

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of February 1, 2016
Village Hall Chambers
9705 East Hibiscus Street

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

The meeting was called to order at 7:10 p.m.

The following members of the Village Council were present:

Mayor Eugene Flinn
Vice Mayor John DuBois
Council Member Karyn Cunningham
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 the Brownies to lead the pledge. He and Councilwoman Cunningham asked Officer Frederico Lopez (a former elementary student of the Councilwoman's) to come forward and join the young ladies in leading 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. Brownies of Troop Girl Scout Troop 328 regarding water conservation: The Brownies came forward and provided a presentation regarding water conservation.
- B. Teachers of the Year and Rookie Teachers of the Year recognitions: Mayor Flinn, the Council, and Dr. Feldman provided each teacher with a certificate of recognition from the Village and a medal from the Miami-Dade County School Board.

- C. Presentation to Palmetto Senior High School PTSA – Color Run 2015: Mayor Flinn, Dr. Feldman, and the Council thanked all who participated in the event. Ms. Anna Hochhammer, President of the PTSA, and Principal Victoria Dobbs thanked the Council.

The meeting took a recess in order to convene the Local Planning Agency Meeting.

4. APPROVAL OF MINUTES

- A. Minutes of the Special Council Meeting of December 14, 2015 (6 pm meeting)
- B. Minutes of the Local Planning Agency Meeting of December 14, 2015
- C. Minutes of the Special Council Meeting of December 14, 2015
- D. Minutes of the Local Planning Agency Meeting of January 4, 2016
- E. Minutes of the Regular Council Meeting of January 4, 2016

Vice Mayor DuBois moved to approve the Minutes, as drafted. Seconded by Councilwoman Cunningham. All voted in favor.

- 5. REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Antao Chen, 8601 SW 140 Terrace; and Eric Tullberg.

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 \$15,417; 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 OFFICE EQUIPMENT; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A 36-MONTH LEASE AGREEMENT WITH RICOH USA, INC., FOR TWO MULTI-FUNCTION PHOTOCOPIERS, THROUGH UNIVERSITY OF SOUTH FLORIDA CONTRACT ITN# 9-13-G; AND PROVIDING FOR AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PUBLIC SERVICES FLEET OPERATIONAL EQUIPMENT; AUTHORIZING THE VILLAGE MANAGER TO PURCHASE A 2010 INTERNATIONAL 4300 BUCKET TRUCK-BOOM TRUCK FROM HOLLYWOOD KIA OF HOLLYWOOD, FLORIDA; AND FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND EXECUTE

AN AGREEMENT FOR THE EXPENDITURE OF BUDGETED FUNDS IN AN AMOUNT NOT TO EXCEED \$60,000; VEHICLE PURCHASE SHALL INCLUDE LICENSING AND REGISTRATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor DuBois moved to pull the item from Consent and hear in the Resolutions section of the Agenda. Seconded by Councilwoman Cunningham. All voted in favor (5-0.)

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CIVIL ENGINEERING DESIGN SERVICES FOR SAFE ROUTES TO SCHOOL (SRTS) INFRASTRUCTURE IMPROVEMENTS NEAR CORAL REEF ELEMENTARY SCHOOL AND PERRINE ELEMENTARY SCHOOL WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE A CONTRACT AGREEMENT WITH R.J. BEHAR, INC., A VILLAGE PRE-QUALIFIED CONTINUING SERVICES ENGINEER FOR CIVIL ENGINEERING SERVICES TO DESIGN (SRTS) INFRASTRUCTURE IMPROVEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Flinn called the question to approve the remaining Consent items. Items 6 A, B, and D were passed unanimously (5-0.)

7. VILLAGE MANAGER'S REPORT

A. Budget to Actuals

Finance Director Desmond Chin provided a report for the first Quarter Budget to Actuals. He reported that the Village has a surplus of \$2.6 million primarily due to receiving most of the expected ad valorem revenues. He noted that expenditures are 4% under budget, resulting in approximately \$570,000 of the surplus. He estimates \$47,000 surplus by the end of the budget year. He explained that the Village Attorney's budget is showing zero due to the invoice not being paid until the January 2016 cycle.

