

VILLAGE OF PALMETTO BAY
Minutes of the Special Council Meeting of January 28, 2015
Village Hall Chambers
9705 East Hibiscus Street

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

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

Staff present:
 Village Manager Ron E. Williams
 Village Attorney Dexter W. Lehtinen
 Village Clerk Meighan J. Alexander

Mayor Flinn called the meeting to order at 6:15 p.m. He led the pledge of allegiance.

2. DECORUM STATEMENT: Mayor Flinn announced that the Decorum Statement is printed on the Agenda.

Mayor Flinn announced that the Council had received an email from Manager Williams stating that he will be officially retiring on March 31, 2015.

3. REQUESTS, PETITIONS AND PUBLIC COMMENTS: The following individuals addressed the Council: Anthony Gorman, 14140 SW 72 Avenue; Chet England, 15300 SW 80 Avenue; Michael Kesti, 8161 SW 170 Terrace; Peter England, 7620 SW 171 Street; and, Bev Gerald, 14271 SW 74 Court.

4. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE MANAGER; APPOINTING ED SILVA TO SERVE AS THE INTERIM VILLAGE MANAGER, EFFECTIVE APRIL 1ST, UNDER CONDITIONS PROVIDED THEREIN; PROVIDING AN EFFECTIVE DATE. (Sponsored by Vice Mayor John DuBois.)

Vice Mayor DuBois moved this item forward. Seconded by Councilwoman Cunningham.

Vice Mayor DuBois explained that he had discussed this matter with Mr. Silva and felt that Mr. Silva was the logical and best person to be appointed interim manager. He stated that the prohibition of allowing the interim manager to apply for the permanent position allows the Village to receive applications from the best in the field, as the position will be an open position. He added that allowing Mr. Silva to serve in this capacity will also provide Mr. Silva an

opportunity to holistically address issues within the Building Department concerning complaints Vice Mayor DuBois had received concerning permitting cost and permitting difficulties.

Councilwoman Cunningham remarked that she was in favor of having an internal interim manager, as it allows for continuity. She stated that a time certain period would be appropriate, which could be extended, if needed.

Councilwoman Siegel Lara stated that she is pleased that Mr. Silva is amenable to not being part of the applicant pool, as this would insure the viability of the process. She stated that while she is in favor of time period, and feels that six months is reasonable, it is difficult to set an exact time. She suggested reviewing the state of progress of the selection on a monthly basis.

Mayor Flinn remarked that he disagrees with the prohibition of having Mr. Silva apply and all should be given the opportunity to apply. He reminded the Council that with the village attorney search, the interim didn't make the finalist round. He asked Councilwoman Siegel Lara to continue to assist with her experience in a "top level" search. Mayor Flinn noted that he had asked Clerk Alexander to prepare a memo on the past Council actions with regard to the hiring of the Manager and he is interested in a flexible process; however, a search will take time. He asked Vice Mayor DuBois to consider amending the Resolution to remove the prohibition.

Vice Mayor DuBois stated that he prefers the prohibition to remain, as it creates the perception that the process will be open. He explained that if the Council wishes Mr. Silva to apply, then the Council should consider appointing a different director to serve as interim. He stated that he agrees with a time certain, but not in terms of the termination of the interim manager position; rather, he is in favor of providing an impromptu evaluation of the interim and offering constructive criticism.

Councilwoman Cunningham moved to amend the Resolution to include a statement that the position would be "for a period of five months." Seconded by Vice Mayor DuBois.

Following brief comment, the motion failed on a tie (Mayor Flinn and Councilwoman Siegel Lara opposed.)

Mayor Flinn remarked that we are appointing Mr. Silva by resolution and can remove him at any time.

Vice Mayor DuBois moved to approve the Resolution, as drafted. Seconded by Councilwoman Siegel Lara. The Resolution was approved unanimously (4-0.)

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO EMPLOYMENT; PROVIDING FOR A TEMPORARY VILLAGE EMPLOYEE HIRING FREEZE; PROVIDING AN EFFECTIVE DATE. (Sponsored by Vice Mayor John DuBois.)

Vice Mayor DuBois moved this item forward. Seconded by Councilwoman Siegel Lara.

Vice Mayor DuBois remarked that the permanent manager should have the opportunity to fill any open positions.

Manager Williams stated that the majority of positions open are within the Village's Parks and Recreation Department. He explained that the Village will shortly be hiring for the summer camp program, normally employing college students for the summer positions. He stated that each of the vacant positions are funded and include part-time positions in Parks and some full-time positions. He stated that the part-time camera operator is also included in those positions.

Vice Mayor DuBois stated that he recalled there were significant positions to be filled, such as a position in the finance department. Manager Williams replied that the significant, higher level positions would not be filled in consideration of the intent to hire a permanent manager.

Following brief comment, Councilwoman Cunningham stated that she would not want to impede the authority of the interim manager. Manager Williams stated that it would be incumbent upon a supervisor or department director to justify the dismissal of an employee; and, in his opinion, that authority should not be removed from the interim manager. Mayor Flinn remarked that a charter position allows the Council to approve the selection of any department directors. Manager Williams added that there are no vacancies at that level.

