtown Urban
28 Village (DUV) zoning district (former school site, east of and near
29 Village Hall). The Council will consider the recommendation and act
30 thereupon as the Council deems appropriate.

31
32 **Section 2.** This Resolution shall take effect immediately upon
33 approval.

34
35 **PASSED and ADOPTED** this 6th day of January 2020.

36
37
38 Attest: _____

39 **Missy Arocha**
40 **Village Clerk**

Karyn Cunningham
Mayor

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

John C. Dellagloria
Village Attorney

FINAL VOTE AT ADOPTION:

- Mayor Karyn Cunningham _____
- Council Member David Singer _____
- Council Member Patrick Fiore _____
- Vice-Mayor John DuBois _____
- Council Member Marsh Matson _____

Alternate B

RESOLUTION NO. 2020-_____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SALE OF VILLAGE-OWNED PROPERTY; DIRECTING THE MANAGER TO DEVELOP A RECOMMENDED PLAN FOR THE SALE OF THE PROPERTY OWNED BY THE VILLAGE (FORMER SCHOOL SITE) IN THE DOWNTOWN URBAN VILLAGE (DUV) ZONING DISTRICT (EAST OF AND CLOSE TO VILLAGE HALL); AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer)*

WHEREAS, the land which the Village owns, east of and close to Village Hall (former school site) is currently unused for any productive purpose; and,

WHEREAS, the Village has no plans for the productive use of the property.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The Manager is directed to prepare, as soon as practical, to develop a recommended plan for the sale of the property owned by the Village in the Downtown Urban Village (DUV) zoning district (former school site, east of and near Village Hall). The Village Council will consider the recommendation and act thereupon as the Council deems appropriate.

Section 2. This Resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 6th day of January 2020.

Attest: _____
Missy Arocha
Village Clerk

Karyn Cunningham
Mayor

1 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
2 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

3
4
5
6

7 **John C. Dellagloria**
8 **Village Attorney**

9
10

11 **FINAL VOTE AT ADOPTION:**

12
13
14
15
16
17
18
19
20
21

Mayor Karyn Cunningham _____
Council Member David Singer _____
Council Member Patrick Fiore _____
Vice-Mayor John DuBois _____
Council Member Marsh Matson _____

ORDINANCE NO. 2020-_____

1
2
3 AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF
4 THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING SEC-
5 TION 30-30-.11 (f) OF THE VILLAGE'S ZONING CODE STYLED
6 "WEBSITE NOTICE" BY EXEMPTING PORTIONS OF CURRENT
7 APPLICATIONS THAT ARE NON-COMPLIANT WITH THE AMERI-
8 CANS WITH DISABILITIES ACT (ADA) FROM BEING PART OF THE
9 ENTIRE APPLICATION REQUIRED TO BE POSTED ON THE VIL-
10 LAGE'S WEBSITE; PROVIDING FOR SEVERABILITY, CODIFICA-
11 TION, AND AN EFFECTIVE DATE. *(Sponsored by Vice Mayor John*
12 *DuBois and the members of the Village Council)*

13
14 **WHEREAS**, the Village of Palmetto Bay's zoning code has multi-
15 ple requirements for applicants to satisfy in order for a request to be
16 reviewed by the administration and ultimately by the Village Council;
17 and

18
19 **WHEREAS**, there has been a conflict between the code's website
20 notice provisions and ADA compliance; and

21
22 **WHEREAS**, in order to avoid a continuing legal conundrum,
23 amendments to the current Village zoning code are necessary; and

24
25 **WHEREAS**, an amendment to Section 30-30.11 (f) can serve as
26 a short-term resolution while the Village continues its efforts for a com-
27 pletely compliant ADA Village website while giving both the Village and
28 the applicants time to comply with ADA requirements.

29
30 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF**
31 **PALMETTO BAY, FLORIDA, THAT:**

32
33 **Section 1.** That Section 30-30-11(f) of Chapter 30 of the Village of Pal-
34 metto Bay's zoning code is amended as follows:

35
36 **Section 30-30 (f) Website Notice.** The applicant is to
37 provide the village clerk with a CD ROM containing a copy of all the
38 images scanned onto the CD of the entire application, mailing radius,
39 labels, affidavit of compliance, maps, site plans, etc. as provided under
40 this code. The Village clerk shall use the information from the CD ROM

1 and place the notice on the website at the same time as the advertising.
2 The attachments shall be placed on the Village's official website in a
3 downloadable format accessible to the general public at least three
4 days prior to the public hearing. **The Clerk shall not be required to**
5 **post non-ADA materials on the website until the Village shall re-**
6 **quire all new applications to be ADA compliant.**

7
8 **Section 2.** This Ordinance shall take effect immediately upon its
9 adoption.

10
11 **PASSED and ADOPTED ON FIRST READING** this ____ day of
12 _____, 2020.

13
14 **PASSED AND ADOPTED ON SECOND READING** this ____
15 day of _____, 2020.

16
17
18 Attest:

19
20
21
22 _____
23 **Missy Arocha**
24 **Village Clerk**

Karyn Cunningham
Mayor

25
26
27 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE**
28 **USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,**
29 **FLORIDA ONLY:**

30
31
32
33 _____
34 **John C. Dellagloria**
35 **Village Attorney**

36
37
38
39
40

1 **FINAL VOTE AT ADOPTION:**

2

3 Council Member Patrick Fiore _____

4

5 Council Member David Singer _____

6

7 Council Member Marsha Matson _____

8

9 Vice-Mayor John DuBois _____

10

11 Mayor Karyn Cunningham _____



To: Honorable Mayor and Village Council

Date: January 6, 2020

From: Village Manager Edward Silva

Re: General Fund Balance Policy

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO FUND BALANCE POLICY; IDENTIFYING THE FUND BALANCE LEVEL TO ENSURE UNINTERRUPTED OPERATIONS FOR THE VILLAGE GOVERNMENT; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. (*Sponsored by Administration*)

BACKGROUND AND ANALYSIS:

The Village of Palmetto Bay has been able to maintain a comfortable fund balance for emergencies and to support operations to date. Past Council and Administration had informally set aside \$2,500,000 for emergencies. The Village had a formal study performed by the Government Finance Officers Association to identify the Villages fund balance needs based upon the Villages particular risks.

The proposed Fund Balance Policy establishes a benchmark that maintains operations and covers emergencies should the occasion arise. The policy also covers when and how the funds are used and replenished.

FISCAL IMPACT:

No fiscal impact.

RECOMMEDATION:

Approval is recommended.

ATTACHMENTS:

Fund Balance policy

1 **PASSED** and **ADOPTED** this ____ day of _____, 2019.

2
3 First Reading: _____

4 Second Reading: _____

5
6
7 **Attest:**

10 _____
11 Missy Arocha
12 Village Clerk

Caryn Cunningham
Mayor

13
14
15 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE**
16 **USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,**
17 **FLORIDA ONLY:**

18
19
20 _____
21 **John C. Dellagloria**
22 **Village Attorney**

23
24
25 **FINAL VOTE AT ADOPTION:**

26
27 Council Member Patrick Fiore _____

28
29 Council Member David Singer _____

30
31 Council Member Marsha Matson _____

32
33 Vice-Mayor John DuBois _____

34
35 Mayor Karyn Cunningham _____



FUND BALANCE / NET ASSET POLICY

I. Purpose

The Village hereby establishes and will maintain reservations of fund Balances, as defined herein, in accordance with Governmental Accounting Standards Board Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. Fund Balances shall be composed of non-spendable, restricted, committed, assigned and unassigned amounts.

The Village hereby establishes a fund balance / net assets policy tailored to the needs of the Village to insure against unanticipated events that would adversely affect the financial condition of the Village and jeopardize the continuation of necessary public services. This policy will ensure the Village maintains adequate fund balance / net assets and reserves in the Village's various operating funds to provide the capacity to: (1) provide sufficient cash flow for daily financial needs, (2) secure and maintain investment grade bond ratings, (3) offset significant economic downturns and revenue shortfalls, and (4) provide funds for unforeseen expenditures related to emergencies.

II. Definitions of Fund Balance/Net Assets

Fund Balance of Governmental Funds:

Fund Balance - As defined by the *Governmental Accounting, Auditing and Financial Reporting* of the Government Finance Officers Association, fund balance is "The difference between assets and liabilities reported in a governmental fund."

Non-Spendable Fund Balance – Amounts that are (a) not in spendable form or (b) legally or contractually required to be maintained intact. "Not in spendable form" includes items that are not expected to be converted to cash (such as inventories and prepaid amounts) and items such as long-term amount of loans and notes receivable, as well as property acquired for resale. The corpus (or principal) of a permanent fund is an example of an amount that is legally or contractually required to be maintained intact.

Restricted Fund Balance – Amounts that can be spent only for specific purposes stipulated by (a) external resource providers (such as creditors, grantors, or contributors), or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.

Committed Fund Balance – Amounts that can be used only for the specific purposes determined by a formal action (ordinance or resolution) of the Village Council, the Village’s highest level of decision making authority. Commitments may be changed or lifted only by the Village Council taking the same formal action (ordinance or resolution) that imposed the constraint originally. Resources accumulated pursuant to stabilization arrangements sometimes are reported in this category.

Assigned Fund Balance – Consists of amounts that the Village intends to use for specific purposes that are neither restricted nor committed; the intent shall be expressed by the management of the Village.

Unassigned Fund Balance – Unassigned fund balance is the residual classification for the general fund. This classification represents fund balance that has not been assigned to other funds and that has not been restricted, committed, or assigned to specific purposes within the general fund. Unassigned fund balance may also include negative balances for any governmental fund if expenditures exceed amounts restricted, committed, or assigned for those specific purposes.

Net Assets of Proprietary Funds:

(NOTE: The Village does not have any fund under this category at this time)

Restricted Fund Balance – Amounts that can be spent only for specific purposes stipulated by (a) external resource providers (such as creditors, grantors, or contributors), or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.

Unrestricted Net Assets – The residual balance of net assets after the elimination of the amounts invested in capital assets net of related debt and the restricted net assets.

III. SPENDING ORDER OF FUND BALANCE

The Village uses restricted amounts to be spent first when both restricted (Non-Spendable Fund Balance and Restricted Fund Balance) and unrestricted fund balances (Committed Fund balance, Assigned Fund Balance and Unassigned Fund Balance) are available unless there are legal documents/contracts that prohibit doing this, such as grant agreements requiring dollar for dollar spending. Additionally, the Village would first use committed fund balance, followed by assigned fund balance and then unassigned fund balance when expenditures are incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used.

IV. POLICY

The Village will maintain reservations of unassigned fund balance in the General Fund. The Village shall retain the minimum requirement for each fund listed below.

A. General Fund There shall be a reserve balance in its unassigned fund balance for the following categories and amounts:

Declared Emergencies	\$650,000
Community Growth	\$500,000
Litigation Reserves	\$350,000
Revenue Volatility	\$1,000,000
Asset Repairs or Replacement	\$2,200,000
Operating Cash Flow	Two (2) months of prior year Expenditure Budget

The reserve shall be in addition to all other categories of fund balance which include Non-Spendable, Restricted, Committed and Assigned. In any fiscal year where the Village is unable to fund the reserve balance of Unassigned fund balance as required in this section, the Village shall not budget any amount of unappropriated fund balance for the purpose of balancing the budget.