Mayor Flinn asked if all budgeted services are being delivered. Director Chin stated that some of the Village's larger expenditures occur later in the year, such as Summer Camp. He stated that ad valorem is "front loaded", which is why it is being represented at this time.

Councilman Schaffer asked if Director Chin can predict any issues that may affect revenues or expenditures. Director Chin replied that he did not foresee any issues.

Councilwoman Siegel Lara asked why Facilities Maintenance was significantly under budget. Director Chin stated that the savings is due to contractor fees not being required due to the new structure of the Department.

Councilwoman Cunningham asked if the vacancies will be filled, noting the Human Resources Department is under budget. Director Chin stated that the positions are in the process of being filled.

Manager Silva explained that staff is performing projects that were previously contracted; and, those type of initiatives result in cost savings.

Manager Silva stated that two more traffic calming workshops will be held in the near future and staff is working on a comprehensive village-wide traffic effort, which will be presented to the Council in the near future. Additionally, the Village will be planning Town Hall meetings with regard to master plan amendments for parks, which will be reflective of residents' input. He noted that he and Mayor Flinn had met with several community mayors concerning Light Rail Transportation. He reported that Miami-Dade County has voted to allow the Village's IBus to use the County busways. Manager Silva stated that the Village anticipates receiving the \$7.5 million grant from the County and will report to the Council as information is received. He announced that the Florida Department of Transportation has reported that a grantee has withdrawn from the recent grant cycle, which results in the Village's Highway Beautification grant being increased by \$32K.

Manager Silva stated that he had received phone calls from the representatives of the Veterans in Palmetto Bay concerning discussing the veterans' park. Clerk Alexander stated that the Administrative Advisory Committee has not been fully seated; therefore, the Veterans' Park Advisory Committee cannot be filled.

Manager Silva stated that Palmer Trinity had provided the three bicycle repair stations that were agreed upon and the School has asked that they be permitted to install a sign stating they donated this amenity.

Manager Silva stated that the Strategic Plan consultants would like to schedule community input meetings; and, staff would be working with the Consultants.

B. Village Police Commander Report: Lieutenant Maria Guerra came forward and presented an update concerning traffic enforcement and crime statistics.

C. Calendar update (Village Clerk): Clerk Alexander provided the calendar update.

8. **VILLAGE ATTORNEY'S REPORT:** Attorney Lehtinen provided an update concerning the Alexander Montessori School litigation, noting that the Village had responded to Interrogatories. He stated that he assumes the matter will not be a

contestable legal battle, but the Village did object to certain items, as they sought legal conclusions, rather than actual facts.

Attorney Lehtinen explained the difference between a Council person as a member of an Advisory Board and serving as a non-member liaison. He noted that a Resolution clarifying the matter was drafted for Council consideration.

Attorney Lehtinen explained that two “time sensitive” items are provided for consideration at this meeting: a Resolution concerning the Village’s opinion regarding Light Rail Transportation; and a Resolution confirming the installation of a score board at Coral Reef Park, seeking authorization for sponsorships.

Councilman Schaffer moved to add items 10E and 10F, as explained by the Village Attorney. Seconded by Councilwoman Cunningham. All voted in favor. The motion passed unanimously (5-0.)

9. BOARD AND COMMITTEE REPORTS - Minutes provided for Council’s information, in lieu of verbal reports:

- A. Education Advisory Committee – December 2, 2015
- B. Community Outreach Advisory Committee – December 9, 2015
- C. Village Services Committee – November 4, 2015: Members of the Committee: Mr. Eric Eikenberg, 8041 SW 182 Street, and Mr. Robert Buzzelli, 17140 SW 86 Avenue, came forward and advised that Council that the Committee met and were notified of an ordinance concerning fees in the Village. Mr. Eikenberg stated that significant discussion was held and a unanimous decision was made by the Committee, asking for the Council to delay second reading until the Village Services Committee can meet again to understand the fee structure. Mr. Buzzelli concurred, stating that the Committee would like the matter to be postponed.

10. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PALMETTO BAY PARK; RELATING TO THE PARKS MASTER PLAN; AMENDING THE ESTABLISHED PREFERENCE OF USE FOR THE FIELDS AT PALMETTO BAY PARK FROM PRIORITY USE WITH RIGHT OF FIRST REFUSAL TO EXCLUSIVITY FOR GIRLS’ SOFTBALL USE; PROVIDING AN EFFECTIVE DATE. (Sponsored by Vice Mayor John DuBois and Councilwoman Karyn Cunningham)

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

Councilwoman Siegel Lara asked if the Parks & Recreation Advisory Committee had provided input on this item.

Vice Mayor DuBois provided the history of the Palmetto Bay Park softball fields and how the fields were designated in 2009 for preferential use for girls' softball. He explained that this proposed Resolution would make the fields exclusive for the girls. He stated that Florida Representative Frank Artiles advised that funding would be available in the amount of \$250,000 if these fields were for use exclusively as all-girls softball fields. He noted that this funding may be an opportunity to make significant improvements at the Park using State funding. He concluded that there has not been a problem with boys needing to use the fields due to the fields at Coral Reef Park.

Councilwoman Cunningham stated that she co-sponsored the items, as this may provide a unique opportunity to set Palmetto Bay apart. She added that this Resolution will provide grant opportunities.

Councilwoman Siegel Lara asked if community input was provided.

Discussion ensued. Vice Mayor DuBois noted that this matter was not a modification to the master plan; therefore, a public hearing was not required. He added that this Resolution does not change the configuration of the park.

Councilwoman Siegel Lara stated that she is not opposed; however, the residents of District 3 have voiced concerns about the activities at Palmetto Bay Park. She asked why Coral Reef did not have this type of designation.

Vice Mayor DuBois there are nine fields within Palmetto Bay; three fields in Coral Reef Park. He stated that two of the fields in Coral Reef Park can be used for softball, and all of the six fields in Palmetto Bay Park can be used for softball.

Councilwoman Siegel Lara asked if approval of the Resolution would make Palmetto Bay eligible for the grant dollars and not risk losing other types of funding. Vice Mayor DuBois noted that the FRDAP funding was addressed during the 2009 resolution and he did not believe a state grant would conflict with any other state grants. He stated that if the grants did conflict with each other, the Village could address it at that time.

Mayor Flinn commented that Representative Artiles provided \$200,000 in the previous year's budget, which was vetoed last year. Vice Mayor DuBois committed to working to make certain that the matter would not be vetoed.

Mayor Flinn asked if the intent was to upgrade the six fields. Vice Mayor DuBois stated that he would leave that matter to the Committee and the Village would meet with Committees in advance of negotiating and accepting any grant.

Mayor Flinn noted that there were people in the audience who wished to be heard. The following individuals addressed the Council: Andy Gower, 13600 SW 73 Avenue; Tad Bower, 9375 SW 178 Terrace; Ben Barlow, 7840 SW 183 Terrace; and Victor Vincent, 14725 SW 79 Court.

Mayor Flinn remarked that the creation of Palmetto Bay Park was not without contention in the past; however, it has developed into a great park and it is important to insure that the girls continue to have a place to place. He concluded that this Resolution does not and is not intended to change the master plan; rather, it gives the fields to the girls, which was the intention from the beginning.

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

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ADVISORY COMMITTEES AND BOARDS; PROVIDING THAT MEMBERS OF THE VILLAGE COUNCIL WHO SERVE AS LIAISON TO ANY VILLAGE ADVISORY COMMITTEE OR BOARD ARE NOT MEMBERS OF SUCH ADVISORY COMMITTEE OR BOARD AND THE LIAISON SHALL NOT BE INCLUDED IN THE RECORDED ROLL CALL OF THE ADVISORY COMMITTEE OR BOARD; PROVIDING THAT PARTICIPATION IN ADVISORY COMMITTEE OR BOARD MEETINGS BY A MEMBER OF THE VILLAGE COUNCIL SERVING AS LIAISON SHALL BE GOVERNED BY THE SAME PRINCIPLES AND PROCEDURES WHICH OTHERWISE GOVERN PARTICIPATION BY MEMBERS OF THE PUBLIC; PROVIDING AN EFFECTIVE DATE (Sponsored by Village Attorney Lehtinen).

