



Agenda
Committee of the Whole Workshop
May 23, 2016 – 7:00 p.m.
Village Hall Council Chambers
9705 E. Hibiscus Street
Palmetto Bay, FL

Call to Order/Roll Call/Pledge of Allegiance
Decorum Statement

1. Discussion concerning Advisory Boards
2. Discussion concerning Anti-Bullying Resolution (Vice Mayor John DuBois)
3. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY DISTRICT; TERMINATING THE VILLAGE OF PALMETTO BAY'S PARTICIPATION IN THE INTERLOCAL AGREEMENT; PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilman Tim Schaffer)
4. AN ORDINANCE OF THE VILLAGE OF PALMETTO BAY FLORIDA, REPEALING CHAPTER 17: GREEN CORRIDOR PACE DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Councilman Tim Schaffer)
5. 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 STATES OF NORTH CAROLINA AND MISSISSIPPI; SUPPORTING THE LGBT COMMUNITY; AND PROVIDING AN EFFECTIVE DATE (Sponsored by Mayor Eugene Flinn.)
6. Public Comments
7. Adjourn

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, PROVIDING A POLICY CONCERNING ANTI-BULLYING IN VILLAGE PARKS AND FACILITIES; PROVIDING FOR SIGNAGE; PROVIDING FOR TRAINING; PROVIDING CONTACT INFORMATION FOR VICTIMS; AND PROVIDING AN EFFECTIVE DATE. [Sponsored by Vice Mayor John DuBois.]

WHEREAS, the Mayor and Village Council wishes to provide a policy to assist in preventing children from being bullied, including intentional tormenting through verbal harassment, physical assault, or other methods of coercion and manipulation, at our Village park and facilities; and,

WHEREAS, Florida Statute 1006.147, otherwise known as the “Jeffrey Johnston Stand Up for All Students Act”, mandated policies that must be in place in each public school throughout the State, which policies include various means and methods to prohibit bullying; and

WHEREAS, the Village Council believes it is appropriate to provide policy directives at all Village Parks and Village facilities in order to create much-needed anti-bullying efforts.

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

Section 1. All Village Parks employees shall be appropriately trained in order to be able to quickly identify bullying, stop the bullying, and report it to the authorities.

Section 2. All coaches and trainers who utilize Palmetto Bay Parks, facilities, and fields shall be trained in anti-bullying efforts and shall provide written confirmation that they have received training and will do all in their ability to prevent bullying.

Section 3. A statement prohibiting bullying and harassment shall be posted at each Village park and facility.

Section 4. The Village Manager is directed to seek the cooperation of the Miami-Dade School District and private school operators to coordinate a contest among children of our local schools in order for “Anti-Bullying” signage to be designed. The contest winner’s (s’) drawing(s) shall be manufactured into signage that shall be installed at the Parks and facilities, designated as “Bully-Free” Zones.

Section 5. The Village’s After-Hours Phone number shall be publicized and available to anyone who wishes to report bullying that occurred within a Village facility.

RESOLUTION NO. _____

1
2
3 **A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF**
4 **THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO**
5 **GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY**
6 **DISTRICT; TERMINATING THE VILLAGE OF PALMETTO BAY'S**
7 **PARTICIPATION IN THE INTERLOCAL AGREEMENT;**
8 **PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilman Tim**
9 **Schaffer)**

10
11 **WHEREAS**, the Green Corridor Property Assessment Clean Energy (PACE) District is
12 a governmental special district created by an interlocal agreement among local governments,
13 including the Village of Palmetto Bay; and
14

15 **WHEREAS**, any parties to the interlocal agreement (executed by Palmetto Bay on 24
16 July 2012) are permitted to terminate its involvement with the District and its participation in the
17 interlocal agreement; and
18

19 **WHEREAS**, the use by residents of debt that is transformed into governmental special
20 assessments and placed on property tax bills (collected through tax collection methods) has
21 negative implications for owners in re-sale of their property and legal options for the
22 extinguishment of debt; and
23

24 **WHEREAS**, the interest rate charged in computing the size of the governmental special
25 assessment to be placed on the property frequently exceeds the interest rate otherwise available
26 to homeowners; and
27

