

**VILLAGE OF PALMETTO BAY**  
**Minutes of the Special Council Meeting of August 18, 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 Edward Silva  
 Village Attorney Dexter W. Lehtinen  
 Village Clerk Meighan J. Alexander

Mayor Flinn called the meeting to order at 7:15 p.m. Mayor Flinn asked the Councilman Schaffer 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. REQUESTS, PETITIONS AND PUBLIC COMMENTS:** None at this time.
- 4. Presentations from vendors to assist the Village in the preparation of a Strategic Plan and discussion/selection of same**

Clerk Alexander advised that the vendors were chosen alphabetically to offer their presentations:

- A. Analytica: Herb Matlowe, Ph.D., principal, came forward and introduced his team (Jerry Wexelbaum and Henry Iler). He provided a brief explanation of the firm's history and experience.

Mayor Flinn asked Dr. Matlowe if the firm would be offering assistance with prioritizing the types of grants (State and Federal) that the Village should seek in order to have a successful outcome to the Village in accordance with the goals of the strategic plan.

Dr. Marlowe replied that strategic budgeting would be important in moving the community forward, which includes partnering with others. He stated that partnerships and networks are key. He explained the process by which the firm can assist with social media and public engagement. He also noted that the firm provides expertise in all areas of strategic planning.

Following brief comment, the Council agreed that questions would be asked of the firms throughout presentations and at the end of all four presentations.

Councilwoman Siegel Lara asked the one project that the firm felt added the most value to the community served and why. Dr. Marlowe replied that the work performed in the City of Deland, Florida, is that of which he is most proud. He stated that the work began in early 2000 and the strategic plan was completed. He explained that the city, like the rest of Florida, suffered when the economy suffered and the strategic plan prepared them for the challenges faced by all.

Councilwoman Siegel Lara asked what the firm feels is the key to insuring that Palmetto Bay community is given a representative voice in the process (not just the vocal minority). Dr. Marlowe stated that they use multiple methods, such as being proactive, visiting the restaurants and other meeting places, speaking to the locals. He stated that when they facilitate meetings, they insure that everyone is comfortable and that all are welcomed. He noted that they also reach out to organized groups that already have standard set meetings. Dr. Marlowe concluded that they listen to a variety of sources.

- B. Keith and Schnars: Mr. Earl Colachi, Chief Operating Officer, came forward to make his presentation. He introduced members of the firm.

Mayor Flinn asked for explanation as to how the Village can appropriately plan for the goals that will be defined in a future strategic plan. Vice Mayor DuBois added how the firm will seek grant funds that the Village may not be aware of.

Mr. Colachi stated that the firm would analyze the goals and assess what grant dollars may be available and how to be successful in receiving the grants. He explained that a time line would be created and the strategies would be ranked according to their viability.

Ms. Lowe stated that the firm would provide grant writing assistance to accomplish the various goals and advise the village as to the qualifications that would be required under each grant.

Councilwoman Cunningham stated that cost variables are listed on the firm's proposal, but she wanted to be sure she understood the exact cost.

Mr. Jim Caris replied that the firm would endeavor to provide the Village with solutions to the extent the Village wishes to seek them. For example, to what extent would the firm be meeting with the public? He stated that they attempted to respond to the proposal's language by providing a range of items, such as, input, public participation, and planning meetings, including a council retreat.

Councilman Schaffer expressed his approval with having residents provide their suggestions and returning to the council with a list of priorities and a list of items that people wish to see accomplished.

Mr. Caris expressed how the firm has had a great deal of success utilizing this method.

- C. Management Partners: Mr. Kevin Knutson came forward and described his firm's experience and qualifications.

Mr. Knutson explained that the firm is committed to representing the Village, providing guidance and working diligently on the surveying function.

Councilwoman Siegel Lara stated that she assumes the firm reviews information received in response to customer satisfaction surveys to modify the strategic plan. Mr. Knutson agreed, stating that this was done specifically with a police department in the past.

- D. Novak Company: Ms. Julia Novak, Principal, and Ms. Michelle Ferguson, Organizational Assessment Practice Leader came forward and described their firm's qualifications.

Councilwoman Siegel Lara asked how the firm insures the integrity of the results of their "meeting in a box". Ms. Novak advised that there may be the possibility of conducting a single focus-type of meeting and, in each case, they perform a full analysis and review the anomalies and respond.

The Council asked the firms to come into the Chambers for questioning.

Vice Mayor DuBois asked what would be the single criteria that the Village should take into account prior to selecting a firm.

- The Novak Company stated that the outcome, who can deliver, is the most important.
- Management Partners replied that the ability to translate the plan into action is the most important criteria.
- Keith & Schnars stated that the comprehensive nature of each step, the cohesiveness is most important.
- Analytica stated that the Village should choose the firm they are most comfortable with.

Councilwoman Cunningham asked the firms to describe a major roadblock they encountered.