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

Attorney Lehtinen provided his report, explaining that this matter clarifies the understanding of what is defined as a member versus the definition of a liaison. He added that Councilmembers are not ex-officio members.

Mayor Flinn clarified that this Resolution would allow Council to communicate with the Boards. Attorney Lehtinen concurred, adding that the liaison cannot act as a liaison between two members of the same Board, but can speak to individual members outside of a public meeting.

Following brief discussion, Mayor Flinn called the question in favor of the Resolution. All voted in favor. The Resolution passed unanimously (5-0.)

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO

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CONTRACTS; TERMINATING THE AGREEMENT WITH NOVAK CONSULTING GROUP FOR THE DEVELOPMENT OF A MULTI-YEAR STRATEGIC PLAN; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Councilman Tim Schaffer.)

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

Councilman Schaffer expressed his displeasure with the process, stating that the scope of service was not crafted sufficiently in order to receive the results desired.

Vice Mayor DuBois stated that he does not believe that this matter should be performed by staff. He asked whether the deficiencies could be resolved through better communications between the consultant and staff.

Councilman Schaffer replied that he believes the problem is that the consultant is performing the job as defined by the scope of services, which is not sufficient. He stated that the Village has the information and staff has the ability to facilitate this effort.

Following brief discussion, Councilwoman Cunningham remarked that while she does not agree with all of Councilman Schaffer's statements, she believes that re-directing the vendor is appropriate. She stated that she was impressed with the environmental scan. She noted that she spoke with the consultant and believes the Village should move forward with the next steps.

Councilman Schaffer stated that the consultants had confirmed that they are unable to prepare the surveys as the Village wishes them to be prepared.

Manager Silva stated that there seemed to be miscommunication between staff and the Consultant, as the consultant had specifically asked for information to be downloaded from a website, which was later discovered to contain information outside the municipal boundaries.

Brief discussion ensued. Mayor Flinn called the question to approve the Resolution. The motion failed (1 to 4, Councilman Schaffer being in sole support.)

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PUBLIC SERVICES FLEET OPERATIONAL EQUIPMENT; AUTHORIZING THE VILLAGE MANAGER TO PURCHASE A 2010 INTERNATIONAL 4300 BUCKET TRUCK-BOOM TRUCK FROM HOLLYWOOD KIA OF HOLLYWOOD, FLORIDA; AND FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND EXECUTE AN AGREEMENT FOR THE EXPENDITURE OF BUDGETED FUNDS

IN AN AMOUNT NOT TO EXCEED \$60,000; VEHICLE PURCHASE SHALL INCLUDE LICENSING AND REGISTRATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilwoman Cunningham moved this item forward. Councilman Schaffer seconded.

Manager Silva provided staff report and explained that this equipment is “lightly used” and will assist with tree maintenance and right-of-way management. He explained that there is currently a grant in the amount of \$20,000 that will off-set some of the cost of this equipment.

Vice Mayor DuBois expressed that there is a discrepancy in the figures provided, as the caption should read \$40,000, since the grant will pay \$20,000. He stated that the hydraulic maintenance of this type of equipment is extensive and that he is not in favor of purchasing a piece of equipment that normally cost over \$150,000, as he is skeptical of its condition.

Mayor Flinn called the question to approve. The motion failed (1 to 4, Councilman Schaffer being in sole support.)

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE CORRESPONDENCE, JOINING ELECTED OFFICIALS OF SOUTH MIAMI-DADE COUNTY IN EXPRESSING SUPPORT FOR THE IMPLEMENTATION OF LIGHT-RAIL TRANSPORTATION; FURTHER REQUESTING THAT THE CURRENT CITIZENS’ INDEPENDENT TRANSPORTATION TRUST 2.0 ANALYSIS INCLUDE LIGHT-RAIL TRANSPORTATION; AND PROVIDING AN EFFECTIVE DATE (Sponsored by Mayor Eugene Flinn)

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

Mayor Flinn advised that while County buses need to be updated, the community must consider transit for the future, a “vibrant downtown” needs light rail that will get the cars off the road. He stated that he would like authorization to sign on to Representative McGhee’s effort.

