

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of January 4, 2016
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 Tim Schaffer
Council Member Karyn Cunningham
Council Member Larissa Siegel Lara

Staff present:
Village Manager Edward Silva
Village Attorney Dexter W. Lehtinen
Village Clerk Meighan J. Alexander

(As the Local Planning Agency meeting was briefly deferred, the Regular Council Meeting began.) Mayor Flinn called the meeting to order at 7:05 p.m.

- 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.

Councilwoman Cunningham moved to take Item 11 A. out of order. Seconded by Vice Mayor DuBois. All voted in favor.

RESOLUTIONS REQUIRING PUBLIC HEARING

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO NAMING THE PLAYGROUND LOCATED AT CORAL REEF PARK, 7895 SW 152 STREET, IN HONOR OF BRIDGET ALLISON PIER; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn and Councilwoman Karyn Cunningham)

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

Councilwoman Cunningham stated that she was pleased to co-sponsor this Resolution in honor of Bridget Allison Pier, the daughter of Village Clerk

Meighan Alexander, who is the sister of Brent Pier. She stated that while she did not have the honor of meeting Bridget, she knows that she was a lovely young girl who was taken from her family at the age of seven. She expressed her full support for having this playground named after this child who played regularly at the Park and was a student of Coral Reef Elementary.

Mayor Flinn thanked Bridget's father, resident Brian Pier, for attending this evening. He shared the story about how he almost met Bridget the day she was born when he was attending "Shadow a Nurse Day" at Baptist Hospital and he decided to visit the Clerk in the maternity room where she was in labor. He asked the Clerk to tell the audience how she greeted him that day. Clerk Alexander laughed and said that she told the Mayor to please leave the room immediately.

Mayor Flinn continued by expressing that all who knew Bridget miss her terribly and the Resolution has his full support. He opened the public hearing.

The following individuals addressed the Council: Steven Alexander, 8605 SW 162 Street, step-father to Bridget Allison Pier. He provided a history of the tragedy due to endocarditis and explained that Bridget was an altruistic child; her organ donation was also unique in that Bridget was the first child in the history of Hawaii to donate organs following cardiac arrest. He explained that Bridget learned to play tennis and learned to ride a bike at Coral Reef Park and spent many afternoons in the playground. Mr. Alexander stated that the dedication of the playground in her name is a fitting tribute, as she was a truly inspirational child.

Ms. Joanne Gibson, 16141 SW 87 Court, Bridget's first grade and last teacher, described the unique character of Bridget. She read a Eulogy she prepared for the child. She stated that Bridget taught her to strive for excellence and made her a better teacher. She noted that as a resident of Palmetto Bay for 28 years and as a mother and grandmother whose children play in Coral Reef Park, the tribute is worthwhile.

Mr. Raymond Rousseu, 19791 SW 91 Court, stated that he is honored to witness this event and thanked the Council for considering this tribute.

Mr. William Kress, 689 NE 61 Street, Communications Manager, stated that he was happy to be brought into Clerk Alexander's family when he relocated from New York eight years ago. He stated that he enjoyed spending time with Bridget and recalled how she was a loving and "calming" soul. He thanked the Council for considering naming this playground after Bridget.

Mayor Flinn closed public hearing.

Mayor Flinn called the question for approval. The Resolution passed unanimously (5-0.)

A brief recess was taken.

3. PROCLAMATIONS, AWARDS, PRESENTATIONS

4. APPROVAL OF MINUTES

- A. Minutes of the Local Planning Agency Meeting of December 7, 2015
- B. Minutes of the Regular Council Meeting of December 7, 2015

Clerk Alexander explained the amendment to the Local Planning Agency Meeting Minutes. Councilman Schaffer moved to approve both sets of Minutes, with amendments to the Local Planning Agency Meeting. Seconded by Councilwoman Siegel Lara. All voted in favor.

Attorney Lehtinen stated that an additional presentation should be considered by the Council, an item concerning a presentation by the Tree Advisory Board, which will not be voted upon at this time.

