

VILLAGE OF PALMETTO BAY
Minutes of the Special Council Meeting of March 16, 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 Tim Schaffer
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 7:00 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.

- 3. REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Peter England, 7620 SW 171 Street; and, Dr. Ed Feller, 7960 SW 144 Street.

4. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO THE DOWNTOWN REDEVELOPMENT TASK FORCE (DRTF) INITIATIVE; ACCEPTING THE RECOMMENDATIONS OF THE TRAFFIC IMPACT ANALYSIS FINAL REPORT DOCUMENTS AND RECOMMENDATIONS PERTINENT TO THE FUTURE DOWNTOWN PALMETTO BAY STUDY AREA, AS PREPARED BY MARLIN ENGINEERING, INC.; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ACQUIRE CONCURRENCY FROM BOTH MIAMI-DADE PUBLIC WORKS WASTE MANAGEMENT (PWWM) AND FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) PRIOR TO PROCEEDING WITH IMPLEMENTATION OF REPORT FINDINGS; AND PROVIDING FOR

AN EFFECTIVE DATE. (Deferred from February 25, 2015 Special Council Meeting)

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

Manager Williams asked Building Official and Capital Projects Manager Ed Silva to come forward to provide a presentation concerning the Downtown Redevelopment initiative.

Mr. Silva thanked Manager Williams for his guidance throughout the years. He began his presentation by explaining the statistics for growth throughout this area. He introduced the Director of Public Works Corrice Patterson.

Director Patterson thanked the Council for authorizing the selection of Marlin Engineering to perform the traffic study. She introduced James Spinks, III, PE. Mr. Spinks provided a report concerning the Traffic Impact Analysis. He noted that the purpose was to consider three phases, five districts, and 6,641 multi-family residential units and determine the demand. He explained the methodology used. He explained the difficulty with 97th Avenue and stated that if 95th Avenue were constructed, the intersections of 97th Avenue would still "fail", but the overall roadway would improve.

Mayor Flinn asked if Cutler Bay's expansion was considered by Mr. Spinks when he performed the study. Mr. Spinks explained that traffic zones are fluid; therefore, all traffic zones captured traffic coming from all directions, including Cutler Bay.

Mayor Flinn asked Mr. Spinks if he formulated an opinion regarding from which direction the increase in traffic would be. Mr. Spinks replied that most of the growth in this area is north to south, as the majority of growth potential is in the southern area of the County.

Mayor Flinn asked if the increase in traffic would occur regardless of the improvements in the downtown area. Mr. Spinks responded they would.

Councilwoman Siegel Lara asked for clarification regarding the charter that displayed the result of the 95th Avenue construction. Mr. Spinks explained that US-1 is expected to fail within 30 years regardless of Palmetto Bay's actions. He advised that the projection does include transit improvements, but does not include change in the infrastructure.

Vice Mayor DuBois asked if the projection of 178,000 residents is accurate, what percentage of these new residents are expected or assumed to use public transportation. Mr. Spinks replied that 20% of these residents are expected to use public transportation. Discussion ensued.

Councilwoman Cunningham asked for clarification concerning the grades given for roadways. Mr. Spinks stated that the grades are similar to school grading systems, with an E being the lowest.

Councilman Schaffer asked for clarification regarding the location of SW 95th Avenue. Mr. Spinks explained that there has been discussion to utilize this roadway to alleviate traffic congestion on SW 97th Avenue. Mr. Silva advised that 95th Avenue would be a new two-lane, undivided roadway constructed west of Palmetto Bay Park that would be located between Public Works and the Total Bank property, heading north.

Mayor Flinn asked for the projection if 95th Avenue were to be constructed. Mr. Spinks advised that traffic will route to 95th Avenue, as a parallel roadway. Councilwoman Siegel Lara added that it would draw traffic to where there is no residential area.

Mr. Spinks reported that a trip generation analysis with several projections, including commercial square feet, was performed; and, the results found significant failures along the roadway. He stated that following a sensitivity analysis, if traffic could be reduced by 19%, the impact on the roadway would be reduced. He noted that it is a "given" that US-1 will fail; however, there will be failures at other intersections (184th Street, 97th Avenue) that could be mitigated with improvements at the intersections, such as adding turn lanes, installing signals, and turn lane improvements.

