



VILLAGE OF PALMETTO BAY

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

Village Manager Edward Silva
Village Attorney Dexter Lehtinen
Village Clerk Meighan J. Alexander

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.

VILLAGE COUNCIL SPECIAL MEETING AGENDA

Tuesday, July 5, 2016 - 7:00 pm
Village Hall Chambers, 9705 E. Hibiscus Street
(305) 259-1234

THIS SPECIAL COUNCIL MEETING HAS BEEN SET BY MAYOR EUGENE FLINN PURSUANT TO CHARTER SECTION 4.1.

1. **CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE**
2. **DECORUM STATEMENT:** 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.
3. **PUBLIC COMMENTS**
4. **ANNOUNCE APPOINTMENTS TO ADVISORY COMMITTEES**
5. **CONSIDERATION AND INTERPRETATION OF THE COUNCIL-MANAGER FORM OF GOVERNMENT, THE NON-INTERFERENCE PRINCIPLES, AND THE MAJORITY-BASED DECISION MAKING AND POLICY MAKING PROCESS OF COUNCIL UNDER THE CHARTER, REVIEW OF RECENT ACTIONS OF COUNCILMEMBER KARYN CUNNINGHAM AS DOCUMENTED IN CERTAIN E-MAILS; AND CONSIDERATION OF RESOLUTION IN CONNECTION THEREWITH**

6. NEXT MEETING AND ADJOURNMENT

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.

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RESOLUTION NO. 2016-__

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO INTERFERENCE WITH ADMINISTRATION BY COUNCIL MEMBERS AND NEGOTIATIONS ON BEHALF OF PALMETTO BAY BY COUNCIL MEMBERS; AND PROVIDING FOR AN EFFECTIVE DATE.

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 and individual Council Members are not empowered or authorized to negotiate for or on behalf of the Village or to represent themselves as speaking for or on behalf of the Village (sections 2.2 and 4(1)(C)); and

WHEREAS, the Charter prohibits Council Members from interfering with the administration of the Village or interfering with the activities of the Manager undertaken or performed on behalf of the Village (section 4.2(B)); and

WHEREAS, the Manager's duties require proceedings with other government officials and agencies, including Miami-Dade County administration, to develop recommendations for and to implement Council policy; and

WHEREAS, any action by a Council Member, including requests for action or direct communication in any form in their official capacity or requests for individual meetings or requests for executive representative attendance to meetings, with said government officials without notification to the Manager constitutes interference with the Manager's performance of his duties and constitutes non-legislative action outside the scope of the Council Member's legislative function; and

WHEREAS, any action by a Council Member, including requests for action or direct communication in any form in their official capacity with executive branch officials of another government (including Miami-Dade County) which appears to represent the Village or the Council as a whole may create prioritization conflicts for outside agencies as well as impact Council's ability to determine Village policy; and constitutes non-legislative action outside the scope of the Council Member's legislative function and undermines the majority-based decision making and policy making process of the Council under the Charter.

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 is concerned that the actions of Council Member Karyn Cunningham, as reflected in the attached e-mail communications (attached as Exhibit A

1 and B), while undoubtedly undertaken in good faith, constitute violations of the non-interference
2 provisions of the Village Charter and our outside the scope of a Council Member's legislative
3 function, undermining the majority-based decision making and policymaking process of the
4 Council under the Charter.

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

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8 PASSED AND ADOPTED this ____ day of July 2016.

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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 _____

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34 Vice-Mayor John DuBois _____

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36 Mayor Eugene Flinn _____

From: Karyn Cunningham <kcunningham@palmettobay-fl.gov>
Date: June 29, 2016 at 10:30:08 PM EDT
To: "Levrant, Maria Elena (DIST8) (LEVRANT@miamidade.gov)" <LEVRANT@miamidade.gov>
Cc: "John Linabury (linabury@gmail.com)" <linabury@gmail.com>, "Diaz, Claudia (DTPW) (Claudia.Diaz@miamidade.gov)" <Claudia.Diaz@miamidade.gov>
Subject: 136st and OCR

Maria:

Thanks so much for the follow up today. I am glad I was alerted to the meeting with the Village Manager yesterday so that you could be present to represent Commissioner Levine Cava's office. I was surprised that a "pilot" for closing the left turn lane at SW 136 street and Old Cutler was being considered without looping in me as the District 1 Councilwoman for PB or the Commissioner's office.