- V. Utilization of Surplus Reserves** In the event that the unassigned fund balance of the General Fund exceed the amounts set forth above, the excess may be utilized for any lawful purpose. Nevertheless, it is recommended that priority be given to utilizing the excess within the fund in which it was generated. It may also be used for one-time costs including the establishment of or increase in legitimate restrictions, commitments or assignments of fund balance or restrictions of net assets.
- VI. Replenishment of Reserve Deficits** If, at the end of any fiscal year, the actual amount of unassigned fund balance or unrestricted net assets falls below the required fund levels set forth herein, the Village Manager shall prepare and submit a plan for expenditure or expense reductions and / or revenue increases to the Village Council. As a part of the annual budget review, the Village Council shall review and, if necessary, amend the plan submitted by the Village Manager for restoring the amounts of unassigned fund balance or unrestricted net assets to the required levels.
- VII. Annual Review** Compliance with the provisions of this policy shall be reviewed as a part of the annual budget adoption process.



A Risk-Based Analysis of General Fund Reserve Requirements for the Village of Palmetto Bay

GFOA Reserve Analysis for the Village of Palmetto Bay

Table of Contents

Executive Summary.....	3
Section 1 - Introduction	6
Section 2 - The Approach to Uncertainty.....	7
Section 3 - Analysis of the Village’s Primary Risks	8
A. Hurricanes.....	8
B. Capital Repair and Replacement.....	11
C. Growth of the Community.....	14
Section 4 - Secondary Risk Factor Analysis	18
Revenue Volatility	18
Expenditure Volatility	21
Dependency of Other Funds on the General Fund	21
Leverage.....	22
Liquidity.....	23
Section 5 – Recommendations	23
A. Review of Risk Factors and Holistic Analysis	23
B. Recommended Reserve Target for Palmetto Bay.....	25
C. Policies to Support the General Fund Reserve Strategy.....	29
D. Conclusion	30

GFOA Reserve Analysis for the Village of Palmetto Bay

Executive Summary

Reserves are the cornerstone of financial flexibility. Reserves provide a government with options for responding to unexpected issues and a buffer against shocks and other forms of risk. Managing reserves, however, can be a challenge. The main question is how much money to maintain in reserve—how much is enough and when does it become too much? This is a sensitive question, since money held in reserves is money taken away from constituents, and it could be argued that excessive reserves should be returned to citizens.

The Village of Palmetto Bay (the “Village”) has been considering this question and has engaged the Government Finance Officers Association (GFOA) to analyze its General Fund reserve requirements based on an assessment of the Village’s risks compelling it to require a reserve. This report is intended to inform the policy the Village might adopt on how much fund balance to retain in the General Fund as a reserve against risk.

The GFOA analyzed a variety of distinct risk factors to judge its implications for the Village’s reserve strategy. Analyzing risks and, consequently, sizing a reserve requires estimating highly uncertain events, like natural disasters and economic downturns. To guide the analysis, GFOA used the “Triple-A” approach to assessing uncertainty:

- **Accept.** First we must accept that we are subject to uncertainty, including events that we have not even imagined.
- **Assess.** Next, we must assess the potential impact of the uncertainty. Historical reference cases are a useful baseline.
- **Augment.** The range of uncertainty we really face will almost always be greater than we assess it to be, so we should augment that range. Historical reference cases provide a baseline, but that baseline may not be adequate to account for all future possibilities.

After analyzing the risks using the Triple-A approach, GFOA stepped back from the individual risk factors to consider how the risk analysis leads to a coherent overall strategy for managing risks through financial reserves.

Below is a summary of the risk factors that influenced GFOA’s recommendation, with the more detailed analysis available in Section 3 of the report. Following the risk factor summary is a brief description of how GFOA arrived to an overall recommendation for reserves.

Primary Risk Factor – Extreme Events and Public Safety. Located along the Florida coast, Palmetto Bay is subject to the risk of hurricanes. While the Village has never been directly hit by a hurricane and is heavily insured, it is a plausible risk and the non-reimbursable cost of damages are a concern. The GFOA gathered data points on damages incurred by other Florida municipalities that were directly hit by a hurricane. Accounting for the uncertainty of hurricanes in general, a reserve of \$552,000 was determined to cover non-reimbursable cost related should the Village be directly hit by a hurricane.

Primary Risk Factor – Capital Repairs and Replacement. An analysis of Palmetto Bay’s assets revealed that 11.59 miles of its roads and two other capital assets have a high risk for failure. Based on the

GFOA Reserve Analysis for the Village of Palmetto Bay

number of the Village's capital assets and a projected life of 30 years, we determined a reserve for roads and other capital assets. For the roads, we applied the Triple-A approach in order to account for the uncertainty of premature failure and double the total replacement value to \$1.0 million. For the other capital assets, a one-time reserve of \$320,000 is sufficient to capture the replacement needs of the two high-risk assets.

While there is not a specific reserve needed for buildings since none were identified as being in critical condition, the Village's should consider an asset management sinking fund for maintenance and capital repairs for its assets. The policy describes one way to determine an amount for asset maintenance is to reserve 2 percent of the current replacement value. In this case Palmetto Bay has approximately \$51.0 million in assets, which equates to \$1.0 million for a sinking maintenance and capital repairs fund.

Primary Risk Factor – Growth of the Community. A proposed development in Palmetto Bay is estimated to add 5,270 new residents to the Village as well as new commercial development. With population growth, municipalities are concerned about the lag time between when revenues are received from the new development and when residents move. To estimate current cost of services, we calculated cost per resident and applied that to the projected population. For revenues, we evaluated the revenues received per applicable unit of measurement, e.g. property tax per housing unit, property tax per commercial square foot, utility tax per new resident, etc. Factoring the uncertainty associated with community growth, such as macroeconomic factors that may impact a development, the Village should be prepared to cover approximately \$476,000 in costs that will need to be incurred to service the new development before the revenues from the new development becomes available to the Village.

Second Risk Factor – Revenue Volatility. GFOA's analysis shows that Palmetto Bay's General Fund revenues can be fairly volatile. An analysis of the past history and application of the Triple-A approach show that it would be prudent for the Village to be prepared to address a potential 10.6 percent decline General Fund revenues or \$1.45 million.

Secondary Risk Factor – Legal Claims. The Village does not have great vulnerability to unexpected expenditures spikes for operations, though lawsuits are always a possibility. Florida municipalities have a limited liability for damages for a maximum \$200,000 under state statute. Applying this maximum liability, the Village should reserve an amount of \$200,000 for such purposes.

Recommendations. As outlined below, there are implied reserve amounts¹ for each risk, but in determining the final reserve target, we cannot merely sum up the figures in the table below. We must consider the issues of risk "interdependency" or the relationship between different risk factors and the probability of the risk occurring.

If there is a great deal of dependency between the risks, then when one risk occurs it is highly likely that the others will as well. For these risks, it is wise to hold reserves in the full amount of implied reserve for each dependent risk factor. However, if there is some degree of independence, then it is highly unlikely

¹ Targets have been rounded to nearest "whole" numbers for ease of use in policy making. Also, see the main body of the report for a discussion of the independence of the risk factors and the implication for sizing the reserve.

GFOA Reserve Analysis for the Village of Palmetto Bay

that the independent risks will occur at one time so holding the full implied reserve amount for each independent risk might be excessive. The Village's major risk dependency is between public safety risks and capital repairs and replacement. When risks are likely to occur, it is wise to hold full implied reserve amount. When risks have a low probability of occurring and are independent of one another, then it is possible to hold less than the implied reserve amount. As such, the Village may not want to hold full reserves to cover both capital repairs and replacement and revenue volatility.

In determining its reserve target, Palmetto Bay should consider two factors that are relevant to sizing a reserve:

- **Government size:** As a smaller municipality, Palmetto Bay will generally have more vulnerability to risk because it has a less diverse tax base and less diverse resources to draw upon than a much larger municipality. This suggests a reserve at the higher end of the range suggested by GFOA.
- **Borrowing capacity:** The Village does not have significant debt or large capital needs in the future. This suggests that the Village has financial flexibility should it need access to capital as it does have the capability to assume more risk with lesser reserves.

Ultimately, Palmetto Bay will need to assess its appetite for risk. If the Village is more risk averse, then it could reserve the total of the implied reserve amount of \$4.0 million or approximately 29 percent of General Fund revenues. If the Village has a larger appetite for risk, it could reserve \$2.6 million or 19 percent of its General Fund revenues. This amount does not include the implied risk for both capital repairs and replacement and revenue volatility, but the mid-point for the individual risk factors. The \$1.0 million for a sinking maintenance and replacement fund is included in both the risk averse and less risk averse columns as it is a known liability and not a matter of risk.

Specific Risk to General Fund	Risk Averse Amount	Less Risk Averse Amount
Extreme events and public safety: hurricanes	\$552,000	\$552,000
Community growth	\$476,000	\$476,000
Capital repairs and replacement	\$1.3 million	\$1.4 million
Revenue volatility	\$1.5 million	
Expenditure volatility: lawsuit	\$200,000	\$200,000
TOTAL	\$4.0 million	\$2.6 million
Percent of General Fund 2013 Revenues	29%	19%
Additional Reserve		
Maintenance of capital assets	\$1.0 million	\$1.0 million
GRAND TOTAL	\$5.0 million	\$3.6 million

GFOA Reserve Analysis for the Village of Palmetto Bay

Section 1 - Introduction

Reserves are the cornerstone of financial flexibility. Reserves provide a government with options to respond to unexpected issues and afford a buffer against shocks and other forms of risk. Managing reserves, though, can be a challenge. Foremost, is the question of how much money to maintain in reserve? How much is enough and when does a reserve become too much? This can be a sensitive question because money held in reserve is money taken from constituents and the argument could be made that excessive reserves should be returned to citizens in the form of lower taxes or additional services.

The Village of Palmetto Bay (the "Village") has been considering this question recently, especially in light of its vulnerability to hurricanes as well as other risks that municipal governments must often manage. The Village engaged the Government Finance Officers Association (GFOA) to help produce an answer. GFOA is a non-profit association of over 17,000 state and local government finance professionals and elected officials from across North America. A key part of GFOA's mission is to promote best practices in good public finance, including reserve policies.

GFOA's approach to reserves does not suppose "one-size-fits-all." GFOA's "Best Practice" on general fund reserves recommends, *at a minimum*, that general-purpose governments, regardless of size, maintain unrestricted fund balance in their general fund of no less than two months of regular general fund operating revenues or regular general fund operating expenditures (i.e., reserves equal to about 16 percent of revenues).² However, this 16 percent is only intended as a baseline, and it needs to be adjusted according to local conditions. To make the adjustment, GFOA worked with the Village to conduct an analysis of the risks that influence the need for reserves as a hedge against uncertainty and loss.

A "risk" is defined as the probability and magnitude of a loss, disaster, or other undesirable event.³ The GFOA's framework of risk assessment is based on the risk management cycle: identify risks; assess risks; identify risk mitigation approaches; assess expected risk reduction; and select and implement mitigation method. The framework focuses primarily on risk retention, or using reserves, to manage risk. However, the framework also encourages the Village to think about how other risk management methods might alleviate the need to retain risk by building up larger fund balances. In other words, can the Village manage its risks in some other way besides holding a reserve? Hence, a thorough examination of the risk factors should not only help lead to customized reserve target size, but also improve the Village's understanding of the risks it faces and its overall financial risk profile.

As first step to this project, GFOA conducted a basic review of the risk factors that generally influence the amount of reserves a municipal government should hold.⁴ This review enabled the Village and GFOA

² GFOA Best Practice. "Appropriate Level of Unrestricted Fund Balance in the General Fund." GFOA. 2009.

³ Definition of risk taken from: Douglas W. Hubbard. *The Failure of Risk Management: Why It's Broken and How to Fix It*. John Wiley and Sons, Inc. Hoboken, New Jersey. 2009.

⁴ The risk factors and basic review method were developed and published in the GFOA publication: Shayne C. Kavanagh. *Financial Policies*. (Government Finance Officers Association: Chicago, IL) 2012.

GFOA Reserve Analysis for the Village of Palmetto Bay

to classify factors as primary risks or as secondary risks. Exhibit 1.1 lists how the risk factors were classified.