Mayor Flinn asked if signalization is the responsibility of Miami-Dade County. Mr. Spinks replied affirmatively, adding that the traffic engineer would present the traffic study to the County and request the signals, with the ultimately decision being made by the County.

Mr. Spinks stated that with regard to the circulation and access, the review concluded that service vehicles will be able to circulate and pedestrian-vehicular conflicts would be minimal at lower speeds, as the streets will be narrow and landscaped. He added other recommendations, including bike racks, transit information stations, and other transit-oriented amenities, to be considered.

Mr. Silva advised that the next step would be Phase 2 of the market study.

Vice Mayor DuBois and Mayor Flinn asked the impact of the resolution. Mr. Silva explained that the resolution, if approved, would allow staff to begin conversations with the County and FDOT to move forward with the recommendations.

Mayor Flinn asked the cost of "acquiring concurrency" and what is involved with moving forward. He asked if the Council's discretion is removed at this point.

Attorney Lehtinen advised that the acceptance is of no great impact, but to authorize staff to proceed.

Manager Williams noted that the Village staff needs to be able to communicate with the County and FDOT through a broad policy direction. He added that no commitments beyond the policy guidance will be made without Council approval; and, no significant dollars can be expended without the costs coming to the Council for review and approval. He concluded that without Council consensus, staff may not move forward.

Vice Mayor DuBois expressed his disapproval with a resolution that simply accepts a report and does not believe that the Council should create unnecessary documentation. Following brief comment, he added that the Council remains supportive of this initiative, as evidenced by seeking the County's \$7,000,000 grant for the downtown redevelopment infrastructure.

Councilwoman Siegel Lara remarked that the study presents the scenario with or without any downtown redevelopment initiative. She stated that the Council is being proactive in pursuing improvements and when the documents includes that the Council is advocating for a traffic solution, it helps the downtown project achieve success. She remarked that she is in favor of staff returning with specifics.

Following comments, Vice Mayor DuBois moved to strike, "prior to proceeding with implementation of report findings" and replace with "ask the County to make changes in accordance with recommendations in the report" and replace references to DRTF to "Downtown Redevelopment Project". Councilman Schaffer seconded the motion.

Councilwoman Siegel Lara moved to strike Section 1, "The Village council accepts recommendations and authorizes the Village Manager to acquire concurrency." Vice Mayor DuBois moved to include the revisions as one motion. Seconded by Councilman Schaffer. All in favor.

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

A brief recess was taken.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ADVISORY BOARDS AND COMMITTEES, ABOLISHING FORMER ADVISORY BOARDS AND COMMITTEES ESTABLISHED VIA RESOLUTION, WITH THE EXCEPTION OF THE EDUCATION ADVISORY COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE.

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

Councilwoman Siegel Lara stated that the purpose of this matter is to resolve the number of inactive committees. Clerk Alexander provided the list of the inactive Committees.

Vice Mayor DuBois expressed his support.

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

- C. Discussion regarding Advisory Boards and Committees: Councilwoman Siegel Lara provided a hand-out and explained how she was desirous of providing uniformity and clarity to new Advisory Boards and Committees of the Village.

Mayor Flinn and Councilman Schaffer expressed their support. Councilman Schaffer added that the "Village Services" may have too many areas to consider.

Councilwoman Siegel Lara stated that she would be removing the "police services" from that subject matter and the areas would be considered when the scope is defined.

Councilman Schaffer remarked that more than one Council member may wish to serve as liaison on a particular Board and wondered how that could be accomplished. Attorney Lehtinen advised that the meetings would be publicly noticed; therefore, more than one Council member may be present, even if he/she is not the liaison.

Councilwoman Siegel Lara stated that the specific criteria of the various committees would be defined. She asked the Council to note that in Section 2-72, each Board would be reviewed annually to determine whether the Board is serving for its intended purpose.

Following Councilwoman Cunningham and Vice Mayor DuBois expressing their support, Vice Mayor DuBois clarified that as a non-voting liaison, a Council member could speak with a member of the Committee to address a particular issue. Attorney Lehtinen confirmed that members of the Council would not be members of the Committee, as it is currently drafted.

Councilwoman Siegel Lara stated that she would meet with the Village Clerk to prepare a draft Ordinance. She stated that she would also be meeting with Councilwoman Cunningham in a sunshine meeting to further discuss the proposed Ordinance.

