

VILLAGE OF PALMETTO BAY
Minutes of the Special Council Meeting of May 9, 2016
(Continuation of May 2, 2016 Meeting)
Village Hall Chambers
9705 East Hibiscus Street

1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:20 p.m. Manager Silva lead the pledge of allegiance.

The following members of the Village Council were present:

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

The following members of staff were present:

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

- 2. DECORUM STATEMENT:** Clerk Alexander read the following 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. REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Falkovic (unintelligible) 9280 SW 167 Terrace; Steve Kreisher, 18201 SW 98 Avenue; and, Don Pybas, 9264 SW 180 Street.
- 4. VILLAGE MANAGER'S REPORT:**

Transit situations and solutions: Manager Silva announced that initiatives are continuing to alleviate traffic throughout the Village, including Police solutions. He provided information concerning IBus proposal. We know we are not an island, everyone has the right to travel our streets, but we can do what we can to alleviate the congestion. More roundabouts help with the congestion.

Discussion ensued among the Council concerning the best methods to alleviate the traffic concerns of the residents. Manager Silva stated that work on a comprehensive plan will commence in the near future.

Calendar update (Village Clerk): Clerk Alexander provided an update of the calendar.

6. **VILLAGE ATTORNEY'S REPORT:** Attorney Lehtinen reported that the Village is awaiting the Judge's decision with regard to the Montessori School litigation.

He explained the reason behind having a separate Local Planning Agency meeting.

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

- A. Art in Public Places – February 18, 2016

8. **RESOLUTIONS**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACCEPTING THE VILLAGE OF PALMETTO BAY TREE MANAGEMENT PLAN, TO SERVE AS AN INFORMATIVE RESOURCE GUIDE FOR TREE MANAGEMENT, PLANTING PROGRAM STRATEGIES, AND DESIGN RECOMMENDATIONS TO MAINTAIN AND PROTECT TREES IN PUBLIC PLACES; AND FURTHER AUTHORIZING THE VILLAGE MANAGER TO IMPLEMENT THE TREE MANAGEMENT PLAN AS RECOMMENDED BY THE VILLAGE'S TREE ADVISORY BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Schaffer moved this item forward. Seconded by Councilwoman Cunningham.

Director of Public Services Corrice Patterson explained the various aspects of the plan. She advised that three members of the Tree Board are present this evening.

Mayor Flinn asked if this plan would result in any increased fees or encumbrances. Director Patterson stated that staff is reviewing the annual budget and will be making recommendations regarding how the trees will be managed through the year. She stated that they will also be developing an action plan.

Councilwoman Siegel Lara asked if the status of the tree inventory will be directed migrated into the inventory management database. Director Patterson stated that the inventory would be within the GIS database.

Councilwoman Siegel Lara asked if an action plan is going to be created, including a 5-year action plan. Director Patterson stated that the tree board has been meeting to create the action plan and will present it to the Council.

Councilwoman Siegel Lara remarked that the Plan should be provided to the Council prior to the beginning of the budget season.

Mr. Don Pybas, Mr. Rainer Schael, and Mr. Craig Grossenbacher came forward. Mr. Pybas explained the current inventory and noted that the Board is currently focusing on reviewing the Village's plan on the US-1 corridor. He stated that maintenance of the young trees is important, as is corrective pruning.

Mr. Grossenbacher advised that the Board began this project approximately one year ago and a GIS inventory had been prepared.

Mr. Schael stated that trees are important to the overall beautification and tranquility of the Village.

Mayor Flinn called the question in favor of the item. The matter passed unanimously (4-0.)

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; APPROVING THE CONTRACT AGREEMENT WITH R.J. BEHAR FOR PROFESSIONAL ENGINEERING SERVICES TO PREPARE DESIGN, CONSTRUCTION PLANS, SPECIFICATIONS, AND CONTRACT DOCUMENTS FOR THE SAFE ROUTES TO SCHOOL IMPROVEMENTS NEAR PERRINE ELEMENTARY AND CORAL REEF ELEMENTARY PRIORITY 2 PROJECTS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH R.J. BEHAR AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$115,492; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Schaffer moved this item forward. Seconded by Councilwoman Siegel Lara.

