



AGENDA (Amended)
Committee of the Whole Workshop
Wednesday, July 20, 2016 – 7:00 p.m.
Village Hall Council Chambers
9705 E. Hibiscus Street, Palmetto Bay, FL

1. **Call to Order/Roll Call/Pledge of Allegiance**
2. **Decorum Statement**
3. **Public Comments**
4. **Proposed Ordinances for Discussion:**
 - A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS; CREATING SECTION 20-4, TO REQUIRE A QUADRENNIAL REPORT AND RECOMMENDATION REGARDING THE PARKS AND RECREATION USER FEE SCHEDULE; CREATING SECTION 20-5 RELATING TO FUNDING OF PARKS; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. (Sponsored by Councilmember Larissa Siegel Lara)(Ordinance Passed First Reading on Monday, July 11, 2016)
 - B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COUNCIL MEETINGS; AMENDING SECTION 2.44(a) AND SECTION 2.47(A)(2), PROVIDING FOR PROCLAMATIONS, PRESENTATIONS, AWARDS AND PRESENTATIONS TO OCCUR AT 6:30 PM ON REGULAR COUNCIL MEETING DAYS, IF DETERMINED BY COUNCIL RESOLUTION; AMENDING SECTION 2.50, PROVIDING FOR PROCEDURES FOR CREATING PROCLAMATIONS, AWARDS, AND PRESENTATIONS; AMENDING SECTIONS 2.47(10), 2.47(12), 2.50(9), AND 2.50(11), PROVIDING FOR SECOND READING OF ORDINANCES TO OCCUR PRIOR TO FIRST READING OF ORDINANCES; AMENDING SECTIONS 2.47(12), 2.47(13), 2.50(11), AND 2.50 (12), PROVIDING FOR PUBLIC COMMENT FOR RESOLUTIONS AND FOR FIRST READING OF ORDINANCES; CREATING SECTION 2.50(1)(d), PROVIDING FOR THE DECORUM STATEMENT TO BE OPTIONAL AT THE DISCRETION OF THE MAYOR; AMENDING SECTIONS 2.47(a) AND 2.50, CREATING SECTIONS 2.47(7) AND 2.50(7) TO ESTABLISH REPORT BY THE CLERK; PROVIDING FOR CONSISTENT

NUMBERING AMONG THESE TWO SECTIONS; PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Councilmember Larissa Siegel Lara) (Ordinance Passed First Reading on Monday, July 11, 2016)

- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; CREATING SECTION 30-50.17(b)(19), PERMITTING MEDICAL CANNABIS DISPENSARIES WITHIN THE B-2 ZONING DISTRICT, SUBJECT TO SPECIFIC CONDITIONS, PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. (Sponsored by Administration)
- D. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE SEAL; CREATING SECTION 2.1(f), PROHIBITING CERTAIN USES OF THE VILLAGE SEAL BY COUNCIL MEMBERS; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. (Sponsored by Councilmember Larissa Siegel Lara) (Ordinance Passed First Reading on Monday, July 11, 2016)
- E. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CERTAIN COUNCIL MEMBER ACTIVITIES; CREATING SECTION 2.113, DEFINING LEGISLATIVE FUNCTIONS OF THE COUNCIL AND COUNCIL MEMBERS, AND PROHIBITING CERTAIN INTERFERENCE WITH ADMINISTRATION WITHIN THE MEANING OF THE CHARTER PROHIBITION ON INTERFERENCE WITH ADMINISTRATION; CREATING SECTION 2.114, REQUIRING DISCLOSURES IN CERTAIN COMMUNICATIONS BY COUNCIL MEMBERS; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. (Sponsored by Councilmember Larissa Siegel Lara)

5. Proposed Resolutions for Discussion:

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LEGISLATIVE AND ADMINISTRATIVE FUNCTIONS; EXPRESSING THE SENSE AND UNDERSTANDING OF THE COUNCIL REGARDING (1) THE MAJORITY-BASED DECISION-MAKING AND POLICY-MAKING ROLE OF THE COUNCIL, (2) THE SCOPE OF THE OFFICIAL DUTIES OF THE MANAGER AS CHIEF ADMINISTRATIVE OFFICER, INCLUDING INTERACTION, COORDINATION AND COMMUNICATION WITH OUTSIDE INDIVIDUALS AND ENTITIES, AND THE INTENT THAT INDIVIDUAL COUNCIL MEMBERS NOT INTERFERE WITH THE MANAGER WHEN THE MANAGER IS PERFORMING WITHIN THE SCOPE OF HIS OFFICIAL DUTIES; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Councilmember Larissa Siegel Lara)

