VILLAGE OF PALMETTO BAY
Minutes of the Swearing in Ceremony/Regular Council Meeting of December 1, 2014
Village Hall Chambers
9705 East Hibiscus Street

Swearing in of Mayor, Council Member Seat 1, and Council Member Seat 3

At 7:00 pm, Village Manager Ron Williams announced the commencement of the swearing-in celebration. He introduced Vice Mayor John DuBois, Councilman Tim Schaffer, former Councilman Patrick Fiore, County Commissioner Daniella Levine Cava, Cutler Bay Vice Mayor Ernie Sochin, and Former County Commissioner Lynda Bell.

Miami-Dade County Circuit Court Judge Lisa Walsh administered the oath to Councilwoman Karyn Cunningham, Seat 1. Councilwoman Cunningham thanked the former Council and expressed appreciation to all of the residents of the Village who placed their trust in her. She thanked her daughter, Megan, her family, and her team of campaign workers.

Village Attorney Dexter Lehtinen swore in Councilwoman Larissa Siegel Lara, Seat 3. Councilwoman Siegel Lara expressed that she is excited about the opportunity to serve. She thanked her husband and the England family for their support. She expressed her wish that all residents will participate in their government.

Chief Justice of the Miami-Dade County Circuit Court Judge Bertila Soto administered the oath of office to Mayor Eugene Flinn. Judge Soto remarked that it was an honor to be asked to perform the swearing in. Mayor Flinn stated that he was proud to continue serving the Village of Palmetto Bay. He thanked his mother, wife, and family. He also thanked several individuals who assisted in the formation of Palmetto Bay, including former managers, former elected officials, and the Village Clerk.

Mayor Flinn presented former Councilmember Fiore with the name plaque from Councilman Fiore's seat on the dais. Mr. Fiore thanked everyone for their support over the last four years.

Pastor Sammy Flores of Christ Fellowship Church led all in a prayer.

A brief recess was taken.

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

Mayor Eugene Flinn
Vice Mayor John DuBois

Council Member Karyn Cunningham
Council Member Tim Schaffer
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 7:30 p.m. He asked resident Hal Feldman to lead the pledge of allegiance.

2. **DECORUM STATEMENT**: Mayor Flinn advised the Clerk that he would like to defer reading the Decorum Statement this evening.

3. **PROCLAMATIONS, AWARDS, PRESENTATIONS**

Ms. Courtney Reeder, on behalf of Palmetto Bay Business Association presented the Village gavel to Mayor Flinn. She expressed her hope that the gavel would be a symbol of continued cooperation with the Council. Mayor Flinn thanked Ms. Reeder.

Mayor Flinn welcomed local school representatives. Ms. Suzanne Gottlieb Calleja, Director of Community Relations for Palmer Trinity School, welcomed Mayor Flinn.

Mayor Flinn stated that the Village is one community and he is looking forward to a positive and productive relationship with all of the Village's partners.

4. **APPROVAL OF MINUTES**

A. Minutes of the Local Planning Agency Meeting of November 3, 2014
B. Minutes of the Regular Council Meeting of November 3, 2014

Vice Mayor DuBois moved to approve the Minutes, as presented. Seconded by Councilman Schaffer. All voted in favor. The Minutes were approved unanimously (5-0).

5. **REQUESTS, PETITIONS AND PUBLIC COMMENTS**: The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; and Ed Glab, 8467 SW 138 Terrace.

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 $5,798; PROVIDING AN EFFECTIVE DATE.

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

7. VILLAGE MANAGER'S REPORT

Manager Williams asked Commander Gregory Truitt to provide a report.

A. Village Police Commander Report: Commander Truitt reported that the crime rate is down 3% from last year. He stated that burglaries are down: with 101 burglaries this year, as opposed to 114 last year. He reminded all to review the crime tips on the Village's website and urged all to be cautious with "cyber-shopping", advising the public not to shop over wireless connections. Commander Truitt also noted that the police department is ready to provide watch order service to those who are planning to travel during the holidays.

B. Budget to Actuals – 4th quarter: Finance Director Desmond Chin offered his congratulations to the new Council. He began his presentation concerning the 4th quarter budget for the period ending in September 30th. He advised that $2.8 million in revenues had been collected for this quarter, with $3 million in expenditures, leaving a shortfall of $200,000, which is generally normal for the fourth quarter. He stated that overall for the fiscal year, the Village $13.8 million (97% of what was budgeted) with a shortfall of approximately $300,000 mainly due to FPL's new power plant, which reduced franchise fees. Director Chin explained that $2.7 million had been spent, with an operating surplus of $1.1 million surplus. He reported that the Village will end the year with $12.8 million in fund balance. He noted that the Building Department collected $1.1 million in revenue (approximately 139% of the budgeted amount), spending $800,000, leaving an operating surplus of $367,000.

Councilman Schaffer asked the shortfall for the year. Director Chin stated that the amount for the fiscal year was approximately $394,000.

Councilman Schaffer asked if there were any other receivables remaining. Director Chin replied that there were not any other receivables pending. Manager Williams noted that the budget surplus is $1.1 million for the quarter, which is added to the reserves.