Following brief discussion, Vice Mayor DuBois withdrew the Resolution; the Council concurred.

- C. Discussion concerning the process by which the Village Council will select the next Village Manager.

Mayor Flinn remarked that the Clerk's memorandum has been provided.

Councilwoman Cunningham stated that the candidate should be local; and, she does not believe a recruiting firm is necessary.

Councilwoman Siegel Lara concurred; however, she suggested a subcommittee of the Council be appointed to “filter” the candidates and provide ten qualified resumes to the Council within the next four weeks.

Vice Mayor DuBois added that he would prefer the candidates have Miami-Dade County experience; and, he concurs that a search firm is not necessary. He stated that a search firm may be necessary to address the issue of confidentiality of candidates. He suggested the Council consider creating the criteria in order to define the filtering process.

Manager Williams stated that the Village Attorney can provide some assistance with this question; however, even the use of a search firm will require the applicants to be made public at some point in the process.

Attorney Lehtinen stated that any person or firm that reviews the applications and sends forward names or all names will be subject to the Sunshine laws. He stated that names could not be redacted, as the document cannot be altered. He explained that there are some exemptions, such as social security numbers; however, none of those exemptions will allow the Council from reporting applicants to the public within a reasonable time frame.

Mayor Flinn suggested the Council meet with the Charter Officers and return on February 2nd to further discuss the matter.

Vice Mayor DuBois moved to defer this matter to the Agenda of the February 2nd Regular Council Meeting. Councilwoman Siegel Lara seconded the motion. All voted in favor.

Vice Mayor DuBois asked the Village Attorney to research the matter concerning the transparency issue. Attorney Lehtinen stated he would consider the matter; however, he believes he will not be producing a favorable report, as recently the University of Florida was selecting a president and complaining about the public records law and could not find a way around it.

5. **COUNCIL COMMENTS:** None at this time.
6. **NEXT MEETING AND ADJOURNMENT:** The Meeting adjourned at 7:15 pm.

Prepared and submitted by:

Meighan J. Alexander, CMC
Village Clerk

Approved by the Village Council on this ____ day of March, 2015.

Eugene Flinn, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW. WHILE THE FLORIDA STATUTES DO NOT REQUIRE TAPE RECORDINGS, TO THE EXTENT THAT TAPE RECORDINGS ARE MADE, THE TAPES MAY BE REQUESTED FROM THE VILLAGE CLERK FOR REVIEW AND/OR COPYING. THE VILLAGE OF PALMETTO BAY CAN NOT GUARANTEE QUALITY OF ANY RECORDING.

VILLAGE OF PALMETTO BAY
Minutes of the Local Planning Agency Meeting of February 2, 2015
Village Hall Chambers
9705 East Hibiscus Street

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

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

Staff present:
Village Manager Ron E. Williams
Village Attorney Dexter W. Lehtinen
Village Clerk Meighan J. Alexander

Mayor Flinn called the meeting to order at 9:15 p.m. He led the 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.

- A. 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 THE VILLAGE'S COMPREHENSIVE PLAN'S GOALS, OBJECTIVES, AND POLICIES, CONSISTENT WITH THE VILLAGE'S ADOPTED EVALUATION AND APPRAISAL REPORT (EAR) OF THE VILLAGE'S COMPREHENSIVE PLAN, IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTE; TOGETHER WITH OTHER AMENDMENTS THERETO; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Vice Mayor DuBois moved this item forward. Seconded by Councilman Schaffer.

Planning & Zoning Director Darby Delsalle provided staff report.

Mayor Flinn opened the public hearing. Mr. Eric Tullberg, 7884 SW 179 Terrace addressed the Council. Mayor Flinn closed the public hearing.

Councilwoman Siegel Lara asked if the Comprehensive Plan was mandated by law. Attorney Lehtinen advised that the Village can deny planning that is consistent with the master plan and/or deny matters inconsistent with the master plan. He explained that a property owner is not guaranteed a use simply due to its consistency with the land use plan.

Vice Mayor DuBois asked if this matter is time sensitive. Mayor Flinn asked the penalty for failure to update.

Director Delsalle advised that the deadline is March 1st and if the plan is not updated, the State will not allow any further updates. He added that the coastal high hazard map is a seven year update.

Manager Williams advised that the first master plan was adopted in 2005.

Mr. Kelley Klepper of Kimley Horn provided information concerning the new State Statute concerning growth management.

Discussion ensued concerning the source of the updates and whether the entire plan should be reviewed.

Vice Mayor DuBois asked if there are any changes made that were not the direct result of the State Statutes. Mr. Klepper advised that he believed all changes were due to the state laws.

Mayor Flinn asked if any current or former council members give input to the document outside of a public hearing. Director Delsalle stated that the Council did not provide input outside of a public hearing.

Mayor Flinn called the question. Following roll call vote, the matter was passed unanimously (5-0.)