- B. A RESOLUTION OF THE MAYOR AND THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING DESIGNATING THE VILLAGE AS AN AGE-FRIENDLY CITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Councilmember Karyn Cunningham)

6. Items for Discussion:

- A. Traffic plan (Mayor Eugene Flinn)
- B. Updates amongst Councilmembers regarding meetings with constituents (Mayor Eugene Flinn)
- C. Proposed Ordinance requiring all proposed Ordinances, Resolutions, and Agenda items for discussion to have the proper sponsor identified on all published agendas (Vice Mayor John DuBois)
- D. Village Clerk search status (Councilmember Larissa Siegel Lara)
- E. Council Media and Communications Policy (Councilmember Larissa Siegel Lara)
- F. Council Quarterly Agenda for Advisory Boards (Councilmember Larissa Siegel Lara)
- G. Preventing commercial use in residential areas such as Air BNB (Councilmember Tim Schaffer)
- H. AOA Opportunities Campaign (Councilmember Karyn Cunningham)
- I. Honor Flight for Veterans (Councilmember Tim Schaffer)
- J. Visioning Session Workshop/Strategic Plan Meeting Date (Administration)
- K. Youth Activities Task Force (Administration)
- L. Park equipment (Administration)
- M. Brownfield Development Program (Administration)

7. Adjourn

PROPOSED ORDINANCE FOR DISCUSSION:
(PASSED FIRST READING ON JULY 11, 2016)

ORDINANCE NO. 2016-___

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS; CREATING SECTION 20-4, TO REQUIRE A QUADRENNIAL REPORT AND RECOMMENDATION REGARDING THE PARKS AND RECREATION USER FEE SCHEDULE; CREATING SECTION 20-5 RELATING TO FUNDING OF PARKS; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. (Sponsored by Councilwoman Larissa Siegel Lara)

WHEREAS, the Parks and Recreation User Fee Schedule should be based upon rational and uniform criteria; and

WHEREAS, the User Fee Schedule should be adjusted periodically to reflect changing costs and demands.

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

Section 1. Section 20-4 of Chapter 20, Parks and Recreation, of the Palmetto Bay Village Code is created as follows:

Sec. 20-4 Quadrennial Fee Schedule Studies and Recommendations:

(a) The Village Manager shall conduct, or cause to be conducted by an outside entity pursuant to contract approved by the Village Council, a User Fee Study (with recommendations for appropriate adjustments to the User Fee Schedule) on a quadrennial basis (every four years). Such report and recommendations shall be presented to the Village Council during the first quarter of the calendar year (second quarter of the fiscal year), beginning in 2017 and every fourth year thereafter.

(b) The report and recommendations shall contain the following information:

(1) The fees charged for similar services or activities provided by both other public entities (public market fee rates) and private entities (private market fee rates), and the quality of such services or activities;

(2) The costs to the Village of providing the services or activities, including capital outlay based on an appropriate amortization schedule and maintenance related to the specific services or activities, and excluding Village overhead, general Village administration,

1 general park maintenance, and parking costs. These calculation costs shall be based generally
2 upon the principles of activity-based cost accounting which seeks to identify the marginal cost of
3 the services or activities of the Village;
4

5 (3) Data requiring the volume of usage of particular services and activities,
6 including usage by Village residents and non-Village residents;
7

8 (4) A recommended User Fee Schedule based upon (i) cost-based
9 recommended fees which are determined by multiplying a recommendation cost recovery rate (or
10 a cost recovery rate which may from time to time be suggested or adopted by the Council)
11 [alternative – based upon a 50% cost recovery rate] by the costs to the Village for any particular
12 service or activity; and (ii) any recommended adjustments to the cost-based recommended fees
13 upon identified and articulated factors, such as usage rates, public market fee rates, and/or
14 private market fee rates.
15

16 (c) The Council shall consider the Quadrennial Report and Recommendations during
17 the second quarter of the calendar year (third quarter of the fiscal year). If any part or all of the
18 recommended User Fee Schedule, the appropriate Ordinance shall be considered for First
19 Reading within such second calendar quarter (third fiscal year).
20

21 (1) If any changes to the User Fee Schedule are adopted, such changes shall take
22 effect not earlier than fifteen days and not later than thirty days from adoption on second
23 reading.
24

25 **Section 2.** Section 20-5 of Chapter 20, Parks and Recreation, of the Palmetto Bay Village
26 Code is created as follows:
27