Vice Mayor DuBois asked if the Council can receive a copy of the numbers through the 4th Quarter in the same format as the balance sheet (as is given through the budget process), so the Council can see the difference in the multiple fund balances. He noted that the document provided is a budget report; however, he would like a Profit & Loss report. He stated that the information sheet should break down the fund balances.

Director Chin stated that he would provide the information, but the numbers do not significantly change and will not be exact until the audit is completed.

Vice Mayor DuBois reiterated his request; seeking the budgeted numbers – a balance sheet effective as of the end of the fiscal year (unaudited).

8. VILLAGE ATTORNEY'S REPORT

Attorney Lehtinen reported that Alexander School has requested (through the Village Clerk-Supervisor of Election) a special election as a prerequisite to apply for an increase of their student population. He advised that the School is entitled to the election, as a matter of law, but, previously, this has been approved formally by the Council and will be on the January agenda. He noted that it is a pre-requisite for a land development modification.

Attorney Lehtinen also explained that the Ordinance concerning the review of the Comprehensive Master Plan will be heard on first reading (two public hearings) in January. He stated that the issue is the adoption of a high hazard flood map.

Attorney Lehtinen explained that the appeal of the two fire stations is being considered via writ of certiorari; however, the Village is awaiting hearing dates from the Court.

Mayor Flinn asked for further information concerning the high hazard flood maps. Following discussion, Councilwoman Siegel Lara and Councilwoman Cunningham concurred to have the matter heard at the Committee of the Whole workshop.

9. BOARD AND COMMITTEE REPORTS: None at this time.

10. RESOLUTIONS

A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, CERTIFYING AND DECLARING THE RESULTS OF THE GENERAL ELECTION OF NOVEMBER 4, 2014, AND RUN-OFF ELECTION OF NOVEMBER 25, 2014; PROVIDING AN EFFECTIVE DATE.

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

Vice Mayor DuBois moved to amend the Resolution to include the official results. Councilman Schaffer seconded the motion. All voted in favor. The Resolution passed unanimously (5-0.)

B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COUNCIL MEETING PROCEDURES; ANNOUNCING THE REGULAR COUNCIL MEETING SCHEDULE; THE LAND DEVELOPMENT PERMIT

HEARINGS; DATES, IF NECESSARY, FOR THE COMMITTEE OF THE WHOLE WORKSHOPS; AND, THE BUDGET WORKSHOP FOR THE YEAR 2015; PROVIDING AN EFFECTIVE DATE.

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

Clerk Alexander stated that there is one modification; the date should read September 8th. Manager Williams remarked that there is a flexibility to change the dates.

The Council discussed having a Committee of the Whole workshop on December 15th, to hear discussion concerning the Comprehensive Master Plan.

Following brief discussion regarding Council's availability, Councilwoman Cunningham moved to amend the Resolution to move the July 6th Council meeting to July 13th and correct the September meeting to read September 8th. Seconded by Vice Mayor DuBois. Councilwoman Siegel Lara suggested modifying the Resolution to move the December 21st meeting to December 14th. Councilwoman Cunningham concurred and amended her motion. Vice Mayor DuBois seconded the amended motion.

Councilwoman Cunningham suggested that additional budget workshop be held, rather than only one in May. Following discussion, Mayor Flinn suggested the Council consider more workshops when the May date is imminent. Councilwoman Cunningham stated that she would like to have a workshop in January to discuss legislative matter and would like the Village's lobbyist to attend, in addition to representatives from the School District and the League of Cities. Manager Williams stated he would contact the representatives. Vice Mayor DuBois concurred with Councilwoman Cunningham and thanked her for raising the matter.

The Council voted unanimously (5-0) to pass the Resolution, as amended.

11. RESOLUTIONS REQUIRING PUBLIC HEARING

12. ORDINANCES FOR FIRST READING

13. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

14. OTHER BUSINESS

A. Vice Mayor DuBois suggested that an ad hoc committee for permitting be created. Councilwoman Cunningham seconded.

Mayor Flinn remarked that since there was a committee in the past, he would suggest the Council re-constitute the committee. Vice Mayor DuBois stated that

the committee was formed with the intent of re-working the fee permitting schedule; and, after the committee was done with work, the Council waited for several months before discussing the matter. He stated that the Building Official advised that there were not significant changes to the fees.

Mayor Flinn suggested that Vice Mayor DuBois contact the Village Clerk if he wishes to draft a Resolution to provide recommendations concerning the scope of that Committee.

Councilwoman Siegel Lara asked if the Council could review the Committee's past report. Manager Williams stated that he would make certain the Council received the report.

Councilwoman Cunningham asked if a public records request had to be made to receive the report. Clerk Alexander stated that staff would provide the document.

Attorney Lehtinen suggested the Council consider this board when it meets at the December 15th Committee of the Whole workshop. Councilwoman Cunningham concurred, adding that a discussion concerning advisory boards should be placed on the agenda, as well.