- Analytica: the firm was hired to begin a strategic plan in St. Petersburg immediately following a race riot. He stated that tensions were high; however, they met with key strategic stakeholders who became the ambassadors for the firm and the City.
- Keith and Schnars: they received a call from a City that had received negative media coverage, and the community was very doubtful and suspicious.
- Management Partners: the firm was hired to perform a strategic plan just before an election, with the public unhappy with the current elected officials.
- The Novak Company: they were hired to perform a plan in a community that recently had a new council of different generations, three were young; two were elderly. She stated that there was a great deal of tension among the Council.

Councilman Schaffer asked the firms to tell him why their services are needed.

- Keith and Schnars: The firm considers themselves local and is well aware of what the community needs. He stated that the firm will provide a concise set of priorities that guides staff. He noted that they would provide quarterly “check in” to insure that the direction of the priorities is being followed.
- Management Partners: He noted that the process needs to be adopted by the staff and council, as it is only useful when the directors and front line staff embrace the priorities and direction created by the strategic plan.
- The Novak Company: She advised that the consultants are process experts, not content experts. She stated that as the facilitator of the process, they will listen and distill the information so that the ability to draw a consensus and build capacity is captured and there is a clear action plan of the steps.
- Analytica: He explained that the firm works on building consensus and the Council’s role will be to use that consensus.

Mayor Flinn asked how the firms intend to involve the advisory committees to best serve the strategic plan

- Management Partners: The advisory committees are part of the process and they will have a voice. The firm will ask them to provide influence.
- The Novak Company: The committees will be the foundation to provide input and legitimacy.
- Keith and Schnars: The committees will help the process be successful.
- Analytica: The firm explained that the committees will be part of the cadre of individuals that will help build this plan.

Councilwoman Siegel Lara asked what is embedded into the proposal to insure the sustainability of the plan.

- Management Partners: They will work with the executive team to make sure that they understand the goals of the plan.
- The Novak Company: The expectations, follow-up, and capacity are key to the sustainability.
- Analytica: The firm explained that regular review of the plan at staff level and council level will be key, as will setting a performance matrix.
- Keith and Schnars: The firm stated that the Council's decision on how to adopt the plan, either stand alone or with the comprehensive plan is key; deciding how often to review the plan; and, evaluating through an agenda report whether an item is on line with the strategic plan's goals.

Mayor Flinn asked whether the strategic plan would assist with branding.

- The Novak Company stated that the vision and process is the brand.
- Management Partners stated that the brand is the Village's promise- what the mission is about.
- Keith and Schnars replied that the firm employees a branding expert that will move together with the planning and act consistently with the strategies.
- Analytica noted that their job is to listen and promote the phrase that all appreciate.

Following Council discussion, the Council was informed by Attorney Lehtinen that Council is able to speak with staff, but not able to speak with vendors as the item remains under the cone of silence. He additionally advised that the written evaluations are public records and the rankings are guidelines, the Council is not bound by the rankings and can award the contract at will.

Councilwoman Siegel Lara moved to defer the selection to the September 8<sup>th</sup> Council Meeting. Seconded by Councilwoman Cunningham. All in favor.

## **B. 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 THE FISCAL YEAR 2014-2015 BUDGET; AMENDING ORDINANCE NUMBER 2014-06; AMENDING THE VILLAGE'S BUDGET FOR THE 2014-2015 FISCAL YEAR; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Manager Silva advised that there were no changes from first to second reading.

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

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

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

*Prepared and submitted by:*

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*Meighan J. Alexander, CMC  
Village Clerk*

*Approved by the Village Council on this \_\_\_\_ day of October, 2015.*

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*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 COUNCIL MEETING MINUTES**  
**Minutes of the Special Council Meeting of Tuesday, September 8, 2015**  
**First Budget Hearing**  
**Village Hall Chambers**  
**9705 E. 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 7:05 p.m. Mayor Flinn led the pledge of allegiance. He introduced the Scouts of Troop 314, who were earning their citizenship badges.

**2. VILLAGE MANAGER'S REPORT**

Manager Ed Silva provided staff report, reviewing the budget priorities.

Vice Mayor DuBois asked why new construction was listed as a negative number. Manager Silva explained that the building on the FPL property had been demolished, in addition to the large home that was demolished on the corner of 152 Street and SW 67 Avenue, which removes those properties from the tax rolls.

Manager Silva stated that administration is proposing a slight decrease in the tax rate, from 2.447 to 2.440. He noted that there is a slight decrease in the general fund revenues, as the utility taxes are based upon population and the Village's population has decreased slightly.

Manager Silva explained that the cost recovery in Parks is approximately 25% with most of that recovery coming from funds received for use of Thalatta Estate and the tennis program. He noted that without those funds, cost recovery would be approximately 4.5%. He advised that the Police Department accounts for approximately 49.7% of the expenditures. He reviewed each budget.

Vice Mayor DuBois asked if the reductions are from budgeted or actual. Manager Silva replied they are from budgeted.

Manager Silva provided an explanation of the reductions and increases in each department, advising that administration is proposing reducing expenditures by

approximately \$275,000, which will result in the first drop in the millage rate in over four years.

