

VILLAGE OF PALMETTO BAY
Minutes of the Special Council Meeting of October 19, 2015
Village Hall Chambers
9705 East Hibiscus Street

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

The meeting was called to order at 7:50 p.m.

The following members of the Village Council were present:

Mayor Eugene Flinn
Vice Mayor John DuBois
Council Member Tim Schaffer
Council Member Larissa Siegel Lara

The following members of staff were present:

Village Manager Edward Silva
Village Attorney Dexter Lehtinen
Village Clerk Meighan J. Alexander

Mayor Flinn asked Attorney Lehtinen 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:** Mr. Cesar Lastra, 8267 SW 128 Street, expressed his support of the Veterans' Park Advisory Committee.

4. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY; RELATING TO THE BOARDS AND AGENCIES; CREATING THE VETERAN'S PARK ADVISORY COMMITTEE; AND, PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn)

Manager Silva remarked that he was honored to have worked with the American Legion Post on this outstanding effort.

Mayor Flinn opined that many members of the community are excited about working on this program.

Manager Silva stated that he has the names of the individuals from the American Legion that wish to be part of this Committee and will provide them when the Committee is ready to begin its efforts.

Mayor Flinn stated that he would like Councilman Schaffer to be the liaison; however, he will also be meeting with the Committee.

Councilwoman Siegel Lara suggested modifying the Resolution to include recognition for first responders, as well. She moved to add the term "first responders" to lines 22 and 27. Councilman Schaffer and the Vice Mayor concurred.

Mayor Flinn stated that he would be in favor of the amendment. All voted in favor of the amendment. The motion carried (4 to 0.)

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; APPROVING THE TOPICS FOR THE 2016 STATE LEGISLATIVE AGENDA THAT SUPPORT THE PRIORITIES OF THE VILLAGE OF PALMETTO BAY FOR THE UPCOMING LEGISLATIVE SESSION; AND PROVIDING AN EFFECTIVE DATE.

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

Manager Silva advised that the utility relocation item is being heard by committee tomorrow.

Councilwoman Siegel Lara stated that she appreciates how the Resolution was organized; however, she believes Section 2 should be included with Section 5, in the "supportive" section.

Councilman Schaffer remarked that the lobbyist had advised the Village to not have more than two or three items on its legislative agenda. He suggested that the item concerning buying bayfront land is not a priority of the Village at this time.

Mayor Flinn remarked that Item 4 is actually two items and asked how the item concerning the environmentally sensitive Bayfront land project was included on the Agenda. He noted that it is important that projects be listed in order to be able to properly request funding. He stated that while there may not be money from the State for these items, the Village must ask. He stated that the Village

Council must support number 5 or be prepared for significant increase in traffic throughout the Village.

Councilwoman Siegel Lara stated that with regard to canal restoration funding, South Florida Water Management District remains State-funded and needs the Village's assistance to secure the necessary funding. She noted that while she agrees that issues concerning traffic are important, the Council must also heed the word of the lobbyists.

Mayor Flinn stated that the Council should consider approving the Resolution as is, and re-visit the items, as it is easier to remove items then it is to add items.

Councilwoman Siegel Lara moved to include a request for funding assistance to support the South Florida Water Management District for improvements to the C-100 canals.

Councilman Schaffer stated that with regard to the multimodal center, that project is tied to traffic, transit to "work, play, and live." He suggested combining items 3 and 5 to support bike pedestrian activity and transit/traffic.

Mayor Flinn remarked that item 1 should include funding assistance for the Village's downtown redevelopment area, including the construction of a multimodal center on publicly-owned land, funding assistance and partnership opportunities for projects that enhance mobility, partnership opportunities for interconnected lanes/bicycles, and a transportation approach to include light-rail.

Councilman Schaffer stated that he is opposed to number 2 and number 3. He stated that with regard to the Sunshine matter concerning youth advisory councils, this item may not be necessary in the Village's legislative agenda.