Mayor Flinn stated that January is Arbor Day Month in the State of Florida; therefore, it is appropriate to have this presentation.

Mr. Anthony Sabbag, Chairman of the Tree Advisory Board, provided a presentation for the public. Mayor Flinn asked that the presentation be included on the website.

Mayor Flinn and the Council provided the Director of Public Services, Corrice Patterson, and the members of the Tree Advisory Board with a proclamation in honor of Arbor Day.

- 5. REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Eric Tullberg 7884 SW 179 Terrace; Al Sunshine, 12841 SW 149 Street; and Peter England, 7620 SW 171 Street.

Councilwoman Siegel Lara moved to open the Local Planning Agency Meeting. Seconded by Councilman Schaffer. All voted in favor.

(The meeting re-commenced, below.)

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 \$13,182; AND PROVIDING AN EFFECTIVE DATE.
(Village Attorney)

- B. A RESOLUTION OF THE MAYOR AND THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, IN SUPPORT OF THE MIAMI TIGER BEETLE AND ENCOURAGING BOTH THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION AS WELL AS THE US FISH AND WILDLIFE SERVICE TO DESIGNATE THE MIAMI TIGER BEETLE AS A THREATENED SPECIES; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY; RELATING TO THE BOARDS AND AGENCIES; REVISING THE NAME OF THE YOUTH ADVISORY COUNCIL TO BE KNOWN AS THE YOUTH COMMUNITY INVOLVEMENT BOARD; AND REVISING THE AGE LIMITATIONS OF MEMBERS; AND, PROVIDING AN EFFECTIVE DATE.

Clerk Alexander advised that Councilman Schaffer had timely pulled Item 6B, to be included as Item 10D.

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

7. VILLAGE MANAGER'S REPORT

Manager Silva provided information concerning various meetings and events. He advised the Council that members of the public are now able to request a sidewalk assessment for their homes, using the Village's website.

Manager Silva stated that staff continues to work on the Community Rating System in order to request a reduction for residents' flood insurance premiums.

Manager Silva explained that staff is also currently meeting with Miami-Dade County Public School representatives concerning the joint use of facilities.

Vice Mayor DuBois asked why most cities have a 6-rating for CRS, and the County has a 5. Manager Silva stated that he would provide the full list to the Council.

Vice Mayor DuBois asked how Cutler Bay was able to reduce their rating. Manager Silva stated that Cutler Bay has finished re-doing their assessment and had received additional points that were accepted by FEMA. He noted that the Village has just forwarded the remaining documents to FEMA.

Councilwoman Cunningham asked the date of Get Fit. Clerk Alexander advised that it would be Sunday, January 10th.

- A. Village Police Commander Report: Major Gadyaces Serralta provided an update. Mayor Flinn asked the Commander to consider additional enforcement as school is back in session following the winter break.

Vice Mayor DuBois asked if property was recovered following the successful recent apprehension of some residential burglars. Major Serralta stated that the Police Department is in the process of cataloging the property and attempting to return the items to the owners; however, a low percentage of the property was recovered

Councilwoman Cunningham suggested that Crime Tips be placed on the website. She stated that she hoped the Village would be installing the stationary speed indicators at SW 144 Street and 152 Street in the near future.

Councilman Schaffer thanked the Policing Unit for their effort.

Councilwoman Siegel Lara concurred with Councilman Schaffer. She remarked that a benchmark should be provided, as a listing of crimes per capita in the community may reveal a low percentage for Palmetto Bay. She stated that the quadrant information with regard to traffic should be included on the website.

Discussion ensued regarding traffic citations. Mayor Flinn expressed his pleasure with the work of the Police force.

- B. Calendar update (Village Clerk): Clerk Alexander provided information concerning upcoming meetings.

8. **VILLAGE ATTORNEY'S REPORT:** Attorney Lehtinen stated that he was available for any questions.