Exhibit 1.1 – Categorization of Risk Factors that Influence Reserve Levels for Palmetto Bay	
Primary Risk Factor	
Vulnerability to Extreme Events and Public Safety Concerns (particularly hurricanes)	
Capital Repairs and Replacement	
Growth of the Community	
Secondary Risk Factors	
Revenue Volatility	Expenditure Volatility
Dependency of other funds on the General Fund	Liquidity / Cash Flow
Leverage	

The rest of this report is composed of the following sections;

- **The Approach to Uncertainty.** Risks are, by definition, uncertain events. This section describes the “Triple-A” approach to analyzing and planning for uncertain events. The Triple-A approach was used to analyze the risk factors described in Exhibit 1.1.
- **Primary risk factor analysis.** This section analyzes the risk posed by revenue volatility and sales taxes and transit occupancy taxes in particular. This section also addresses risks the Village faces from earthquakes and the reserves needed to be able to respond effectively.
- **Secondary risk factor analysis.** This section review secondary risk factors that have less weighty implications for the Village’s general fund reserve strategy.
- **Final recommendation.** This final section of the report presents the conclusion of the analysis. It addresses a target reserve level for the Village’s general fund and provides other suggestions to improve the financial health of the Village as well as to support a sustainable reserve strategy.

Section 2 - The Approach to Uncertainty

Risks are inherently uncertain. The accomplished forecasting scientist, Spyros Makridakis, has suggested a “Triple-A” approach for dealing with highly uncertain phenomena.⁵

1. **Accept.** First we must accept that we are subject to uncertainty. For example, Palmetto Bay’s location on the Florida coast makes it vulnerable to extreme events. We must accept that this may place great uncertainty on how the Village’s population and infrastructure could be affected.
2. **Assess.** Next, we must assess the potential impact of the uncertainty. Past history can provide a useful reference point. To illustrate, Section 4 of the report reviews the Village’s General Fund revenues in the past ten years to identify volatility.
3. **Augment.** The range of uncertainty we actually face will almost always be greater than what we assess it to be, so we should augment that range. For example, we will later see, in Section 3, losses incurred by Floridian municipalities from hurricanes reflect great variation regardless of

⁵ See: Spyros Makridakis, Robin Hogarth, and Anil Gaba. *Dance with Chance: Making Luck Work for You*. (Oneworld Publications: Oxford, England). 2009.

GFOA Reserve Analysis for the Village of Palmetto Bay

magnitude. As a rule of thumb, Makridakis suggests doubling your range of uncertainty if you have little historical data to rely on or multiplying it by 1.5 if you have more.

We will refer to the Triple-A approach and its guidelines throughout the analysis.

Section 3 - Analysis of the Village's Primary Risks

This section presents the analysis of the Village's primary risks – public safety concerns arising from hurricanes, capital repairs and replacement, and growth of the community. Sub-section "A" will address hurricanes, "B" will address capital repairs and replacement, "C" will address growth of the community.

A. Hurricanes

Municipalities have insurance policies to safeguard against the risk of extreme events. Palmetto Bay has insurance coverage through the Florida League of Cities, Inc., who estimated if all the buildings in the Village, including contents and properties in the open, were completely totaled, then the it would cover approximately 95.2 percent of the total damages and the Village's deductible would be for the remaining 4.8 percent. If the Federal Emergency Management Agency (FEMA) declares an event a disaster, then municipalities see reimbursement of about 75 percent of their costs through FEMA.

Past hurricanes have significantly impacted Miami-Dade County, resulting in FEMA declaring the County a disaster area. Located within Miami-Dade County, FEMA's disaster declaration also extends to Palmetto Bay. The most recent FEMA disaster declarations occurred in 2005 when Hurricane Katrina and Hurricane Wilma caused damages to the County. For both hurricanes the Village was not directly hit, though sustained minor damages, requiring minimal clean up and repair at an estimated \$100,000. While the Village has an agreement with Miami-Dade County for rescue and clean-up efforts related to such events, it opted to respond to these events itself instead.

In order to calculate a reserve amount, it is important to consider the worst case scenario in which Palmetto Bay is directly hit by a hurricane.⁶ Since Palmetto Bay has only indirectly been hit by hurricanes, GFOA identified Florida municipalities, including those that bordered the coast like Palmetto Bay, which were directly in the path of hurricanes and identified estimated cost of damages using FEMA data from 1998 and 2012.⁷ The municipalities include those bordering the coast and where the hurricanes made landfall. Exhibit 3.1 lists the municipalities, hurricane name, category of the hurricane at the time of the impact, and the estimated cost of damages in 2014 dollars. As the exhibit shows, the estimated damages vary regardless of hurricane category.⁸ For example, Hurricane Jeanne hit the City of

⁶ It should be noted that locations areas outside of the eye of the storm can incur greater damages than those in a storm's direct path. One example includes Hurricane Ivan and the City of Pensacola, FL. Located 35 miles west of the eye of the storm Pensacola suffered an estimated \$63.6 million in damages.

⁷ FEMA Public Assistance Funded Projects Summary provides information on "Federal disaster grant assistance for debris removal, emergency protective measures, and the repair, replacement, or restoration of disaster-damaged, publicly owned facilities and the facilities of certain Private Non-Profit (PNP) organizations." Federal Emergency Management Agency, "FEMA Public Assistance Funded Projects Summary," <http://www.fema.gov/media-library/assets/documents/28344>, updated May 5, 2014.

⁸ No Category 5 storm made landfall in Florida between 1998 and 2012.

GFOA Reserve Analysis for the Village of Palmetto Bay

Lakeland as a Category 1 storm, the lowest category for hurricanes. However, of the 20 instances sampled, it had the greatest impact at an estimated \$24.0 million. Meanwhile, when Hurricane Charley hit the Town of Lake Hamilton as a Category 4 storm the resulting damage had an estimated cost of \$134,000.

Exhibit 3.1 Sample of Florida Municipalities Directly Impacted by Hurricanes and Estimated Losses (in 2014 dollars)

Municipality	Hurricane	Category	Estimated Actual Loss
City of Lakeland	Jeanne	1	\$24,042,801
City of Port Saint Lucie	Jeanne	3	\$17,163,702
City of Pensacola	Dennis	3	\$16,344,937
Village of Wellington	Wilma	2	\$14,269,521
City of Port Saint Lucie	Frances	2	\$13,772,188
City of Punta Gorda	Charley	4	\$13,411,100
City of Palm Beach Gardens	Wilma	2	\$5,217,827
City of Hialeah	Katrina	1	\$3,214,388
Town of Jupiter	Wilma	2	\$2,920,255
City of Stuart	Jeanne	3	\$2,851,633
City of Stuart	Frances	2	\$2,777,797
City of Marco Island	Wilma	3	\$1,887,984
Town of Sewall's Point	Frances	2	\$1,840,090
City of Fort Meade	Charley	4	\$1,302,498
City of Hallandale Beach	Katrina	1	\$627,745
City of Avon Park	Jeanne	2	\$519,594
City of Miami Gardens	Katrina	1	\$305,326
City of Bowling Green	Charley	4	\$254,189
Town of Lake Hamilton	Charley	4	\$133,812
City of Frostproof	Frances	1	\$32,719

To account for how geographic size and population might impact losses, we determined the population density based on the population one year prior to the hurricane in case the storm caused displacement. Because Palmetto Bay's geographic size is 8.8 square miles, population density is an important consideration should a hurricane directly hit the Village. With a density of 2,766 residents per square mile, a small storm could have drastic consequences for Palmetto Bay. We also reviewed the cost of damages per capita and the cost of damages per square mile of land in order to identify an appropriate variable to use in estimating potential losses.

As reflected in Exhibit 3.2, the municipalities range from a density of 476 residents per square mile to 12,165 residents per square mile. Of note, Miami Gardens, Hallandale Beach, and Hialeah are the densest municipalities in the sample set and are outliers. In terms of cost of hurricane damages, loss per capita ranged from \$3 for a Category 1 storm to \$904 for a Category 2 storm. Loss per square mile of land ranged from over \$15,000 for a Category 1 storm to \$1.5 million for a Category 2 storm. When analyzing the average loss per capita and average loss per square mile by hurricane category, the

GFOA Reserve Analysis for the Village of Palmetto Bay

average loss does not escalate with the magnitude of the hurricane as shown in Exhibit 3.3. Thus, even factoring in population and geographic size in this sample set, we find negligible correlation between storm category and estimated cost of damages, though loss per capita had a slightly stronger relationship to storm category but still insignificant. One possibility is some municipalities took preventive measures, such as constructing and designing facilities to better withstand strong winds and storms, thus lessening the cost of hurricane damage. Another possibility is that there are other variables to consider when estimating potential losses. Researchers at Florida State University reviewed hurricane information from 1900 through 2007 and found that a hurricane's central pressure at landfall was a better predictor of potential losses than hurricane size and/or intensity.⁹

Exhibit 3.2 Sample of Florida Municipalities Directly Impacted by Hurricanes and Estimated Losses Per Capita and Per Square Mile of Land (in 2014 dollars)

Municipality	Hurricane	Category	Density (Pop/Sq. Mi.)	Loss Per Capita	Loss Per Sq. Mi. (Land)
Town of Lake Hamilton	Charley	4	476	\$94	\$44,604
City of Palm Beach Gardens	Wilma	2	769	\$123	\$94,697
City of Port Saint Lucie	Frances	2	889	\$134	\$118,828
City of Port Saint Lucie	Jeanne	3	889	\$167	\$148,091
City of Punta Gorda	Charley	4	1,106	\$808	\$894,073
City of Fort Meade	Charley	4	1,141	\$228	\$260,500
City of Frostproof	Frances	1	1,173	\$11	\$13,088
City of Lakeland	Jeanne	1	1,290	\$271	\$349,510
City of Marco Island	Wilma	3	1,469	\$121	\$178,112
Village of Wellington	Wilma	2	1,594	\$288	\$459,566
Town of Sewall's Point	Frances	2	1,696	\$904	\$1,533,409
City of Avon Park	Jeanne	2	1,854	\$60	\$111,982
City of Bowling Green	Charley	4	2,064	\$88	\$181,564
Town of Jupiter	Wilma	2	2,304	\$63	\$146,013
City of Stuart	Frances	2	2,425	\$182	\$440,920
City of Stuart	Jeanne	3	2,425	\$187	\$452,640
City of Pensacola	Dennis	3	2,483	\$290	\$720,041
City of Miami Gardens	Katrina	1	5,271	\$3	\$15,266
City of Hallandale Beach	Katrina	1	8,362	\$18	\$149,108
City of Hialeah	Katrina	1	12,165	\$14	\$167,416

⁹ Jill Malmstadt, Kelsey Scheitlin, and James Elsner, "Florida Hurricanes and Damage Costs," *Southeastern Geographer* 2 (2009): 108-131.

GFOA Reserve Analysis for the Village of Palmetto Bay

Exhibit 3.3 Average Loss Per Capita and Average Loss Per Square Mile of Land by Hurricane Category (in 2014 dollars)

Category	Average Loss Per Capita	Average Loss Per Sq. Mi. (Land)
1	\$63	\$138,878
2	\$251	\$415,059
3	\$191	\$374,721
4	\$305	\$345,185
Overall	\$203	\$323,971

To estimate potential losses from a hurricane directly hitting Palmetto Bay, we applied per capita loss to Palmetto Bay's population. As mentioned previously a storm's magnitude is a predictor of potential losses, though not as strong as central pressure, and loss per capita had a stronger correlation to storm category than average loss per square mile. To avoid the outliers skewing the mean, we use the mean per capita loss of the remaining 17 sample events, excluding Miami Gardens, Hallandale Beach, and Hialeah, listed in Exhibit 3.2 of \$236 and multiply it by Palmetto Bay's population in 2013, 24,339. The resulting estimated cost of damages should the Village be directly hit by a hurricane is \$5.8 million.

