

VILLAGE COUNCIL SPECIAL MEETING MINUTES
Minutes of the Special Council Meeting of July 22, 2015
Village Hall Chambers
9705 E. Hibiscus Street

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

Vice Mayor John DuBois (arrived at 6:11 pm)
Council Member Katryn 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

Councilman Schaffer called the meeting to order at 6:05 p.m. He led the pledge of allegiance.

2. DECORUM STATEMENT: Councilman Schaffer noted that the decorum statement was printed on the Agenda and did not need to be read:

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. PUBLIC COMMENTS: Mr. Peter England, 7620 SW 171 Street, addressed the Council.

4. RESOLUTION

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY DISTRICT; TERMINATING THE VILLAGE OF PALMETTO BAY'S PARTICIPATION IN THE INTERLOCAL AGREEMENT; PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilman Tim Schaffer) (Deferred from July 13 Regular Council Meeting)

None of the Council members wished to move or second the item. Attorney Lehtinen advised that the Council is free to discuss the matter regardless.

Clerk Alexander read the caption.

Councilman Schaffer provided a history of the program, expressing his displeasure with the exclusivity of YGreene. He also remarked that the email promotional communications that he has received from YGreene are inappropriate. He suggested the Village provide this service through Village funds in order to insure that the program is operated properly and full information is provided to the public. Councilman Schaffer asked Attorney Lehtinen whether the Village can provide this service.

Vice Mayor DuBois stated that there appears to be three options: 1. Leave the existing PACE/Green Corridor District without offering a replacement; 2. Leave the existing PACE/Green Corridor District and provide a Village program in its place; and 3. Modify the existing arrangement and through our interlocal agreement with the other municipalities. He reported that he had met with the Village Manager and Village Attorney and had discussed the existing program, noting that the intent of the State law should be followed; and, inherent conflicts due to the structure of allowing a private business utilize government power should be addressed. He stated that the legislative intent of focusing on solar energy, reduction of carbon footprint, and other similar items that benefit the public should be adhered to, which is a limited scope than what is currently occurring. Vice Mayor DuBois added that he believes the Village program should also include the ability of the public to use this program as a gap insurance measure in order to allow people to be able to properly repair and live in their homes after a natural disaster.

Councilwoman Cunningham asked if there is a similar program currently being performed in Miami-Dade County or within the State. (Staff advised there was not.) She stated that she is concerned that there would not be any program for residents, if the Village withdraws from the YGreene program without another option in place. She added that there are currently residents utilizing this program and she believes that others may be in the process. Councilwoman Cunningham asked how long it would take to begin the Village's program.

Following brief comments, Councilwoman Siegel Lara suggested that the matter be tabled to a future date until we have a replacement/matching program in place.

Attorney Lehtinen advised that Palmetto Bay has the authority to conduct its own program. He stated that government bonds or any other appropriate sources of revenue can be used, which may be ad valorem tax revenue reserves.

He explained that the Village also has the ability to fund qualifying improvements at whatever level the Village chooses, consistent with the Statute. Vice Mayor DuBois asked for information concerning the program operating in California.

Manager Silva provided information concerning the first program in the City of Berkeley, California. He stated that when the issue arose with Fannie Mae/Freddie Mac, the program was suspended, but it has since started again.

Councilwoman Siegel Lara stated her concern with the perceived endorsement of the program. She remarked that if the Village will be withdrawing from the program, there should be a clear statement on the website that expresses the Village's separation from the program. She explained that she is in favor of providing viable alternatives to the residents. Councilwoman Siegel Lara added that the program should not simply be an entitlement program for residents; however, she is not comfortable with the Village accessing residents' financial credit and reviewing details of financing options in order to allow homeowners to apply.

Vice Mayor DuBois stated that with regard to the underwriting, the Village Manager had indicated that the route to take would be to have a third-party administrator manage that aspect of the program.

Following brief comment, Councilwoman Cunningham asked if the Village would have the ability to bring in other lending institutions, allowing Village funding and YGreene funding.

Attorney Lehtinen stated that there is a possibility to have a multi-jurisdictional program, with District bonds or third party financing. He remarked that he does not believe any other funding was discussed by the District; YGreene is the exclusive funding mechanism.

Councilman Schaffer asked for consensus from the Council to direct staff and the Village Attorney to investigate developing a program funded by the Village.

Following brief comment, Councilwoman Siegel Lara provided the draft of a letter explaining the Village's view on the YGreene program, due to the concern the Council shared concerning YGreene's marketing to residents.

Vice Mayor DuBois suggested the YGreene provide a definitive and authoritative statement verifying that YGreene will cease marketing the Village's residents.

The Council concurred.

Councilman Schaffer moved to defer the Resolution and the accompanying Ordinance. Seconded by Councilwoman Cunningham.

Vice Mayor DuBois suggested language concerning "competitive financing" needs to be included when this returns in the future.

All voted in favor of the previous motion.

4. ORDINANCE FOR FIRST READING

- A. AN ORDINANCE OF THE VILLAGE OF PALMETTO BAY FLORIDA, REPEALING CHAPTER 17: GREEN CORRIDOR PACE DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Councilman Tim Schaffer) (Deferred from July 13 Regular Council Meeting) – Deferred.

5. NEXT MEETING AND ADJOURNMENT: The Meeting adjourned at 7:20 pm.

Prepared and submitted by:


Meighan J. Alexander, CMC
Village Clerk

Approved by the Village Council on this 8th day of September, 2015.


Eugene Flinn, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW. WHILE THE FLORIDA STATUTES DO NOT REQUIRE TAPE RECORDINGS, TO THE EXTENT THAT TAPE RECORDINGS ARE MADE, THE TAPES MAY BE REQUESTED FROM THE VILLAGE CLERK FOR REVIEW AND/OR COPYING. THE VILLAGE OF PALMETTO BAY CAN NOT GUARANTEE QUALITY OF ANY RECORDING.