Councilwoman Siegel Lara asked the surplus at the end of this current fiscal year. Manager Silva advised there will be a surplus of over \$400,000.

Vice Mayor DuBois remarked that the estimated final budget has actually increased over \$900,000 from last year to this year. Manager Silva explained the special revenue fund and the special revenue funds. He reviewed the Council priorities from the Council's recent visioning session.

### 3. ORDINANCES FOR FIRST READING / PUBLIC HEARINGS REQUIRED

A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, OF MIAMI-DADE FLORIDA, ADOPTING THE MILLAGE RATE OF THE VILLAGE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2015, THROUGH SEPTEMBER 30, 2016, PURSUANT TO SECTION 200.065, FLORIDA STATUTES; PROVIDING FOR NOTICE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor DuBois moved the Ordinance forward. Seconded by Councilwoman Siegel Lara.

Clerk Alexander read the caption and Section 2, as follows: The Fiscal Year 2015-2016 operating millage rate for the Village of Palmetto Bay is 2.4400 mills, which is 4.96% greater than the rolled back rate of 2.3247 mills.

Vice Mayor DuBois moved to table the Millage Ordinance. Seconded by Councilwoman Cunningham. All voted in favor.

B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY OF MIAMI DADE COUNTY, FLORIDA, APPROVING AND ADOPTING THE BUDGET FOR THE VILLAGE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2016; PROVIDING FOR EXPENDITURE OF FUNDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor DuBois moved the Ordinance forward. Seconded by Councilwoman Siegel Lara.

Mayor Flinn opened the public hearing. The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace, and David Singer, 8360 SW 154 Terrace.

Mayor Flinn closed the public hearing.

Councilwoman Cunningham thanked the public speakers. She stated that the Council set a maximum millage; however, administration is proposing a decrease that amounts to approximately \$1.30. She remarked that she is in favor of lowering taxes; however, she is not in favor of increasing service fees for Parks in order to pay for the slight reduction. She noted that she had asked for information concerning the usage fees from neighboring cities in order to compare the fees. Councilwoman Cunningham asked the reason for the increase on page 14 and whether the increase was due to a new manner by which the village would communicate with residents. She asked how long the pilot program for after-school activities would be in place and what was the benchmark for success. She suggested administration significantly increase outreach to the community/businesses for sponsorship support for the increased level of Village events. Councilwoman Cunningham asked for an explanation concerning the business liaison position listed under the Village Manager and why that position was part-time. She suggested that a consultant may be better suited to be able to assist the Council for planning for the downtown area and the consultant should report to Community and Economic Development.

Councilman Schaffer stated that if the reduction of the millage rate will not be negatively affecting services, it would be difficult to vote against it. He noted that he understands that 65% of the people paying usage fees for rental of facilities are non-village residents.

Councilwoman Siegel Lara thanked staff for their diligence and transparency, with many workshops held during the summer. She expressed that the Council's direction to administration is clear: the purpose is to deliver value to the residents. She stated that she is in favor of the use of a dedicated resource to be focused on the future of our downtown area. Councilwoman Siegel Lara expressed that she is in favor of a tax cut; however, a reduction of .007 is not relevant to the residents. She stated that the administrative cost of implementing this change would be more than what is actually delivered. She concluded that tax cuts should be relevant, not just for optics.

Vice Mayor DuBois stated that last year's budget contained a figure in the Capital Improvements Program (CIP) of \$20,000,000 for a community center that was reduced to \$10,000,000. He had voted against the last year's budget due to that figure and now sees \$3.35 million for a wellness center and a building next to the tennis center that needs reconstruction. He stated that while he is in favor of reconstruction for the tennis center facility, he is unsure whether this is the same as a "wellness center". Vice Mayor DuBois remarked that he believes the Village needs a premiere tennis facility; however, he is uncertain whether this is being considered in the overall plan for the park. He opined that the multimodal center at \$9 million is something that the Council has not indicated their support of and would like further information. He stated that the reduction of the unrestricted funds from \$10.8 million to \$2 million is simply a transfer of the funds into different areas, which protects those funds. He noted that the \$2

million solar fund initiative is a good investment. Vice Mayor DuBois agreed that lowering the tax rate by .007 of a percent is insignificant, as the property taxes area rising by 2.7%.

Mayor Flinn expressed that staff is attempting to meet the needs of the Village's residents. However, he stated that the concession stand at Coral Reef Park needs to be opened as a community gathering place. He noted that the Village is not a business, but a community. Mayor Flinn opined that user fees are the only opportunity a non-resident has to contribute to the maintenance of our parks; parks do not profit from any program – everything is subsidized and should be. He asked staff to provide a reasonable park fee increase. He remarked that operation of a wellness center is expensive and the construction of this type of facility needs to be done with community input. He stated that he finds it difficult to believe that a wellness center will be run properly when the concession stand does not. Mayor Flinn stated that he, too, would like to see the business plan for the multimodal facility. He further remarked that he does not believe that \$2 million will be enough for the solar initiative. He expressed that the Village needs to move forward on the projects that have remained in the budget: sidewalks and bicycle lanes. He objected to the allocation provided for a Clock Tower in the triangle park, as he believes that project is of questionable value. Mayor Flinn suggested that more funds should be provided to the Police, stating that there should be police training for adults, as well, in addition to crime watch group. He stated that he is looking forward to the Village providing seniors' programs and additional youth programs, as well.