Following brief discussion, Councilwoman Siegel Lara expressed that service is the most vital component, not simply the mode of transportation. She expressed her concern that the MPO will determine that there is opposition to the current transit system and not offer much needed improvements.

Mayor Flinn replied that Metrorail is full of riders and the MPO must recognize that the South Dade communities need to part of the conversation.

Vice Mayor DuBois stated that light rail is necessary for a successful downtown.

Councilwoman Cunningham expressed her full support, adding that there are several Bills in the State legislature currently to address this. She explained that the local delegation recognizes that a better, faster mode of transportation throughout South Dade and points west is necessary.

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

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS; APPROVING THE PURCHASE OF A SCOREBOARD FOR THE CORAL REEF PARK BASEBALL FIELDS FOR THE AMOUNT OF \$24,900; AUTHORIZING THE VILLAGE MANAGER TO SEEK SPONSORSHIP OPPORTUNITIES TO MITIGATE THE VILLAGE COST; AND PROVIDING AN EFFECTIVE DATE.

Manager Silva provided staff report. He stated that this project has been in process for almost two years and staff would like approval and authorization to actively find sponsorship opportunities to mitigate the cost of the scoreboard.

Mayor Flinn asked the cost of the six scoreboards at Palmetto Bay Park. Manager Silva stated there was sponsorship from a private company; the Village only paid for installation.

Vice Mayor DuBois remarked that he is not opposed, but wondered why it is time-sensitive. Manager Silva replied that there are sponsors interested.

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

11. RESOLUTIONS REQUIRING PUBLIC HEARING: None scheduled.

12. ORDINANCES FOR FIRST READING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING THE OFFICIAL ZONING MAP; CHANGING .98 ACRES (+/-), FROM E-1 ESTATE SINGLE FAMILY TO E-M ESTATE MODIFIED SINGLE FAMILY DISTRICT; FOR THE PROPERTY LOCATED AT 13650 SW 82ND COURT BEARING FOLIO 33-5022-000-0191, IN PALMETTO BAY, FLORIDA; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

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

Director Delsalle provided staff report. Attorney Lehtinen stated that this matter would be treated as a quasi-judicial matter on final passage.

Vice Mayor DuBois asked whether it would be appropriate to allow for the matter to be treated as quasi-judicial at this hearing. Mayor Flinn stated that the applicant could, in the future, come before the Council and seek to split the lot; and, at that time, the standard of review would be different.

Attorney Lehtinen explained that if the application changes the land use, it is advisable to give those who are presented to the Council the right to a quasi-judicial hearing. He suggested that it would be appropriate to allow someone to testify.

Vice Mayor DuBois noted that neighbors have not been given notice. He suggested that the matter be treated as if it were a zoning hearing, with posting and signage. Councilwoman Cunningham concurred.

Vice Mayor DuBois moved to defer the matter in order to provide a 30-day notice. Seconded by Councilwoman Siegel Lara.

Attorney Jerry Proctor, 1450 Brickell Avenue, as recognized, representing Harry Hollub who has a contract to purchase the property. He stated that the boundary change would align the property with the adjoining area. He noted that there are 36 days between tonight and second reading and he would prefer this matter be considered on first reading and conduct a public hearing for second.

Following discussion, Councilman Schaffer remarked that the application seems as if the request is not being made by a homeowner seeking the change; but, rather, the change being made for the benefit of a future development. Vice Mayor DuBois stated that the request is legal. Councilman Schaffer agreed, adding; however, that this is request is being made as part of a business transaction, not the homeowner seeking the matter.

Attorney Proctor remarked that it is common in a rezoning proceeding to have a transaction pending. The owner has been living on the property for over 40 years and now wishes to sell the parcel; however, the parcel is almost an acre, with all other neighbors having half-acre or less. He stated that the buyer wishes to build two homes.

Vice Mayor DuBois withdrew his previous motion.

Councilman Schaffer moved to defer the matter to the next Council meeting for first reading and post and notice the hearing as if it were a zoning hearing. Seconded by Councilwoman Siegel Lara.