- D. A RESOLUTION OF THE VILLAGE OF PALMETTO BAY, FLORIDA, EXPRESSING SUPPORT FOR THE EXPANSION OF METRORAIL

SOUTH TO FLORIDA CITY; PROVIDING FOR AN EFFECTIVE DATE.
(Sponsored by Councilwoman Katryn Cunningham.)

Councilwoman Cunningham moved this item forward. Seconded by Councilman Schaffer. Clerk Alexander noted that Mayor Flinn will be listed as a co-sponsor.

Councilwoman Cunningham stated that US-1 is a focal point for transit and several cities in South Dade are in need of relief. She noted that in 2002, there was a ballot amendment for the half-cent tax to expand Metrorail to Florida City; however, that project is listed as a "future project" with no dates.

Mayor Flinn expressed his support, adding that there should be a resolution that would consider the restructuring of the Metropolitan Planning Organization.

Councilman Schaffer moved to remove lines 21-23, concerning the cross-cultural component and correcting the scrivener's error that states "City" council and lists "Florida City" in lines 32 and 33.

Councilwoman Cunningham asserted that the matter is cross-cultural, but she would like to see this item move forward regardless. Councilwoman Siegel Lara asked if other cities are adopting similar resolutions.

Clerk Alexander stated that she has been advised that Cutler Bay, Homestead, and Florida City all have similar resolutions.

Vice Mayor DuBois stated that the Council should define a station within Palmetto Bay. He moved to add a section to include a Metrorail station at SW 144 Street and SW 168 Street, in addition to including Councilman Schaffer's modification. Seconded by Councilman Schaffer.

Resident Peter England was permitted to briefly provide his opinion.

Mayor Flinn called the question for approval of the Resolution, as modified. The motion passed unanimously. The Resolution was approved (5-0.)

5. NEXT MEETING AND ADJOURNMENT: The meeting adjourned at 10:22 pm.

Prepared and submitted by:

Meighan J. Alexander, CMC
Village Clerk

Approved by the Village Council on this ____ day of May, 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 April 6, 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 Tim Schaffer
 Council Member Larissa Siegel Lara

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

Mayor Flinn called the meeting to order at 7:00 p.m. He asked Cesar Lastra, Public Information Officer of the American Legion, Post 133, to lead 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.

3. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Presentation - Miami-Dade County Commissioner Daniella Levine Cava came forward and expressed that she is hopeful that Palmetto Bay will be awarded the funds it is seeking for its downtown redevelopment initiative from any recapture funds available from the County's \$75 million economic development grant. She encouraged the Council to attend the County's April 21st meeting.

Commissioner Levine Cava provided an update regarding transportation and asked for the Village's support for the proposed purchase of modern, energy-efficient, articulated buses that will be proposed through the County Mayor's office. She noted that 14 of the buses will be dedicated to the South Dade busway. She stated that she has also been working to launch a Parks for People campaign to assist with "bike-ability" throughout the County.

Commissioner Levine Cava reported that she has sponsored a resolution to ban fracking in Florida and is also anticipating the County Mayor's report on the identification of endangered species in Florida. She stated that she is hopeful the County will be proactive on this subject in the future. She reported that she will be visiting Tallahassee to discuss the Amendment 1 issue and is interested in quality water monitoring program.

Commissioner Levine Cava concluded her update by advising that she has been engaging residents by walking through the District and speaking to the public. She is looking into a study concerning special transportation services utilizing the busway. She stated that she is pleased with the Commission's recent creation of a council for economic prosperity that will help children.

Resident Gary Pastorella asked about the status of the fire station. Commissioner Levine Cava replied that she would check on the matter.

Following Council comments, Commissioner Levine Cava stated that she would be interested in assisting with a coalition of the District cities to work together toward grants, bike paths, and other items of interest.

Councilwoman Cunningham invited all to join her and Commissioner Levine Cava on April 22 at 7 pm at Lots of Lox in Palmetto Bay for "coffee and conversation."

Councilman Schaffer advised that he has been informed that there have been problems with the Solid Waste recycle trucks spilling glass and oils on the roadways. Commissioner Levine Cava stated that her staff would investigate.