Director Patterson provided staff report. She stated that the Florida Department of Transportation (FDOT) will be reviewing the matter at 50% completion of the plans and the School Board has requested to approve the plans prior to 100% completion. She explained that staff would be submitting the plans for bid upon final approval of all interested parties.

Councilwoman Siegel Lara asked if this plan includes Southwood Middle School and Director Patterson stated that this matter only concerns the two elementary schools.

Councilwoman Siegel Lara asked for the status of Howard Drive improvement. Director Patterson advised that the resurfacing of 77th Avenue was coordinated by the County, as were the installed crosswalks. She stated that funding is available for Howard Drive, and the Village is waiting for response from FDOT.

Director Patterson also explained that the grant is for the “design, construction, and construction support” and staff is uncertain as to what funds will be available at this time.

Councilwoman Cunningham asked if the sidewalks on the three homes along 82nd Avenue was part of the plan for the safe routes to school. Director Patterson stated that those sidewalks will be completed for full connectivity and they are part of the safe routes to school program and have been budgeted for completion.

Mayor Flinn remarked that the Village needs to make certain that problem areas are identified and work is completed.

Mayor Flinn called the question in favor of the item. The matter passed unanimously (4-0.)

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, CONDEMNING THE INVIDIOUS AND DISCRIMINATORY LEGISLATION RECENTLY ADOPTED BY THE STATE OF NORTH CAROLINA; SUPPORTING THE LGBT COMMUNITY; AND PROVIDING AN EFFECTIVE DATE (Sponsored by Mayor Eugene Flinn.)

Councilwoman Siegel Lara moved this item forward. There was no second. The Resolution failed for lack of second.

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, URGING THE U.S. ARMY CORPS OF ENGINEERS, THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO EXPEDITE PHASE II OF THE BISCAYNE BAY COASTAL WETLANDS PROJECT SO THAT PLANNING FOR PHASE II MAY COMMENCE AS SOON AS POSSIBLE AND TO TAKE ALL NECESSARY ACTIONS TO COMPLETE PHASE I OF THE BISCAYNE BAY COASTAL WETLANDS PROJECT; PROVIDING FOR TRANSMITTAL TO INTERESTED PARTIES; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn).

Councilman Schaffer moved this matter forward. Seconded by Councilwoman Siegel Lara.

Mayor Flinn noted that this matter concerning Amendment One funds and this Resolution seeks to ask the federal government and the State of Florida to fully fund the coastal wetland project.

Councilwoman Cunningham asked whether there would be a fiscal impact to Palmetto Bay.

Mayor Flinn said there would not be. Councilwoman Cunningham asked if South Florida Water Management District (SFWMD) is involved. Mayor Flinn stated that SFWMD is the facilitator, but the project is a cooperative effort with the Army Corps of Engineers. Councilwoman Cunningham remarked that she would like to co-sponsor. Mayor Flinn agreed.

Mayor Flinn called the question in favor of the item. The matter passed unanimously (4-0.)

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REQUESTING A ROADWAY IMPROVEMENT FEASIBILITY STUDY AND COST ANALYSIS STUDY FOR TRAFFIC CALMING AND VOLUME REDUCTION SOLUTIONS ON SW 168TH ST BETWEEN US-1 AND OLD CUTLER RD WITH FOCUS ON THE INTERSECTION OF SW 168TH ST AND SW 82ND AVE AND NEIGHBORING RESIDENTIAL STREETS IN CLOSE PROXIMITY TO SOUTHWOOD MIDDLE SCHOOL AND PERRINE ELEMENTARY SCHOOL IN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT WITH MARLIN ENGINEERING, INC. TO PROVIDE TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING SERVICES FOR A TRAFFIC FEASIBILITY STUDY INCLUSIVE OF BIKE LANES; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$57,867.50; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Schaffer moved this item forward. Seconded by Councilwoman Siegel Lara.