Because the Village's insurance provider would pay vendors directly for disaster-related clean-up efforts and the Village can participate in a FEMA program to mitigate cash flow delays associated with reimbursement, Palmetto Bay's reserve for hurricanes should account for the non-reimbursable portion of estimated damages. As mentioned earlier in this subsection, the Village's deductible is 4.8 percent of total damages should Palmetto Bay and its contents and properties be totaled. Thus, it is estimated that Palmetto Bay is responsible for over \$276,000 should a hurricane directly hit the Village.

Because hurricanes are unpredictable events, when applying the Triple-A approach to this analysis we use a multiplier of 2.0 to determine a reserve amount for non-reimbursable cost to the Village should it be hit by a hurricane. This results in an implied reserve amount of \$552,000.

Implied Reserve Components for Public Safety and Extreme Events

- A reserve in the amount of \$552,000 for non-reimbursable cost should Palmetto Bay be directly hit by a hurricane.

B. Capital Repair and Replacement

Healthy infrastructure makes for an economically vital community. However, worn infrastructure poses a potential risk of untimely failure. General fund reserves may be needed to repair or replace an asset that fails unexpectedly and the Village often funds capital repairs and purchases from reserves. Palmetto Bay is concerned about its roads, buildings, and other assets, including sports fields, parking lots, trails, and playground equipment.

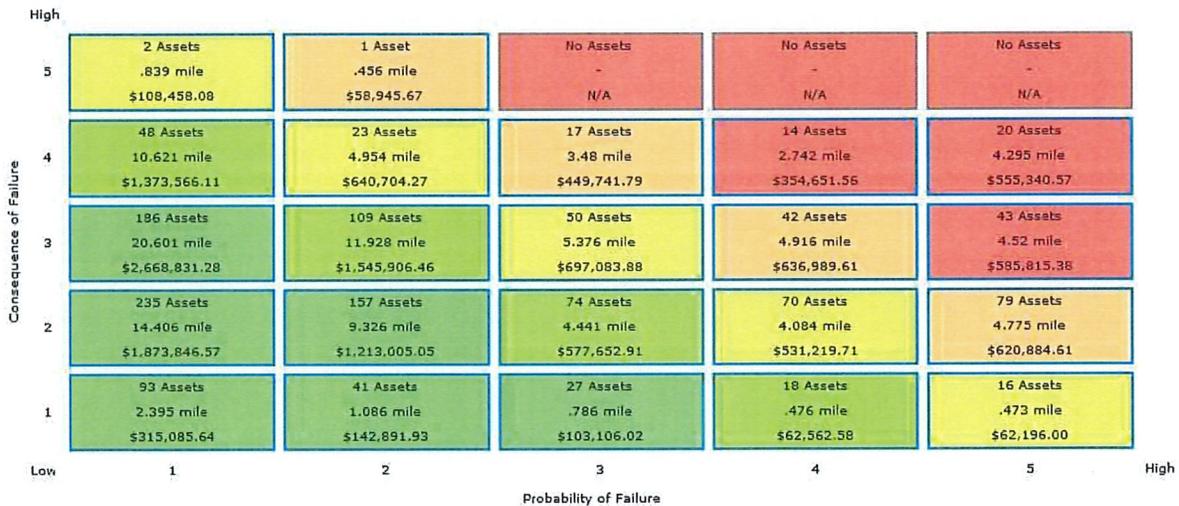
In determining a reserve amount for the assets, we reviewed the risk profile of the Village's roads, buildings, and other assets. Risk is defined as the product of probability of failure and consequences of failure. Failure for roads is defined as an older section of the road network as well as a more costly

GFOA Reserve Analysis for the Village of Palmetto Bay

section because of its longer length, while failure for buildings means that it is not safe and likely needs to be closed to the public. Failure for capital assets, which mostly relates to parks, relates to service issues, for example a baseball diamond could not be used or lights or a scoreboard were not working. Probability is based on the in-service date of individual assets and a projected useful life of 30 years. Consequence is based on cost—the higher the replacement cost, the higher the consequence to the Village if the asset were to fail.¹⁰ Exhibit 3.4 is a risk profile of the Village’s road network. As shown in the exhibit, the Village has 11.59 miles of road identified as having a high risk rating (miles of roads in the red area, which have a total score of between 8 and 10, when the scores from each axis are added together). These 11.59 miles of roads have an estimated replacement value of \$1,495,807 or \$129,060 per mile.

A reserve for all 11.59 miles of roads may not be necessary. Based on the Village’s 118 miles of road and a projected useful life of 30 years, approximately four miles of road will need to be replaced annually if they all last their full life. Using the Triple-A approach of doubling our expectation for uncertainty, preparing for premature failure may be prudent. As such, we estimate a reserve to replace eight miles of road, equating to approximately \$1.0 million.

Exhibit 3.4 Risk Profile of Roads

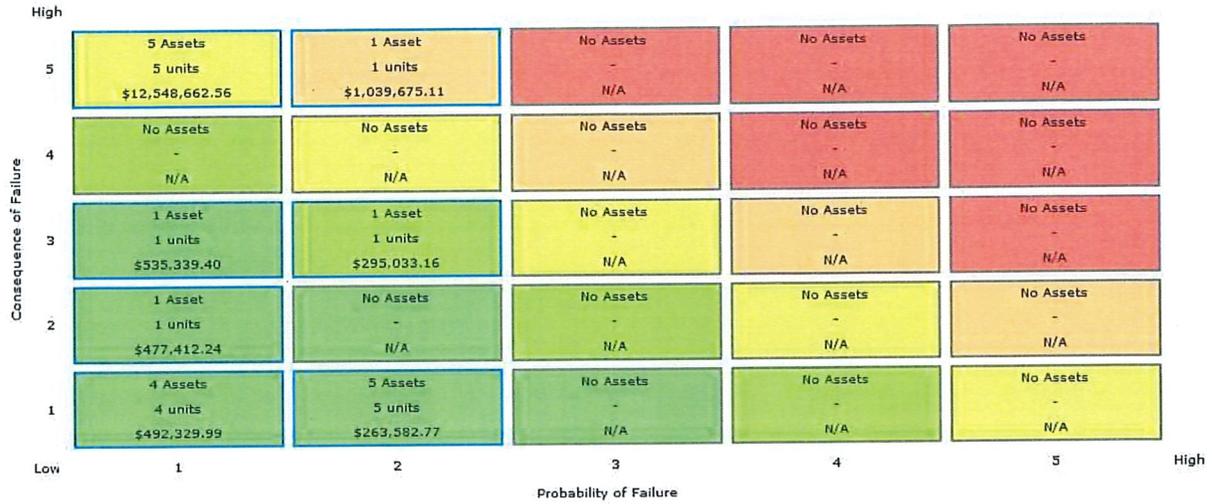


Buildings and other capital assets, which includes sports fields, parking lots, trails, and playground equipment, are other asset categories of concern for the Village. Exhibits 3.5 and 3.6 are the risk profiles of the Village’s buildings and other capital assets, respectively. As the exhibits show, assets in these two categories are at a lower risk of failure than the Village’s roads. Of the Village’s 18 buildings none are identified as having a high risk rating as reflected in Exhibit 3.5. This is attributed to the relatively young age of the buildings, which averaged 6.5 years.

¹⁰ Note that further analysis could be conducted with Village staff to refine asset replacement costs and in-service dates as well to review the risk rating to incorporate more factors into the consequence.

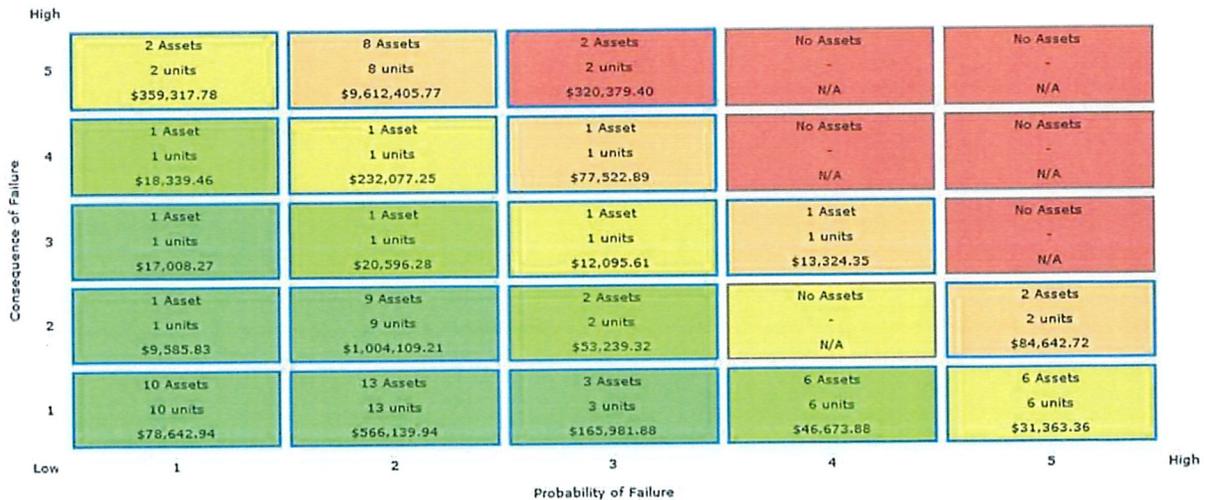
GFOA Reserve Analysis for the Village of Palmetto Bay

Exhibit 3.5 Risk Profile of Buildings



For the other capital assets, only two of the 71 assets have a high-risk rating. However, eight assets, with a replacement value of over \$9.6 million or 76 percent of the Village’s other capital portfolio, have a risk score of 7, the sum of the consequence of failure and probability of failure axes. These assets will likely require maintenance and repair in the future. For the purposes of our reserve analysis, the two high-risk assets are the primary focus. These two assets have a combined replacement value of \$320,000 or roughly \$160,000 each. To determine a reserve for these critical assets, we calculate how many other capital assets the Village would need to repair/maintain annually in other for them to last their entire useful life. Based on Palmetto Bay’s 71 other capital assets and a projected useful life of 30 years, approximately two assets will need to be replaced annually. With only two assets in this category identified as high-risk, a one-time reserve for \$320,000 is sufficient.

Exhibit 3.6 Risk Profile of Other Capital



GFOA Reserve Analysis for the Village of Palmetto Bay

A specific General Fund reserve amount is not recommended for buildings because the Village does not have any high-risk assets in this category. However, the Village could establish a sinking maintenance and replacement fund outside of the General Fund reserve. This would help fund the non-current liability for the future maintenance and replacement obligations for buildings. Many municipalities throughout the United States find themselves with sizable unfunded asset maintenance and replacement needs. Palmetto Bay could avoid this unfortunate situation by developing a sinking fund for maintenance and replacement. Such a fund would be especially useful for assets with foreseeable but not immediate needs, such as those assets with a risk score of 7. One method to determine an amount to reserve for a sinking maintenance and replacement fund is to calculate 2 percent of the current replacement value, which at present is approximately \$51.0 million. Thus, Palmetto Bay could reserve \$1.0 million in a sinking maintenance and replacement fund. In Section 5, GFOA has recommended a policy to establish a sinking fund for asset maintenance and replacement, which would represent a strategic approach to capital financing. This policy can guide the structuring of the maintenance and replacement fund.

Implied Reserve Components for Capital Repair and Replacement

- A reserve in the amount of \$1.3 million for capital repairs and replacement for assets in critical condition, which have a higher probability of failure. Specifically, \$1.0 million for roads and a one-time reserve of \$320,000 for other capital assets.
- The Village should develop an asset management policy to help guide maintenance and replacement funding. The Village could also establish a \$1.0 million sinking fund to finance foreseeable capital repairs. Both the asset management policy and sinking fund are separate of the General Fund reserve.