Vice Mayor DuBois asked if Councilman Schaffer intends to have a public hearing on first and second reading. Councilman Schaffer said he would, if the matter passes on first reading. Councilwoman Siegel Lara clarified the intent is notice and treat this matter as if it were a zoning matter before the first public hearing occurs. The motion passed unanimously (5-0.)

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING AGENCY, RELATING TO A LARGE SCALE AMENDMENT OF THE FUTURE LAND USE MAP (FLUM) CONSISTENT WITH 163.3161 AND 163.3184, FLORIDA STATUTES; CHANGING THE LAND USE DESIGNATION OF CERTAIN LANDS WITHIN THE DOWNTOWN AREA OF THE VILLAGE OF PALMETTO BAY, AS FURTHER DESCRIBED AT ATTACHMENT A, FROM LOW DENSITY RESIDENTIAL, LOW MEDIUM RESIDENTIAL, AND MEDIUM RESIDENTIAL MEDIUM, TO FRANJO ACTIVITY CENTER (FAC); AND AMENDING THE VILLAGE'S COMPREHENSIVE PLAN'S LAND USE CATEGORY, FAC; ADJUSTING THE NUMBER OF UNITS PERMITTED WITHIN THE FAC FROM 5,389 TO 5,661; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

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

Director Delsalle provided staff report.

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

Mayor Flinn called the question to approve. All voted in favor. The matter passed on first reading (5-0.)

- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING SECTION 30-50.23, ENTITLED "DOWNTOWN URBAN VILLAGE", TO INCLUDE THE AMENDED PAGES AT ATTACHMENT A; AND AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING OF THOSE LANDS EFFECTED AS DESCRIBED AT ATTACHMENT B, FROM AG, AGRICULTURAL DISTRICT; R-1, SINGLE FAMILY DISTRICT; R-2; TWO FAMILY RESIDENTIAL, R-3M APARTMENT DISTRICT; R-4L, LIMITED APARTMENT DISTRICT; AND I, INTERIM DISTRICT; TO DOWNTOWN URBAN VILLAGE DISTRICT; IN PALMETTO BAY, FLORIDA; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

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

Director Delsalle provided staff report.

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

Mayor Flinn called the question to approve. All voted in favor. The matter passed on first reading (5-0.)

- D. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, PERTAINING TO THE VILLAGE'S PARTICIPATION IN THE COMMUNITY RATING SYSTEM, "CRS"; ADDING REQUIRED ELEMENTS AND PROVIDING FOR OTHER ELEMENTS THAT MAY HAVE THE NET EFFECT OF LOWERING FLOOD INSURANCE PREMIUMS FOR THE RESIDENTS OF PALMETTO BAY; AMENDING, PURSUANT TO SECTION 30-30.7(b), SECTION 30-100.6, ENTITLED "FLOODPLAIN MANAGEMENT REGULATIONS" OF THE VILLAGE'S LAND DEVELOPMENT REGULATIONS; AND AMENDING, PURSUANT TO SECTION 553.73(5) OF THE FLORIDA BUILDING CODE, LOCAL ADMINISTRATIVE AND LOCAL TECHNICAL PROVISIONS OF THE FLORIDA BUILDING CODE PERTAINING TO THE DESIGN AND CONSTRUCTION OF BUILDINGS AND STRUCTURES IN FLOOD HAZARD AREAS; PROVIDING FOR ORDINANCES IN CONFLICT, REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Director Delsalle provided staff report. He explained that this Ordinance is related to the Village's efforts to participate in the CRS to bring down the flood insurance rates of Village residents. He noted that staff incorporated the language from the freeboard ordinance into this item; therefore, staff would be withdrawing the second ordinance.

Vice Mayor DuBois asked if the language was revised from two feet to one foot on the freeboard standard.

Director Delsalle advised that language was included so that the flood plain measurement could be properly made.

Mayor Flinn called the question to approve. All voted in favor. The matter passed on first reading (5-0.)