4. NEXT MEETING AND ADJOURNMENT: The Meeting adjourned at 9:45 pm.

Prepared and submitted by:

*Meighan J. Alexander, CMC
Village Clerk*

Approved by the Village Council on this ____ day of March, 2015.

Eugene Flinn, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW. WHILE THE FLORIDA STATUTES DO NOT REQUIRE TAPE RECORDINGS, TO THE EXTENT THAT TAPE RECORDINGS ARE MADE, THE TAPES MAY BE REQUESTED FROM THE VILLAGE CLERK FOR REVIEW AND/OR COPYING. THE VILLAGE OF PALMETTO BAY CAN NOT GUARANTEE QUALITY OF ANY RECORDING.

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of February 2, 2015
Village Hall Chambers
9705 East Hibiscus Street

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

Mayor Eugene Flinn
 Vice Mayor John DuBois
 Council Member Karyn Cunningham
 Council Member Larissa Siegel Lata

Staff present:
 Village Manager Ron E. Williams
 Village Attorney Dexter W. Lehtinen
 Village Clerk Meighan J. Alexander

Mayor Flinn called the meeting to order at 7:00 p.m. He led the pledge of allegiance. He announced that Presentations, Board and Committee Reports, and Items 10 A, G, and H would be heard first, then the Local Planning Agency would commence.

- 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. PROCLAMATIONS, AWARDS, PRESENTATIONS

Presentation by Iraida Mendez Cartaya – Miami-Dade County School Board: Ms. Mendez Cartaya explained the legislative agenda of the Miami-Dade County School Board. She provided information concerning the three priorities, of which she is seeking support.

Councilwoman Cunningham thanked her for the presentation, adding that she has brought forth a resolution to support the priorities.

Vice Mayor DuBois asked for clarification concerning the Value Adjustment Board (VAB) priority. He remarked that the root cause should be addressed, which is the two year period wherein the payment of 25% of the amount due may be delayed by the property owner.

Ms. Mendez Cartaya stated that throughout the State, many tax valuation processes are completed within 12 months; however, if the process is not complete, in the following

year, there is an additional tax assessed against the resident, which is called a “required local effort”. In many agencies, if the process is not completed within 12 months, in lieu of an additional tax, the State would have made up the difference. State funding that should be going to Miami-Dade County is going to other parts of the State since process is finished. She stated that while she agrees that all should be permitted to appeal the value of their homes, there is a problem with repeated, excessive delays of appeals that prolongs the valuation.

Vice Mayor DuBois stated that the School Board is a taxing authority and; therefore, any large banking institution would fund the school for this deficiency. He stated that he would be in favor of supporting a legislative agenda that requires all value adjustment boards to complete all appeals within a year; however, he is not supportive of the School Board request. He stated that property owners should be permitted to appeal the process as many times as needed, as the process is complicated.

Ms. Mendez Cartaya stated that the school district funding is prescriptive, provided through Florida education finance program. She explained the prior period adjustment millage, which she believes should not be provided if the process is finished timely.

Vice Mayor DuBois stated that he would support a legislative agenda item to require compliance within a particular time frame for the VAB, but not the particular language provided by the School Board.

Ms. Mendez Cartaya explained the purpose for the compliance reform, as the District believes the State assessment tests should not be graded for two years in order to allow for comparison between one year and the next.

Councilwoman Siegel Lara asked if Ms. Mendez Cartaya is seeking to suspend accountability consequence for a year. Ms. Mendez Cartaya stated that the State Statutes provide for consequences when a school is a consecutive “F” or “D” and they are seeking an “apples to apples” comparison.

Councilman Schaffer asked for clarification concerning the testing. He remarked that the standards may not be high enough to compete with the request of the nation.

Ms. Mendez Cartaya stated that there are appropriate tests for English language learners and the Federal Government allows for the translation. Councilman Schaffer stated that translation may disadvantage a child who is going to be competing within the United States, not the country where they were born and raised. Ms. Mendez Cartaya stated that the District is trying to insure that all children are able to test in a competition manner.

Councilwoman Cunningham asked if the Agenda is supported by Miami-Dade County PTA and PTSA. Ms. Mendez Cartaya stated that it was.

4. BOARD AND COMMITTEE REPORTS

- A. Education Advisory Committee: The Committee played a video, showcasing the local schools, which was produced by Miami Palmetto Senior High School. Committee Chair Leanne Tellam introduced the members of the Committee: Diane Quick, Pam Tabor, and Sue Buslinger-Clifford. She announced that the Committee will be meeting on March 4th. She explained that the Committee has been on prioritizing the Compact and determining what the Committee can accomplish. She advised that the Committee has been focusing on communicating to the public through the Village website and to that end, Ms. Quick created a form for all schools to use in order to provide information to the public through the Village. Additionally, Ms. Tellam noted that the Committee discussed using the IBus used to transport students and those two matters were referred to city manager for action.

Vice Mayor DuBois moved to accept the Committee's Report. Seconded by Councilman Schaffer. All voted in favor. The motion passed unanimously (5-0.)