Vice Mayor DuBois remarked that he supports Item 5, as he believes it allows youth councils the ability to work together productively. He stated that with regard to the item concerning canal banks, he asked how South Florida Water Management District receives their funding. He remarked that he is reluctant to ask for funding for South Florida Water Management until the Village knows how much would be specifically spent within Palmetto Bay. Vice Mayor DuBois also stated that he does not believe a FRDAP grant application item should be part of the legislative agenda. He asked the revenue impact of HB215 and SB116.

Manager Silva stated that the Village is seeking funding for various projects, such as trails at Palmetto Bay Park and the restoration of basketball courts.

Vice Mayor DuBois asked why the Village would not seek the funding directly from the Florida Communities Trust.

Mayor Flinn stated that staff needs the FCT support and then asks the State to fully fund the items. He stated that an item on the list must be fully funded. He explained that synergy occurs; the State is the sole determinate as to how much funding an agency will receive.

Vice Mayor DuBois asked the dollar amount for the funding. Manager Silva replied that the Village has not made the request and the FCT application has not been completed.

Manager Silva advised that with regard to the House Bill, the Village receives a pro-rata share of what the county collects; he stated that he would provide the information to the Council when he receives the information.

Councilwoman Siegel Lara suggested that two separate resolutions may be more appropriate. She stated that it is important to be as general as possible, and comprehensive, as well.

Vice Mayor DuBois stated that the Council should consider deferring this matter to the next meeting and inviting the lobbyist to offer information.

Manager Silva stated that there is a committee meeting concerning infrastructure funding. Mayor Flinn stated that the proposed law concerning requiring local governments to bear the cost of utility relocations would damage the Village's ability to provide traffic calming or begin the downtown development infrastructure improvements.

Councilman Schaffer suggested that the Village Council pass a resolution expressing the Village's opposition. Vice Mayor DuBois moved to direct the lobbyist to oppose Senate Bill 416. Seconded by Councilwoman Siegel Lara. All voted in favor. The motion passed (4-0.)

Vice Mayor DuBois moved to defer the Resolution to the next meeting, November 2. Seconded by Councilman Schaffer. All voted in favor. The motion passed (4-0.)

5. ORDINANCES FOR FIRST READING AND PUBLIC HEARING

- A. AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, RELATING TO SECTION 30-50.21, "PUBLIC FACILITIES"; CREATING SECTION 30-50.21(a)(5); ALLOWING GOVERNMENT APPROVED FACILITIES TO PROCEED TO PERMITTING AND CONSTRUCTION DURING APPEAL, SUBJECT TO SPECIFIED CONDITIONS; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

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

Planning and Zoning Administrator Travis Kendall provided staff report.

Attorney Lehtinen advised that many communities allow for applicants to proceed, as government entities have the ability to modify and conform. He stated that this ordinance is appropriate.

Vice Mayor DuBois stated that he believes it would be fair to include private facilities, as well, to the extent that a private entity could provide an adequate bond.

Attorney Lehtinen suggested that staff could draft the suggested legislation; perhaps the Council could consider this Ordinance and then consider a modification in the future, which would include language concerning an appropriate bond. Vice Mayor DuBois concurred, as did Councilwoman Siegel Lara.

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

Attorney Lehtinen reported that the Alexander Montessori School has filed suit against the Village, asking for a declaratory judgment stating that the provision in the Village's Charter concerning private school expansion is unconstitutional. He provided the Council with an opinion from the Attorney General, which seems to bring the Village's charter provision into question. He stated that those individuals who had originally placed this matter in the Charter could intervene and defend it. Attorney Lehtinen stated that at some point the Council should direct his office to defend the case. He stated that it should be a relatively straight forward case: the Village would be served, then respond, and the School would move to summary judgment.

Mayor Flinn suggested that the Attorney meet with the Council to discuss further.

6. NEXT MEETING AND ADJOURNMENT

The meeting adjourned at 9:05 pm

Prepared and submitted by:



*Meghan J. Alexander, CMC
Village Clerk*

Approved by the Village Council on this 7th day of December, 2015.



Eugene Flinn, Mayor

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