C. Growth of the Community

The Village of Palmetto Bay recently approved a downtown economic redevelopment that is estimated to add residents and businesses to the Village. For this redevelopment, Palmetto Bay engaged Lambert Advisory to conduct a market and economic study of the downtown area. The study shows the residential portion of the redevelopment to commence first, followed by commercial activity one year later. The concern with community growth is there is a lag time between when residents move into the area and when the municipality collects revenue, including property taxes, from new residents and businesses. Thus, it is important for the Village to estimate the incremental net costs associated with the population growth.

According to Lambert Advisory, under a higher population growth scenario the Village's population will increase by 5,270 new residents over a 10-year period. This is based on Palmetto Bay and the downtown area capturing more than its fair share of residential demand based upon the Village's strong school district, successful implementation of the Downtown Master Plan and continued improvement in the surrounding area. The current estimated cost to the Village to provide services per resident is \$451.14 as derived from Palmetto Bay's 2013 General Fund operating expenditure, \$11.0 million, and its population, 24,339. In the first year of the redevelopment, the Village's population will increase by an estimated 527 residents, resulting in nearly \$277,000 in services. New residents and businesses can also

GFOA Reserve Analysis for the Village of Palmetto Bay

generate revenue for the Village as well. In some instances a community's growth and demand for services may outpace the revenue it receives from the new development. Thus, we review the long-term revenue and expenditures of the Village's downtown redevelopment. The downtown economic redevelopment includes residential, commercial, and retail uses. The following assumptions were utilized to determine the estimated revenue the redevelopment could generate:

- Residential: The Village's average household size is 3.1 persons per household according to Lambert Advisory. A growth of 527 residents annually would result in approximately 170 new housing units annually.
- Office: Lambert Advisory estimated a low and a high range for the Village's office space demand. The low range is 135,000 square feet over five years and the higher range is 270,000 square feet over five years.
- Retail: Lambert Advisory estimated 101,464 square feet of retail space could be supported by the Village over the next five years, ranging from 19,000 square feet to nearly 24,000 square feet annually.¹¹

Using information on the average residential assessed value and number of housing units of Palmetto Bay, we determined the property tax per housing unit is \$578.96. With 170 new units added annually, the Village is estimated to receive an increase of over \$98,000 in residential property taxes annually. For commercial property tax revenue, Lambert Advisory provided a low and high range of commercial demand for the Village of approximately 33,000 square feet and 52,000 square feet, respectively, in the first year of commercial operations. The Village receives roughly \$1.28 in commercial property tax revenue per square foot, thus the redevelopment is estimated to generate \$59,000 to \$93,000 in commercial property tax revenue to Palmetto Bay after the first year of commercial operations. After both residential and commercial uses are active in Year 2 of the redevelopment, the Village is estimated to receive on the lower end \$256,000 and on the higher end \$452,000 in property tax revenues from the growth associated with the redevelopment.

Aside from property taxes, the growth in the community can result in other forms of revenue. The Village is planning to impose development charges of \$7,500 per unit with the re-write of its downtown codes. This equates to nearly \$1.3 million annually over the 10-year redevelopment. Utility taxes, communication tax, intergovernmental revenue, and fees from licenses and permits will also result from the redevelopment. Using Palmetto Bay's 2013 General Fund revenue from these four sources, we derived the revenue per capita for each of the four sources and applied it to the population growth. Exhibit 3.7 below summarizes the calculations and estimates annual revenue and expenditures over an 11-year period. Please note that the revenues reflect the one year lag from billing to collection. For example, 170 new housing units are built in the first year but the Village will not receive residential property taxes until the following year.

As shown in the exhibit, the cost for the demand for services from the new residents is not estimated to outpace revenues derived from the redevelopment beyond the first year. In the second year of the

¹¹ The retail space excludes the 10 percent non-retail space included in Lambert Advisory's study.

GFOA Reserve Analysis for the Village of Palmetto Bay

redevelopment, Palmetto Bay is estimated to net \$1.0 million through the residential uses alone. In the third year of the development after commercial uses have commenced, the Village is estimated to collect net revenues between \$1.1 and \$1.3 million. Thus, the Village should be concerned about the incremental cost associated with the first year of the population growth when new residents will require approximately \$238,000 in services. To estimate an amount the Village should set aside in reserves for we apply the Triple-A approach. Accounting for the uncertainty associated with community growth, including macroeconomic factors, we multiply this figure by 2.0. To meet the needs of the incremental net cost associated with population growth, the Village should reserve \$476,000.

GFOA Reserve Analysis for the Village of Palmetto Bay

Exhibit 3.7 11-Year Estimated General Fund Revenues and Expenditures of the Downtown Redevelopment

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11
Revenues											
Property Tax Revenue	-	98,423	255,593	419,822	577,075	790,587	892,807	991,229	1,089,652	1,188,075	1,286,498
Total Property Tax Revenue - Low	-	98,423	255,593	419,822	577,075	790,587	892,807	991,229	1,089,652	1,188,075	1,286,498
Total Property Tax Revenue - High	-	98,423	452,439	714,090	970,766	1,338,729	1,483,343	1,680,199	1,877,035	2,073,880	2,270,726
Residential Property Tax Revenue	-	98,423	196,846	295,268	393,691	548,142	590,537	688,960	787,383	885,805	984,228
New Residential Units	170	340	510	680	947	1,020	1,190	1,360	1,530	1,700	-
Commercial Property Tax Revenue - Low	-	-	58,748	123,553	183,384	242,444	302,270	302,270	302,270	302,270	302,270
Commercial Property Tax Revenue - High	-	-	93,262	192,581	286,925	380,500	474,839	474,839	474,839	474,839	474,839
Total Commercial SF - Low	-	-	45,958	96,655	143,460	189,663	236,464	236,464	236,464	236,464	236,464
Total Commercial SF - High	-	-	72,968	150,655	224,460	297,663	371,464	371,464	371,464	371,464	371,464
Office Space - Low (135,000 SF)	-	-	27,000	54,000	81,000	108,000	135,000	135,000	135,000	135,000	135,000
Office Space - High (270,000 SF)	-	-	54,000	108,000	162,000	216,000	270,000	270,000	270,000	270,000	270,000
Retail Space (SF)	-	-	18,958	42,655	62,460	81,663	101,464	101,464	101,464	101,464	101,464
Total Development Fees	-	1,275,000	1,275,000	1,275,000	1,275,000	1,275,000	1,275,000	1,275,000	1,275,000	1,275,000	1,275,000
Utility Taxes	-	47,388	94,776	142,164	189,552	263,916	284,327	331,715	379,103	426,491	473,879
Communication Tax	-	28,372	56,744	85,115	113,487	158,010	170,231	198,602	226,974	255,346	283,718
Intergovernmental Revenue	-	44,087	88,175	132,262	176,349	245,533	264,524	308,611	352,698	396,785	440,873
Licenses and Permits	-	5,238	10,477	15,715	20,954	29,174	31,430	36,669	41,907	47,146	52,384
Total Revenues - Low	\$0	\$1,498,508	\$1,780,764	\$2,069,076	\$2,352,416	\$2,762,220	\$2,918,319	\$3,141,827	\$3,365,335	\$3,588,843	\$3,812,351
Total Revenues - High	\$0	\$1,498,508	\$1,977,610	\$2,364,346	\$2,746,108	\$3,310,362	\$3,508,856	\$3,830,787	\$4,152,718	\$4,474,649	\$4,796,580
Expenditures											
Total Cost of Service	237,751	475,502	713,252	951,003	1,324,096	1,426,505	1,664,255	1,902,006	2,139,757	2,377,508	2,377,508
Total Households	170	340	510	680	947	1,020	1,190	1,360	1,530	1,700	1,700
Population Growth (@ 5.270)	527	1,054	1,581	2,108	2,935	3,162	3,689	4,216	4,743	5,270	5,270
Total Expenditures	\$237,751	\$475,502	\$713,252	\$951,003	\$1,324,096	\$1,426,505	\$1,664,255	\$1,902,006	\$2,139,757	\$2,377,508	\$2,377,508
Net Revenue (Loss)											
Net Revenue (Loss) - Low	(\$237,751)	\$1,023,007	\$1,067,512	\$1,118,075	\$1,028,320	\$1,335,715	\$1,254,063	\$1,239,821	\$1,225,578	\$1,211,335	\$1,434,844
Net Revenue (Loss) - High	(\$237,751)	\$1,023,007	\$1,264,357	\$1,413,343	\$1,422,012	\$1,883,857	\$1,844,600	\$1,928,780	\$2,012,961	\$2,097,141	\$2,419,072

Implied Reserve Components for Growth in the Community

- A reserve in the amount of \$476,000 to meet estimated net cost related to the initial population growth for the first year.

GFOA Reserve Analysis for the Village of Palmetto Bay

Section 4 - Secondary Risk Factor Analysis

This section overviews risk factors that have implications for the Village’s general fund reserve strategy, but are less complex or of lower magnitude than the primary risk factors of vulnerability to extreme events and public safety concerns, capital repairs and replacement, and community growth.

Exhibit 1.1 – Categorization of Risk Factors that Influence Reserve Levels for Palmetto Bay	
Primary Risk Factor	
Vulnerability to Extreme Events and Public Safety Concerns (particularly hurricanes)	
Capital Repairs and Replacement	
Community Growth	
Secondary Risk Factors	
Revenue Volatility	Expenditure Volatility
Dependency of other funds on the General Fund	Liquidity / Cash Flow
Leverage	

Revenue Volatility

Exhibit 4.1 shows the actual revenues for the Village’s major revenue categories for the General, Transportation, and Nonmajor Governmental Funds. In 2012 the Village reclassified certain General Fund revenues, intergovernmental and licenses and permits, to the Transportation and Nonmajor Nongovernmental Revenue Funds, respectively. To more accurately capture the volatility of the General Fund revenues, we analyzed Transportation and Nonmajor Nongovernmental Revenue Funds as well. Exhibit 4.2 shows the year-to-year percent changes for each General Fund revenue category as well as totals for the funds. As the exhibits show the Village’s total General Fund revenues have increased annually between 2004 and 2008, but begin to decline annually in 2009 through 2012. As mentioned earlier, this is due to the reclassification of General Fund revenues. For the total of the three funds, the ten-year trend shows revenues increasing annually from 2005 through 2008 before declining annually between 2009 and 2011 and steadily rebounding in 2012 and 2013. Exhibit 4.2 indicates that the Village experiences some revenue volatility. Since 2004 revenues from the three funds have increased as much as 16.4 percent year-over-year and decreased by as much as 5.5 percent. However, it is important to note that 2004 poses to be an outlier when compared to the other nine years. This may be the case since the Village was incorporated two years prior in 2002 and may have experienced some transition into a more normal state. Excluding 2004, the revenue portfolio for the three funds has a year-over-year range of 14.3 percentage points.