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

- A. Educational Advisory Committee – November 3, 2015
- B. Community Outreach Advisory Committee – November 4, 2015

10. **RESOLUTIONS**

- A. **WEBSITE REDESIGN AND IMPLEMENTATION:**
 - 1. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; APPROVING THE CONTRACT WITH CIVICPLUS FOR PROFESSIONAL WEBSITE DESIGN AND IMPLEMENTATION SERVICES, INCLUDING THE MOBILE APP FEATURE; AUTHORIZING THE VILLAGE MANAGER TO

EXECUTE A FOUR-YEAR AGREEMENT WITH SAID COMPANY FOR \$47,076; AND PROVIDING AN EFFECTIVE DATE.

OR

2. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; APPROVING THE CONTRACT WITH CIVICPLUS FOR PROFESSIONAL WEBSITE DESIGN AND IMPLEMENTATION SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A FOUR-YEAR AGREEMENT WITH SAID COMPANY FOR \$39,134; AND PROVIDING AN EFFECTIVE DATE;

Councilwoman Siegel Lara moved to consider Item A.1. Seconded by Councilwoman Cunningham.

Manager Silva reported that the Council had previously authorized staff to negotiate the contract and his office was successful, with a 30% reduction. He explained the provisions of the contract.

Attorney Lehtinen provided additional information concerning the contract.

Vice Mayor DuBois asked why there is a four-year payment plan included. Attorney Lehtinen stated that the payment plan is in the contract in order to secure the stated rate for a four-year term.

Vice Mayor DuBois asked how much of the contract would be cancellable. Attorney Lehtinen replied that any cancellation is proportional to what has been performed to that date.

Vice Mayor DuBois asked the cost of the development portion. Manager Silva stated that the design is \$24,491.

The consensus of the Council was to include the app, as part of the process, as having a single developer is beneficial.

Councilwoman Siegel Lara voted to approve the Resolution to include the app development. Seconded by Councilwoman Cunningham. All voted in favor.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT WITH GPE ENGINEERING AND GENERAL CONTRACTOR FOR RUBBERIZED TRAIL RENOVATIONS AT CORAL

REEF PARK; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$136,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Silva provided staff report, noting that the cost was negotiated to be 20% lower.

Councilwoman Siegel Lara asked if there are maintenance and quality guarantees provided. Manager Silva stated that there were and this company had performed the same type of service as was done in Hollywood, Fort Lauderdale, Hialeah, and Miami-Dade.

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

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO DRAINAGE IMPROVEMENT PROJECTS AT AREA 1 (SW 87TH AVE FROM SW 142ND ST TO SW 143RD ST); AREA 2 (SW 80TH AVE FROM SW 167TH ST TO 166TH ST); AREA 3 (80TH AVE FROM SW 155TH ST TO END OF CUL-DE-SAC); AREA 4 (SW 80TH AVE FROM SW 152ND ST TO SW 148TH ST); AREA 5 (EASTSIDE OF SW 84TH CT BETWEEN SW 147TH ST AND SW 147TH TER); AREA 6 (SW 88TH CT BETWEEN SW 156TH ST AND SW 159TH ST); AND AREA 7 (SW 145TH TER BETWEEN 73RD AVE AND SW 74TH AVE) WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH CIVIL WORKS, INC., A VILLAGE PRE-QUALIFIED CONTINUING SERVICE ENGINEER FOR ENGINEERING SERVICES FOR PLANNING, DESIGN AND PERMITTING OF DRAINAGE IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$77,193; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilwoman Cunningham moved this item forward. Seconded by Councilwoman Siegel Lara.

Director Patterson provided staff report.

Following brief remarks from Mayor Flinn, Councilwoman Cunningham, and Councilwoman Siegel Lara expressing appreciation, the Resolution was approved unanimously (5-0.)