Councilwoman Siegel Lara asked for her support concerning bike safety on Snowden's Bridge. Commissioner Levine Cava stated that she will raise this issue during the South Dade Transportation Committee meeting on Friday.

Mayor Flinn thanked Commissioner Levine Cava for her productive meetings with the Mayors of the District. He stated that our home is your home and presented her with a key to the Village.

- B. Presentation/Proclamation – Helen Witty – MADD: The Mayor and Village Council presented Ms. Helen Witty for all of her service.

Councilwoman Cunningham asked Ms. Witty to come to the Education Advisory Committee meeting on May 13th.

Councilwoman Siegel Lara asked staff to publicize Ms. Witty's event. County Commissioner Levine Cava thanked Ms. Witty, as well.

4. APPROVAL OF MINUTES

- A. Minutes of the Special Council Meeting of February 25, 2015
- B. Minutes of the Regular Council Meeting of March 2, 2015

Vice Mayor DuBois moved to approve the Minutes, as drafted. Councilwoman Cunningham seconded the motion. All voted in favor. The Minutes were approved unanimously (5-0.)

- 5. **REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Margery Glickman, 13740 SW 78 Court; Gary Pastorella, 6940 SW 142 Terrace; and Steve Kreisher, 18201 SW 90 Avenue.

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 \$9,682; PROVIDING AN EFFECTIVE DATE

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

7. **VILLAGE MANAGER'S REPORT**

Manager Silva advised the Council that he will be coordinating Village-wide customer service employee training in the near future. He noted that he will be providing the Council with a revised fee schedule in May. He announced that the Council will be participating in two business openings: CrossFit Demand and Giardino's Gourmet Salads.

- A. Village Police Commander Report: Commander Gregory Truitt provided an update. He announced a RadKids graduation is scheduled for Friday at Howard Drive Elementary School at 6 pm. He provided information concerning two armed robberies and the success in apprehending two individuals. Commander Truitt advised that the police are providing more units along US-1 due to two more commercial burglaries in the Triangle area. He also provided statistics concerning the crimes at the parks.

Commander Truitt thanked Ms. Witty for her commitment.

Mayor Flinn stated that he would like the Council to discuss surveillance cameras during this coming budget season. Commander Truitt advised that Council that if they are going to purchase cameras, they need to purchase the best quality cameras that work in the day and night.

Councilman Schaffer stated that he would like “traffic calming initiatives” to be on the Agenda for the next Committee of the Whole meeting.

Commander Truitt concluded his report by noting that he will be working with the Village’s Communications Manager to provide information to the public concerning golf carts.

- B. Fiscal Year 2013-14 Financial Audit: Finance Director Desmond Chin introduced the item concerning the 2013-14 Financial Audit.

Mr. James Burkhart provided a PowerPoint presentation concerning the audit. He noted that there were no material deficiencies or weakness and the audited is unqualified, with no findings. He stated that the management letter contained brief comment concerning IT functions and suggested improvements in accordance with best practices.

Councilwoman Siegel Lara asked for explanation concerning the change in the unrestricted funds. Mr. Burkhart explained that the 20% is the difference between what is available and what is restricted.

Vice Mayor DuBois asked for explanation concerning the unrestricted net position and unassigned general balance. Mr. Burkhart stated that the net position is based on full accrual, bringing in capital assets and long term debt; and that less was used than expected. Vice Mayor DuBois stated that the reason for that was the Council did not approve everything contained in the Budget.

Vice Mayor DuBois noted that there have been past discussions about the viability of reporting the Village’s financial health by taking the depreciable assets and putting together a schedule of repair/replacement costs annually. He stated that the benefit would be to have funds available to address this type of expenditure in a predictable manner. He asked for Mr. Burkhart’s opinion on this policy. Councilman Schaffer expressed his support of this type of policy. Mr. Burkhart explained that the long term capital plan should address this policy; however, from a financial reporting standpoint, it could be disclosed, but it would not be reflected as a restricted or reserved fund balance.

Mr. Silva stated that two percent of capital projects funding should be put aside for yearly maintenance. He opined that a reserve of \$5,000,000 should set aside to replace/repair some capital assets, as needed.

Mayor Flinn stated that the Council needs to address these issues as part of the budget workshop and consider the capital maintenance. He noted that the Village will have to spend funds on the Coral Reef Park Building, in addition to other assets.