I am well aware of the traffic issues on Old Cutler Road as I travel that road morning and evening during peak hours almost daily. It is one of the reasons that I did not vote to remove the PBVC development restrictions or to approve the Transfer of Developer Rights that resulted in an additional 85 units. While I can appreciate the desire of the Manager and County to attempt to bring solutions to the traffic flow on OCR, I am extremely concerned at the impact it may have on the surrounding residential roads such as Farmer's Road. By "forcing" traffic to find alternatives to getting to SW 136 street, many may choose to make the left turn off of OCR to Farmers. Farmers already has a high level of traffic during peak hours and in my opinion making it dangerous to the many walkers that use that road in the morning hours. Additionally, it is my understanding that there has been conversation to place a U-turn at SW 67th avenue that is already impassable to cars headed north on 67th avenue during peak hours. Mr. Linabury was told that there may be potential for closing Farmers to traffic as a possible alternative should the left -turn pilot be implemented.

I would appreciate being able to schedule a conference call with Ms. Diaz to discuss. I think it important to involve our neighbors to the North in Pinecrest as well as 136th street is a shared road between our Villages. I am happy to reach out to Mayor Lerner if you think that may be helpful.

Thanks as always for your assistance. Palmetto Bay is better because of the responsiveness of the Commissioner's office. We are fortunate indeed.

From: "Diaz, Claudia (DTPW)" <Claudia.Diaz@miamidade.gov>

Date: June 29, 2016 at 11:52:44 PM EDT

To: "Fernandez, Darlene (DTPW)" <Darlene.Fernandez@miamidade.gov>, "Guyamier, Frank (DTPW)" <frankg@miamidade.gov>

Subject: Fwd: 136st and OCR

Darlene/Frank

I do not understand what is going on. As per the meeting today Ed was going to present this pilot to the city commission, I believe in two weeks, this is why we are holding the pilot project.

I can coordinate a conf call, however I think it is better if lines of communication get clarified fist.

This is an approach that has been coordinated with the Village (Ed and Corrice) and it is not my place to reach out to anyone within the village commission.

Please advise,

Sent from my iPhone

Edward Silva

From: Levrant, Maria Elena (DIST8) <LEVRANT@miamidade.gov>
Sent: Thursday, June 30, 2016 2:17 PM
To: Edward Silva
Subject: FW: Crosswalk at Old Cutler Road and SW 170th terrace
Attachments: image003.jpg

Is this what you are referring to?

Maria Elena Levrant



Chief of Constituent Services
Commissioner Daniella Levine Cava
South Miami-Dade Government Center
10710 SW 211th St, Suite 103, Miami, FL 33189
Phone 305.378.6677 | Cell 305.903.5440

[Website](#) | [Facebook](#) | [Twitter](#)

From: Levrant, Maria Elena (DIST8)
Sent: Friday, June 17, 2016 9:30 AM
To: Diaz, Claudia (DTPW) <Claudia.Diaz@miamidade.gov>
Cc: Fernandez, Darlene (DTPW) <Darlene.Fernandez@miamidade.gov>; kcunningham@palmettobay-fl.gov
Subject: Fwd: Crosswalk at Old Cutler Road and SW 170th terrace

Dear Claudia,

Happy Friday!

Please see below Palmetto Councilwoman Cunningham's request for safe passage for residents across Old Cutler Road. Please advise how long the traffic evaluation will take, thanks.

Have a good weekend!

With appreciation,
Maria

Maria Elena Levrant
Chief of Constituent Services
Commissioner Daniella Levine Cava
South Miami-Dade Government Center
Phone 305.378.6677 | Cell 305.903.5440

Begin forwarded message:

From: Karyn Cunningham <kcunningham@palmettobay-fl.gov>

Date: June 16, 2016 at 10:59:52 PM EDT

To: "Levrant, Maria Elena (DIST8) (LEVRANT@miamidade.gov)" <LEVRANT@miamidade.gov>

Subject: Crosswalk at Old Cutler Road and SW 170th terrace

Maria:

Good seeing you this week. Per our discussion, I am writing to request a study be done at Old Cutler Road and SW 170th terrace to see of the feasibility of getting a pedestrian crosswalk across Old Cutler Road to create safe passage for the families living in Old Cutler Palms and the surrounding neighborhoods. Currently there is no way for parents with children in strollers or the disabled to be able to safely get to the small shopping area on the east side of OCR. There are no sidewalks on the west side so getting to of OCR making it difficult to get to the light and cross walk at 168th street.

Please advise if you need more information.

Thanks in advance!

Best regards,



Councilwoman Karyn Cunningham
Village of Palmetto Bay, Seat 1
305-799-0695

Please Note: Florida has very broad public records laws. Most written communications to or from local officials regarding official business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.