28 Sec. 20-5 Funding of Parks
29

30 (a) No (1) site-specific changes to the Parks Master Plan, or (2) specific facility changes in
31 the Parks Master Plan costing over \$50,000 (other than maintenance), or (3) changes in
32 designation of use in the Parks Master Plan, shall be adopted except upon at least a four-fifths
33 vote of the Village Council. Such changes shall not be considered by the Village Council until at
34 least 45 days following the postmark date of mail notice of the proposed changes to all properties
35 within 500 feet of the outer boundaries of the site of the proposed changes. Notice required by
36 this section is in addition to any notice otherwise required by law or Ordinance.
37

38 (b) Any offer of a grant or other form of funding for Palmetto Bay parks may be
39 accepted only upon compliance with the provisions of subsection (a) and a vote of the Village
40 Council. Such acceptance by the Council may not occur less than 45 days after the Village
41 Manager has received and provided to the Village Council complete documentation regarding the
42 source and proposed use of the funds.
43

**PROPOSED ORDINANCE FOR DISCUSSION:
(PASSED FIRST READING ON JULY 11, 2016)**

ORDINANCE 2016 - _____

**AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COUNCIL MEETINGS; AMENDING SECTION 2.44(a) AND SECTION 2.47(A)(2), PROVIDING FOR PROCLAMATIONS, PRESENTATIONS, AWARDS AND PRESENTATIONS TO OCCUR AT 6:30 PM ON REGULAR COUNCIL MEETING DAYS, IF DETERMINED BY COUNCIL RESOLUTION; AMENDING SECTION 2.50, PROVIDING FOR PROCEDURES FOR CREATING PROCLAMATIONS, AWARDS, AND PRESENTATIONS; AMENDING SECTIONS 2.47(10), 2.47(12), 2.50(9), AND 2.50(11), PROVIDING FOR SECOND READING OF ORDINANCES TO OCCUR PRIOR TO FIRST READING OF ORDINANCES; AMENDING SECTIONS 2.47(12), 2.47(13), 2.50(11), AND 2.50 (12), PROVIDING FOR PUBLIC COMMENT FOR RESOLUTIONS AND FOR FIRST READING OF ORDINANCES; CREATING SECTION 2.50(1)(d), PROVIDING FOR THE DECORUM STATEMENT TO BE OPTIONAL AT THE DISCRETION OF THE MAYOR; AMENDING SECTIONS 2.47(a) AND 2.50, CREATING SECTIONS 2.47(7) AND 2.50(7) TO ESTABLISH REPORT BY THE CLERK; PROVIDING FOR CONSISTENT NUMBERING AMONG THESE TWO SECTIONS; PROVIDING FOR AN EFFECTIVE DATE.
(Sponsored by Council Member Larissa Siegel-Lara)**

WHEREAS, the Village Council wishes to assure public participation in the adoption of resolutions and in the consideration of ordinances on first reading; and

WHEREAS, the Village Council wishes to reorder the agenda for Council meetings for the convenience of the public, so that the second reading of ordinances precedes the first reading of ordinances; and

WHEREAS, the Village Council wishes to provide a specific opportunity for proclamations, awards and presentations and a specific procedure for creating such proclamations, awards, and presentations; and

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

Section 1 - Article II, Council, Division 2, Meetings, Section 2.44, Meetings, Subsection (a), Regular Meetings, is hereby amended as follows:

..... Unless otherwise announced at a prior regular meeting, all council regular meetings shall commence at 7:00 pm and shall be held at Village hall ~~the Deering Estate Visitor's center~~ or at any other location that may be designated by the council. If the Council so designates in the Resolution specifying meeting dates, the portion of a regular meeting devoted to agenda item #3,

1 proclamations, awards and presentation (section 2.47(a)(2)) shall begin at 6:30 pm with a
2 subsequent recess of the meeting, if necessary, so that the remainder of the regular meeting
3 commencing at 7:00 pm or later, with agenda item #1, call to order, roll call, pledge of allegiance
4 (section 2.47(a)(1)), being repeated at both 6:30 and 7:00 pm. All regular meetings shall be
5 publicly noticed by advertisement in a local newspaper in accordance with Florida law.
6

7 **Section 2** - Article II, Council, Division 2, Meetings, Section 2.47, Agenda Procedures,
8 Subsection (a), Regular Meetings, is hereby amended as follows:
9

10 (1) Call to order, roll call, pledge of allegiance and decorum statement (unless decorum
11 statement is suspended by the Mayor);
12

13 ~~(2) Decorum statement;~~
14

15 (2) ~~(3)~~ Proclamations, awards, presentations (subject to repositioning pursuant to section
16 2.44(a);
17