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 PARKS AND

RECREATION; AMENDING CHAPTER 20, ARTICLE 1, OF THE VILLAGE'S CODE OF ORDINANCE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. (Sponsored by Councilwoman Karyn Cunningham)

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

Councilwoman Cunningham stated that she will defer this item to the March meeting. She asked that staff be present at the Village Services Advisory Meeting on February 3rd to discuss the parks fees with the committee. She asked for the memorandum given to her by the Manager be provided so that the Committee will have a clear understanding of the cost of parks operation. She stated that she would like the Committee to review the parks fee structure, as she believes the \$13,000 roll-back is a small amount when you consider the enjoyment of parks for all.

Councilwoman Cunningham moved to defer the item to March. Seconded by Councilman Schaffer. All voted in favor (5-0.)

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SECTION 30-100.6, FLOODPLAIN MANAGEMENT REGULATIONS; ESTABLISHING A FREEBOARD STANDARD ABOVE THE ESTABLISHED FLOOD ELEVATION; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

The matter died, as no one from the Council wished to move it forward.

- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING AGENCY, RELATING TO THE VILLAGE'S COMPREHENSIVE PLAN; AMENDING THE COASTAL MANAGEMENT ELEMENT BY ADDING POLICY 5.4.5 TO PROVIDE LANGUAGE ADOPTING THE STATE OF FLORIDA COASTAL HIGH HAZARD AREA MAP; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Director Delsalle explained that this matter was heard at the Local Planning Agency meeting, just previous to this meeting.

Councilwoman Siegel Lara moved to incorporate staff's report, all documents, and the testimony heard at public hearing. Councilman Schaffer seconded the matter.

Mayor Flinn opened the public hearing: Eric Tullberg, 7884 SW 179 Terrace, stated that one foot above flood plain was reasonable and it seems to be what others municipalities have.

Councilwoman Siegel Lara commented that Mr. Tullberg's concern was regarding the last ordinance, which died for lack of second.

Mayor Flinn closed public hearing.

The matter passed unanimously (5-0) via roll call vote.

14. OTHER BUSINESS

Vice Mayor DuBois stated that he would seeking to "have standing" as an individual and will be attending a hearing concerning a zoning matter in Cutler Bay. He stated that he would have to abstain from voting on the matter, if it comes before the Council.

Councilwoman Cunningham advised that she had met with Mayor Flinn in a Sunshine meeting and discussed the Agenda and procedures of the Council. She suggested the matter be addressed at a Committee of the Whole meeting. Mayor Flinn concurred that the procedure ordinance, as it exists, needs to be reviewed. Councilwoman Siegel Lara suggested moving the Village Manager's report to be heard prior to the Consent Agenda, so that he may explain some of the items prior to the vote. She added that she would not be available for February 17th (the standing date for the Committee of the Whole meeting.)

Councilwoman Cunningham reported that there is State Bill being heard tomorrow concerning Styrofoam. She noted that HB 7007 is opposed by the Florida League of Cities; and if it passes, the Bill would prevent a community from banning Styrofoam products.

Mayor Flinn stated that a resident of Cutler Bay had asked him to consider Palmetto Bay becoming a party in the zoning matter (mentioned by Vice Mayor DuBois.) The Council concurred to agenda the matter for March.

15. COUNCIL COMMENTS

Councilman Schaffer thanked Public Works and the Parks Department for their excellent service at the recent Miracle League and Palmetto High Blue and White game, which resulted in a successful event.

Councilwoman Cunningham echoed Councilman Schaffer's statement, adding that the only recommendation would be to have a golf cart available to help some of the Miracle

League players travel over the grassy areas. She announced the February 28th Bows & Bow Ties 5K to benefit Samantha's Purpose, bringing awareness to Cerebral Palsy.

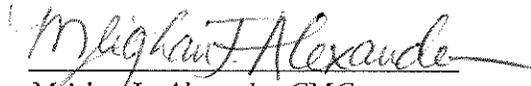
Mayor Flinn noted that he will be running in the February 28th event and is pleased with the community events.

Attorney Lehtinen announced the Attorney Claudio Riedi would be present at the February 16th Special Council meeting.

16. NEXT MEETING AND ADJOURNMENT

The meeting adjourned at 10:50 pm.

Prepared and submitted by:


Meighan J. Alexander, CMC
Village Clerk

Approved by the Village Council on this 7th day of March, 2016.


Eugene Flinn, Mayor

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