Mayor Flinn stated that when he came to the Committee as liaison, he was dismayed by the lack of documents and had requested the documents several times. He opined that the Compact needs to be modified and had asked the Clerk to provide the document to all. He stated that he would like to coordinate a joint meeting between the Council and the Education Advisory Committee to discuss the issues. He remarked that he is looking forward to the Educational Roundtable Meeting. Additionally, he stated that he would like the concession stand opened at Coral Reef Park and believes that playground needs significant updates and additions.

RESOLUTIONS (Taken out of order, per Council):

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, IN SUPPORT OF THE AMERICAN CANCER SOCIETY "RELAY FOR LIFE" EVENT; PROVIDING FUNDING SUPPORT TO THE AMERICAN CANCER SOCIETY FOR THE 2015 EVENT; AUTHORIZING THE VILLAGE MANAGER TO ALLOCATE \$1,800 FOR THE EVENT TO BE HELD ON FEBRUARY 28, 2015; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn)

Vice Mayor DuBois moved this matter forward. Second by Councilman Schaffer.

Ms. Heather Hudson and Ms. Liz Abelo, representing American Cancer Society, invited all to attend the Relay for Life event on February 28th, which is an overnight event taking place in Pinecrest Evelyn Greer Park.

Mayor Flinn urged people to buy a luminaire in honor of cancer survivors or those who have passed.

Councilman Schaffer stated that, as a cancer survivor himself, he is proud of the American Cancer Society's effort and will definitely be participating.

Councilwoman Siegel Lara asked from which account the funds would be drawn. Manager Williams replied that the funds are available in the Special Events line item.

Councilwoman Cunningham thanked the representatives.

Vice Mayor DuBois stated that he would like to see staff prepare guidelines for sponsoring charities in the future. Mayor Flinn concurred, asking the Manager and the Clerk to prepare standards for providing funds to charitable organizations.

Mayor Flinn called the question. All voted in favor. The Resolution passed unanimously (5-0.)

5. **REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: On behalf of the Deering Estate, Foundation Executive Director Mary Pettit, Jennifer Tisthammer, David McDonald and Peter England; and Susane Holtzman, 14700 SW 87 Court.

RESOLUTIONS (Taken out of order, per Council):

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO THE STORMWATER MASTER PLAN UPDATE REPORT, ACCEPTING THE FINAL REPORT DOCUMENTS AND RECOMMENDATIONS; FURTHER AUTHORIZING THE VILLAGE MANAGER TO PROCEED WITH IMPLEMENTATION OF THE REPORT FINDINGS, FOLLOWING IDENTIFICATION AND AVAILABILITY OF APPROPRIATE FUNDING SOURCES; AND PROVIDING FOR AN EFFECTIVE DATE. (Administration)

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

Manager Williams provided staff report. He asked Public Works Director Corrice Patterson to come forward, together with Gary Ratay of Kimley Horn. He explained that this effort would update the current plan.

Councilwoman Siegel Lara noted that the plan seems to provide a comprehensive overview of the status of various projects and presents a list of deficiencies. She noted that many residents have spoken to her concerning stormwater issues and she asked how the Village prioritizes projects and how residents are given feedback.

Mr. Ratay explained that, like was done in 2004, available data is collected from County records and Village data, including information from the South Florida Water Management District, observation is made during and following storm events, flooding issues are then reviewed and a deficiency map is developed that separates the Village into basins. Once the map is developed, priorities are determined and the Village will then address the performance issues to come up with an appropriate solution.

Councilwoman Siegel Lara asked if the Master Plan addresses all complaints.

Mr. Ratay stated that they have located serious issues, while others are simply elevation issues and not necessarily drainage issues. Director Patterson noted that 33 localized projects have been completed since 2006.

Councilwoman Cunningham asked if staff meets with neighbors. Director Patterson stated that they discuss the issue with the neighbors prior to offering a solution.

Vice Mayor DuBois asked if Mr. Ratay was familiar with the project that was performed on SW 72 Avenue, north of SW 144 Street. Director Patterson replied that this was a localized project, completed by Stantec, not Kimley Horn. Vice Mayor DuBois asked when plans are drawn up. Director Patterson stated that when funding is available for a particular project (such as, currently, Sub Basin 10), staff has the plans prepared. Director Patterson provided history of the Stormwater Master Plan funding.

Councilwoman Siegel Lara asked if the Master Plan is on the website. Director Patterson stated that it will be.

Mayor Flinn called the question. All voted in favor of the Resolution (5-0.)

- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO THE DOWNTOWN REDEVELOPMENT INITIATIVE, ACCEPTING THE ECONOMIC AND MARKET ASSESSMENT REPORT AND SUPPLEMENTAL APPENDIX COMPLETED BY BERMELLO, AJAMIL & PARTNERS FOR THE FUTURE DOWNTOWN PALMETTO BAY AREA; AND PROVIDING AN EFFECTIVE DATE. (Administration)

Vice Mayor DuBois moved this item forward. Seconded by Councilwoman Cunningham.