18 (3) ~~(4)~~ Approval of minutes;
19

20 (4) ~~(5)~~ Consent agenda;
21

22 (5) ~~(6)~~ Requests, petitions, and public comments;
23

24 (6) ~~(7)~~ Village Manager Report;
25

26 (7) Village Clerk Report and Calendar;
27

28 (8) ~~(7)~~ Village Attorney Report;
29

30 (9) Board and committee reports;
31

32 (10) Resolutions with public comment on all Resolutions at the beginning of this agenda
33 item;
34

35 (11) Resolutions requiring public hearings;
36

37 (12) Ordinances for second reading and public hearing;
38

39 (13) ~~(12)~~ Ordinances for first reading with public comment (or public hearing when
40 required by law) and emergency ordinances with public hearing;
41

42 ~~(11) Ordinances for second reading and public hearing;~~
43

44 (14) Other business;
45

46 (15) Council comments;
47

48 (15) ~~(16)~~ Next meeting and adjournment.

1
2 **Section 3** - Article II, Council, Division 2, Meetings, Section 2.50(1)(d) is added as
3 follows:

4
5 (d) Decorum statement. ~~The Mayor may direct the Clerk to~~ At the direction of the
6 ~~Mayor, the Clerk will~~ read the decorum statement (which shall be published in the agenda), or the
7 decorum statement may be omitted by the Mayor.

8
9 **Section 4** - Article II, Council, Division 2, Meetings, Section 2.50 is amended as follows:

10
11 (2) Proclamations, awards, presentations. This section of the agenda is reserved for
12 presentations, proclamations, or special recognitions made by the mayor on his/her own behalf
13 or on behalf of the vice-mayor or on behalf of any council member. Every such presentation,
14 proclamation or special recognition must meet the following requirements: (a) approval by the
15 mayor following his/her own initiative, or following the suggestion or request by the vice-mayor
16 or any council member; (b) signed by the mayor; (c) state in the appropriate certificate that the
17 presentation, proclamation, or special recognition is initiated "at the request of [name mayor,
18 vice-mayor, council member, or each requester if more than one request is made, or the council if
19 all five council members request], the Village of Palmetto Bay [presents, recognizes, or proclaims
20 the appropriate description, as approved by the mayor]". Requests or suggestions for such
21 presentations, proclamations or special recognitions shall be made to the mayor, through the
22 clerk, no later than 10 days prior to a regular meeting, with the requested or suggested wording.
23 This agenda item may be set for 6:30 pm by resolution of the Council pursuant to section 2.44(a).

24
25 (7) Village Clerk Report and Calendar. The Village Clerk shall report on the Clerk's
26 office and present the upcoming calendar.

27
28 [Re-number existing (7) and (8) as (8) and (9) respectively]

29
30 (10)~~(9)~~ Resolutions. Resolutions not included on the consent agenda shall be placed on
31 this portion of the agenda. Public Comment on all Resolutions shall be taken at the beginning of
32 the agenda item. After the resolution title is read the matter shall be placed on the floor for
33 consideration upon a motion and a second to the motion. The staff shall provide a report on the
34 item, which shall be followed by discussion and action by the Council.

35
36 [Re-number existing (10) as (11)]

37
38 [Existing (12) remains as (12)]

39
40 (13) ~~(11)~~ Ordinances for first reading. After the ordinance title is read the matter shall be
41 placed on the floor for consideration upon a motion and a second to the motion. The staff shall
42 provide a report on the item, which shall be followed by public comment, discussion and action
43 by the council. The agenda for each such ordinance shall state that public comment will be taken.
44 ~~Ordinances may be introduced and listed by title and shall be read by title only before consideration by the~~
45 ~~council on first reading. On first reading of ordinances, there shall be no discussion by either the council,~~
46 ~~village staff or members of the public unless discussion is requested by a council member. Any such request by~~

1 ~~a council member shall open the item to the floor for public comment. On first reading only, the council may~~
2 ~~either vote for all ordinances in one vote or may vote separately on each ordinance.~~

3
4
5 [Re-number (13), (14), and (15) as (14), (15), and (16) respectively]

6
7 **Section 5. Conflicting Provisions.** The provisions of the Code of Ordinances of
8 the Village of Palmetto Bay, Florida and all Ordinances or parts of Ordinances in conflict with
9 the provisions of this Ordinance are hereby repealed.

10
11 **Section 6. Severability.** The provisions of this Ordinance are declared to be
12 severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be
13 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining
14 sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being
15 the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

16
17 **Section 7. Codification.** It is the intention of the Village Council and it is hereby
18 ordained the provisions of this Ordinance shall become and be made part of the Code of
19 Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be
20 renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be
21 changed to "Section" or other appropriate word.