Vice Mayor DuBois moved to accept the Audited Finance Statements (CAFR) for the period ending September 30, 2014. Seconded by Councilwoman Siegel Lara. All voted in favor.

- C. Strategic Plan Update: Mr. Silva explained that the solicitation document had been provided to Council and he would appreciate Council comments within the next two weeks.

Mayor Flinn stated that as individuals are waiting to speak on the Harry Troeger item, he asked for a motion to take the matter out of order. Councilman Schaffer made the motion. Seconded by Councilwoman Siegel Lara. All voted in favor.

11. RESOLUTIONS REQUIRING PUBLIC HEARING

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, CO-DESIGNATING SW 156 STREET FROM SW 89 AVENUE WEST TO US-1 IN HONOR OF HARRY TROEGER; PROVIDING FOR INSTALLATION OF APPROPRIATE SIGNAGE; PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn)

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

Mayor Flinn asked the representatives to come forward. Mr. Amy Creekmur, 9000 SW 156 Street, expressed the group's hope that the Village would recognize this pioneer.

Mayor Flinn stated that there was once reference to the historic designation of this property in Village literature.

The following individuals came forward and expressed support: Ron Mossman, 15101 SW 89 Avenue; Mrs. Wassman, 15101 SW 89 Avenue; Helen Gage, 10203 SW 169 Terrace; Jim Adamson, 184 Avenue and 212 Street; and Carol Aristide, 8370 SW 161 Street. The public hearing was closed.

Vice Mayor DuBois asked for clarification concerning the cost of the four signs. Clerk Alexander noted that the quote provided was \$720.

Mayor Flinn called the question on approval; a roll call vote was held. The matter passed unanimously (5-0.)

8. VILLAGE ATTORNEY'S REPORT

Attorney Lehtinen provided his report concerning the recent fire station application approved by the Council. He noted that a lawsuit has been filed and the Miami-Dade

Fire District and is defending the writ of certiorari, as is the Seller of the property. He stated that the Petitioner has requested permission of the Court to amend their writ. He noted that he will be deposing Mr. Gary Pastorella, Petitioner, in May.

Attorney Lehtinen stated that the current Village Personnel policy states that a Department Director would receive a 15% pay increase for providing additional duties above and beyond their current employment. He stated that while the policy does not cover the Village Manager, he believes this policy should apply.

Vice Mayor DuBois moved to provide the salary modification. He stated that it is appropriate for the Council to take this action, as the Manager would not have the authority to raise his own salary. He moved to approve 15%.

Councilwoman Siegel Lara asked the gap between the Building Official Salary and the former Manager's salary. Attorney Lehtinen replied that the former manager's salary was 15.9% above. Councilwoman Siegel Lara seconded the motion. All voted in favor. The motion passed unanimously (5-0.)

9. BOARD AND COMMITTEE REPORTS

A. Information regarding Perrine Elementary Art Exhibit: Mr. Travis Kendall, Planning and Zoning Administrator, asked the Council to visit Village Hall between today's date and the 14th to provide their ranking of the artwork, in anticipation for the event being held at Thalatta Estate on April 17th. He explained that the Art in Public Places Board has been working on reaching out to local schools to have more of these types of Art events in the future.

10. RESOLUTIONS

A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE ART IN PUBLIC PLACES (AIPP) BOARD, APPOINTING TWO MEMBERS TO THE VILLAGE OF PALMETTO BAY AIPP BOARD; AND, PROVIDING AN EFFECTIVE DATE. (Mayor Eugene Flinn/Councilwoman Katryn Cunningham)

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

Mayor Flinn appointed Jamie Wasser to a four-year appointment. Councilwoman Cunningham appointed Rebecca Peterson to a four-year appointment.

All voted in favor of acknowledging the appointments. The Resolution passed unanimously (5-0.)

- B. 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)

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

Mr. Silva provided staff report, noting that the presentation was made at a previous Council meeting.

Vice Mayor DuBois remarked that there is no purpose in passing this type of Resolution.

Councilwoman Siegel Lara stated that the intention, overall, was to make sure the Council was providing direction to the staff to move forward toward Phase 2.

