

**VILLAGE OF PALMETTO BAY**  
**Minutes of the Regular Council Meeting of May 4, 2015**  
**Village Hall Chambers**  
**9705 East Hibiscus Street**

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

Mayor Eugene Flinn  
Council Member Katryn Cunningham  
Council Member Tim Schaffer  
Council Member Larissa Siegel Lara

Staff present:  
Village Manager Ron E. Williams  
Village Attorney Dexter W. Lehtinen  
Village Clerk Meighan J. Alexander

Mayor Flinn called the meeting to order at 7:45 p.m. He led the pledge of allegiance.

- 2. DECORUM STATEMENT:** Any person making impertinent or slanderous remarks, or who becomes boisterous, while addressing the Council may be barred from further appearance before the Council by the Mayor, unless permission to continue or again address the Council is granted by a majority vote of the Council. Applauding speakers shall be discouraged. Heckling or verbal outbursts in support or opposition to a speaker, or his or her remarks, shall be prohibited. No signs or placards shall be allowed in the Council meeting. Persons exiting the Council meeting shall do so quietly. All cellular telephones and beepers are to be silenced during the meeting.

**3. PROCLAMATIONS, AWARDS, PRESENTATIONS**

- A. Teacher Appreciation Week – Susan Sirota and Noel Schael: Mayor Flinn and the members of the Council thanked Ms. Susan Sirota, representing Coral Reef Elementary, and Ms. Noel Schael, representing Palmer Trinity School, for their dedication to teaching.
- B. City of Coral Gables Police Lieutenant Bart Barta and Interim Chief Ed Hudak provided a presentation concerning the Wallet Card program that identifies teenagers and adults with Autism Spectrum Disorder. Lieutenant Barta offered a sample of the card to the Council and explained that information concerning this program may be found on the City of Coral Gables' website and the Disability Interest Group's site at [www.justdigit.org](http://www.justdigit.org).

Councilwoman Cunningham thanked the gentlemen and stated that she would like staff to follow up concerning the viability of this program within Palmetto Bay and County wide.

Mayor Flinn remarked that this program should be coordinated through the Miami-Dade County Public School system, as well. He suggested that the Village's Education Compact may need to be amended to include this information.

Councilman Schaffer suggested that the gentlemen coordinate this effort through the local hospitals, as well.

Palmetto Bay Policing Unit Commander Gregory Truitt thanked Coral Gables for their efforts and also thanked Councilwoman Cunningham for bringing this matter to the Village's attention.

C. PACE/YGreene Presentation

Planning & Zoning Director Darby Delsalle introduced Joe Spector of YGreene to discuss the PACE (Property Assessed Clean Energy) program.

Mr. Spector reviewed the history of the program and explained the financing. He explained the program and explained how municipalities finance green building matters, which is paid back through an assessment on the property's tax bill. He reiterated that the assessment is on the property, not levied on other residents. He explained that 83 projects are pending in Palmetto Bay.

Mayor Flinn recalled that he had worked with former Cutler Bay Mayor Paul Vrooman in the past to initiate this program; however, he stated that he believed the growth figures were not correct. Manager Silva stated that staff is currently assessing the details that YGreene had provided. He thanked Mayor Flinn for providing this information.

Mayor Flinn stated that he had recently attended a Green Corridor Board of Directors meeting and realized that the Village Council had not previously received any information concerning this effort. He remarked that it is important for Council members to share information when they agree to serve on a Board.

Councilman Schaffer confirmed that he had not received any information in the two years that he had been serving on the Council. Director Delsalle stated that information had not been provided to staff. Mayor Flinn noted that he had asked for information to be forwarded to the Clerk, so that she could provide the documents to the Council.

Councilwoman Cunningham asked how a property owner insures that a contractor is certified by PACE or YGreene. Mr. Spector stated that the information is available on his company's website. Councilwoman Cunningham suggested holding a public workshop to inform residents. Mayor Flinn concurred, adding that there should be an annual workshop, minimally.