Councilwoman Cunningham asked for more information concerning the number of non-residents utilizing the parks and paying usage fees. She stated that she is not in favor of increasing fees.

Councilman Schaffer offered to schedule additional sunshine meetings with the Council members to discuss the budget one-on-one. He opined that good ideas must be targeted and placed in the budget; not to necessarily spend the funds, but to plan for the project.

Mayor Flinn stated that when a project is planned, there is a preconceived notion that the project will be completed.

Vice Mayor DuBois moved to remove two items: the wellness center funding and the multimodal center funding.

Mayor Flinn stated that the cost of operation of the wellness center and multimodal center must be provided to the Council. He reiterated that the concession stand at Coral Reef Park should be opened before planning for a wellness center.

Vice Mayor DuBois suggested a workshop be held to discuss the future of Coral Reef Park.

Manager Silva stated that the building at Coral Reef Park is not structurally sound and must be demolished regardless of what is built at the Park. He advised that the Business Partnership Liaison is an economic development position, something that an assistant manager would do to delve into the process of economic development of this village (hand in hand with downtown redevelopment.) He noted that the actual budget came in eight percent below what was budgeted last year; there will always be a difference, as budgeting will include items that do not occur or unanticipated need for funding. He explained that the previous figure of \$20 million for a wellness center was a "place holder" and the \$3.35 million is based upon a 13,000 to-15,000 square foot structure. Manager Silva noted that community centers result in substantial cost recovery levels. He concluded that the Village will be working on the tennis center, noting that the courts were resurfaced a year ago.

Mayor Flinn opined that a Wellness Center will bring in people and tennis courts will reduce green space.

Manager Silva stated that the cost of any of the projects will require 4/5 vote for a parks master plan amendment. He stated that the "place holder" must be in the budget in order for the project to move forward, if the votes are given. Mayor Flinn stated that the funds could be placed in a parks contingency fund.

Manager Silva stated that there is a need to have more baseball fields, as Chapman Field is closed currently and The Miracle Network is asking for a field. He explained that the Solar Initiative will bring funds back to the Village. He noted that while it is correct that there has been an increase of ad valorem taxes, utility taxes have decreased and there is legislative pressure at the state level to remove these funding sources altogether. Manager Silva stated that the business plan for the multimodal parking garage will be addressed at a future date and the multimodal will be addressed to the County during the meeting on September 16<sup>th</sup> wherein the GOB funds will be discussed.

Vice Mayor DuBois asked if the multimodal center will be fully funded by grants. Manager Silva stated that it would not be fully funded, but there will be grant dollars available.

Councilwoman Cunningham asked the status of programming for senior activities, as discussed with the representatives of East Ridge Retirement Home. Parks and Recreation Director Fanny Carmona stated that lectures and programs for active adults are planned.

Vice Mayor DuBois moved to modify the budget and remove the line item for the multimodal center. There was no second.

Vice Mayor DuBois moved to remove the line item for the Wellness Center. There was no second.

Mayor Flinn stated that he remains concerned with the lack of projections as to the “placeholder” items.

Following brief comments, Vice Mayor DuBois stated that he believes more information on the multimodal center is needed due to the allocation of \$9 million without explanation of anticipated grants. He opined that there also needs to be a clear plan concerning the Wellness Center, as he believes there needs to be a holistic approach for parks.

Councilman Schaffer remarked that the Village is only allocating funds toward projects that may or may not happen. He opined that the objective is to show the idea is earmarked. He stated that the County wants to see that the Village is moving forward with regard to working toward a GOB grant.

Councilwoman Siegel Lara stated that the strategic vision will be the guiding principal; and, while the earmark process is important, the Council should consider reducing the level to an item that all the Council is comfortable with. She suggested earmarking 25% toward the Wellness Center at this time.

Manager Silva stated that a master plan modification will be necessary, as will public workshops. He concluded that the project will take approximately two years.

Vice Mayor DuBois asked how much would be needed to be earmarked for this fiscal year. Manager Silva stated that he would return with that information on September 21.

Councilwoman Siegel Lara moved to budget no more than 25% of the existing number for both the community center and the multimodal center and return the remaining funds to the unassigned general fund balance. Councilwoman Cunningham seconded the motion.

Vice Mayor DuBois stated that the multimodal project is earmarked for \$9 million - \$2.6 million in capital and \$7 million in debt. He stated that with regard to the Wellness Center, \$2 million will be transferred in and the remainder would be bonded. He noted that the projects will take three years, but they are budgeted in this current year. He objected, as he stated he is unaware of the plan.

Councilwoman Siegel Lara withdrew her motion and moved to remove the Multimodal Center from the budget. Seconded by Vice Mayor DuBois. The motion passed 3 to 2 (Councilwoman Cunningham and Councilman Schaffer opposed.)