Attorney Lehtinen advised that this is "accepting", not approving and the Resolution does not bind the Council with respect to any later phase. He opined that "acceptance" is acknowledgement that Council received the information. Councilwoman Siegel Lara asked if this type of resolution had been passed in the past. Clerk Alexander noted that the Council passed these types of resolutions many years ago, prior to Vice Mayor DuBois' public service.

Following discussion, a vote was taken to approve the Resolution. The Resolution passed (4 to 1, Vice Mayor DuBois opposed.)

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGE WIDE DRAINAGE IMPROVEMENTS; APPROVING THE SELECTION OF MAGGOLC, INC. TO PROVIDE CONSTRUCTION SERVICES FOR SUB-BASIN 10 (SW 88TH AVENUE) PAVING AND DRAINAGE IMPROVEMENTS; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$730,000; AND PROVIDING FOR AN EFFECTIVE DATE. (Administration)

Councilwoman Siegel Lara moved this item forward.

Public Works Director Corrice Patterson provided staff report, noting that the Council should amend page 2 of 3, line 5, as the amount is \$430,000, not \$330,000, for a total of \$730,000 for this fiscal year (a \$430,000 match by the Village.) She advised that the Village had contracted with Kimley Horn to design

the drainage project, which design had been prepared since 2012. She explained that DEP is beginning to release stormwater funds and the Village had received \$300,000 for the construction of this project.

Councilwoman Siegel Lara asked for clarification as to the location. Mr. Gary Ratay of Kimley Horn pointed out the location on a map. Director Patterson stated that 17 substations had been identified.

Councilwoman Siegel Lara asked for the project completion rate. Director Patterson explained that some projects were localized and not entire sub-basins.

Councilwoman Siegel Lara asked why this project was given priority. Director Patterson explained that projects are listed as priorities in the stormwater master plan information.

Vice Mayor DuBois stated that in the future, the Council should be given further information as to what makes an area a priority, such as how many homes are affected and how many people benefit from the project.

Mayor Flinn expressed his support of addressing drainage issues. Vice Mayor DuBois stated that he would like more detail, as he believed a past project performed at 72 Avenue did not have a problem and people were not truly affected.

Councilwoman Cunningham asked for information concerning priorities. Mr. Ratay noted that pre-incorporation information is reviewed and visual observations are performed during and after storm events. He stated that the area is modeled hydraulically and given a conceptual result. He advised that the worst areas are prioritized and local improvements are adjusted throughout the year.

Councilwoman Siegel Lara stated that, like the Vice Mayor, she would like to see a comprehensive report of the impact of the funds spent on drainage, including how well the problem is being managed and whether staff follows through with the residents. Vice Mayor DuBois added that before funds are spent, staff should confirm that the theoretical problem exists and document it.

Following discussion, Vice Mayor DuBois stated that he would like the Committee that may established in the future to address this issue with staff.

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

D. 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)

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

Director Patterson was joined by Joe Corradino of the Corradino Group, Inc., and provided staff report. He stated that the goal is to find the underserved local populations and explore the connections between the cities and integrate with transit connections.

Mayor Flinn suggested the Village consider some partnerships, such as taking students after school to the library and then returning them back to school. He suggested long and short term usage must be address.

Director Patterson explained that one of the points of the study is to determine the viability of the program, including what is needed to be successful, what is the expected ridership, etc.

Mr. Corradino stated that the Village would be applying for a MPO Grant in late December.

Councilwoman Siegel Lara expressed her support.

Vice Mayor DuBois stated that he is pleased to see a more holistic approach to the IBus system being performed. He stated that with the recent downtown redevelopment project pending, he wondered if the Village would have to re-do this study in 12-18 months. Mayor Flinn stated that he did not believe the downtown redevelopment initiative would be ready in that time.

Councilwoman Cunningham expressed her support for the report and asked Mr. Corradino to reach out to resident Suzanne Holtzman to discuss transit for senior citizens.

Following brief comment, the Mayor called the question on approval. The Resolution passed (4 to 1, Vice Mayor DuBois voting in opposition.)

Councilwoman Siegel Lara moved to take item 12C out of order. Seconded by Vice Mayor DuBois.

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING THE OFFICIAL ZONING MAP; CHANGING .27 ACRES (+/-), FROM AG AGRICULTURAL TO R-1 SINGLE FAMILY DISTRICT; FOR A PORTION OF THE PROPERTY LOCATED AT 15840 SW 89 AVENUE BEARING FOLIO 33-5028-000-0191, IN PALMETTO BAY, FLORIDA; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. (Administration) - **PUBLIC HEARING REQUIRED**

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

Mr. Travis Kendall and Director of Planning & Zoning Darby Delsalle provided history and staff report.