22
23 **Section 8. Effective Date.** This Ordinance shall take effect immediately upon
24 enactment.

25
26 **PASSED and ENACTED** this _____ day of _____, 2016.

27
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29 First Reading: July 11, 2016

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31 Second Reading: _____

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34 Attest: _____

35 Missy Arocha
36 Village Clerk

Eugene Flinn
Mayor

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38
39 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
40 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

41
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45 _____
46 Dexter W. Lehtinen
47 Village Attorney

1 FINAL VOTE AT ADOPTION:
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3 Council Member Karyn Cunningham _____
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5 Council Member Tim Schaffer _____
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7 Council Member Larissa Siegel Lara _____
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9 Vice-Mayor John DuBois _____
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11 Mayor Eugene Flinn _____
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PROPOSED ORDINANCE FOR DISCUSSION:

ORDINANCE NO. 2016-___

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; CREATING SECTION 30-50.17(b)(19), PERMITTING MEDICAL CANNABIS DISPENSARIES WITHIN THE B-2 ZONING DISTRICT, SUBJECT TO SPECIFIC CONDITIONS; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, in 2014, the State of Florida enacted Florida Statute 381.986, AKA the Compassionate Medical Cannabis Act, which provided a regulatory frame work for the cultivation, transportation, processing and dispensing of low THC cannabis for medical use treatment only; and

WHEREAS, Florida Statute 381.986(8)(b) permits “[a] municipality [to] determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of dispensing organizations located within its municipal boundaries;” and

WHEREAS, the Village Council finds this Ordinance does not violate any portion of Florida Statute 381.986, and is consistent with the criteria found at Section 30-30.7(b) of the Village’s Land Development Code; and

WHEREAS, the Village Council, now desires to exercise its’ right to properly zone and regulate the use and location of medical cannabis dispensaries within its jurisdictional boundaries, and by do so, to be in the interest of serving the general health and welfare of its residents.

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

Section 1. **Amendment.** Pursuant to 30-30.7(b) the Village Council finds the ordinance in compliance with the applicable standards; and, therefore, Section 30-50.17(b)(19) of the Code of Ordinances of the Village of Palmetto Bay is created to read as follows:

DIVISION 30-50. - ZONING DISTRICTS

* * *

Sec. 30-50.1. - Districts and general provisions.

* * *

1 Sec. 30-50.17. - B-2, Business District.

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3 * * *

4
5 (b) Uses permitted. No land, body of water and/or structure shall be used or permitted to be
6 used, and no structure shall be hereafter erected, constructed, reconstructed, moved, occupied or
7 maintained for any purpose in any B-2 District except for one or more of the following uses:

8
9 (1) All uses permitted in the B-1 District.

10
11 * * *

12
13 (19) Medical Cannabis Dispensary, subject to the following conditions:

- 14 a. Must be properly licensed by the State of Florida pursuant to
- 15 Florida Statute 381.986 to operate within the Southeast
- 16 Dispensing Regions as defined by the State of Florida.
- 17 b. Shall be no closer than 500 feet to any property zoned R-1, E-M,
- 18 E-S, E-1, E-1C, or E-2, as measured at the closest points of the
- 19 edges of the properties.
- 20 c. Shall be no closer than 5,000 feet from another medical cannabis
- 21 dispensary, as measured from the closest points of the edges of
- 22 the properties.
- 23 d. Operations shall be limited to retail sale activity of the Medical
- 24 Cannabis product.

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26 * * *

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28 **Section 2. Conflicting Provisions.** The provisions of the Code of Ordinances of
29 the Village of Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the
30 provisions of this ordinance are hereby repealed.

31
32 **Section 3. Severability.** The provisions of this Ordinance are declared to be
33 severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be
34 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining
35 sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being
36 the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

37
38 **Section 4. Codification.** It is the intention of the Village Council and it is hereby
39 ordained the provisions of this Ordinance shall become and be made part of the Code of
40 Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be
41 renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be
42 changed to "Section" or other appropriate word.

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44 **Section 5. Effective Date.** This Ordinance shall take effect immediately upon
45 enactment.

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First Reading: _____
Second Reading: _____

PASSED and ENACTED this ____ day of _____, 2016.

Attest: _____
Missy Arocha
Village Clerk
Eugene Flinn
Mayor

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

Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham _____
Council Member Tim Schaffer _____
Council Member Larissa Siegel Lara _____
Vice-Mayor John DuBois _____
Mayor Eugene Flinn _____

PROPOSED ORDINANCE FOR DISCUSSION:
(PASSED FIRST READING ON JULY 11, 2016)

ORDINANCE 2016-_____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE SEAL; CREATING SECTION 2.1(f), PROHIBITING CERTAIN USES OF THE VILLAGE SEAL BY COUNCIL MEMBERS; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. (Sponsored by Council Member Larissa Siegel Lara)

WHEREAS, the use of the Village Seal (also known as Village Logo) should be limited to official use and its use is restricted to authorized uses under the Palmetto Bay Code (section 2.1); and

WHEREAS, the official Village Seal is created and protected by Ordinance (section 2.1).