28 **WHEREAS**, profits from the financing method accrue to a private entity, the Third
29 Party Administrator (Ygrene Florida Energy Fund, LLC); and
30

31 **WHEREAS**, the participation by the Village of Palmetto Bay in the PACE District
32 appears to represent an endorsement by the Village of this method of financing used by the
33 PACE District and its private Third Party Administrator (Ygrene Florida Energy Fund, LLC);
34 and
35

36 **WHEREAS**, the participation in the PACE District by the Village of Palmetto Bay
37 Village is implemented by Chapter 17 of the Village Code (adopted by Ordinance 2011-10) and
38 by the interlocal agreement (signed by Palmetto Bay on 24 July 2012); and
39

40 **WHEREAS**, the Village of Palmetto Bay does not wish to appear to endorse a method
41 of financing that encumbers real property though governmental special assessments and
42 frequently is higher than other sources of financing.
43

1
2 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**
3 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**
4

5 **Section 1.** Effective ten (10) days following the adoption of an ordinance by the
6 Council of the Village of Palmetto Bay that repeals Chapter 17 of the Code of Palmetto Bay
7 (entitled Green Corridor PACE District), the Village formally withdraws from and terminates
8 participation in the interlocal agreement establishing the PACE District (signed by Palmetto Bay
9 on 24 July 2012) and in the PACE District itself (pursuant to section 13 of the interlocal
10 agreement).
11

12 **Section 2.** The Village Clerk shall provide a copy of this Resolution to all parties to
13 the interlocal agreement upon passage of this Resolution, and shall inform all parties to the
14 interlocal agreement of the repeal of Chapter 17, Palmetto Bay Code (Ordinance 2011-10)
15 immediately upon its repeal.
16

17 PASSED and ADOPTED this _____ day of May, 2016.
18

19
20 Attest:

21 _____
22 Meighan J. Alexander
23 Village Clerk

Eugene Flinn
Mayor

24
25 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
26 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:
27

28
29 _____
30 Dexter W. Lehtinen
31 Village Attorney
32

33 FINAL VOTE AT ADOPTION:
34

35 Council Member Karyn Cunningham _____
36

37 Council Member Tim Schaffer _____
38

39 Council Member Larissa Siegel Lara _____
40

41 Vice-Mayor John DuBois _____
42

43 Mayor Eugene Flinn _____
44
45

ORDINANCE NO. _____

1
2
3 **AN ORDINANCE OF THE VILLAGE OF PALMETTO BAY FLORIDA,**
4 **REPEALING CHAPTER 17: GREEN CORRIDOR PACE DISTRICT;**
5 **AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by**
6 **Councilman Tim Schaffer)**
7

8 **WHEREAS**, the Green Corridor Property Assessment Clean Energy (PACE) District is
9 a governmental special district created by an interlocal agreement among local governments,
10 including the Village of Palmetto Bay; and
11

12 **WHEREAS**, any party to the interlocal agreement (executed by Palmetto Bay on 24 July
13 2012) are permitted to terminate its involvement with the District and its participation in the
14 interlocal agreement; and
15

16 **WHEREAS**, the use by residents of debt which is transformed into governmental special
17 assessments, placed on property tax bills and collected through tax collection methods, has
18 negative implications for owners in re-sale and legal options for the extinguishment of debt (such
19 as bankruptcy); and
20

21 **WHEREAS**, the interest rate charged in computing the size of the governmental special
22 assessment to be placed on the property frequently exceeds the interest rate otherwise available
23 to homeowners; and
24

25 **WHEREAS**, profits from the financing method accrue to a private entity, the Third
26 Party Administrator (Ygrene Florida Energy Fund, LLC); and
27

28 **WHEREAS**, the participation by the Village of Palmetto Bay in the PACE District
29 appears to represent an endorsement by the Village of this method of financing used by the
30 PACE District and its private Third Party Administrator (Ygrene Florida Energy Fund, LLC);
31 and
32

33 **WHEREAS**, the participation in the PACE District by the Village of Palmetto Bay
34 Village is implemented by Chapter 17 of the Village Code (adopted by Ordinance 2011-10) and
35 by the interlocal agreement (signed by Palmetto Bay on 24 July 2012); and
36