Following brief comment, Mayor Flinn stated that this land is not being used as an agricultural piece. He asked if there is any contiguous property that is not zoned R1. Director Delsalle stated that there was not: the entire area is R1.

Vice Mayor DuBois asked if this quarter of an acre had been taxed at an agricultural rate. Director Delsalle stated that he was not aware of the tax status.

The public hearing was opened. Mr. Marvin Johnson, 8950 SW 159 Terrace, addressed the Council, noting that the property has never been used agriculturally.

Following brief comment, a roll call vote was taken for approval. The Ordinance passed on first reading, unanimously (5-0.)

(Returning to Resolutions)

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; APPROVING THE SELECTION OF AN EXECUTIVE SEARCH FIRM TO ASSIST WITH THE SEARCH FOR A VILLAGE MANAGER; PROVIDING AN EFFECTIVE DATE.

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

Attorney Lehtinen stated that the solicitation provided criteria for the guidance of the applicants, with a numbering ranking system that the Council could use. He stated that this matter is for the Council's discretion.

Councilwoman Siegel Lara suggested narrowing the criteria and having individual interviews with the firms.

Councilman Schaffer stated that it may not be feasible to have all proposers visit, if they are not local. He suggested bringing the matter to a Committee of the Whole Meeting.

Councilwoman Cunningham suggested that staff prepare a side-by-side report, including the pricing and experience of each. She suggested a Special Council Meeting or a Committee of the Whole meeting.

Vice Mayor DuBois stated that he would not need to interview the firms, as he believes the search firm legitimizing the process only.

Councilwoman Siegel Lara stated that the criteria for the screening of applicants is important and one firm gathered community input and had the stakeholders involved, which is different from how other firms conducted this matter.

Following discussion, the Council decided that a Special Council would be scheduled to begin at 6 pm, prior to any possible zoning hearing, on May 18th. Vice Mayor DuBois stated that the item would be to define the criteria for manager, as well as criteria for the search firm, and potential selection of the search firm. Mayor Flinn concurred. The Special Council meeting was set.

12. ORDINANCES FOR FIRST READING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; CREATING SECTION 30-70.2(b)(4) OF THE LAND DEVELOPMENT CODE RELATING TO REQUIRED PARKING EXEMPTIONS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Administration) (Deferred from the March 2, 2015 Regular Council Meeting)

Manager Silva requested deferral.

Councilwoman Siegel Lara moved to defer. Seconded by Vice Mayor DuBois. All voted in favor. The matter was deferred.

- B. AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE COUNCIL; CREATING STANDARDS FOR ESTABLISHMENT AND REVIEW OF VILLAGE COMMITTEES TO BE INCLUDED IN THE VILLAGE CODE OF ORDINANCES AS CHAPTER 2, ARTICLE II, DIVISION 3, ENTITLED "BOARDS OR COMMITTEES"; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Councilwoman Larissa Siegel Lara)

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

Councilwoman Siegel Lara moved to consider the supplemental ordinance provided to the Council that evening. Mayor Flinn clarified the legality with the Village Attorney. Attorney Lehtinen confirmed that such a motion was in order. Seconded by Councilwoman Cunningham. All in favor.

Attorney Lehtinen reviewed the various modifications. He noted that the modifications were clarifications and not substantive to the intent of the Ordinance.

Mayor Flinn suggested a “no conflict provision” so that someone could not serve on a Board and be in the business that would benefit by the Board’s decision.

Attorney Lehtinen suggested that any additional procedure or requirement can be added by resolution or add under “Membership Limitation” (f) – all conflict requirements that apply to Council and employees of the City also apply to board members.

Mayor Flinn suggested adding Section 2-58(f) Ethical requirements applicable to Village Council members and village employees are likewise applicable to all members of advisory committees or boards. Councilwoman Siegel Lara moved to include that language. Seconded by Councilwoman Cunningham. All voted in favor.

Councilwoman Cunningham moved that all Minutes and Agendas would be posted on the website. Councilwoman Siegel Lara noted that the matter was covered in Section 2-65 and 2-70.