- D. A RESOLUTION OF THE MAYOR AND THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, IN SUPPORT OF THE

MIAMI TIGER BEETLE AND ENCOURAGING BOTH THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION AS WELL AS THE US FISH AND WILDLIFE SERVICE TO DESIGNATE THE MIAMI TIGER BEETLE AS A THREATENED SPECIES; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Flinn stated that this Resolution is similar to what has been passed in other municipalities and it is a statement that Palmetto Bay wishes to be good stewards of our environment. He expressed his support.

Councilman Schaffer noted that he had pulled the item from Consent in order to receive more information about this matter.

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

11. RESOLUTIONS REQUIRING PUBLIC HEARING

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO NAMING THE PLAYGROUND LOCATED AT CORAL REEF PARK, 7895 SW 152 STREET, IN HONOR OF BRIDGET ALLISON PIER; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn and Councilwoman Karyn Cunningham) - This matter was heard earlier in the Meeting.

12. ORDINANCES FOR FIRST READING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SECTION 30-100.6, FLOODPLAIN MANAGEMENT REGULATIONS; ESTABLISHING A FREEBOARD STANDARD ABOVE THE ESTABLISHED FLOOD ELEVATION; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

Councilwoman Cunningham moved this item forward. Seconded by Councilwoman Siegel Lara.

Planning & Zoning Director Darby Delsalle provided staff report and how the matter relates to the Community Rating System. Manager Silva added that in addition to the Village's application for the CRS, a technical advisory committee that is reviewing the Florida Building Code is offering a recommendation to require a freeboard elevation of 12 inches.

Vice Mayor DuBois noted that the level is currently eight inches and he believes that this regulation seems to violate someone's property rights, as someone would be required to build their house with a higher elevation than State law requires. He added that storm water run-off from a property with a higher elevation may require French drain installation.

Councilwoman Cunningham asked how this height would affect other properties. She expressed her concern with regard to homeowners' rights.

Director Delsalle stated that the Village currently requires property owners to keep their storm water on their property.

Vice Mayor DuBois stated that the 24 inch requirement seems to create a burden, as there would be a substantial increase in the cost of construction to increase the base before construction.

Councilman Schaffer remarked that he would like to see flood insurance premiums reduced for residents and asked how this level assists that effort.

Manager Silva stated that each foot of freeboard provides 100 points. He stated that there is a potential to receive 780 points, for a rating of 9, but even a 7 rating would result in a 15% reduction. He noted that the Village does not have any rating at this time, so there is currently no reduction. He added that this would affect the downtown development and vacant properties.

Councilman Schaffer remarked that a disaster could require a homeowner to reconstruction, particularly is damage is over 50%. He stated that he would not want there to be negative effect on property owners.

Mayor Flinn noted that this effort does not modify the flood map, only existing flood zone areas.

Councilwoman Siegel Lara asked if the County has a freeboard standard. He noted that Pinecrest is working on its level and Miami Lakes had 12 inches.

Vice Mayor DuBois asked if the reduction would be from two to one foot, if there would still be a benefit. Manager Silva stated that the level the Vice Mayor suggested would be better than nothing.

Following brief comments, Vice Mayor DuBois moved to reduce the level from two feet to one foot. The motion failed for lack of second.

Councilwoman Cunningham moved to defer. Seconded by Vice Mayor DuBois.

Mayor Flinn stated that he would not be in favor of deferral, as he has received many phone calls concerning flood insurance premium reduction.

Mayor Flinn called the question on approving the deferral. The motion failed (1-4, Vice Mayor DuBois being the sole supporter.)

Vice Mayor DuBois remarked that it appears it could be a substantial burden on property owners for a minor benefit to the community.

Mayor Flinn called the question to approve the Ordinance on first reading. The motion passed (3- 2, Vice Mayor DuBois and Mayor Flinn opposing).

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO PARKS AND RECREATION; AMENDING CHAPTER 20, ARTICLE 1, OF THE VILLAGE'S CODE OF ORDINANCE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. (Sponsored by Councilwoman Karyn Cunningham)

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

Councilwoman Cunningham explained the various modifications.