Councilman Schaffer remarked that it appears as if the Village acts as the collection agency for the lender. Director Delsalle remarked that if a homeowner sells their property, the assessment follows the property. Councilman Schaffer asked what occurs if there is a default. Director Delsalle stated that default collection would be handled through the PACE Taxing District and does not affect the Village's revenue stream.

Councilwoman Siegel Lara asked if the Village has any responsibility for properly permitting, through a certified YGreene contractor, these types of improvements. Mr. Spector stated that the responsibility is the same as today - a Village inspector reviews the work performed.

Mayor Flinn asked how a homeowner can be certain that the work is compliant with the code. Mr. Spector stated that the contractor is pre-qualified by YGreene; and, when a permit is pulled, it is uploaded into YGreene's system.

Councilwoman Siegel Lara asked if YGreene approves the permit. Mr. Spector stated that they only review the permit to insure that the work being done is qualified under the guidelines of the PACE program.

Councilwoman Siegel Lara asked what "checks and balances" are in place. Manager Silva replied that the Village is currently working on cross-referencing the information to make certain that the fees are appropriate. He explained that communication between the Village and YGreene was not in place before, but it will be from now on.

Councilwoman Siegel Lara stated that she would be interested in receiving more information about the assessment default rates. Mayor Flinn reiterated that a workshop for this program is necessary in order to answer many questions, as the Council and the public have not been properly informed.

Mr. Spector stated that he is in the process of scheduling a May meeting for the Board. Mayor Flinn remarked that no one, individually, on the Council has the authority to make decisions on behalf of the Village. Attorney Lehtinen concurred.

Mr. Spector stated that the administrative staff of YGreene is at the Village's disposal and will attend meetings or conduct workshop as directed.

3. **REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Caesar Lastra, 8267 SW 122 Street; Peter England, 7620 SW 171 Street; Beatriz Herrman, 17251 SW 86 Avenue; Lisa Greenberg, 6905 SW 142 Terrace; Gary Pastorella, 6940 SW 142 Terrace; and, James McGhee, 8621 SW 142 Street.

**4. APPROVAL OF MINUTES**

- A. Minutes of the Special Council Meeting of March 16, 2015
- B. Minutes of the Regular Council Meeting of April 6, 2015

Councilman Schaffer moved to approve the Minutes, as submitted. Seconded by Councilwoman Siegel Lara. All voted in favor. The Minutes were approved (4-0.)

**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 \$11,546; 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 GIS SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXERCISE THE FIRST EXTENSION CLAUSE OF THE CONTRACT WITH ROSS GIS CONSULTING, INC., FOR A ONE (1) YEAR PERIOD, AT AN ESTIMATED COST OF \$14,000; AND PROVIDING AN EFFECTIVE DATE. (Administration)
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL MASTER SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXERCISE THE FIRST EXTENSION CLAUSE OF THE CONTRACT WITH RICHARD L. DOODY, ESQ., FOR A PERIOD OF ONE (1) YEAR, AT AN ESTIMATED ANNUAL COST OF \$9,000; AND PROVIDING AN EFFECTIVE DATE. (Administration)

Councilwoman Siegel Lara moved to approve the Consent Agenda items. Seconded by Councilman Schaffer. All voted in favor. The Resolutions were approved unanimously (4-0.)

**7. VILLAGE MANAGER'S REPORT**

- A. Request for Qualifications/Proposals – External Auditors: Manager Silva advised the Council that staff is seeking proposals and, in accordance with State law, the Village Council will be the selection committee.
- B. Second Quarter Budget to Actuals: Finance Director Desmond Chin provided a report. He advised that the Village has collected \$2,453,665 in the second quarter and \$7,947,755 year to date, which is 54.51% of the adopted budget. He

further explained that operating expenditures are \$3,463,683 and \$6,340,002 year to date, or 43.49% of the adopted budget. Director Chin explained that Thalatta rentals are doing well, resulting in collections of \$186,655, which is 196% over budget. Total Revenues contributed approximately \$657,989 to the year to date operating surplus.