GFOA Reserve Analysis for the Village of Palmetto Bay

Exhibit 4.1 Historical Revenue Yields in the General, Transportation, and Nonmajor Governmental Funds (2004-2013)

	2004	2006	2006	2007	2008	2009	2010	2011	2012	2013
Real and personal property taxes	4,465,261	4,883,257	5,455,327	6,073,012	6,692,181	6,574,981	5,879,429	5,559,345	5,446,837	5,528,940
Utility and communication service taxes	1,623,539	1,674,087	1,741,781	1,809,609	1,904,671	1,903,636	2,058,896	2,052,017	2,093,849	2,188,566
Communication service tax	795,055	1,059,858	910,766	932,032	1,169,070	1,336,528	1,469,338	1,515,934	1,375,239	1,310,324
Franchise fees	800,967	828,052	837,003	1,169,359	1,371,130	1,308,472	1,345,736	960,331	1,101,516	1,016,281
Intergovernmental	2,525,667	3,129,705	3,011,956	2,854,366	2,698,488	2,438,119	2,367,925	2,722,512	1,928,858	2,036,129
Licenses and permits	674,435	895,229	1,060,608	915,151	948,423	916,567	1,076,930	992,107	231,515	241,931
Impact fees	40,281	1,772	22,382	-	-	-	-	-	-	-
Fines and forfeitures	117,850	151,388	208,917	196,038	300,551	241,620	401,157	328,385	289,662	306,074
Charges for services	58,899	80,713	85,011	178,217	297,343	376,785	527,409	554,600	773,020	841,724
Interest	76,923	207,249	304,499	412,596	289,116	223,469	86,783	92,605	120,104	113,431
Miscellaneous	4,018	244,377	82,174	20,594	137,703	29,024	86,913	81,947	155,236	121,261
Total General Fund	\$11,182,925	\$13,155,687	\$13,720,424	\$14,560,994	\$15,808,656	\$15,349,201	\$15,300,516	\$14,859,883	\$13,495,836	\$13,704,661
Transportation Fund		\$888,805	\$963,085	\$956,827	\$937,862	\$862,203	\$875,814	\$936,544	\$1,501,014	\$1,509,912
Nonmajor Governmental Funds	\$899,016	\$15,500	\$6	\$456,979	\$628,986	\$608,666	\$610,557	\$71,283	\$926,460	\$988,719
TOTAL	\$12,081,941	\$14,069,992	\$14,683,515	\$15,974,800	\$17,376,504	\$16,820,070	\$16,786,887	\$16,667,510	\$15,923,310	\$16,203,292

Exhibit 4.2 Year-over-Year Percentage Changes in General, Transportation, and Nonmajor Governmental Funds (2004-2013)

	2005	2006	2007	2008	2009	2010	2011	2012	2013
Real and personal property taxes	9.4%	11.7%	11.3%	10.2%	-1.8%	-10.6%	-5.4%	-2.0%	1.5%
Utility and communication service taxes	3.1%	4.0%	3.9%	5.3%	-0.1%	8.2%	-0.3%	2.0%	4.5%
Communication service tax	33.3%	-14.1%	2.3%	25.4%	14.3%	9.9%	3.2%	-9.3%	-4.7%
Franchise fees	3.4%	1.1%	39.7%	17.3%	-4.6%	2.8%	-28.6%	14.7%	-7.7%
Intergovernmental	23.9%	-3.8%	-5.2%	-5.5%	-9.6%	-2.9%	15.0%	-29.2%	5.6%
Licenses and permits	32.7%	18.5%	-13.7%	3.6%	-3.4%	17.5%	-7.9%	-76.7%	4.5%
Impact fees	-85.6%	1163.1%	-	-	-	-	-	-	-
Fines and forfeitures	28.5%	38.0%	-6.2%	53.3%	-19.6%	66.0%	-18.1%	-17.9%	13.5%
Charges for services	37.0%	5.3%	109.6%	66.8%	26.7%	40.0%	5.2%	39.4%	8.9%
Interest	169.4%	46.9%	35.5%	-29.9%	-22.7%	-61.2%	6.7%	29.7%	-5.6%
Miscellaneous	5982.1%	-66.4%	-74.9%	568.7%	-78.9%	199.5%	-5.8%	89.7%	-21.9%
Total General Fund	17.8%	4.3%	6.1%	8.6%	-2.9%	-0.3%	-2.9%	-9.2%	1.5%
Transportation Fund	-	8.4%	-0.6%	-2.0%	-8.1%	1.6%	6.9%	60.3%	0.6%
Nonmajor Governmental Funds	-98.3%	-100.0%	7616216.7%	37.6%	-3.2%	0.3%	-88.3%	1199.7%	6.7%
TOTAL	16.4%	4.4%	8.8%	8.8%	-3.2%	-0.2%	-5.5%	0.4%	1.8%

GFOA Reserve Analysis for the Village of Palmetto Bay

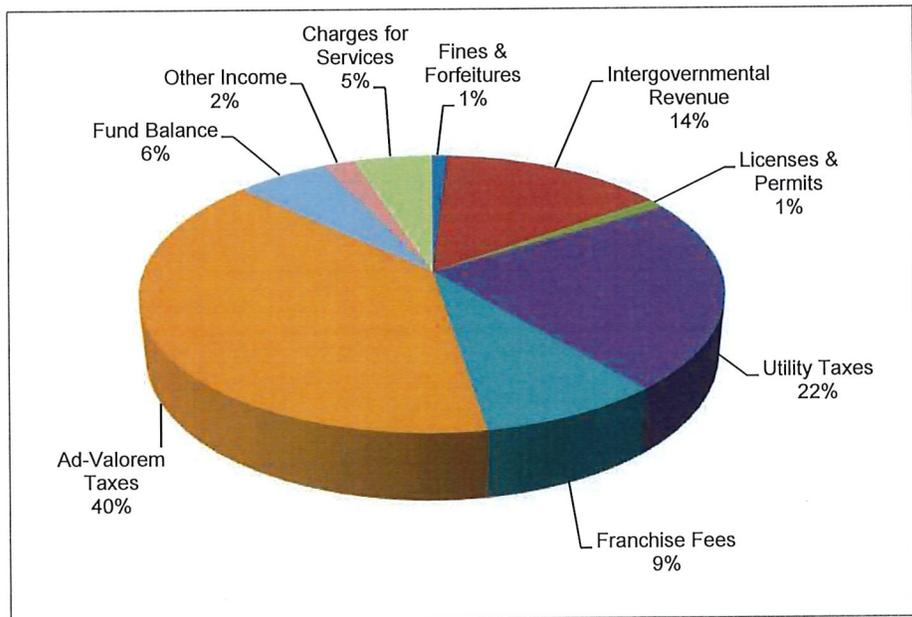
Another consideration is the volatility of the Nonmajor Governmental Funds. Currently, it consists of six separate non-major funds, though the number of funds within the Nonmajor Governmental Funds has varied over the ten-year period. Thus, we compare the year-over-year change of the revenue portfolio with and without the Nonmajor Governmental Funds as shown in Exhibit 4.3.

Exhibit 4.3 Year-over-Year Percentage Changes in General and Transportation Funds and General, Transportation, Nonmajor Governmental Funds (2004-2013)

	2005	2006	2007	2008	2009	2010	2011	2012	2013
General and Transportation Funds	25.6%	4.5%	5.7%	7.9%	-3.2%	-0.2%	-2.3%	-5.1%	1.5%
General, Nonmajor Governmental, and Transportation Funds	16.4%	4.4%	8.8%	8.8%	-3.2%	-0.2%	-5.5%	0.4%	1.8%

The revenue portfolio of the General and Transportation Funds is volatile, with a year-over-year range of 13.0 percentage points between 2005 and 2013, excluding 2004 because of the possible transition during that period. The largest annual decline experienced for the total of the General and Transportation Funds was 5.1 percent in 2012, compared to 5.5 percent for the total of the three funds. For the purposes of recommending a reserve, we take the mid-point of the two, 5.3 percent, to provide a reasonable reference point for the upper limit of downside risk the Village faces in its General Fund revenues.

Exhibit 4.4 Palmetto Bay General Fund Revenues (2013-2014)



GFOA Reserve Analysis for the Village of Palmetto Bay

In considering the Triple-A approach to managing uncertainty, we consider the General Fund revenue sources. Exhibit 4.4 shows the General Fund revenue sources and their respective percentage to total General Fund revenues. What is important to note from the exhibit is significant portion that is received, not collected, by Palmetto Bay. For these revenue sources, the Village has little to no capacity to control these revenue streams, such as by setting their rates. The prime example is ad-valorem taxes, which comprise 40 percent of the Village's General Fund revenues. Florida statute imposes the maximum millage rate for municipalities.¹² Other examples include intergovernmental revenues, which are provided from the State of Florida and utility taxes and franchise fees, which are from Miami-Dade County. These three sources amount to 47 percent of its General Fund revenues. Because a majority of its General Fund revenues come from outside entities, when applying the Triple-A approach, we use the higher multiplier of 2.0. This means the worst downturn the Village should plan for in its General Fund revenues would be a decline of 10.6 percent.

Municipalities sometimes have a certain amount of contingency built into their budget such that should they experience a decrease in revenues it would respond by reducing its budget and not rely on reserves to cover the entire amount of the reduction. Through discussions with Palmetto Bay, no budget reductions are considered at this time. As such, the Village should reserve \$1.5 million to hedge against instability in its General Fund revenues.

Implied Reserve Component for Revenue Volatility

- A reserve of \$1.5 million for General Fund revenues volatility based on a plausible decline in revenues of 8.0 percent.

Expenditure Volatility

The Village does not have great vulnerability to unexpected expenditures spikes for operations. Lawsuits are always a possibility. Under Florida Statutes,¹³ municipalities have a limited liability for damages for a maximum \$200,000. Applying this maximum liability, the Village should reserve an amount of \$200,000 for such purposes.

Implied Reserve Component for Expenditure Volatility

- A reserve of \$200,000 for expenditure volatility (particularly lawsuits).

Dependency of Other Funds on the General Fund

The Village's general fund does not provide significant subsidies or transfers to other funds. Neither does the Village operate its own utilities, so there is no risk of the General Fund being called upon to support these operations in a crisis. Hence, no special reserve is needed.

Implied Reserve Component for Dependency of Other Funds on General Fund

- No reserve for subsidies or transfers to other funds is needed.

¹² Fla. Stat. § 200.065 (2014).

¹³ Fla. Stat. § 768.28 (2013).

GFOA Reserve Analysis for the Village of Palmetto Bay

Leverage

Outstanding debt. The Village has approximately \$20.5 million in debt associated with governmental activities. This includes revenue bonds to construct a library building and Village Hall, promissory note to manufacture and install street signs throughout the Village, and related liabilities to Miami-Dade County for the Village's share of the County's Public Service Tax Bonds for the Quality Neighborhood Improvement Program and Stormwater Utility Revenue Bonds.

The Village has a rating of AA as assigned by Fitch Ratings. A rating of AA+ by Fitch Ratings is roughly equivalent to an Aa rating by Moody's Investors Services. Exhibit 4.1 below compares the Village's financial indicators with medians of similar sized cities by credit rating as reported in Moody's Investors Services "2011 US Local Government Medians" report. As the exhibit shows, the Village's level of direct net debt, which includes non-self-supporting portion of general obligation bonds, sales and special tax bonds, general fund lease obligations, bond anticipation notes, and capital leases, compared to its full value, or estimated full market value of taxable property within its boundaries, is only 0.70 percent, lower than the median recorded for similar sized Aa-rated cities and comparable to the median for Aaa-rated cities.

Exhibit 4.5 also shows "overall" debt, which is the Village's direct debt plus the debt of overlapping jurisdictions. The rationale for this measure is the burden on the community from a dollar of local government debt is the same, whether it comes from a municipality, school district, library district, etc. The Village's overall debt burden is 1.18 percent of full value, far lower than the medians recorded across all five ratings.

Exhibit 4.5 – Comparison of Palmetto Bay's Financial Indicators to Cities with Less Than 50,000 Population by Credit Rating from Moody's Medians

	<i>Palmetto Bay</i>	Aaa	Aa	A	Baa	Ba
Population 2010 Census	23,410	23,348	16,941	7,839	5,791	17,353
Direct Net Debt as % of Full Value	0.70%	0.61%	0.96%	1.44%	1.69%	2.99%
Overall Debt Burden (Overall Net Debt as % Full Value)	1.18%	2.14%	2.71%	4.32%	4.40%	5.93%
Total Full Value (000)	\$2,357,490	\$5,418,323	\$1,866,036	\$515,717	\$220,668	\$1,187,118
Full Value Per Capita	\$100,704	\$160,428	\$83,520	\$46,905	\$34,864	\$67,115

Pension and OPEB liabilities. The Village provides retirement benefits for full-time employees through a defined contribution plan. For participating employees Palmetto Bay contributes 6 percent of employee's gross salary. As of fiscal year-end September 30, 2013, the Village contributed \$263,278 in its defined contribution plan and it is fully-funded.