Director Patterson provided staff report, explaining the necessity to address the entire network of traffic in this area.

Councilman Schaffer stated that he had previously pulled this item from consent, as he wished to discuss others input in the cost of this issue. He stated that as 168 Street and 82 Avenue are both County roadways and as this project concerns the County, local schools, and traffic south from Cutler Bay, he believes the cost should be shared.

Councilwoman Cunningham remarked that private schools do not contribute to road maintenance and she does not believe that Cutler Bay should be asked to contribute to the Village's traffic calming initiative.

Following brief comments, Councilwoman Siegel Lara remarked that the scope of this project seems too narrow and should consider the entire area, including the feeder streets that enter these roadways from the north and the south.

Director Patterson provided the boundaries of the traffic study: US-1 to the west; Old Cutler to the east; 184 Street on the south; and 160 Street on the North.

Mayor Flinn called the question in favor of the item. The matter passed unanimously (4-0.)

Mayor Flinn asked the Council to revisit the following Resolution:

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, CONDEMNING THE INVIDIOUS AND DISCRIMINATORY LEGISLATION RECENTLY ADOPTED BY THE STATE OF NORTH CAROLINA; SUPPORTING THE LGBT COMMUNITY; AND PROVIDING AN EFFECTIVE DATE (Sponsored by Mayor Eugene Flinn.)

Councilwoman Siegel Lara moved the item forward. Seconded by Councilman Schaffer.

Councilwoman Cunningham stated that she would co-sponsor this item.

Mayor Flinn remarked that this matter is important; and, Miami-Dade County passed a similar item.

Councilman Schaffer stated that he had pulled this from consent, as he believes this policy exceeds the scope of the Village's municipal authority. He remarked that while we should not be discriminat that this item reaches far outside of our scope as city council people. Councilman Schaffer agreed that we shouldn't be discriminatory. He consurs with lines 10-14 of the Resoultuion; however, condemning the States seems outside of our scope as a governing body. He also stated that agreeing or disagreeing is the matter of every resident, not the government of Palmetto Bay.

Mayor Flinn remarked that although not trying to hurt the NCAA schools; however, they shouldn't pull the franchise for North Carolina, but they don't have to house the tournament in North Carolina. He suggested moving it to Miami which is considered to be a more accepting city. He noted that there are better places to hold your tournament and believes it is a bad policy.

Councilwoman Siegel Lara remarked that the actions of the states are wrong; however, she believes that certain sections may need to be modified. She suggested removing several amendments.

Councilwoman Cunningham remarked that she would agree to the revisions.

Councilwoman Cunningham moved to defer this matter. Seconded by Councilwoman Siegel Lara. All voted in favor. The motion to defer passed unanimously (4-0).

Councilman Schaffer moved to defer the item to the Committee of the Whole Workshop. Seconded by Councilman Schaffer. All voted in favor. The motion to defer and move item to the COW passed unanimously (4-0).

9. ORDINANCES FOR FIRST READING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BUILDING PERMIT FEES; AMENDING THE PERMIT FEE SCHEDULE FOR THE BUILDING DEPARTMENT; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE. (Sponsored by Councilman Tim Schaffer)

Councilman Schaffer moved this item forward. Seconded by Councilwoman Cunningham.

Planning and Zoning Director Darby Delsalle provided staff report. He explained that a 5% reduction for all building fees is being proposed. He stated that this this proposal would take affect at the next budget schedule.

Mayor Flinn remarked he supports this item, but this doesn't make him feel better about general tax relief. He mentioned he wants something for the residents who are going about their daily lives and wants their best interest.

Councilwoman Cunningham remarked that she supports the item moving forward.

Councilwoman Siegel Lara inquired about the gutter fees.