Councilman Schaffer asked if the adjustments are acceptable. Director of Parks & Recreation Fanny Carmona stated that the Parks Department would be able to function with these revenues.

Mayor Flinn asked if a budget amendment would be required. Manager Silva stated that it would; however, staff can absorb the cost, but the budget should accurately reflect the corrections.

Councilwoman Siegel Lara stated that appropriate user fees are necessary for the successful maintenance of the park and the parks system

Councilwoman Cunningham remarked that user fees do not cover parks maintenance in its totality.

Councilwoman Siegel Lara stated that there is a degree of overhead; however, she had voted for the initial increase under the concept that the Village is under the benchmark. She noted that almost half of the parks budget would be coming from tennis fees, but this amount is being significantly reduced. She stated that the Village Services Advisory Committee should have the opportunity to review this modification to fees. She moved to defer the matter to the February Council meeting. Seconded by Councilman Schaffer.

Mayor Flinn stated that he is a strong believer in user fees; however, it is difficult not to vote for reduction. He asked the number of residents versus non-residents using the park.

Director Carmona stated that she could provide the information at a later date. Manager Silva stated that at least half of the rentals are non-residents.

Mayor Flinn stated that the Village needs to be certain there are significant funds, as under-recovering on its fees takes a toll on parks maintenance and improvements.

Vice Mayor DuBois asked if the Village Services Committee would be comparing the fees to other cities or determine the appropriate fee. Councilwoman Siegel Lara stated that both issues would be considered.

Mayor Flinn asked for the reduction as a result of this proposed amendment. Manager Silva stated that the reductions would be approximately \$12,000. Mayor Flinn asked the reduction with the amendment scheduled for second reading, reducing tennis fees. Manager Silva stated that the total reduction with both amendments would be \$60,000.

Discussion – there has not been a drop off due to the increased fees.

Mayor Flinn asked if the only specific user fees are permitting. Clerk Alexander stated that golf cart fees are user fees, as well.

Councilwoman Cunningham stated that she is in agreement that the Village Services should review the matter, but it may take more than a couple of advisory board meetings to do so. She suggested passing the matter on first reading and reviewing it at a later date.

Mayor Flinn called the question on the motion to defer. The motion failed (2 to 3, Councilwoman Cunningham, Mayor Flinn, and Vice Mayor DuBois opposed.)

Mayor Flinn called the question to approve the ordinance on first reading. All voted in favor (5-0.)

Mayor Flinn offered to consider eliminating the Get Fit program to save funds.

13. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, RELATING TO SECTION 30-30.14, “APPEALS”; AMENDING SECTIONS 30-30.14(a)(2) AND 30-30.14(c); TO ALLOW PRIVATE PROPERTY WITH A VILLAGE COUNCIL ISSUED DEVELOPMENT ORDER TO PROCEED TO PERMITTING AND CONSTRUCTION DURING THE APPEAL OF THAT ORDER, SUBJECT TO SPECIFIED CONDITIONS; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

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

Director Delsalle stated that there were no modifications from the first reading on December 7th.

Mayor Flinn opened the public hearing. No one wished to be heard.

Following brief comment, Mayor Flinn called the question to approve. The Ordinance passed unanimously via roll call vote (5-0.)

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING APPENDIX A OF THE CODE OF ORDINANCES RELATING TO FEES; CREATING A FEE SCHEDULE PURSUANT TO THE PROVISIONS OF THE FRANJO ACTIVITY CENTER LAND USE DESIGNATION AND THE DOWNTOWN URBAN VILLAGE ZONING DISTRICT; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Director Delsalle provided staff report.

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

Director Delsalle stated that funds provided by a developer that was unable to accommodate a planting would be placed in a fund to providing trees in another area. He stated that costs were reviewed with local landscapers. Mayor Flinn suggested that it may be preferable to state that the cost would be a “contracted rate”. It was discussed that a specific fee must be provided under Code.