37 **WHEREAS**, the Village of Palmetto Bay does not wish to appear to endorse a method
38 of financing which encumbers real property through governmental special assessments and which
39 frequently is higher than other sources of financing.
40

41 **NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF**
42 **THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**
43

44 **Section 1.** Chapter 17, Palmetto Bay Code (Ordinance 2011-10) is hereby repealed in
45 full.
46

1 **Section 2.** The repeal of Chapter 17, Palmetto Bay Code, is as follows:

2 **Chapter 17 - ~~GREEN CORRIDOR PACE DISTRICT~~ Reserved**

3 ~~Sec. 17-1. -- Purpose.~~

4 ~~(a) The Florida Legislature in 2011 enacted laws which amended the energy goal of~~
5 ~~the state comprehensive plan to provide, in part, that the state shall reduce its~~
6 ~~energy requirements through enhanced conservation and efficiency measures in~~
7 ~~all end-use sectors and reduce atmospheric carbon dioxide by promoting an~~
8 ~~increased use of renewable energy resources. The legislature also declared it the~~
9 ~~public policy of the state to play a leading role in developing and instituting~~
10 ~~energy management programs that promote energy conservation, energy security,~~
11 ~~and the reduction of greenhouse gases. In addition to establishing policies to~~
12 ~~promote the use of renewable energy, the Legislature provided for a schedule of~~
13 ~~increases in energy performance of buildings subject to the Florida Energy~~
14 ~~Efficiency Code for Building Construction. In the 2008 general election, the~~
15 ~~voters of this state approved a constitutional amendment authorizing the~~
16 ~~legislature, by general law, to prohibit consideration of any change or~~
17 ~~improvement made for the purpose of improving a property's resistance to wind~~
18 ~~damage or the installation of a renewable energy source device in the~~
19 ~~determination of the assessed value of residential real property.~~

20
21 ~~(b) The legislature in enacting F.S. § 163.08, found that all energy-consuming~~
22 ~~improved properties that are not using energy conservation strategies contribute~~
23 ~~to the burden affecting all improved property resulting from fossil fuel energy~~
24 ~~production. Improved property that has been retrofitted with energy-related~~
25 ~~qualifying improvements receives the special benefit of alleviating the property's~~
26 ~~burden from energy consumption. All improved properties not protected from~~
27 ~~wind damage by wind resistance qualifying improvements contribute to the~~
28 ~~burden affecting all improved property resulting from potential wind damage.~~
29 ~~Improved property that has been retrofitted with wind resistance qualifying~~
30 ~~improvements receives the special benefit of reducing the property's burden from~~
31 ~~potential wind damage. Further, the installation and operation of qualifying~~
32 ~~improvements not only benefit the affected properties for which the~~
33 ~~improvements are made, but also assist in fulfilling the goals of the state's energy~~
34 ~~and hurricane mitigation policies. In order to make qualifying improvements~~
35 ~~more affordable and assist property owners who wish to undertake such~~
36 ~~improvements, the state legislature found that there is a compelling state interest~~
37 ~~in enabling property owners to voluntarily finance such improvements with local~~
38 ~~government assistance.~~

1
2 ~~(c) The state legislature also determined that the actions authorized under this~~
3 ~~section, including, but not limited to, the financing of qualifying improvements~~
4 ~~through the execution of financing agreements and the related imposition of~~
5 ~~voluntary assessments are reasonable and necessary to serve and achieve a~~
6 ~~compelling state interest and are necessary for the prosperity and welfare of the~~
7 ~~state and its property owners and inhabitants.~~

8
9 ~~(d) F.S. § 163.08, under the "PACE Act" provides and allows for providing funding~~
10 ~~and financing for certain clean energy, renewable energy and wind resistant~~
11 ~~qualifying improvements and associated programs by local governments for~~
12 ~~"Property Assessed Clean Energy." Section 163.08 provides that a local~~
13 ~~government may levy non-ad valorem assessments to fund qualifying~~
14 ~~improvements, which a property owner may apply to the village for funding to~~
15 ~~finance a qualifying improvement and enter into a financing agreement with the~~
16 ~~village.~~