Attorney Lehtinen opined that as the Council has taken a significant position concerning the GOB Grant with the County; therefore, the removal of the item should not affect the grant. Manager Silva stated that as the grant is based upon the Village’s expenditure levels, the motion would threaten the grant.

The Council unanimously moved to approve the budget on first reading.

Councilwoman Siegel Lara moved to untable Item A. Seconded by Councilman Schaffer. All voted in favor.

Councilwoman Siegel Lara moved to return the millage rate to 2.447, amending Section 2. Seconded by Vice Mayor DuBois. All voted in favor. The motion passed (4 to 1, Councilman Schaffer opposed.)

4. **NEXT MEETING AND ADJOURNMENT:** The meeting adjourned at 9:37 pm.

*Prepared and submitted by:*

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*Meighan J. Alexander, CMC*  
*Village Clerk*

*Approved by the Village Council on this \_\_\_\_\_ day of October, 2015.*

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*Eugene Flinn, Mayor*

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**VILLAGE OF PALMETTO BAY**  
**Minutes of the Regular Council Meeting of September 8, 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 Edward Silva  
 Village Attorney Dexter W. Lehtinen  
 Village Clerk Meighan J. Alexander

Mayor Flinn called the meeting to order at 9:45 p.m. Mayor Flinn asked the Mr. Orestes Mayo 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**

Mayor Flinn recognized Orestes Mayo and asked him to come forward to discuss the Orchid Program.

Mr. Mayo came forward and introduced Dr. Carl Lewis of Fairchild Tropical Gardens and Mr. Daniel Mateo. Mr. Mayo explained the BioTech program at Richmond Heights High School that was formed in conjunction with Fairchild Tropical Gardens. Mr. Mayo stated that they would like to work with the student and the Village to install orchids throughout the Village, including having the students monitor the various orchids.

Mayor Flinn thanked the Vice Mayor for his involvement in this project. He stated that the Village's Garden Club would also appreciate being part of this effort.

Councilwoman Cunningham moved to take Item 10H out of order and hear it as the next item. Seconded Councilman Schaffer. All voted in favor.

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AN AGREEMENT WITH FAIRCHILD TROPICAL BOTANIC GARDEN TO PROVIDE ORCHIDS FOR PLANTING THROUGHOUT THE VILLAGE'S CANOPY; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT UP TO \$30,000; AND PROVIDING FOR AN EFFECTIVE DATE. (Administration)

Public Works Director Corrice Patterson provided staff report.

The Council unanimously voted in favor of this item. The Resolution passed.

Councilman Schaffer stated that he had asked the Clerk to pull Item 6C from the Consent Agenda in order to allow the representatives of the Deering Estate to be able to make a presentation.

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE DEERING ESTATE FOUNDATION AND THE USE OF PROPERTIES WITHIN THE PARK; PROVIDING FOR TRANSMITTAL TO THE STATE; PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Eugene Flinn].

Mr. Dave McDonald and Jennifer Tisthammer came forward, representing Deering Estate Foundation. They explained that with the donation of the Weeks property, the Deering Estate is the only biological field station in the southern end of the State. They expressed their appreciation the partnership and they want the Village's assistance in moving forward with a shovel ready project.

Councilman Schaffer moved to hear the appointments of the Youth Advisory Council out of order, as the next item. Seconded by Councilwoman Cunningham.

The following appointments were made:

Mayor Flinn made the following appointments:

Mark Merwitzer

Tatum Rivera

Charles Noguera

Councilwoman Cunningham appointed:

Jackson Ribler

Katie Signori

Councilman Schaffer appointed:  
Patrick Barber  
Alexander Santana

Councilwoman Siegel Lara appointed:  
Jacob Tisthammer  
Valentina Maldonado

Vice Mayor DuBois indicated that he would make appointments at a later date. Mayor Flinn stated that both gentlemen in the audience are members of the Civil Air Patrol and he would like the Civil Air Patrol's Honor Guard to perform the presentation of the colors at the State of the Village event.

**4. APPROVAL OF MINUTES**

- A. Minutes of the Special Council Meeting of June 16, 2015
- B. Minutes of the Special Council Meeting of June 24, 2015
- C. Minutes of the Regular Council Meeting of July 13, 2015
- D. Minutes of the Special Council Meeting of July 22, 2015

Vice Mayor DuBois moved to approve the Minutes, as submitted. Seconded by Councilwoman Siegel Lara. All voted in favor. The Minutes were approved unanimously.

- 5. REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Peter England, 7620 SW 171 Street; Steve Kreisher, 18201 SW 98 Avenue; David Singer, 8360 SW 154 Terrace; and Eric Tullberg, 7884 SW 179 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 \$14,711; AND PROVIDING AN EFFECTIVE DATE. (Village Attorney)
- B. 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 \$13,866; AND PROVIDING AN EFFECTIVE DATE. (Village Attorney)

The Council unanimously voted in favor of the Consent Agenda items.