Director Chin announced that revenue collections are trending high, with the State average showing an increase of approximately 3-10% from the adopted estimates, which could result in a surplus of \$10,352. He further noted that the Building department had second quarter revenues of approximately 66.23% over the anticipated amount. He advised that the Building Department currently has an operating surplus of \$126,732.

Councilman Schaffer noted that there was an increase in the park rentals, as depicted on the report. Director Chin stated that certain items are included as part of a larger line item, like Thalatta Park.

Councilman Schaffer asked if \$1.4 million remains due from the transportation line item. Director Chin noted that the funds have been allocated from fund balance; and, if the revenue trends continue, the Village will not have to utilize those funds. Councilman Schaffer asked if Director Chin was aware of anything in the future that may adversely affect the revenues or the expenses. Director Chin stated that he is not aware of any pending matter.

Councilwoman Siegel Lara directed staff to provide an activity-based analysis report. She stated that the figures should contain an explanation as to why certain budgets are not met, as projected. She added that the numbers should be explained in a substantive fashion.

- C. Discussion concerning library bond refinancing: Councilwoman Cunningham noted that there are two bonds in the Village and wondered whether it is possible to refinance the terms. Director Chin explained that the 2010 Village Hall bond won't be due for refinance until 2020. He stated that the street sign loan's refinance terms are not favorable. He added that the street sign loan is funded through Public Works and if the Village attempted to refinance, the term of the loan would be extended; and, currently, only two years remain on that loan.

Manager Silva advised that he would be having individual meetings with the members of the Council prior to the scheduled Budget Workshop. Mayor Flinn stated that he is in favor of having separate meetings, but the Council needs to be prepared to have several public meetings, as well.

- D. Village Police Commander Report: Policing Unit Commander Major Gregory Truitt provided an update to the Council.

Councilwoman Cunningham remarked that she would like to coordinate a meeting with the representatives of Miami-Dade County Public Schools and the

Commander to discuss the school buses that have been driving through residential neighborhoods needlessly.

Commander Truitt stated that while he would be happy to attend, the Police Department is unable to prevent a bus from driving through residential streets.

Mayor Flinn suggested that the Education Advisory Committee discuss this matter and work with Miami-Dade County Public School's policy. He added that he is hopeful that the Council will support several capital projects that he will suggest be included in next year's budget, such as traffic trailers and other useful tools for the Police. He thanked Public Works for working with the Police Department to assist with traffic mitigation.

Commander Truitt thanked Public Works Director Corrice Patterson and her staff for their assistance.

- E. Strategic Plan Update: Manager Silva stated that while a cone of silence is in place, the procurement solicitation for a professional to assist with the creation of the strategic plan is scheduled for May 28<sup>th</sup> and staff may need a special Council Meeting on June 17<sup>th</sup> for this matter.

Manager Silva provided several updates:

- The Village had received approval concerning the County Economic Development Grant and staff has submitted a grant for recreation trail improvements at Coral Reef Park.
- Staff will be attending a customer service training session.
- The Village expects a response to its FEMA rating program in the near future; and, staff is hopeful that a 20-45% reduction from homeowners' premiums could be possible.
- Staff shall be submitting the commercial corridor landscaping recommendations to the Tree Board in the future, and the majority of business owners have indicated their approval.

Parks and Recreation Director Fanny Carmona provided a recap of the Earth Week events.

Mayor Flinn stated that he was appreciative of the recent public workshop held concerning grants; however, he advised the Manager that all future grants should receive Council approval prior to submission. Councilwoman Cunningham concurred with Mayor Flinn, adding that the meetings should be held at times when the public can attend (after work).

Councilman Schaffer stated that he believed an outside firm may not be necessary in order to draft a Strategic Plan. He suggested that the Village has staff members capable of preparing this type of document and he has not been

impressed by the reports prepared for other municipalities. He reiterated his confidence in staff.

Councilwoman Cunningham stated that she believes reaching out to stakeholders through the proper preparation of a survey is critical to the Strategic Plan. Mayor Flinn remarked that the Councilman may wish to see what responses are received prior to deciding whether this is something that staff could undertake.

Attorney Lehtinen remarked that the opening of a procurement solicitation does not require the Council to select any of the proposals or move forward with any action.