The Village provides optional post-employment healthcare, dental, and life insurance coverage to regular employees and elected officials who retire from active services. Palmetto Bay's current policy is to fund the plan on a "pay-as-you-go" basis. According to its most recent actuarial evaluation as of fiscal year-end 2012, there were only three participants. The Village's annual required contribution for OPEB was \$25,000, with a net obligation of \$15,000.

GFOA Reserve Analysis for the Village of Palmetto Bay

Implied Reserve Components for Leverage

- No reserve for outstanding debt or pension or OPEB liabilities is needed.
- The Village does not have an especially high amount of debt when compared to other similar-sized municipalities.
- The Village's participation in a defined contribution plan, fully funding of the plan, and nominal OPEB obligations do not warrant a reserve.

Liquidity

The Village does not experience cash flow problems as result of timing differences between its receivables and payables. Thus, a special reserve for working capital appears unnecessary.

Implied Reserve Component for Liquidity

- No reserve for working capital is needed.

Section 5 – Recommendations

This section provides GFOA's recommendations to Palmetto Bay based on the analysis presented in this paper. Sub-section "A" reviews the risk factors that were analyzed independently in Section 3 and Section 4, and considers issues relative to analyzing the risk factors as a whole. Sub-section "B" addresses the primary purpose of this report: to recommend a reserve target for Palmetto Bay. Sub-section "C" introduces ideas for formal policies the Village may wish to adopt to support the its reserve strategy. Sub-section "C" summarizes GFOA's recommendations.

A. Review of Risk Factors and Holistic Analysis

This section establishes the recommended reserve target for Palmetto Bay. We will start with a brief overview of the risk factors that have implications for the Village's reserves in Exhibit 5.1.

GFOA Reserve Analysis for the Village of Palmetto Bay

Exhibit 5.1 – Risk Factor Overview

Specific Risk to General Fund	Risk Averse Amount	Less Risk Averse Amount
Extreme events and public safety: hurricanes	\$552,000	\$552,000
Community growth	\$476,000	\$476,000
Capital repairs and replacement	\$1.3 million	\$1.4 million
Revenue volatility	\$1.5 million	
Expenditure volatility: lawsuit	\$200,000	\$200,000
TOTAL	\$4.0 million	\$2.6 million
Percent of General Fund 2013 Revenues	29%	19%
Additional Reserve		
Maintenance of capital assets	\$1.0 million	\$1.0
GRAND TOTAL	\$5.0 million	\$3.6 million

However, determining a final reserve target is not as straightforward as summing the numbers in the risk averse amount column of Exhibit 5.1. There are two issues we must consider before arriving at a final target:

- Risk interdependency and
- Risk's probability of occurring.

The column on the right accounts for these issues to determine a less risk averse amount. We will explain how we arrived to these figures below.

Risk interdependency. Risk interdependency refers to the relationship between the different risk factors. To illustrate, if two risks are highly dependent, then there is a strong likelihood that both will occur at the same time. If two risks are independent there is no particular reason they should occur at the same time. The major risk dependency is between public safety risks and capital repairs and replacement because a hurricane directly hitting Palmetto Bay could require immediate capital repair and replacement needs. There might also be some dependency between public safety risks and revenue as a major hurricane could destroy properties that provide the Village's property tax revenues. Expenditure volatility associated with potential lawsuits appears to be an independent risk because the occurrence of this risk has little to do with the occurrence of other risks.

Where risks are highly dependent it is wise to hold reserves for the full amount of implied reserve amount for each dependent risk factor because if one happens it is likely the other one will happen. Where risks are independent and the risks have a low probability of occurring it may not be necessary to hold the full amount of implied reserves for each risk because one shared reserve for multiple risk factors that is less than the total implied reserve amounts of the individuals risks will probably be sufficient to protect the Village.

GFOA Reserve Analysis for the Village of Palmetto Bay

Risk's probability of occurring. Some risks have a low probability of occurring, but have extreme consequences if they occur. A hurricane is the leading example of this. Some risks are almost certain to occur, but the consequences are not necessarily so severe. General revenue volatility is certain to occur and the impact to the Village in the past has been manageable. When risks are likely to occur, it is wise to hold full implied reserve amount. When risks have a low probability of occurring it is possible to hold less than the implied reserve amount if the low probability risks are independent of each other. The odds that these risks occur at the same time are very small so the Village could elect to not hold reserves large enough to cover all low probability risks.

B. Recommended Reserve Target for Palmetto Bay

This section addresses a recommended range of reserves for Palmetto. First we synthesize the risk analysis into a recommended range of reserves. Then we discuss how the recommendation fits with Village's existing reserve strategy.

Reserve Amount Derived from Risk Analysis

If we consider the risks to have high degree of dependency the Village should reserve close to \$4.0million, which is about 29 percent of the General Fund revenues in order to cover the risks addressed in this report. This represents a more "risk averse" approach to reserves. As mentioned in the preceding subsection, there are some dependencies between the risks but they are not all completely dependent. Therefore taking the total of all of the implied reserve, \$4.0 million, as the Village's final reserve target may result in Palmetto Bay holding too much in reserve, but would provide the highest level of protection for the Village – the Village have the lowest odds of being caught short. Palmetto Bay could also hold some amount less than \$4.0 million and probably cover itself sufficiently. A way to determine this amount is by looking at the risk factors. Focusing on the two largest risks, capital repairs and replacement and revenue volatility, there seems to be little dependency between the two. A capital maintenance project such as one to repave roads does not impact the Village's General Fund revenue and vice versa. Additionally, as discussed in Section 4, the Village has capacity to leverage debt should it need an alternative strategy to finance capital repairs. Because there is little dependency between capital repairs and replacement and revenue volatility and the Village's flexibility in issuing debt, it can reserve an amount less than the \$4.0 million total of all risk. Using the mid-point of the implied reserve amounts for capital repairs and replacement and revenue volatility, the Village could decide to adopt a final reserve target that is \$1.4 million less – or about \$2.6 million. A reserve of \$2.6 million equates to approximately 19 percent of General Fund revenues.

Hence, the Village should choose a reserve target for its General Fund between \$2.6 million and \$4.0 million to cover the risks addressed in this analysis. This equates to a reserve equal to about 19 percent and 29 percent of the Village's General Fund revenues, respectively.

To help the Village make a more informed consideration of this range of possibilities, Exhibit 5.2 provides a table of General Fund balances as a percent of General Fund revenues for Florida municipalities that are comparable to Palmetto Bay in terms of population and proximity to the coast. A couple of notes should be made about Exhibit 5.2 in order for the reader to fully understand its meaning. First, "fund balance" is an accounting term that describes the difference between the assets

GFOA Reserve Analysis for the Village of Palmetto Bay

and liabilities in the General Fund. "Reserves" (which are the main topic of GFOA's analysis for Palmetto Bay) are the portion of fund balance that is set aside, by village council policy, as a hedge against risk. Hence, not all "fund balance" is necessarily available as a reserve. The right-hand section of Exhibit 5.2 shows how much each municipality holds in fund balances as a percent of general revenue. Each of three columns in this section examines fund balances from a different perspective on the relationship between fund balances and risk mitigation.

The first column shows "unrestricted" fund balance. This is an accounting term that includes fund balances that do not have constraints placed on their use by an outside entity (e.g., a bond covenant might restrict the use of some portion of fund balance to debt service) and that are spendable (e.g., do not represent inventory or other non-liquid assets). "Unrestricted" fund balances may still have constraints placed upon their use, but these constraints would be created by the municipal government itself. One common constraint is to dedicate some portion of fund balance to hedging against the types of risks described in this report. However, other constraints have nothing to do with this kind of risk mitigation - to illustrate, a common self-imposed constraint is putting aside fund balance to pay for a special capital project. While such a constraint *could* be removed and, thus, the entirety of monies in the "unrestricted" category made available for risk mitigation, it is not the intent of the municipality to do so.

The second column shows the amount of fund balance that is available for risk mitigation after fund balances that have self-imposed restrictions that are not germane to risk mitigation are removed from consideration. This leaves self-imposed restrictions that are germane to risk mitigation as well as fund balance that does not have any restrictions placed upon it at all, so could easily be used for responding to emergency events if needed.

The third category includes only those fund balances that have been specifically identified by the municipality as intended for creating a risk mitigating reserve. The financial statements of four municipalities, including Palmetto Bay, did not specifically identify any fund balance as a risk mitigating reserve so are labeled with "NA." It should be noted that since the analysis in Exhibit 5.2 is based only upon the information included in each municipality's comprehensive annual financial report (CAFR), it is possible that the amount dedicated to risk mitigation could be somewhat higher for some of the municipalities as a legislative policy document might call for maintaining a given amount in fund balances as a reserve without creating an accounting restriction that would show up in the financial report. This is the case for Palmetto Bay which in its budget notes that it has approximately \$2.8 committed for declared emergencies established by Council resolution. This is also true for the Town of Miami Lakes and City of Edgewater. Miami Lakes' reserve policy ordinance requires that, when possible, it maintain 15 percent of budgeted general fund expenditures on hand as a reserve. Edgewater's Charter includes a requirement to maintain reserves between 15 and 25 percent of its general fund appropriations, excluding operating transfers, a range which is in line with GFOA's recommendation for Palmetto Bay. In addition, the Village Council for the Village of Pinecrest, located directly to the north of Palmetto Bay, allocates additional unassigned fund balance during the budget process for possible emergencies due to its location in a hurricane zone. For Cutler Bay, located directly to the south of Palmetto Bay, it maintains several reserves "for contingencies and emergency situations, as well as for

GFOA Reserve Analysis for the Village of Palmetto Bay

the impact of revenue reforms on the stability of the Town's operating budget and for other items such as grant matches." While its CAFR documents that it dedicates \$2.0 million in its assigned fund balance for potential build-out and operational issues related to the Cutler Bay Town Center, its budget details an additional \$7.3 million from its unassigned fund balance for reserves dedicated to emergency contingency for extreme events, revenue stabilization related to revenue volatility, grant match related to expenditure volatility, insurance to cover claim deductibles, and tax equalization for potential cash flow issues. That said the figures in Exhibit 5.2 are probably inclusive of most of the funds these municipalities have dedicated to risk mitigation.

GFOA Reserve Analysis for the Village of Palmetto Bay

Exhibit 5.2 – Fund Balance as a Percent of General Fund Revenues for Comparable Florida Municipalities

		Fund Balances as Percent of General Fund Revenue		
Municipality	Population	Unrestricted	Available for Risk Mitigation	Dedicated to Risk Mitigation
Palmetto Bay	23,447	95%	94%	NA
Cooper City	32,345	28%	26%	NA
Cutler Bay	42,035	109%	79%	11%
Edgewater	20,737	30%	25%	NA
Miami Lakes	30,057	27%	27%	NA
Pinecrest	11,015	43%	42%	16%
Temple Terrace	25,029	20%	17%	5%
Average	26,381	50%	44%	11%
Median	25,029	30%	27%	11%

Unsurprisingly, the averages at the bottom of the table decline as one reads from left to right, as the scope of fund balance included declines.

For Palmetto Bay’s purposes, the figures in the second and third columns are most relevant. These figures tell us that Palmetto Bay has a significant portion of unrestricted fund balances relative to its General Fund revenues, 94 percent, that could be used for risk mitigation. The comparable municipalities averaged 44 percent in this category.