Manager Silva advised that there was a mistake with the gutter fees, but the Planning and Zoning Department will look at each and every fee to make sure that the matter is resolved. Manager Silva remarked that in April, the Village had the first fee reduction to building permit fees. The reduction fees that occurred in April were primarily focused on impacting all residential and zoning matters. He also remarked that this reduction is focused on commercial and Administrations commitment is to look at building permit fees on an annual basis.

Councilwoman Siegel Lara had several questions on the item.

Manager Silva remarked that changes to the fee schedule will be posted on the Village's website under the Buidling Department category. He also remarked that

the rate change will start October 1st and adequate notice will be given to the public in advance.

Planning and Zoning Director Darby Delsalle remarked that the current Ordinance for first reading is reflective that all changes are effective immediately. He stated that the Village Clerk recommended that the language on the Ordinance be amended to reflect all changes to be effective October 1st.

Councilman Schaffer announced that one of the first issues he addressed when he became a Council person is the building permit fees. He remarked that this is an opportunity for us to look into various lines and make certain that the fee schedule is accurate. People will be more likely to utilize the Village's Building Department if the rates are reasonable.

Councilwoman Siegel Lara made a motion to amend Ordinance of First Reading to take effect as of October 1, 2016. Seconded Councilman Schaffer. All in favor. The motion carried (4-0).

Mayor Flinn called the question to approve. The Ordinance was adopted with amendment unanimously (4-0) following roll call vote.

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING AGENCY, AMENDING POLICY 1.4.1 RELATING TO PUBLIC SCHOOLS; ESTABLISHING A DISTANCE SEPARATION REQUIREMENT BETWEEN SUCH SCHOOLS FOR THE PURPOSE OF ENSURING COMPLIANCE WITH TRAFFIC LEVEL OF SERVICE CONCURRENCY; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Councilwoman Siegel Lara moved this item forward. Seconded by Councilman Schaffer.

Planning and Zoning Director Darby Dellasale provided staff report. He announced this this item is an amendment to the Village's existing comp plan and it aims to put forth a concurrency measure for traffic concerning public school facilities. He remarked that this is not an amendment to the zoning code. He further remarked that we can't regulate public schools in the zoning code, but the comp plan can be used to put certain rules for compliance. He stated that when there is a shared area of traffic demand, those areas would have to meet concurrency requirements and that this this has to go through review in Tallahassee since it will take several months.

Councilwoman Cunningham asked if additional public schools are being anticipated.

Planning and Zoning Director Darby Delsalle stated that it is highly unlikely that we will get additional schools since there isn't any planned expansion of the schools within the Village's jurisdiction.

Councilwoman Cunningham asked if it is anticipated that two charter schools are moving in close proximity to each other.

Planning and Zoning Director Darby Delsalle remarked that the possibility could occur relating to inquiries received.

Councilman Schaffer remarked that this topic was discussed before the meeting with administration. He sees it as part of the holistic view of trying to foresee traffic problems. He stated that as we try to improve upon our overall traffic, we need to consider the possible expansion of schools in the area. He remarked that this item is a proactive move, rather than reactionary.

Councilwoman Siegel Lara inquired about the restrictions of a private school.

Planning and Zoning Director Darby Delsalle remarked that due to the way the statute is written, the Village has limits with how we can write code. He also remarked that private schools are fully subject to the Village's land use code.

Councilwoman Siegel Lara had additional questions related to the item. Planning and Zoning Director Darby Delsalle answered her questions and remarked that any private venture will be regulated by the Village's zoning code.

Mayor Flinn called the question to approve the Ordinance on first reading. The motion passed (3-1, Councilwoman Cunningham opposing).

- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ESTABLISHING THE REQUIREMENT FOR A SOLICITATION PERMIT FOR SOLICITATION WITHIN THE VILLAGE; PROVIDING DEFINITIONS, EXCLUSIONS, CIVIL PENALTIES, AND MINIMUM APPLICATION CONTENTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. (Sponsored by Councilman Tim Schaffer.)

Councilwoman Siegel Lara moved this item forward. Seconded by Councilman Schaffer.