F. Calendar update: The Village Clerk provided an update concerning the calendar of events and meetings.

8. **VILLAGE ATTORNEY'S REPORT:** Attorney Lehtinen advised that he will be attending a mediation concerning the Fire Department location. He stated that some issues raised by the Plaintiff concern better shrubbery or trees (acting as buffer). He explained that as the station is a life safety issue, he believes the matter will move quickly.

Attorney Lehtinen provided an explanation concerning appointments of members to the Charter Revision Commission. He advised that while this Commission is tasked with offering recommendations to the Village Council, it is incorrect to interpret that the Commission's recommendations must be accepted by the Village Council and must be placed on the ballot. He opined that to do so would result in an unconstitutional delegation of the Council's authority. He noted that the Courts have also interpreted the word, "shall" means, "may", if the word conflicts with other provisions.

Mayor Flinn asked Attorney Lehtinen to confirm that he had provided the Mayor with a memorandum that states that the Council may appoint who they want to Boards and Committees without consensus of the Council; therefore, the Council may simply submit the names and not utilize a formal resolution. Attorney Lehtinen concurred, adding that he had informed the Village Clerk, as he believes the Council has the full authority to appoint, and a Resolution is misleading in this matter.

9. **BOARD AND COMMITTEE REPORTS:** The Council directed the Village Clerk to have the Tree Advisory Board come to the next meeting to discuss the US-1 landscaping proposal.

10. **RESOLUTIONS**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, CERTIFYING AND DECLARING THE RESULTS OF THE SPECIAL ELECTION OF APRIL 21, 2015; AND PROVIDING AN EFFECTIVE DATE. (Village Clerk)

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

Village Clerk Alexander provided information concerning the results of the Special Election.

Councilman Schaffer moved to approve the Resolution. Seconded by Councilwoman Siegel Lara. All voted in favor. The Resolution passed unanimously (4 to 0).

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BOARDS AND AGENCIES; APPOINTING MEMBERS TO THE CHARTER REVISION COMMISSION; PROVIDING AN EFFECTIVE DATE. (Council)

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

Mayor Flinn stated that due to Attorney Lehtinen's opinion, the Council may wish to have the Clerk simply announce the appointments. The Council concurred.

Clerk Alexander announced the appointments, as follows (although the Vice Mayor was absent, he had emailed his appointment to the Clerk):

Mayor Flinn: David Zisman  
Vice Mayor DuBois: Patrick Fiore  
Councilwoman Cunningham: John Quick  
Councilman Schaffer: Fidel Barretto  
Councilwoman Siegel Lara: George Hoffman

Mayor Flinn announced that Vice Mayor DuBois would be the Council non-voting member.

Clerk Alexander advised the Council that Mayor Flinn had requested an add-on resolution, which had been provided on the dais. Councilwoman Cunningham moved to add the Resolution as the next item to be heard. Seconded by Councilman Schaffer. All voted in favor.

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

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE EFFORTS OF MIAMI-DADE COUNTY TO SEEKING FUNDING FROM THE STATE OF FLORIDA TO CONNECT EXISTING TRAILS

THROUGHOUT THE SOUTH-DADE COMMUNITY; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn.)

Mayor Flinn advised that he has been meeting with and working with several cities and County Commissioner Levine Cava to seek funding to help improve and connect all trails.

Mr. Eric Tullberg 7884 SW 179 Terrace, offered his assistance, noting that the FEC is willing to sell land to help connect trails; and, Mr. Tullberg stated he will help this effort in any way possible.

Councilman Schaffer moved to approve. Seconded by Councilwoman Cunningham. All voted in favor. The Resolution was approved unanimously (4-0).

**11. RESOLUTIONS REQUIRING PUBLIC HEARING**

**12. ORDINANCES FOR FIRST READING**

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BUILDING PERMIT FEES; AMENDING THE PERMIT FEE SCHEDULE FOR THE BUILDING DEPARTMENT; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE. (Administration)

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

Manager Silva provided staff report. He explained that due to the reduction in fees and the inclusion of the code compliance division into the Building Department, the current surplus may be reduced slightly; however, staff will review these fees again within six to eight months.