Manager Williams introduced the item and Mr. Edward Silva, Director of Building and Capital Projects.

Mr. Silva announced that this presentation was being given for the edification of the new Council members. He stated that the study has not been significantly modified since it was presented last year. He introduced Mr. Eric Liff from the consultant Lambert Advisory, LLC.

Mr. Liff advised that the key economic indicators, which is the basis of the market analysis, includes the economics and demographics of the area. He stated that the median household income in Palmetto Bay is over \$100,000 per household. He advised that the prime drivers for the study were also determined by reviewing the primary boundary, which they included as the area to the east of US-1 from 152 Street to 184th Street. Mr. Liff stated that trends in office employment were also considered as an economic indicator to assist with forecasting future demand. He explained that they review housing and the market rate driven housing, in particular.

Mayor Flinn asked whether the consultant compared the other municipalities to Palmetto Bay, rather than only comparing the County's data to Palmetto Bay. Mr. Liff stated that they are seeking a historical capture, not a direct bench-mark comparison; rather they look at historical trends and capture. Mayor Flinn stated that he believes it is important to start with benchmarks. He asked the margin of error. Mr. Liff stated that they consider a high and a low, and do not compare, rather they compare data and historical trends.

Vice Mayor DuBois asked for clarification for the boundaries of south Miami-Dade County that Mr. Liff was using. Mr. Liff stated that the area was Kendall Drive south. He noted that they were considering mid-level density and where the demand comes from.

Councilwoman Siegel Lara asked for clarification concerning the housing chart displayed in the presentation. Mr. Liff stated that based upon the data, pent-up demand is being considered and Palmetto Bay is an area that is desirable and in high-demand.

Councilwoman Siegel Lara stated that she is trying to be clear on the data that the question answers.

Discussion ensued. Mr. Liff explained that details are included in the report.

Mayor Flinn suggested continuing discussion of this matter at a Workshop. Following discussion concerning moving this item forward, Manager Williams stated that there are three other items directly related to the Downtown Redevelopment effort to consider, as well.

Vice Mayor DuBois moved to set a special council meeting to discuss downtown redevelopment project and any items that require a vote concerning that effort. Seconded by Councilwoman Siegel Lara. Following brief comment, Vice Mayor DuBois moved to set the meeting for February 23, 2015, to include the following items: Capacity/Concurrency Study, Economic and Market Assessment Study, Traffic Study, and update concerning the US-1 Island Beautification Project. Seconded by Councilwoman Siegel Lara. All voted in favor.

Mayor Flinn announced that the Council would enter the Local Planning Agency Meeting at this time.

The meeting re-convened at 9:45 pm.

Mayor Flinn asked for Item 13A to be heard as the next item.

13. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

- A. 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 THE VILLAGE'S COMPREHENSIVE PLAN'S GOALS, OBJECTIVES, AND POLICIES, CONSISTENT WITH THE VILLAGE'S ADOPTED EVALUATION AND APPRAISAL REPORT (EAR) OF THE VILLAGE'S COMPREHENSIVE PLAN, IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTE; TOGETHER WITH OTHER AMENDMENTS THERETO; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Administration)

Vice Mayor DuBois moved to hear this item as the next item on the Agenda. Seconded by Councilman Schaffer. All voted in favor.

Vice Mayor DuBois moved this item forward. Seconded by Councilwoman Siegel Lara.

Vice Mayor DuBois moved to incorporate staff's report, public comments and council discussion from the Local Planning Agency Meeting. Seconded by Councilwoman Siegel Lara. All voted in favor.

Mayor Flinn opened the public hearing. Mr. Eric Tullberg, 7884 SW 179 Terrace, came forward. Mayor Flinn closed the public hearing.

Discussion ensued regarding language that was stricken from the document and whether they were completed or were removed.

Director Delsalle explained that the document is a living document and as items are completed or proven obsolete, the document is modified.

Mayor Flinn called the question. Following roll call vote, the ordinance was adopted unanimously (5-0.)

4. APPROVAL OF MINUTES

- A. Minutes of the Regular Council Meeting of January 5, 2015: Vice Mayor DuBois moved to approve the Minutes. Seconded by Councilman Schaffer. All voted in favor. The Minutes were approved.

6. CONSENT AGENDA

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR LEHTINEN SCHULTZ RIEDI CATALANO FUENTE, PLLC IN THE AMOUNT OF \$11,107; PROVIDING AN EFFECTIVE DATE.

Councilman Schaffer moved to approve the Consent item. Seconded by Vice Mayor DuBois. All voted in favor. The Resolution passed unanimously (5-0).

7. VILLAGE MANAGER'S REPORT

- A. Village Police Commander Report: Commander Gregory Truitt provided an update concerning the crime report. He introduced Lieutenant Gadyaces Serralta. Lieutenant Serralta thanked all for the opportunity to serve Palmetto Bay. Councilwoman Cunningham thanked Commander Truitt for his assistance at the recent Town Hall Meeting.
- B. Strategic Plan Update: Director Delsalle discussed whether the Council wished to use an existing planning firm or begin with a new Request for Proposal.