17
18 ~~(e) Pursuant to the village's home rule powers, the village may enter into a~~
19 ~~partnership with one or more local governments for the purpose of providing and~~
20 ~~financing qualifying improvements.~~

21
22 ~~(f) The village, through the Green Corridor District intends to develop a qualifying~~
23 ~~improvement program which is to be administered by a for-profit entity on behalf~~
24 ~~of and at the discretion of all the local government's participating in the interlocal~~
25 ~~agreement.~~

26
27 ~~(g) It is the intent of the village, through the Green Corridor Interlocal to enter into a~~
28 ~~financing agreement only with the record owner of the affected property any~~
29 ~~financing agreement shall be consistent with state law and a lien may be placed on~~
30 ~~the underlying property where the authorized improvements are installed~~
31 ~~consistent with F.S. § 189.403, as more specifically delineated in subsection (i)~~
32 ~~below.~~

33
34 ~~(h) The Town of Cutler Bay proposes the development of a "Green Corridor"~~
35 ~~district under the powers delineated under F.S. § 163.01, "the Florida Interlocal~~
36 ~~Cooperation Act of 1969" and the PACE Act. The Town of Cutler Bay is seeking~~
37 ~~to partner with the village and other local municipalities to create a separate legal~~
38 ~~entity under F.S. § 163.01(7)(g), for purposes of offering a PACE program to~~
39 ~~constituents of the member governments thereof and the village intends to~~
40 ~~participate in this program.~~

1 ~~(i) Pursuant to F.S. § 163.08, a municipality or its created special district may finance~~
2 ~~energy related "qualifying improvements" through voluntary assessments.~~
3 ~~Additionally, pursuant to F.S. § 163.08, the improved property that has been~~
4 ~~retrofitted with energy related qualifying improvements receive special benefit of~~
5 ~~alleviating the property's burden from energy consumption and assists in the~~
6 ~~fulfillment of the state's energy and hurricane mitigation policies. The execution~~
7 ~~of the interlocal agreement, which agreement is acknowledged herein, and which~~
8 ~~may be modified from time to time by resolution proposes the establishment of~~
9 ~~the district as a means of implementing and financing a qualifying improvements~~
10 ~~program for energy conservation and efficiency improvements within the district.~~

11 • ~~Sec. 17-2. - Creation of a partnership between the village, and other participating~~
12 ~~municipalities, or local governments in the Green Corridor District, which district shall~~
13 ~~be a separate legal entity.~~

14 ~~Additional local governments may join and enter into the interlocal agreement creating the~~
15 ~~district by approval of district's board, and execution of the interlocal referenced herein, and by~~
16 ~~adoption of an ordinance or resolution of support establishing the district. The district shall be~~
17 ~~created pursuant to F.S. § 163.01 and F.S. § 163.08, to finance energy related "qualifying~~
18 ~~improvements through voluntary assessments as defined in F.S. § 163.08.~~

19 • ~~Sec. 17-3. - [Procedures, powers, and substantive provisions of the district.]~~

20 ~~The procedures, powers, and substantive provisions of the district shall be as provided for in the~~
21 ~~interlocal agreement and as otherwise determined by the district board.~~

22 • ~~Sec. 17-4. - Non-ad valorem assessment.~~

23 ~~The village, through the district, would authorize a property owner within the village to apply to~~
24 ~~the district for funding to finance a "qualifying improvement" as defined under F.S. § 163.08, and~~
25 ~~enter into a financing agreement with the village, through the district. The costs of the program~~
26 ~~that are incurred by the village for this purpose may be collected as a non-ad valorem assessment~~
27 ~~to be collected pursuant to F.S. § 197.3632.~~

28 **Section 3.** This repeal shall be effective immediately upon adoption.
29

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

PASSED AND ENACTED this _____ day of _____, 2016.