(A short recess was taken.)

## 7. VILLAGE MANAGER'S REPORT

- A. Village Police Commander Report: Commander Gregory Truitt provided an update concerning the recent police activity in the Village. Mayor Flinn opined traffic congestion was not being taken seriously by the Police Commander. Commander Truitt replied that individuals are permitted to drive on roads, as long as they do not commit traffic violations, and that congestion does not constitute a violation of the law.

Mayor Flinn stated that the Council is making traffic calming a priority and all need to work together to formulate a plan on enforcement.

Councilwoman Siegel Lara stated that consideration of solving the traffic problem was consistent with the discussion held at the recent visioning session.

Mayor Flinn stated that a traffic analysis must be submitted at each Commander Report in the future.

Commander Truitt, as it was his last Council meeting, thanked all for the support of the Policing Unit, adding that he is not the leader, just the manager of the leaders. He thanked the Council for their support, adding that he loves Palmetto Bay and has been happy to have worked here for his last years. He recognized the two officers that passed, Randy Distefano and Ben Rawley, noting that these two gentlemen were outstanding, dedicated individuals. He concluded by thanking all for allowing him to serve Palmetto Bay for the last eight years.

- B. Update on Budget to Actuals: Finance Director Desmond Chin provided a 3<sup>rd</sup> Quarter Report.
- C. Update on Police Commander Search: Manager Silva advised that the search is being finalized and the next commander will be announced shortly.
- D. Update on GOB Bond

Manager Silva advised that \$29,000,000 in GOB funds has been approved by the County; however, \$35 million has not been approved due to changes made to various grant applications and modifications of the features of several grant applications. He stated that the next meeting of that Board shall be held on September 16<sup>th</sup>.

Councilwoman Siegel Lara asked if the Village has jeopardized the grant based upon the changes made to the funding of infrastructure projects at the Village's first budget hearing. Manager Silva stated that part of the Village's application included the multimodal center; therefore, removing that line item changes the parameters of the grant and staff will need to re-visit this with the County, which may put the grant in jeopardy.

Councilwoman Siegel Lara stated that she believed it was not the intention of the council to put the entire downtown project in jeopardy. Attorney Lehtinen stated that since that matter was technically a council matter, the Council could express the intent of the Council to continue that grant application and indicate so; and, upon the second reading of the budget, the Council may act as it deems appropriate. He further noted that the first reading is not final and the Council may wish to state the intent to restore the grant application.

Following brief discussion, Councilwoman Siegel Lara moved to confirm the Village's intent to restore the allocation on second reading, as necessary to restore the grant. Seconded by Councilwoman Cunningham.

Vice Mayor DuBois stated that the motion is incomplete, as the Council does not know the exact dollar amount of the grant funding that may be in jeopardy.

Attorney Lehtinen stated that the argument is reasonable; however, the motion is sufficient.

The motion passed (3-2, Mayor Flinn and Vice Mayor DuBois opposed.)

- E. Announcement of 1<sup>st</sup> Community Traffic Meeting: Manager Silva announced the community traffic meeting scheduled for September 10<sup>th</sup>.
  - F. Announcement of the August 2015 Volunteer of the Month Award (Tennis Program): Manager Silva announced that the Village's tennis professionals were awarded the Pro Tennis Volunteers of the Month by the USTA.
  - G. Calendar update (Village Clerk): Clerk Alexander provided a calendar update.
8. **VILLAGE ATTORNEY'S REPORT:** Attorney Lehtinen reported that he was available to answer any of the Council's questions.
9. **BOARD AND COMMITTEE REPORTS** - Minutes provided for Council's information, in lieu of verbal reports:
- A. Village Services Committee – verbal report by Councilwoman Siegel Lara: Councilwoman Siegel Lara reported that the Chairman Rex Lehman was selected and that the Village Attorney and Village Clerk provided information with regard

to the Sunshine Laws. She noted that the committee reviewed its specifications and is ready to meet again on October 1, 2015.

- B. Tree Board – Minutes of June 18, 2015
- C. Charter Revision Commission – Minutes of June 2, 2015, June 29, 2015, and July 30, 2015

## 10. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE DEERING ESTATE FOUNDATION AND THE USE OF PROPERTIES WITHIN THE PARK; PROVIDING FOR TRANSMITTAL TO THE STATE; PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Eugene Flinn]. (Taken from Consent and moved to Item 10A.

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

The Council unanimously moved to approve this Resolution. The Resolution passed.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COUNCIL/VILLAGE MANAGER EXPECTATIONS; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn) (deferred from July 13<sup>th</sup> Agenda)

Mayor Flinn moved to defer this matter. Seconded by Councilwoman Cunningham. All voted in favor. The matter will be placed on the Agenda for October 5<sup>th</sup>.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE ART-IN-PUBLIC PLACES (AIPP) PROGRAM, ACCEPTING THE RECOMMENDATION FROM THE AIPP ADVISORY BOARD TO APPROVE THE PUBLIC ART WORK ENTITLED “THALATTA” AS DESIGNED BY MICHAEL MCLAUGHLIN, TO INSTALL PUBLIC ART AT THALATTA PARK, LOCATED AT 17301 OLD CUTLER ROAD; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT NEGOTIATION TO PURCHASE THE PUBLIC ART WHICH SHALL BE PAID THROUGH THE ART-IN-PUBLIC PLACES FUND IN AN AMOUNT NOT TO EXCEED \$40,000; AND PROVIDING FOR AN EFFECTIVE DATE. (Administration) (deferred from July 13<sup>th</sup> Agenda)

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

Planning & Zoning Director Darby Delsalle advised that there was no further information from the last meeting.