Mayor Flinn asked if the Village will be cutting fees without adding other costs. Manager Silva stated that the Department is an enterprise department and will continue to be.

Councilwoman Siegel Lara thanked the Manager for being proactive.

Councilman Schaffer stated that this may result in increased revenue, as some individuals may not have pulled permits in the past due to the costs involved.

Councilwoman Cunningham moved to approve this matter on first reading. Seconded by Councilman Schaffer. All voted in favor.

**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 STANDARDS FOR ESTABLISHMENT AND REVIEW OF VILLAGE ADVISORY COMMITTEES TO BE INCLUDED IN THE VILLAGE CODE OF ORDINANCES AS CHAPTER 2, ARTICLE II, DIVISION 3, ENTITLED “ADVISORY BOARDS OR COMMITTEES”; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Councilwoman Larissa Siegel Lara.)

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

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

The Ordinance was adopted unanimously (4-0) following roll call vote.

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

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

Councilwoman Siegel Lara moved to include staff report, discussion, and public comments from the Local Planning Agency into these proceedings. Seconded by Councilwoman Cunningham.

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

The Ordinance was adopted unanimously (4-0) following roll call vote.

#### 14. OTHER BUSINESS

- A. Announcement of joint Education Advisory/Council Meeting – May 13 (Mayor Flinn): Mayor Flinn suggested that June 17 be considered for a joint community meeting.

Councilwoman Cunningham suggested that chairs of the EDC, PBBA, and Chamber South be invited to the June Education Advisory Meeting in order to plan for a September meeting.

Mayor Flinn reiterated that the Committee of the Whole meeting on June 17 may be the most appropriate time for the stakeholders to discuss plans with the Education Advisory Committee and the Council.

## 15. COUNCIL COMMENTS

Councilwoman Cunningham thanked Ms. Saylin Paez, Special Events Coordinator, for her assistance with the Earth Week Events and the Mother's Day event. She asked the Council to provide her with any item they would wish for her to report at the next PBBA meeting. She thanked Mr. Silva for the customer service training. Councilwoman Cunningham then provided an update with regard to the Legislative Session.

Councilwoman Siegel Lara reminded the Council to consider their appointments to the various new Advisory Committees. Attorney Lehtinen suggested that the Council appoint the Council Liaisons at the June meeting. Councilwoman Siegel Lara concurred, asking that the matter be placed on the June Agenda. She asked the Council to email their respective Committee appointments to the Clerk.

Mayor Flinn stated that he recently attended a Fun Fur Run event and suggested that the Village consider including funds in the budget to sponsor these types of worthwhile events.

Mayor Flinn directed staff to notify Florida Recreation Development Assistance Program that the Village will not be moving forward with any grant that would include construction of a swimming pool. Councilwoman Siegel Lara concurred. Councilman Schaffer stated that when he had asked about the matter in the past, he was told that the Village should ask for this amenity to be included as part of a fitness center.

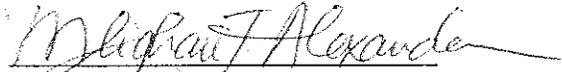
Mayor Flinn replied that once a grant award is made and the Village signs contracts, if the Village does not execute on the contract/grant document, then it is not looked upon favorably. Councilwoman Cunningham concurred, adding that grants usually include specific criteria and if you say you will construct a pool, you must construct a pool.

Councilman Schaffer moved to direct staff to indicate to the proper government agency that a grant that includes a swimming pool is not needed. Councilwoman Siegel Lara seconded. All voted in favor.

Councilwoman Siegel Lara directed Manager Silva to participate in the selection of the Village Manager position by offering his input in the formation of the selection criteria.

16. **NEXT MEETING AND ADJOURNMENT:** The Meeting adjourned at 10:45 pm.

*Prepared and submitted by:*



*Meighan J. Alexander, CMC  
Village Clerk*

*Approved by the Village Council on this 1<sup>st</sup> day of June, 2015.*



*Eugene Flinn, Mayor*

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