In terms of fund balances dedicated to risk mitigation, only three peer municipalities noted in their CAFRs a fund balance specifically for risk mitigation. As discussed earlier, a legislative policy may not be captured in financial reporting, which is the case of the Village. While the Village’s financial report shows that it does not dedicate specific fund balances for risk mitigation, we know Palmetto Bay sets aside 20 percent of General Fund revenues for emergencies, as established by Council resolution. Comparatively, when including the \$7.3 million in additional reserves described in its budget, Cutler Bay sets aside 52 percent of its General Fund revenues for risk mitigation, far more than any other peer municipality listed. The exhibit also tells us that the GFOA recommendation of a reserve equal to between 19 and 29 percent of the Village’s General Fund revenues is in line with its northern neighbor Pinecrest who sets aside 16 percent of its General Fund revenue also for possible emergencies, such as hurricanes. It is also not out of line with the median of reserves available for risk mitigation for all peer municipalities.

As a final input into considering the range of reserve targets, the Village should consider two factors that are relevant to sizing a reserve:

- **Government size:** As a smaller municipality, Palmetto Bay will generally have more vulnerability to risk because it has a less diverse tax base and less diverse resources to draw upon than a

GFOA Reserve Analysis for the Village of Palmetto Bay

much larger municipality. This suggests a reserve at the higher end of the range suggested by GFOA.

- **Borrowing capacity:** The Village does not have significant debt or large capital needs in the future. This suggests that the Village has financial flexibility should it need access to capital as it does have the capability to assume more risk with lesser reserves.

In conclusion, to zero in on a final reserve target GFOA recommends that the Palmetto Bay's Village Council and staff have a conversation about their risk appetite. A low risk appetite should suggest that a reserve closer to 29 percent for the General Fund would be safer for the Village. If the Village has a higher risk appetite it would adopt a reserve target closer to 19 percent. The Village could also adopt a target between these two poles. In short, there is no one "correct" answer as the final target is a product of the Village's willingness to assume risk. The \$1.0 million for a sinking maintenance and replacement fund is included in both the risk averse and less risk averse columns as it is a known liability and not a matter of risk.

Relation to the Village's Existing Reserve Strategy

The Village's existing reserve strategy includes an emergency reserve, intended for unanticipated emergencies as declared by Council resolution. GFOA applauds the Village for this practice of explicitly recognizing the purposes of the reserves. This provides for greater transparency on why the Village holds reserves. GFOA also recommends retaining this categorization going forward. Palmetto Bay currently holds \$2.8 million, which falls within GFOA's recommended reserve target range.

C. Policies to Support the General Fund Reserve Strategy

This section presents ideas for formal policies that Palmetto Bay may wish to adopt that would support the Village's reserve strategy.

General Fund Reserve Policy

The Village should adopt a formal general fund reserve policy. A policy would accomplish the following:

- Memorialize the final reserve target in a document that receives formal council approval.
- Officially establish the intent of the Village to maintain the target level of reserves.
- Describe the acceptable uses of reserves. This prevents the reserves from being used inappropriately and, thus, degrading the Village's risk mitigation capabilities.
- Describe who is authorized to use the reserves.
- Provide guidance on how to replenish reserves back to target levels, when necessary.

Asset Management Policy

An asset management policy will help support the Village's reserve strategy because maintenance of capital assets is a major draw on the Village's resources. A policy will help the Village improve upon its already strong capital planning practices and standardize its approach to asset maintenance and replacement.

GFOA Reserve Analysis for the Village of Palmetto Bay

D. Conclusion

GFOA commends Palmetto Bay for evaluating its General Fund reserve level in light of the risks the Village faces. The GFOA analysis of the Village's risks has suggested items for the Village Council and staff to consider in determining how large a reserve to maintain. GFOA recommends that Palmetto Bay establish a reserve target for its General Fund of between \$2.6 million and \$4.0 million or 19 percent and 29 percent of its General Fund revenues, respectively. We also recommend the Village consider adopting an asset management policy, including \$1.0 million maintenance and capital repairs sinking fund to help finance foreseeable asset repair needs.



To: Honorable Mayor and Village Council

Date: January 6, 2020

From: Village Manager Edward Silva

Re: Capital Asset Funding Policy

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CAPITAL ASSET FUNDING POLICY; IDENTIFYING FUNDING FOR CAPITAL ASSETS/PROJECTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. (*Sponsored by Administration*)

BACKGROUND AND ANALYSIS:

The Village of Palmetto Bay currently allocates funding annually for repairs, replacement or purchase of assets.

The proposed Capital Asset/Project Funding Policy establishes a mechanism to continually fund a capital assets fund for repairs, replacement and purchase of assets as needed and not only if allocated within the budget.

FISCAL IMPACT:

No fiscal impact as this is only a funding mechanism.

RECOMMEDATION:

Approval is recommended.

ATTACHMENTS:

Capital Asset/Project Funding Policy.

CAPITAL ASSET/PROJECT FUNDING POLICY

I. Purpose

The Village hereby establishes the General Fund Capital Assets/Projects Fund, for the purpose of accumulating funds to purchase, replace or repair the Village’s capital assets.

II. Definitions

Capital Assets:

Capital assets, which include land, buildings, furniture and equipment and infrastructure assets (e.g., roads, sidewalks, and similar items), are reported in the government-wide financial statements. Capital assets are defined by the Village as assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of one year. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at their acquisition value (the price that would be paid to acquire an asset with equivalent service potential in an orderly market transaction at the acquisition date).

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are expensed as incurred. Major outlays for capital assets and improvements are capitalized as projects are constructed.

The Village maintains a \$750,000 threshold for capitalizing easements and a \$250,000 threshold for capitalizing software.

Capital assets are depreciated using the straight-line method over the following estimated useful lives:

Assets	Years
Furniture and equipment	5-20
Vehicles	7
Buildings	30
Leasehold improvements	10
Infrastructure	30
Software	5

Major Improvement:

A major replacement/improvement to an asset is an expenditure of more than \$5,000 and extends the life of an asset by more than one year.

Major Repair:

A major repair is an expenditure due to damage of more than \$5,000 but does not extend the life of an asset.

III. POLICY

To fund the General Fund Capital Assets Fund 60% of the prior year's operating surplus will be allocated from the General Fund unreserved fund balances and transferred to the Capital Asset/Project Fund.

The Capital Assets/Projects ending fund balance shall not exceed \$5,000,000.

Only with a super majority vote of the Village Council can unallocated funds be returned to the General Fund.

ORDINANCE NO. 2020-_____

1
2
3 AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF
4 THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CHAP-
5 TER 15 OF THE VILLAGE OF PALMETTO BAY'S CODE OF ORDI-
6 NANCES ENTITLED "ENVIRONMENT", BY ADDING SECTION 15-
7 2 STYLED "BIRD SANCTUARY"; ESTABLISHING THE VILLAGE
8 AS A BIRD SANCTUARY; PROVIDING FOR DEFINITIONS,
9 PROVIDING FOR PENALTIES, AND PROVIDING AN EFFECTIVE
10 DATE. *(Sponsored by Councilmember David Singer)*

11
12 **WHEREAS**, Bird Sanctuaries are nature facilities that advocate
13 the conservation of various species of birds and their natural habitats
14 while promoting rehabilitation and survival; and

15
16 **WHEREAS**, on an almost daily basis, news stories report an inci-
17 dent of animal abuse that shocks our sensibilities; and

18
19 **WHEREAS**, as reported on the front page of the Wednesday, De-
20 cember 25th Christmas day edition of the New York Times, recent fed-
21 eral regulatory changes at the US Department of Fish and Wildlife Ser-
22 vices has eliminated the penalties for "incidental" migratory bird deaths:
23 and

24
25 **WHEREAS**, as also reported, across the country birds have been
26 killed and nests destroyed by oil spills, construction crews and chemical
27 contamination, all with no response from the federal government; and

28
29 **WHEREAS**, after a reported incident in the Village that may have
30 involved the inhuman treatment of birds, the Council desires to establish
31 the Village as a "Bird Sanctuary"; and

32
33 **WHEREAS**, to implement this objective, the Council wishes to es-
34 tablish rules and regulations for the protection and preservation of birds
35 in our "Village of Parks".

36
37 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF**
38 **PALMETTO BAY, FLORIDA, THAT:**

1 **Section 1.** That Section 15 of the Village of Palmetto Bay's Code
2 of Ordinances entitled "Environment" is amended by the addition of
3 Section 15-2 styled "Bird Sanctuary".
4

5 **Section 2.** That Section 15-2 shall read as follows:

6 "Section 15-2 - Bird Sanctuary

7 (i) The Village of Palmetto Bay shall be known as a bird sanctuary
8 for the protection and conservation of all species of birds.

9 (ii) The entire area now embraced within the boundaries known
10 as the corporate limits of the Village of Palmetto Bay is hereby des-
11 ignated as a bird sanctuary.

12 (iii) "Bird" shall be defined as "a warm-blooded, egg laying verte-
13 brate distinguished by the possession of feathers, wings, a beak and,
14 typically, being able to fly.

15 (iv) These species include not only chickens, hens, ducks and
16 peacocks, but all species of birds, even if a species does not have a
17 natural habitat within the borders of the Village.

18 (v) It shall be unlawful for any person to hunt, kill, maim, hurt or
19 trap, or in any manner to attempt to kill, maim, hurt or trap or otherwise
20 molest any domestic bird, except:

21 (a) Birds or fowl raised in captivity for human consumption;

22 (b) Individuals or entities duly licensed by the State of Florida to
23 humanly euthanize Muscovy ducks.

24 (c) The removal and transport by Miami-Dade Animal Control of
25 ducks, chickens and other fowl from any Village Park upon a complaint
26 from park patrons that nuisance or aggressive behavior being exhibited.

27 (vi) The Village shall require a Village Registration for all individu-
28 als who possess a valid, government issued permit or license permitting
29 the capturing, caging or transport of any bird species to register with the
30 Village Clerk and provide copies of all documentation to be kept on file
31 with the Village. This Registration shall cost the individual Five Hundred
32 Dollars per annum.

33 (vii) Any person, firm or entity violating any provision of this Sec-
34 tion 15-2 for which another penalty is not specifically provided for under
35 the laws of the State shall, upon conviction of an act prohibited by this
36 Section 15-2, be subject to a fine not exceeding One Thousand Dollars
37 (\$1,000) for the first offense and Two Thousand, Five Hundred Dollars
38 (\$2,500) for each and every subsequent offense.
39

1 (viii) The provisions of this section are in addition to and independ-
2 ent from the provisions of Section 828.12, Florida Statutes, the "Cruelty
3 to Animals" law of the State.

4
5 **Section 3.** This Ordinance shall become effective upon second
6 reading.

7
8 **PASSED** and **ADOPTED** on First Reading this ____ day of
9 _____, 2020

10
11 **PASSED** and **ADOPTED** on Second Reading this _____ day
12 of _____, 2020.

13
14
15 Attest:

16
17 _____
18 **Missy Arocha**
19 **Village Clerk**

_____ **Karyn Cunningham**
Mayor

20
21 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
22 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLOR-
23 IDA ONLY:

24
25 _____
26 **John C. Dellagloria**
27 **Village Attorney**

28
29 **VOTE ON FIRST READING:**

- 30
31 Council Member David Singer _____
32
33 Council Member Marsha Mason _____
34
35 Council Member Patrick Fiore _____
36
37 Vice-Mayor John DuBois _____
38
39 Mayor Karyn Cunningham _____

1 **FINAL VOTE AT SECOND READING AND ADOPTION:**

2

3 Council Member David Singer _____

4

5 Council Member Marsha Matson _____

6

7 Council Member Patrick Fiore _____

8

9 Vice-Mayor John DuBois _____

10

11 Mayor Karyn Cunningham _____