Councilman Schaffer recalled that the item was deferred because the Council had no other options.

Director Delsalle stated that he has been working under the parameters of the current Request for Qualifications (RFQ) and if the Council would like to seek more bids, the process will have to begin again.

Councilwoman Siegel Lara proposed that the Council does not duplicate a secondary piece to a theme that the Village already has. She stated that the artist could prepare another rendition.

Mayor Flinn asked if the Art In Public Places Board vetted this item. Director Delsalle replied affirmatively. Mayor Flinn stated that art in subjective and Thalatta is not in compliance with the Village's art in public places ordinance.

Councilwoman Siegel Lara moved to ask the Art in Public Places to reconsider the variety of art pieces and provide information as to what they need for their budget. Seconded by Vice Mayor DuBois.

Mayor Flinn stated that the Council should be supportive of the committee and accept the recommendation of the committee.

Attorney Lehtinen asked if the motion was in place of the resolution or a separate resolution. Councilwoman Siegel Lara stated that the motion was in place of.

The motion carried (3 to 2, Councilman Schaffer and Mayor Flinn opposed.)

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; APPROVING THE SELECTION OF A FIRM TO PROVIDE PROFESSIONAL AUDITING SERVICES AND OTHER RELATED DUTIES TO THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT NEGOTIATIONS WITH TOP RANKED FIRM; PROVIDING AN EFFECTIVE DATE. (Council)

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

Director Chin read the ranking: Alberini -- 395 and GLSC -- 350 points.

Councilwoman Siegel Lara moved to amend the Resolution to include the firm's name: Alberni, Caballero & Fierman, LLP. All voted in favor.

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

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; APPROVING THE SELECTION OF A FIRM TO PROVIDE PROFESSIONAL CONSULTING SERVICES FOR A MULTI-YEAR STRATEGIC PLAN DEVELOPMENT; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT NEGOTIATIONS WITH THE SELECTED FIRM; AND PROVIDING FOR AN EFFECTIVE DATE. (Council)

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

Manager Silva provided staff report, noting that the ranking sheets indicated that the Novak Company received the highest points.

Councilman Schaffer objected to selecting a consultant, as he believes that staff can provide this service.

Councilwoman Cunningham stated that she is looking forward to getting this matter moving, as Council had agreed that this is an important step and needs to far reaching, not just internal. She stated that while the Novak Group was not her first choice, she believes a menu of services with a blended model of having staff do some of the function is ideal.

Councilwoman Siegel Lara concurred, stating that staff does not have the skills to reach out at the level of these facilitators, which is the most credible way of receiving community input.

Mayor Flinn asked if the Manager can negotiate a "cafeteria" contract. Attorney Lehtinen stated that he could, if the Council directs.

Following discussion, Attorney Lehtinen opined that Section 2 allows for the manager to be able to negotiate the contract as the Council directed.

Councilwoman Siegel Lara moved to amend the Resolution to include the Novak Group as the selected vendor. Seconded by Vice Mayor DuBois. The motion passed (4 to 1, Councilman Schaffer opposed.)

Mayor Flinn called the question to approve the amended Resolution. The Resolution passed (4 to 1, Councilman Schaffer opposed.)

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, APPROVING THE COUNCIL DISTRICT FUNDING POLICY; ESTABLISHING THE PROCEDURES GOVERNING SUCH POLICY; AND PROVIDING FOR AN EFFECTIVE DATE. (Administration)

Councilwoman Siegel Lara asked the Manager to defer this matter. Manager Silva concurred.

Councilwoman Siegel Lara moved to defer the item until October 5<sup>th</sup>. Seconded by Councilwoman Cunningham. All voted in favor.

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; ESTABLISHING A POLICY THAT THE ANNUAL LEGISLATIVE AGENDA CONTAIN ONLY ITEMS THAT HAVE A TIMELY AND DIRECT IMPACT ON THE VILLAGE OF PALMETTO BAY FOR THE UPCOMING LEGISLATIVE SESSION; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilwoman Larissa Siegel Lara)

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

Councilwoman Siegel Lara stated that following the update from the lobbyist at the recent visioning session, she believes it is important to have a succinct summary of the items the Village wishes to pursue due to the contentious legislative environment. She opined that asking for other entities and items that are not germane to the Village may delude the Village's request and the Village will not be successful in seeking legislative assistance.

Vice Mayor DuBois remarked that since the intent of this resolution is based upon the report given from the Village's State lobbyist, perhaps the Village should limit this intent to the State legislative agenda.