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

Section 1 - Section 2.1(f) is hereby created as follows:

(f) Restrictions on Council Member Use of Seal. The Village Seal represents the Village as a whole and the Council as a whole, and the Seal shall not be used by Council Members, whether in paper or electronic communications, including print or electronic newsletters or print or electronic mass communications of any type, except in newsletters or other communications posted on the Village website by the Manager at the request of the Council Member and except for use of Village letterhead for letters sent by mail at Village expense.

Section 2. Conflicting Provisions. The provisions of the Code of Ordinances of the Village of Palmetto Bay, Florida and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. The provisions of this Ordinance are declared to be severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Codification. It is the intention of the Village Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

1 **Section 5. Effective Date.** This Ordinance shall take effect immediately upon
2 enactment.

3
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5 **PASSED and ENACTED** this _____ day of _____, 2016.

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8 First Reading: _____

9 Second Reading: _____

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12 Attest: _____

13 Missy Arocha
14 Village Clerk

Eugene Flinn
Mayor

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

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21 _____
22 Dexter W. Lehtinen
23 Village Attorney

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26 FINAL VOTE AT ADOPTION:

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28 Council Member Karyn Cunningham _____

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30 Council Member Tim Schaffer _____

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32 Council Member Larissa Siegel Lara _____

33
34 Vice-Mayor John DuBois _____

35
36 Mayor Eugene Flinn _____

PROPOSED ORDINANCE FOR DISCUSSION:

ORDINANCE 2016 - _____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE ACTIVITIES OF CERTAIN COUNCIL MEMBERS; CREATING SECTION 2.1(f), PROHIBITING CERTAIN USES OF THE VILLAGE SEAL BY COUNCIL MEMBERS; CREATING SECTION 2.113, DEFINING LEGISLATIVE FUNCTIONS OF THE COUNCIL AND COUNCIL MEMBERS, AND PROHIBITING CERTAIN INTERFERENCE WITH ADMINISTRATION WITHIN THE MEANING OF THE CHARTER PROHIBITION ON INTERFERENCE WITH ADMINISTRATION; CREATING SECTION 2.114, REQUIRING DISCLOSURES IN CERTAIN COMMUNICATIONS BY COUNCIL MEMBERS; PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Councilmember Larissa Siegel Lara)

WHEREAS, the use of the Village Seal (also known as Village Logo) should be limited to official use and its use is restricted to authorized uses under the Palmetto Bay Code (section 2.1); and

WHEREAS, under the Charter the Mayor is the Council Member designated to represent the Village in dealings with other government entities (section 2.1(4) and no Member of the Council should communicate with other government entities, officials or employees in such a fashion as to appear to be speaking for or on behalf of the Village or the Council as a whole (section 2.1(A)(4)); and

WHEREAS, the Charter of the Village of Palmetto Bay provides for a Council-Manager form of government (section 1.2); and

WHEREAS, under the Charter, the Council acts as a legislative body operating on majority-based principles of decisionmaking and policymaking; and individual Council Members are not empowered or authorized (1) to negotiate for or on behalf of the Village or Council with any party or government entity, or (2) to represent or portray themselves as speaking for or on behalf of the Village or Council, or (3) to communicate in general in such a fashion as to appear to be speaking for or on behalf of the Village or the Council as a whole (sections 2.2 and 4(1)(C); and

WHEREAS, because the dates of Village events and meetings frequently change, Council Members should make reasonable efforts to confirm the accuracy of listings of Village events and meetings with the Manager before publishing calendars or announcements of such events and meetings; and

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

1
2 **Section 1** - Section 2.1(f) is hereby created as follows:

3 (f) Restrictions on Council Member Use of Seal. The Village Seal represents the Village
4 as a whole and the Council as a whole, and the Seal shall not be used by Council Members,
5 whether in paper or electronic communications, including print or electronic newsletters or print
6 or electronic mass communications of any type, except in newsletters or other communications
7 posted on the Village website by the Manager at the request of the Council Member and except
8 for use of Village letterhead for letters sent by mail at Village expense.
9

10 **Section 2** - Section 2-113 of the Village Code is hereby created as follows:

11 Section 2-113. Legislative Functions of Council Members.

12 (a) The Mayor is the Council Member designated to represent the Village in dealings with
13 other government entities. Council Members shall not communicate with other government
14 entities, officials or employees in such a fashion as to appear to be speaking for or on behalf of
15 the Village or the Council as a whole.
16

17 (b) The Village Council acts as a legislative body and operates on majority-based
18 principles of decisionmaking and policymaking. Individual Council Members are not empowered
19 or authorized to, and are hereby prohibited from:
20

21 (1) negotiating, whether preliminarily or finally, for or on behalf of the Village or Council
22 with any party or government entity, without expressed consensus of the Council; and
23

24 (2) representing or portraying themselves, whether directly or indirectly, as speaking for
25 or on behalf of the Village or Council; and
26

27 (3) communicating in general at any time in such a fashion as to appear to be speaking for
28 or on behalf of the Village or the Council as a whole, including such words as “we” and “the
29 Village” when purporting to represent the positions, policies, or beliefs of the Village or the
30 Council as a whole.
31

32 **Section 3** - 2-114 of the Village Code is hereby created, as follows:
33

34 Section 2-114. Disclosure Regarding Certain Communications by Council Members;
35 Village Events Calendars.
36

37 (a) Definitions. For the purposes of this section, the following definitions apply:
38

39 (1) "Public Newsletter or Mass Communication" is a newsletter or other communication
40 by a Council Member which is posted on the Village website by the Manager at the request of the
41 Council Member.
42

43 (2) "Private Newsletter or Mass Communication" means a newsletter or other
44 communication by a Council Member, whether in paper or electronic form, whether placed on a
45 non-Village website or transmitted electronically to e-mail addressees, and whether mailed or
46 circulated by hand distribution or other form of distribution, but excluding:
47
48

1
2 (i) e-mail transmissions to not more than ten individual person addresses, which
3 are not transmitted in substantially the same form and/or content to any other individual person
4 addressees, and
5

6 (ii) paper communications distributed or circulated to no more than ten people
7 and not made available, directly or indirectly by the Council Member or by others people, to the
8 public in any fashion which is likely to result in the receipt of the paper communication by more
9 than ten people.
10

11 (b) Disclosure on Private Newsletters or Mass Communications by Council Members.
12 Private newsletters or mass communications by a Council Member shall display at the bottom of
13 each page, in type size equal to the type size otherwise most commonly used in the newsletter or
14 communication, the following statement: "This is a newsletter by Council Member _____ and is
15 not an official newsletter of the Village of Palmetto Bay", or: "This is a communication by
16 Council Member _____ and is not an official communication of the Village of Palmetto Bay."
17

18 (c) Council Members should make reasonable efforts to confirm the accuracy of listings
19 of Village events with the Manager before publishing calendars or announcement of such events
20 in private newsletters and mass communications.
21

22 **Section 4. Conflicting Provisions.** The provisions of the Code of Ordinances of
23 the Village of Palmetto Bay, Florida and all Ordinances or parts of Ordinances in conflict with
24 the provisions of this Ordinance are hereby repealed.
25

26 **Section 5. Severability.** The provisions of this Ordinance are declared to be
27 severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be
28 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining
29 sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being
30 the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.
31

32 **Section 6. Codification.** It is the intention of the Village Council and it is hereby
33 ordained the provisions of this Ordinance shall become and be made part of the Code of
34 Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be
35 renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be
36 changed to "Section" or other appropriate word.
37

38 **Section 7. Effective Date.** This Ordinance shall take effect immediately upon
39 enactment.
40

41 **PASSED and ENACTED** this _____ day of _____, 2016.
42

43 First Reading: _____
44

45 Second Reading: _____
46

47 Attest: _____
48

Missy Arocha

Eugene Flinn

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

Mayor

Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham _____
Council Member Tim Schaffer _____
Council Member Larissa Siegel Lara _____
Vice-Mayor John DuBois _____
Mayor Eugene Flinn _____

PROPOSED RESOLUTION FOR DISCUSSION:

RESOLUTION NO. 2016-____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LEGISLATIVE AND ADMINISTRATIVE FUNCTIONS; EXPRESSING THE SENSE AND UNDERSTANDING OF THE COUNCIL REGARDING (1) THE MAJORITY-BASED DECISION-MAKING AND POLICY-MAKING ROLE OF THE COUNCIL, (2) THE SCOPE OF THE OFFICIAL DUTIES OF THE MANAGER AS CHIEF ADMINISTRATIVE OFFICER, INCLUDING INTERACTION, COORDINATION AND COMMUNICATION WITH OUTSIDE INDIVIDUALS AND ENTITIES, AND THE INTENT THAT INDIVIDUAL COUNCIL MEMBERS NOT INTERFERE WITH THE MANAGER WHEN THE MANAGER IS PERFORMING WITHIN THE SCOPE OF HIS OFFICIAL DUTIES; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Councilwoman Siegel Lara)