Discussion ensued. Councilwoman Siegel Lara remarked that she recalled Council had directed staff to prepare a Request for Qualifications (RFQ) to search for the right firm and understand different methodologies.

(The Council took a brief recess and asked the Clerk to research the Minutes for verification of the direction given by Council.)

Clerk Alexander advised that the Committee of the Whole Meeting notes of January 21st reflect that staff was to prepare a RFQ.

Councilwoman Siegel Lara stated that the Council needs to select the vendor from a large vendor base; therefore, the direction remains that staff shall prepare a Request for Qualifications for the Council to review.

Councilman Schaffer remarked that the Council should have the opportunity to review and revise it.

Director Delsalle stated that he felt there was a concern regarding the expectation of a time frame.

Councilwoman Cunningham stated that she would like to see this process done correctly and if it takes until June to be completed, then that would be acceptable.

- C. Finance Director Desmond Chin provided a report concerning the First Quarter Budget to Actuals (ending 12/31/14).

Councilman Schaffer asked if all expected revenues have been received. Director Chin advised that approximately 90% of ad valorem and other expected sources have been received. He stated that as the economy improves, the Village is hopeful that some sources will increase, such as sales tax; however, staff is currently under-spending at 5%.

Mayor Flinn asked for clarification concerning the Thalatta Estate items. Director Chin advised that this is one quarter of the year; however, only 16% expected has been received, as he believes this is not the busy season for events at the park. Mayor Flinn stated that the operating expenses of \$300,000 are offset by \$95,000 in revenues. Mayor Flinn asked if the cost of videos on WBay for the Thalatta estate is paid under Parks. Director Chin stated that the advertising budget for Thalatta would pay for those items; however, he does not believe any videos are planned for this year.

Discussion ensued regarding capital asset repairs and improvements for the park. Mayor Flinn stated that he is in favor of modifying the policy concerning capital repairs/improvements to insure appropriate funding.

Vice Mayor DuBois stated that prior to serving on the Council, he went to a Council Meeting wherein the former manager advised that the Thalatta Estate would cost \$40,000 yearly to operate.

Mayor Flinn stated that assumptions may have been made and improvements and changes in the use of that park may have made that estimate be incorrect considering how this park operates today. He suggested that the Council should consider taking continual reserve and shifting into a capital or maintenance reserve.

Vice Mayor DuBois stated that he has no objection with taking funds to create great capital projects; however, the benefit of the operating Thalatta Estate seems to benefit non-residents of the village, those who have their weddings at the facility.

Mayor Flinn remarked that the Quarterly Report indicates the Village is doing well and trending well.

Councilwoman Siegel Lara requested a report concerning an overview of the Thalatta Estate through inception through present, including a report of the performance of this property over time.

Manager Williams stated that the facility was closed for multiple years; therefore, a straight line over-view will not be appropriate. He stated that the Parks' budget

is in excess of \$2,000,000 and there are many expenses associated with services to residents and to non-residents that the Village funds. He stated that the Council may re-evaluate the Village policy, if they wish, and it is appropriate to do so as the budget cycle approaches.

Mayor Flinn stated that Thalatta was not purchased with bond money and the Village shouldn't be subsidizing the deficit.

Councilwoman Siegel Lara stated that she is not interested in revising how Parks operate within the Village, rather, she is concerned with providing a subsidy for the open service of a wedding venue that is, generally, not a service used by residents. She asked staff to isolate the use of the facility by non-residents.

Manager Williams stated that staff will be providing information concerning the Palmetto Foundation. Director Chin stated that the Foundation's account is approximately \$6,000. Mayor Flinn asked staff to make certain the Council is familiar with this Foundation.

Manager Williams reported that the County has accepted responsibility to repair the traffic circle damage on SW 160 Street and the projected start date of the repair is next week.

Clerk Alexander provided an update with regard to the calendar. Manager Williams announced the March 7th Picnic, with an 8 am bicycle ride with the Mayor. He also announced the movie scheduled for February 13, 2015 for Date Night.

8. VILLAGE ATTORNEY'S REPORT

- A. Art-In-Public-Places Advisory Board: Clerk Alexander reported that the Chair had apologized for not being able to attend and would be at the March meeting.

9. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; SUPPORTING THE 2015 LEGISLATIVE PROGRAM OF THE MIAMI-DADE COUNTY PUBLIC SCHOOLS FOR THE UPCOMING LEGISLATIVE SESSION; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilwoman Karyn Cunningham.)

Vice Mayor DuBois moved this item forward. Seconded by Councilwoman Cunningham.

Councilwoman Cunningham stated that the top three priorities are included and the PTA and PTSA of Miami-Dade County are supportive. She also advised the

Council that the Education Advisory Committee is also supportive of the three priorities.

Vice Mayor DuBois stated that he is not in favor of the priority concerning the Value Adjustment Board. Councilwoman Siegel Lara stated that she would like to include Item C within the Village's own resolution concerning its legislative agenda. Mayor Flinn stated that including full funding for the Schools is appropriate.