Vice Mayor DuBois moved to indicate the intention is for the State only. Seconded by Councilman Schaffer. All voted in favor.

Mayor Flinn called the question to approve the amended Resolution. The Resolution passed unanimously.

- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO APPLY AND ACCEPT A HIGHWAY BEAUTIFICATION GRANT, AND ENTER INTO A HIGHWAY BEAUTIFICATION COUNCIL GRANT, LANDSCAPE CONSTRUCTION, AND MAINTENANCE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; FURTHER AUTHORIZING THE VILLAGE MANAGER TO EXECUTE DOCUMENTS TO EFFECTUATE THE INTENT AND PURPOSE OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE. (Administration)

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

Director Patterson provided staff report. Councilwoman Siegel Lara asked if less money could be spent, if the Village were successful. Director Patterson explained that the Village must match at 50%.

Councilwoman Siegel Lara asked if the Tree City designation was a requirement. Director Patterson stated that the designation places the Village in a good position to receive the grant.

Mayor Flinn called the question to approve the Resolution. The Resolution passed unanimously.

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

**12. ORDINANCES FOR FIRST READING**

- A. AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE BORROWING OF MONEY AND THE INCURRENCE OF DEBT IN AN AMOUNT NOT TO EXCEED ONE MILLION THREE HUNDRED FIFTY THOUSAND DOLLARS (\$1,350,000.00), FOR THE PURPOSE OF REFINANCING ALL OR A PORTION OF AN OUTSTANDING LOAN PREVIOUSLY UNDERTAKEN FROM THE FLORIDA MUNICIPAL LOAN COUNCIL BY THE VILLAGE OF PALMETTO BAY, FLORIDA, DATED AS OF SEPTEMBER 1, 2005; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR AUTHORITY TO ENACT THE ORDINANCE; PROVIDING FOR AUTHORITY TO ISSUE A BOND, AS DESCRIBED HEREIN; PROVIDING FOR AUTHORIZATION OF THE VILLAGE MANAGER AND VILLAGE FINANCE DIRECTOR TO TAKE ALL ACTIONS NECESSARY IN ORDER TO REFINANCE SAID OUTSTANDING LOAN; REPEALING ALL ORDINANCES IN

CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Administration)

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

Director Chin provided staff report. He stated that the Ordinance would authorize the refinancing of the loan of the library bond.

Attorney Lehtinen added that it would not be new debt, but he opined that an Ordinance was required.

Mayor Flinn called the question to approve. The Ordinance passed on first reading unanimously (5-0.)

### **13. ORDINANCES FOR SECOND READING AND PUBLIC HEARING**

- A. AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE COUNCIL; CREATING THE PALMETTO BAY PARTNERSHIP ADVISORY COMMITTEE TO BE INCLUDED IN THE VILLAGE CODE OF ORDINANCES AS SECTION 2-74 OF CHAPTER 2, ARTICLE II, DIVISION 3; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn)

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

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

Councilwoman Siegel Lara remarked that it is important to populate this committee.

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

### **14. OTHER BUSINESS**

Councilman Schaffer moved to extend the meeting to 12:10. Seconded by Councilwoman Siegel Lara.

- A. Discussion regarding past Charter Amendment requiring Council approval for Department Heads (Vice Mayor DuBois)

Vice Mayor DuBois explained that the Charter reads that all department directors must be approved by council. He stated that the police commander position should also be approved by the Council. He stated that he would like to make a motion that the Council approve Lieutenant Gadyaces Serralta as the Police Commander.

Mayor Flinn objected, stating that the process is not complete and Lieutenant Serralta has not been interviewed.

Councilwoman Cunningham stated that while she feels comfortable with Lieutenant Serralta, this selection is similar to the selection of the Manager.

Mayor Flinn stated that he is uncertain as to whether or not he is a department head, as the position is a contract employee with Miami-Dade County.

Councilman Schaffer stated that he does not believe the Council should pick the Commander for Manager Silva, rather support his choice.

Councilwoman Siegel Lara asked the Attorney to state whether the Charter applies or not. Attorney Lehtinen opined that the Council would need to approve Manager Silva's appointment.

Manager Silva stated that Lieutenant Serralta was his top candidate and he would put forth his name at this time.

Mayor Flinn called the question. The selection of Lieutenant Serralta passed (4 to 1, Mayor Flinn opposed.)

Councilwoman Siegel Lara remarked that this Charter provision should be considered by the electorate, as it is not consistent with the current form of government. Vice Mayor DuBois concurred. Attorney Lehtinen stated that the Council may place this matter on the ballot.

**15. COUNCIL COMMENTS:** None at this time.

**16. NEXT MEETING AND ADJOURNMENT:** The meeting adjourned at 12:10 pm.

*Prepared and submitted by:*

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*Meighan J. Alexander, CMC*  
*Village Clerk*

*Approved by the Village Council on this \_\_\_\_\_ day of October, 2015.*

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*Eugene Flinn, Mayor*

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