Mayor Flinn asked the Clerk to provide the scopes of the existing advisory boards. Vice Mayor DuBois suggested that the process of recruiting and promoting the advisory boards should be discussed, as well.

B. Councilman Schaffer suggested that the Council discuss the Village Manager's contract. Manager Williams stated that he looks forward to privately discussing his views with individual Councilmembers regarding his employment. Mayor Flinn suggested placing the matter on the Committee of the Whole agenda.

C. Manager Williams noted that with regard to Mr. Tullberg's comments concerning sidewalks, he had responded to Mr. Tullberg's email and both the Building Department and the Planning & Zoning Department are aware of the matter.

D. Mayor Flinn suggested that the Council be given a "guide book", to include: the Charter, Council Rules and Procedures, the Budget, and the Master Plans. He suggested that the information also be provided on the Village's website.

The Clerk advised that the newly-elected Council members will be attending an ethics workshop required by Miami-Dade County Code.

E. Councilman Schaffer stated that there is a meeting in the near future concerning the County's approval of an application for a grant concerning a project in the downtown development area. He suggested that the Council direct staff, through the Village Manager, to attend the upcoming hearings at the Board of County Commission involving the Economic Development Fund and the grant

that is pending. He stated that he would like staff to attend, make presentations, and meet with Commissioners, as the grant is not only helping the applicant, but seeking to assist the Village, as well.

Vice Mayor DuBois stated that he was under the impression that the original projects were approved by County Mayor Gimenez and his deputies and he is not aware that the Village had made any application to the Mayor's office. He asked if there is a new opportunity for funding and, if so, should staff be meeting with the County Commissioners or the County Mayor.

Councilman Schaffer replied that $15 million was the original request; however, the project was scaled down to $5 million, but the original funds are available. He stated that if the Village gets involved with the application, working with the applicant and the Commission, the Village may be able to bring the funds back up to the $15 million level. He asserted that the Commission is interested in knowing that the Village intends to be involved with this project. He concluded that there is no Village committee; rather, this direction would give staff the ability to get involved in the process and attend the meetings.

Councilwoman Cunningham stated that any grant will always have some type of caveat. Councilman Schaffer replied that the grant would not be issued to Palmetto Bay; rather, the funds would go to the applicant for a project within Palmetto Bay.

Mayor Flinn asked if Councilman Schaffer is seeking some type of Council approval. Councilman Schaffer stated that he is currently seeking consensus to direct staff to attend the necessary meetings, go to the County and get involved.

Following brief comment, Councilwoman Cunningham asked specifically the role the Council would be asking the Council to play.

Councilman Schaffer stated that the application is directly related to the downtown redevelopment area and he would like to give the Manager and staff the authority to speak on behalf of Palmetto Bay and work with the applicant. He suggested that if the Council consents to this, the Village can have staff work with the applicant to see what can be done to get the grant approved.

Mayor Flinn stated that he would be in favor of having staff become involved to see what type of assistance the Village could offer. Manager Williams concurred. Mayor Flinn suggested that staff return and report on the status of same at the next Committee of the Whole workshop. Councilman Schaffer concurred. He asked if a motion is required. Mayor Flinn stated that a motion would not be necessary, as the suggestion is for staff to become involved, no formal action by Council.

15. COUNCIL COMMENTS

A. Vice Mayor DuBois welcomed the new Council and welcomed "back" the Mayor. He thanked Mayor Flinn for feeling that the decorum statement is not necessary and he looks forward to all cooperating. He explained that at a previous Council meeting, he suggested a property next to his home to be considered as a fire station. He stated that he had given the information to the Fire Department and suggested that this matter be added to the Committee of the Whole workshop.

B. Mayor Flinn stated that he will be seeking support on several items, such as drainage and traffic calming, which may require budget amendments. He suggested that the Education Advisory Board should be "open" with as many people involved as possible. He stated that the youth should also be involved in this. Mayor Flinn also remarked that he would like to see the concession stand opened on a regular basis at Coral Reef Park and that revenue is not the focus; rather, this is a park amenity and should be used. He also mentioned that he is interested in having more special events; and would like to see a toy drive this Christmas.

Discussion ensued regarding toy drive opportunities. Manager Williams noted that the Village is currently conducting a food drive. Mayor Flinn suggested future charitable activities be considered at a meeting in June. Councilwoman Siegel Lara stated that the Council could poll the local organization and see which charitable efforts the Village could be involved in and promote them on the Village's website.

Clerk Alexander encouraged all to participate with the Village's existing food drive, which supports Feeding South Florida, and is ongoing in conjunction with Rainer Schael and the Palmetto Bay Canal Boat Association. She added that one out of five children in South Florida go hungry every day.

Mayor Flinn suggested that the Council be prepared to discuss the picnic during January/February meetings of the Council.

16. NEXT MEETING AND ADJOURNMENT

The Meeting adjourned at 9:59 pm.

Prepared and submitted by:

_____

Meighan J. Alexander, CMC
Village Clerk

Approved by the Village Council on this _____ day of January, 2015.

_____

Eugene Flinn, Mayor

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