Attorney Lehtinen stated that a number of communities require a solicitation license in order for individuals to go door to door. He stated that permits are inexpensive; exemptions for political door to door and also for young people, like girl scouts. He further stated that it won't be restrictive on those who are legitimately going door to door, but this would allow the Code Officer, Police

Officer, and Manager to ask to see their permit and nothing constitutionally suspect about this.

Mayor Flinn asked if there is a tax on going door to door. Attorney Lehtinen replied and said no, it is a fee. Mayor Flinn inquired about scouts.

Attorney Lehtinen remarked that the Village is working from the state list and it is exempted.

Councilwoman Cunningham inquired about other youth groups and how the item will be enforced if it passes.

Village Police Major Gady Serralta announced that this is an excellent tool. It is not one that will be used every time. He further announced that some criminals will use this ploy of pretending that they are soliciting and instead they are looking at patterns. He remarked that the Village's Policing Unit completely support this item.

Attorney Lehtinen announced that he will provide some modification on the Ordinance on Second Reading. He will specify supporters or opponents of a public ballot issue. Councilwoman Siegel Lara inquired about the permit application and age requirement restrictions. Attorney Lehtinen provided comment.

Councilman Schaffer remarked that the Village requires businesses to have licenses in order to operate and if you are a mobile business and coming into Palmetto Bay, you previously didn't need a permit. He remarked that there are some criminal organizations that use children to "case" the neighborhood. He stated that this helps by allowing officers to stop someone to see a permit, rather than having to rely on "reasonable suspicion".

Mayor Flinn called the question to approve the Ordinance on first reading. The motion passed (4-0).

10. OTHER BUSINESS

Councilwoman Siegel Lara stated that she is hopeful that the discussion concerning the aspect of the Advisory Boards is continued. She reviewed the current state and noted that there can be significant staff, Council, and volunteer time and each committee had relevant facts relating to time, attendance record, and minutes.

She remarked that the areas of concern include staff impact, implementation of committee recommendations. She mentioned that there haven't been recommendations that are being implemented by the Council and the fluence of Council on the committees has been difficult. She also spoke of workload viability and committee recommendations.

Councilwoman Cunningham remarked that Councilwoman Siegel Lara made a good point in terms of accepting committee recommendations.

Councilwoman Siegel Lara stated that the process by which a recommendation is made to the Council is not defined. She also stated that recommendation come back. Remedy summary – monthly review and council vote on committee recommendations.

Councilwoman Siegel Lara suggested that quarterly agendas for the committees be implemented.

Mayor Flinn remarked that every COW should have committee reports.

Councilwoman Siegel Lara remarked that COW discussion on the issue is appropriate. She also made a recommendation to combine committees.

Councilman Schaffer announced that consolidating the committees is a good idea. He stated that the Village has too many committees and bringing them to gether will make them more efficient. He also stated that it would be a great idea to confirm the objectives of each committee and consider their ideas and input.

Councilwoman Siegel Lara suggested having continued discussion on the matter at the next scheduled COW meeting and stated that she drafted a proposed survey for committees; the survey is for committee input.

Councilwoman Cunningham stated that further discussion on the matter be done with the Vice Mayor's presence. She inquired about the survey proposed by Councilwoman Siegel Lara.

Attorney Lehtinen announced that a survey with input from the Council, there has to be consensus.

After further discussion, Councilwoman Siegel Lara remarked that the Village doesn't have existing procedures or policy on service rates.

11. COUNCIL COMMENTS

Councilwoman Cunningham thanked public services and Commissioner Daniela Levine Cava regarding the concerns she had on 176th Street. She also stated that she is glad to hear the County is looking at changing light timing.

Discussion was held regarding dates related to a COW meeting. Consensus was reached and the next COW meeting was scheduled for May 23, 2016

12. NEXT MEETING AND ADJOURNMENT

The meeting adjourned at 9:35 pm.

Prepared and submitted by:

Missy Arocha
Interim Village Clerk

Approved by the Village Council on this ____ day of July, 2016.

Eugene Flinn, Mayor

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