Councilwoman Siegel Lara stated that she is fully supportive of public schools, her children are products of the public schools; however, she believes that moving into areas that are administrative to the School Board, such as its process with third party tax assessors is not within the Village's responsibility.

Councilman Schaffer concurred. He stated that the Value Adjustment Board process is a County/State issue, not a Village issue.

Vice Mayor DuBois stated that he concurs; however, he does not believe we should include the funding as part of the Village's legislative agenda, rather the Village should consider the resolution supporting their item.

Following brief comment, Councilwoman Cunningham stated that she is withdrawing this resolution and move to revise the Council's legislative agenda to include the funding.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; APPROVING THE TOPICS FOR THE 2015 STATE LEGISLATIVE AGENDA THAT SUPPORT THE PRIORITIES OF THE VILLAGE OF PALMETTO BAY FOR THE UPCOMING LEGISLATIVE SESSION; AND PROVIDING AN EFFECTIVE DATE. (Council)

Vice Mayor DuBois moved this item forward. Seconded by Councilwoman Siegel Lara.

Mayor Flinn asked that the Deering Estate legislative matter be included.

Vice Mayor DuBois asked for explanation concerning item 4. Mayor Flinn explained that, in the past, if improvements are needed along Old Cutler Road, certain historic restrictions had to be removed. Vice Mayor DuBois suggested removing this item.

Councilwoman Siegel Lara concurred with the Deering Estate request; however, she stated that she is not in favor of supporting the broad range of issues included in the Florida League of Cities item – paragraph 8.

Councilwoman Cunningham suggested that in future years, the Village should conduct a legislative workshop.

Councilman Schaffer concurred with Councilwoman Siegel Lara.

Vice Mayor DuBois moved to amend the Resolution to include the priority of School Board funding, strike number 8, and include the Deering Estate. Seconded by Councilwoman Siegel Lara. All voted in favor. The Resolution passed unanimously (5-0.)

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AD HOC ADVISORY BOARDS; APPOINTING A MEMBER TO THE EDUCATION ADVISORY COMMITTEE; PROVIDING AN EFFECTIVE DATE. (Sponsored by Vice Mayor John DuBois)

Vice Mayor DuBois moved this item forward. Seconded by Councilwoman Siegel Lara.

Vice Mayor DuBois stated that he had spoken to the applicant and feels he is appropriate to serve.

Vice Mayor DuBois moved to approve the Resolution. Seconded by Councilwoman Siegel Lara. All voted in favor. The Resolution passed unanimously (5-0.)

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE TREE ADVISORY BOARD, RE-APPOINTING MEMBERS TO THE VILLAGE OF PALMETTO BAY TREE ADVISORY BOARD; AND, PROVIDING AN EFFECTIVE DATE. (Vice Mayor DuBois/Councilman Tim Schaffer)

Councilman Schaffer moved to approve this item. Seconded by Vice Mayor DuBois. All voted in favor. The members were re-appointed unanimously (5-0.)

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ELECTIONS; CREATING THE VILLAGE CANVASSING BOARD FOR THE PURPOSE OF CANVASSING ELECTION RETURNS FOR THE APRIL 21, 2015 SPECIAL ELECTION; PROVIDING AN EFFECTIVE DATE. (Village Clerk)

Vice Mayor DuBois moved this item forward. Seconded by Councilwoman Siegel Lara.

Clerk Alexander explained that the Canvassing Board was necessary for this Special Election.

Vice Mayor DuBois moved to approve. Seconded by Councilwoman Siegel Lara. All voted in favor. The Resolution was passed unanimously (5-0.)

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ENGINEERING SERVICES FOR COMPREHENSIVE OPERATIONAL ANALYSIS (COA) OF VILLAGE SHUTTLE BUS SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A PROJECT AGREEMENT WITH THE CORRADINO GROUP, INC. TO PROVIDE THIS SPECIALIZED TRANSIT STUDY AND TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$32,000.00; AND PROVIDING FOR AN EFFECTIVE DATE. (Administration)

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

Director Patterson provided staff report.

Michelle Lopez and Edward Ng of the Corradino Group came forward.

Vice Mayor DuBois stated that he is not in favor of spending \$32,000 for this effort, as with two buses, he believes this study could be done in-house.

Councilman Schaffer asked for ridership statistics and whether there will be the possibility to consider the downtown redevelopment areas and other items, such as transporting children to schools.

Director Patterson advised that CITT funds and the ½ cent tax pay for this study. She stated that Route B averages 500 riders monthly; however, Route A has a low ridership of approximately 27 to 50 individuals monthly. She explained that staff has been reaching out to increase ridership and consider connect to Pinecrest, Cutler Bay, and the Miami-Dade transit routes.

Mr. Ng stated that they will have to consider the Village's current land use and the planning of the community, such as the downtown redevelopment effort.

Councilwoman Siegel Lara expressed that there seems to be no goal statement in the item. She asked what is the question that this study is trying to answer.