Mayor Flinn called the question to approve. The Ordinance passed unanimously via roll call vote (5-0.)

- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO PARKS AND RECREATION; AMENDING CHAPTER 20, ARTICLE 1, OF THE VILLAGE’S CODE OF ORDINANCE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

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

Manager Silva provided staff report, noting that the impact would be a reduction of \$47,000.

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

Councilman Schaffer moved to defer the matter to February 1st. Seconded by Councilwoman Siegel Lara.

Mayor Flinn remarked that only Mr. Tullberg spoke because many believed this matter was a fait accompli.

The motion to defer failed (2-3, Councilwoman Cunningham, Mayor Flinn, and Vice Mayor DuBois opposed.)

Councilwoman Siegel Lara stated that this ordinance seems to have only met the expectation of a few and the Parks Department should consider posting a notice that all fees are currently under advisement.

Councilman Schaffer stated that he believes more information and research is necessary.

The matter passed via roll call vote (3-2, Councilman Schaffer and Councilwoman Siegel Lara opposing.)

- D. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING SECTION 30-50.23, ENTITLED "DOWNTOWN URBAN VILLAGE", TO INCLUDE THE AMENDMENTS AT ATTACHMENT A; AND AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING OF THOSE LANDS EFFECTED AS DESCRIBED AT ATTACHMENT B, FROM R-1, SINGLE FAMILY DISTRICT; R-O, BUSINESS OFFICE; MM, MIXED-USE MAIN STREET; MN, MIXED USE NEIGHBORHOOD; AND LW, LIVE-WORK DISTRICT; TO DUV, DOWNTOWN URBAN VILLAGE DISTRICT; IN PALMETTO BAY, FLORIDA; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

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

Mayor Flinn noted that this item was amended at the Local Planning Agency Meeting. Councilwoman Siegel Lara moved to confirm the amendment. Seconded by Vice Mayor DuBois.

Attorney Lehtinen read the amendment (referenced above) to be included on Pages 27 and 31, stating that an asterisk should be inserted immediately following

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“Urban Village” and “Neighborhood Village” titles, respectively, and identify the following sentence with that asterisk:

Notwithstanding any provision of this amendment or the Downtown Urban Development ordinance, any land development applications or permit requests regarding properties within the Neighborhood Village or Urban Village, which are currently (as of January 4, 2016, which is the date of passage of this amendment on second reading) constructed as single family residences shall be analyzed and approved or permitted under the rules applicable to R-1 zoning districts at the time of application or permit request.

Vice Mayor DuBois moved to approve this amendment. Seconded by Councilman Schaffer.

Mayor Flinn opened the public hearing. No one wished to be heard.

The Ordinance passed unanimously (5-0), following roll call vote.

14. OTHER BUSINESS

- A. Councilwoman Cunningham – discussion concerning revision to order of Agenda: Councilwoman Cunningham explained that she would like to direct staff to modify the existing Ordinance, Section 3, named “PROCLAMATIONS, AWARDS, PRESENTATIONS” to be listed as “PRESENTATIONS”. She stated that while Council meetings begin at 7 pm, due to the significant and worthwhile act of presenting accolades to deserved individuals, groups, organizations, or teams, the business of the Village is often delayed. She is suggested that the Proclamations and Awards be provided quarterly 6:30 pm, before the Regular meetings.

Vice Mayor DuBois and Councilwoman Siegel Lara indicated support.

Mayor Flinn stated that there are items that come up outside of Council meetings and possibly more frequently than every quarter.

Councilwoman Cunningham stated that she would work with the Village Clerk and Village Attorney. There was consensus among the Council.

15. COUNCIL COMMENTS: None at this time.

16. NEXT MEETING AND ADJOURNMENT: The meeting adjourned at 11:59 pm

Prepared and submitted by:

*Meighan J. Alexander, CMC
Village Clerk*

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

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.