WHEREAS, the Charter of the Village of Palmetto Bay provides for a Council-Manager form of government (section 1.2);

WHEREAS, clarification of the roles of the legislative Council and the administrative Manager would be useful for all concerned;

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

Section 1. It is the sense and understanding of the Village Council as follows:

1. Council-Manager System of Municipal Government - The Charter of the Village of Palmetto Bay establishes a Council-Manager system for the governance of the Village (Charter 1.2).

2. Council Legislative Powers

2.1 The Village Council, exercising all legislative powers, operates on a majority-based system of decisionmaking and policymaking as the legislative governing body of the Village, pursuant to the Charter and Florida law (Charter 2.2 and Florida Statute 166.02(3) and 166.041(1), among other provisions).

2.2 Individual Council Members should not present themselves as representing or speaking for the Village as a whole of the Council as a whole, unless specifically so authorized.

1 3. Manager Administrative Powers

2
3 3.1 The Village Manager is the "chief administrative officer" and is "responsible for the
4 "administration of all Village affairs and for carrying out policies adopted by the Council"
5 (Charter 3.1).

6
7 3.2 The Manager is specifically directed to "[e]nsure that all laws, provisions of this
8 Charter, and directives of the Council subject to enforcement or administration by him/her or by
9 employees subject to his/her direction and supervision, are "faithfully executed" (Charter 3.3(4)).

10
11 3.3 To fulfill the Manager's duties in ensuring that" all laws, provisions of the Charter
12 and directives of the Council" are "faithfully executed", the Manager must interact, coordinate
13 and communicate with individuals and entities outside the Village government, both
14 governmental and non-governmental. Such interaction, coordination and communication is
15 within the scope of performance of the Manager's official duties, responsibilities and authorities.

16
17 3.4 In addition to the inherent limitations on Council legislative power, to ensure proper
18 functioning of the City-Manager form of government (with the defined legislative powers of the
19 Council and the defined administrative powers of the Manager), the Charter prohibits
20 interference with administration by individual Council Members, including "the express intent of
21 this Charter that recommendations for the improvement of Village government operations by
22 individual Council members are made solely to and through the Manager." (Charter 4.2(B)(1)).

23
24 3.5 Individual Council Members should refrain from interfering in any and all respects
25 with the Manager as the Manager acts within the scope of performance of the Manager's official
26 duties, responsibilities and authorities.

27
28 **Section 2.** This Resolution shall take effect immediately upon adoption.

29
30 PASSED AND ADOPTED this ____ day of ____ 2016.

31
32
33
34 Attest: _____

35 Missy Arocha
36 Village Clerk

Eugene Flinn
Mayor

37
38
39 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
40 AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:

41
42
43
44
45 _____
46 Dexter W. Lehtinen
47 Village Attorney

1 FINAL VOTE AT ADOPTION:
2
3 Council Member Karyn Cunningham _____
4
5 Council Member Tim Schaffer _____
6
7 Council Member Larissa Siegel Lara _____
8
9 Vice-Mayor John DuBois _____
10
11 Mayor Eugene Flinn _____

PROPOSED RESOLUTION FOR DISCUSSION:

RESOLUTION NO. 2016-___

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING DESIGNATING THE VILLAGE AS AN AGE-FRIENDLY CITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Councilwoman Karyn Cunningham.)

WHEREAS, the Palmetto Bay community is composed of diverse elements and a significant number of older persons; and

WHEREAS, the World Health Organization of the United Nations has articulated meaningful and useful goals for "Age-friendly Cities.

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

Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. The Village Council declares the Village of Palmetto Bay to be an Age-friendly City which strives to meet the standards and goals articulated by the World Health Organization of the United Nations for Age-friendly Cities, including outdoor space and buildings, transportation, housing, social participation, respect and social inclusion, civic participation and employment, communication and information, and community and health services.

Section 3. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this ____ day of July 2016.

Attest: _____
Missy Arocha
Village Clerk

Eugene Flinn
Mayor

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

Dexter W. Lehtinen
Village Attorney

1 FINAL VOTE AT ADOPTION:
2
3 Council Member Karyn Cunningham _____
4
5 Council Member Tim Schaffer _____
6
7 Council Member Larissa Siegel Lara _____
8
9 Vice-Mayor John DuBois _____
10
11 Mayor Eugene Flinn _____