Director Patterson stated that the goal is to increase our ridership to make the commuter system effective and bring riders to destination points and the busway.

Councilwoman Siegel Lara stated that if the goal is to address how to modify or add to the service, then she would be in favor; if it is an exercise to maximize what the Village has, she would not be supportive.

Director Patterson stated that part of the outreach would be to include stakeholders in the discussion.

Councilwoman Cunningham stated that she is supportive of the item and feels that bus stops are important and that individuals had expressed to her that they wish to traverse the community via the bus.

Following brief comments, Councilman Schaffer moved to defer the matter until the other downtown redevelopment studies are concluded. Attorney Lehtinen remarked that without a time certain it will be difficult to defer.

Councilman Schaffer moved to table the matter. Seconded by Councilwoman Siegel Lara. The motion passed (4-1, Councilwoman Cunningham being the sole opposition.)

11. **RESOLUTIONS REQUIRING PUBLIC HEARING:** None at this time.

12. **ORDINANCES FOR FIRST READING**

A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO DIVISION 30-160 ENTITLED "ART IN PUBLIC PLACES", AMENDING SECTION 30-160.4(a) ENTITLED "PUBLIC ART BOARD", TO PERMIT BROADER ELIGIBILITY STANDARDS FOR MEMBERSHIP TO THE ART IN PUBLIC PLACES (AIPP) BOARD; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Administration)

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

Mayor Flinn stated that the purpose would be to make the qualifications broader in order to solicit interest in serving. Vice Mayor DuBois concurred.

Vice Mayor DuBois moved to extend the meeting for twenty minutes. Seconded by Councilman Schaffer. All voted in favor.

Councilwoman Siegel Lara asked the decision making capability of the Board. Mayor Flinn advised that the Board provides recommendations to the Council and the Council controls the funding.

Councilman Schaffer moved to approve the matter on first reading. Seconded by Vice Mayor DuBois. All voted in favor.

14. OTHER BUSINESS

- A. Discussion regarding modifications to variance standards (Vice Mayor John DuBois) -- TABLE UNTIL NEXT REGULAR MEETING.
- B. Discussion concerning selection process for the Village Manager – Vice Mayor DuBois reviewed the ICMA materials with Council, including the recruitment guide. He stated that the first item would be to consider whether to utilize a search firm or not.

The Council discussed the inability under the Sunshine Laws to protect an applicant's name from being provided to the public. Vice Mayor DuBois suggested that a request for the legislators to include this exemption should be included in the legislative agenda. Councilwoman Cunningham stated that there is insufficient time for the legislators to consider a bill of this type.

Following brief comment, the Council decided to discuss this matter at the next Committee of the Whole meeting.

Vice Mayor DuBois stated that he would like the Village Manager selection to be listed on a February 17th Committee of the Whole workshop. Councilwoman Siegel Lara suggested including the structure of Village advisory committees, as well.

Councilwoman Cunningham suggested including at the next Committee of the Whole Meeting discussion concerning the Palmetto High baseball field contract and considering moving "Presentations/Proclamations" to 6:30 pm on meeting nights.

Attorney Lehtinen advised that he teaches constitutional law on Tuesday nights and Attorney Claudio Riedi will be present at the February 17th meeting.

15. COUNCIL COMMENTS

Mayor Flinn suggested that consultants should be coming to Workshops to provide full explanation on items. He also stated that he is looking for individuals to assist with the Dunk Tank at the picnic. He remarked that Waste Management is sponsorship the dunk tank and he will be providing all proceeds to the Ronald McDonald House in honor of Bridget Pier.

Councilman Schaffer advised the Council that he had spoken with the Village's lobbyist, Bob Levy, concerning the Miami-Dade Days event. He stated that Mr. Levy and he discussed the event and he believes that the event is not effective and not the best use of the Council's time. He stated that Mr. Levy was in favor of the Councilman's suggestion to coordinate a "Palmetto Bay Day". He moved to have the Village not participate in

Miami-Dade Days, rather participate as a group and visit Tallahassee at a later date. Seconded by Vice Mayor DuBois. All voted in favor. The motion passed unanimously (5-0).

Mayor Flinn announced that Palmetto Alumni is hosting an event with Ron McGill "Sex and the Animals", as a fund raiser for scholarships, on February 26 at 7 pm at Pinecrest Gardens.

16. NEXT MEETING AND ADJOURNMENT: The Meeting adjourned at 12:15 am.

Prepared and submitted by:

*Meighan J. Alexander, CMC
Village Clerk*

Approved by the Village Council on this ____ day of March, 2015.

Eugene Flinn, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW. WHILE THE FLORIDA STATUTES DO NOT REQUIRE TAPE RECORDINGS, TO THE EXTENT THAT TAPE RECORDINGS ARE MADE, THE TAPES MAY BE REQUESTED FROM THE VILLAGE CLERK FOR REVIEW AND/OR COPYING. THE VILLAGE OF PALMETTO BAY CAN NOT GUARANTEE QUALITY OF ANY RECORDING.