Attest: _____
Meighan Alexander
Village Clerk
Eugene Flinn
Mayor

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

Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

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



To: Fellow members of Village Council

Date: May 4, 2016

From: Mayor Eugene Flinn

Re: Resolution condemning discriminatory
Legislation (LGBT)

MEMORANDUM
MAYOR'S (AS STAFF) REPORT

This is a resolution condemning recent discriminatory legislation. We have recently discusses bullying – we must reject institutionalized bullying in the form of enactment of actual hurtful discriminatory legislation that unjustly targets the LGBT community in other states.

The Village of Palmetto Bay has a solid record of human rights. This resolution declares that there is no greater danger to the health, morals, safety, and welfare of the Village and its inhabitants than the existence of prejudice against one another and antagonistic behavior to each other because of differences of race, color, national origin, religion, sex, intersexuality, gender identify, sexual orientation, marital, and familial status, age, or disability.

I respectfully request the council joining together in a strong statement of support for equality and human rights and that we reject the politics of hate and bigotry.

Eugene Flinn, Mayor

1 Discrimination to oppose discriminatory laws and prohibit official travel to states with
2 discriminatory laws; and,
3

4 **WHEREAS**, on April 15, 2016, North Basketball Association (“NBA”) Commissioner
5 Adam Silver made the decision not to relocate the 2017 All-Star Game out of Charlotte, North
6 Carolina, despite the state’s anti-LGBT “bathroom law”; and,
7

8 **WHEREAS**, while Commissioner Silver’s statement that, “we should be working toward
9 change” is sound, the Village of Palmetto Bay agrees with US Senators Jeff Merkley, Mark Kirk,
10 Patrick Leahy, Cory Booker, Tammy Baldwin, and Patty Murray who wrote that having the NBA
11 event held in North Carolina, “would be inconsistent with the NBA’s history and values”; and,
12

13 **WHEREAS**, the American Airlines Arena in Miami, Florida, would be the ideal location for
14 the NBA All-Star Event. The Arena has over 19,000 seats, outstanding local hotels and restaurants,
15 and Miami is a city that welcomes people of all color, gender, races, and sexual orientation; and,
16

17 **WHEREAS**, the State of North Carolina has always taken great pride in its college
18 basketball teams. Whether the team is from Duke or the University of North Carolina, North
19 Carolina often dominates the court and enters the NCAA Finals. Sports are powerful cultural
20 institutions and to allow the continuation of the most prominent event in college basketball to
21 continue to be held in the State of North Carolina is most egregious; and,
22

23 **WHEREAS**, due to the discriminatory law passed by the State, the National Collegiate
24 Athletic Association should remove North Carolina and Mississippi from its list of host states for
25 any championship games, including the NCAA Tournament; and,
26

27 **WHEREAS**, the Mayor and Village Council of the Village of Palmetto Bay vehemently
28 oppose any law that encourages discrimination against members of the LGBT community, many of
29 whom are among society’s most vulnerable individuals.
30

31 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**
32 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA:**
33

34 **Section 1.** The Mayor and Village Council hereby condemn the invidious and
35 discriminatory legislation recently adopted by the States of North Carolina and Mississippi and
36 prohibit official Village travel to North Carolina and Mississippi, until such discriminatory legislation
37 is either repealed or declared unconstitutional by a court of law.
38

39 **Section 2.** The Mayor and Village Council urge the National Basketball Association to
40 relocate the 2017 All-Star Game to Miami, Florida.
41

42 **Section 3.** The Mayor and Village Council urge the National Collegiate Athletic
43 Association to ban further NCAA Championship games and the NCAA Tournament from being
44 held in the States of North Carolina or the State of Mississippi.
45

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

Section 4. The Village Clerk is directed to transmit an executed copy of this Resolution to the Governors of North Carolina and Mississippi, the Speakers of the House of Representatives and Presidents of the Senate of North Carolina and Mississippi, and the Commissioners of the National Basketball Association and the National Collegiate Athletic Association.

Section 5. This Resolution shall take effect immediately upon approval.

PASSED and ADOPTED this ____ day of May, 2016.

Attest: _____
Meighan Alexander
Village Clerk
Eugene Flinn
Mayor

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

Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:
Council Member Karyn Cunningham _____
Council Member Tim Schaffer _____
Council Member Larissa Siegel Lara _____
Vice-Mayor John DuBois _____
Mayor Eugene Flinn _____