Councilwoman Cunningham asked for clarification concerning the membership limitation. Attorney Lehtinen noted that there are a number of similar provisions in State law, with three issues: having a position and using it to run for office; the policy choice that someone who runs for office should not be able to hold the office they have, if they lose; and, to not have to wait to fill that vacant position until you see whether that person running for office has won that office. He added that the Florida Resign to Run Law stated that someone must submit an irrevocable resignation letter that it effective on the date you take the office.

Councilwoman Cunningham noted that some individuals become politically involved due to the experience of committee participation, but she does not believe it is of great concern.

Discussion ensued, with Mayor Flinn noting that a candidate who wins may be magnanimous to re-appoint their previous opponent and they would have a right to do so under this Ordinance.

Councilman Schaffer expressed his support, adding that language should be included for criteria of a potential member. Councilwoman Siegel Lara stated that Page 4, section (c) addresses that matter.

Councilman Schaffer moved to revise the Ordinance on Page 5, line 1, striking the word "may" and inserting "must" to be clear that criteria must be set by resolution. Seconded by Councilwoman Cunningham. The motion passed (4 to 1, Mayor Flinn voting in opposition.)

Mayor Flinn called the question for approval on the Ordinance, as modified. Following roll call vote, the matter passed unanimously.

13. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRAFFIC; AMENDING VILLAGE CODE CHAPTER 28, ARTICLE II, CONCERNING GOLF CART USE ON CERTAIN DESIGNATED STREETS OR ROADS, PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Councilman Tim Schaffer)

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

Clerk Alexander advised that there were no modifications from first reading. Attorney Lehtinen confirmed the legality.

Mayor Flinn opened the public hearing. No one wished to speak. The public hearing was closed.

The Ordinance was adopted by unanimous roll call vote (5-0.)

14. OTHER BUSINESS

- A. Mayor Eugene Flinn:
- a. Tallahassee legislative plan/priorities - discussion on status/action to date: Mayor Flinn stated that he would defer discussion on this topic.
 - b. Concession stand staffing - Coral Reef and Palmetto Bay Parks
Manager Silva advised that the Palmetto Bay Broncos were previously running the concession stand. Director of Parks and Recreation Fanny

Carmona noted that the Broncos had been asked to vacate the concession stand by April 30th. She noted that staff will be preparing a RFP for a vendor, or in the alternative, run the stand in-house.

Mayor Flinn noted that he would like to have the concession stand opened as soon as possible.

c. Sunday events at Thalatta

Mayor Flinn asked how many events are pending at Thalatta for Sundays. Director Carmona stated that some remain; however, the park is opened from 10 to 5.

Manager Silva added that the events are scheduled, but the Park will not close due to those events.

d. IBus - status/reliability of routes: Mayor Flinn noted that this matter was addressed by the Resolution.

e. Country Event: Mayor Flinn stated that the feedback was positive concerning the recent Country concert and commended Parks for doing a good job.

B. Councilwoman Karyn Cunningham – legislative update: Councilwoman Cunningham stated that she visited several representatives and also attended a Florida League of Cities lunch to discuss various bills. She noted that the meetings were very productive and the Village will be receiving stormwater funds. She stated that legislative items should be considered much earlier by the Council for the next legislative session.

C. Mayor Flinn asked the Council for concurrence to allow him to sign a letter of support for the articulated buses discussed during Commissioner Levine Cava's presentation. The Council concurred.

D. Vice Mayor DuBois asked the Clerk to advise the Council concerning the April 21 meeting.

E. Following brief discussion concerning the Council's schedule, it was determined that Councilman Schaffer's matter concerning "traffic calming initiatives" would be included on the Agenda for the May 18, 6 pm, Special Council Meeting.

15. COUNCIL COMMENTS

Vice Mayor DuBois suggested the Village's personnel manual include veteran's preference for Village hiring.

Vice Mayor DuBois asked for staff to provide information as to the increase in the reimbursement for council members' healthy insurance benefit from \$500 to \$1,000. He asked for information as to why the policy was changed.

16. NEXT MEETING AND ADJOURNMENT

The Meeting adjourned at 11:56 pm.

Prepared and submitted by:

*Meighan J. Alexander, CMC
Village Clerk*

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

Eugene Flinn, Mayor

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