

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of November 2, 2015
Village Hall Chambers
9705 East Hibiscus Street

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

The meeting was called to order at 7:20 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 Councilwoman Siegel Lara 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

- A. Presentation by Corradino for IBus Comprehensive Operational Analysis report: Manager Silva advised that Mr. Corradino would be present at the December 7th meeting.
- B. Recognition of recently-retired Commander Gregory Truitt: Manager Silva called Commander Truitt forward and expressed that it was a privilege to have worked with Truitt for the past eight years.

Councilman Schaffer read correspondence that included the speech that Congresswoman Ileana Ros-Lehtinen had given in recognition of Gregory Truitt, which speech was presented to Congress.

Clerk Alexander displayed the video of the speech for the public's edification.

Councilman Schaffer read correspondence from the Congresswoman to Major Gady Serralta, congratulating him for being named the Commander of the Policing Unit.

4. APPROVAL OF MINUTES

- A. Minutes of the Budget Hearing of September 22, 2015
- B. Minutes of the Regular Council Meeting of October 5, 2015

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

- 5. REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals came forward: Brian Adler, Esquire, 1450 Brickell Avenue, Suite 2300, Miami; Roger Terrone, 14005 SW 72 Court; Jackie Gomez, 15555 SW 102 Place; and Chuck Latshaw, 8825 SW 154 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 \$14,728; 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 CONTRACT NO 000027 CANAL MAINTENANCE; AUTHORIZING ADVENTURE ENVIRONMENTAL, INC. TO CONTINUE PROVIDING MAINTENANCE SERVICES FOR SECONDARY SYSTEM CANAL SW MARAL ESTATES AND BELAIRE SECTION CANAL IN SECTIONS 28 & 33, TOWNSHIP 55 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$20,000; AND PROVIDING FOR AN EFFECTIVE DATE. (Administration)
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; SPONSORING THE ANNUAL WEST PERRINE DR. MARTIN LUTHER KING, JR., ANNUAL CELEBRATION; AUTHORIZING THE VILLAGE MANAGER TO DISBURSE AN AMOUNT NOT TO EXCEED \$1,000.00; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn.)

Clerk Alexander advised that Councilman Schaffer had timely pulled Item 6-C from the Consent Agenda.

Vice Mayor DuBois moved to hear Item 6-C as Item 10-L and approve the remaining items. Seconded by Councilman Schaffer. All voted in favor. The Consent Agenda items passed unanimously (5-0.)

7. VILLAGE MANAGER'S REPORT

- A. Update on walkway: Manager Silva reported that the Invitation to Bid on the Coral Reef Park walkway will be issued this week, which will include all walkways and root control.

Manager Silva advised concerning the Budget that approximately \$930,000 will be added to the Village's surplus, due to the settlement of Palmer Trinity litigation, reduction in the Police Budget of \$200,000, and the reorganization of the Planning & Zoning and Building Departments.

Manager Silva advised that staff continues to meet with Miami-Dade County regarding the General Obligation Bond funds.

Manager Silva thanked staff for their hard work during October that resulted in a successful movie night and the Costume & Cocktails event. He announced the Color Run on November 7 and the Pineland Preserve Clean, and the DARE Festival on November 14th.

- B. Update on T.O.D. Conference in Washington: Manager Silva provided a report on the Conference. Councilman Schaffer added that it was a very productive conference that explained how improving infrastructure allowed for private sector investments in a redevelopment area.

Manager Silva added the staff and the Council members that attended met with Carlos Curbello, Mario Diaz-Balart and Ileana Ros-Lehtinen, lobbying for the legislation supporting transit oriented development to capitalize on economic development.

Mayor Flinn concurred, stating that he spoke to the legislators, as well. He reported that he was impressed with the economic developed area where the conference was held. He concluded that having a "business-friendly attitude" is important.

Vice Mayor DuBois suggested that staff post the \$7.5 million grant application on the Village's website. Manager Silva stated that he would prefer to wait until it is finalized. Vice Mayor DuBois asked if there was any reason not to post the application. Manager Silva agreed to do so.

Manager Silva reported that staff is investigating the possibility of applying for a grant for an electric bus through the U.S. Department of Transportation.

Manager Silva asked the Clerk to poll the Council to see who may be interested in attending Dade Days.

Manager Silva asked the Council to provide dates for the future meetings concerning the strategic plan. He stated that the consultants would need a four-hour meeting and a one-day retreat in January. He announced that the survey to facilitate the preparation of the strategic plan is on the Village's website.

Manager Silva announced that on November 10th from 9 to 11 am, Councilwoman Cunningham will be touring the Miami-Dade County Real Time Crime Center. The Clerk was directed to see if other Council members wished to attend.

Councilwoman Siegel Lara stated that she believes the enterprise zone may be sunsetted. Manager Silva concurred, stating that the Council should consider adding this issue to the Village's legislative agenda. He explained that the Florida program encourages employment within a zone that is targeted for development, with enterprise zone incentives within a particular area. He concluded that Palmetto Bay would qualify and could use this incentive to its advantage.

Councilwoman Cunningham asked the Clerk to email the Pineland Rock clean-up flyer to the Youth Advisory Council.

Councilwoman Cunningham stated that she had been discussing Project Zero/Safer Compass with Jeffrey Childers and Major Serralta and hopes the Village would consider this program into the Village's Parks and hopefully work in conjunction with the local schools.

Manager Silva introduced the Village's new Building Official, Wesley Maltby. Mr. Maltby came forward, provided his experience, and thanked the Council for the opportunity of working with the Village. He stated that the Village has a "good team" in the Building Department.

- C. Village Police Commander Report: Major Serralta came forward and provided a traffic report, including slides. The Council directed the Manager to put the slides on the Village's website. Major Serralta thanked Parks and Recreation Director Fanny Carmona and her staff for their assistance with the Bike on the Bay program.
- D. Calendar update (Village Clerk): Clerk Alexander provided the calendar update. Mayor Flinn added information concerning the Reason to Run 5K, a fund raiser for childhood cancer research. He also stated that on November 14, a Wheels event will be coming through Palmetto Bay.

Mayor Flinn thanked the Manager and staff for a successful Halloween Movie night, the Costume & Cocktails event, and the pumpkin patrol.

Councilwoman Cunningham announced the Miracle on 136 Street, to be held on November 21. Clerk Alexander also announced that she was running in a 5K that will be held at Metro Zoo on November 21, which is the annual fund raiser for the Children's Bereavement Center, which is a non-profit organization that helps children who have lost loved ones.

8. **VILLAGE ATTORNEY'S REPORT:** Attorney Lehtinen reported that his office had reviewed the loan documents that will be presented this evening and they are appropriate and will save significant funds for the Village. He noted that he recently added advisory board meetings to provide information concerning the Sunshine Laws to the members of the boards. He stated that Alexander Montessori School has served the Village with its lawsuit and his office will answer the complaint next week. He noted that there are no disputed facts in this case; rather, the issue is whether it is legal or not to have an election be a pre-requisite to a quasi-judicial hearing.
9. **BOARD AND COMMITTEE REPORTS:** Minutes provided for Council's information, in lieu of verbal reports: Education Advisory Committee.
10. **RESOLUTIONS**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE CREATION AND IMPLEMENTATION OF A TEN-MILE LINEAR PARK ALONG THE METRORAIL CORRIDOR, CONSISTENT WITH THE UNDERLINE'S PROPOSAL. (Sponsored by Councilwoman Karyn Cunningham) (Deferred from October 5th Council Meeting)

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

Manager Silva reported that while this type of project is difficult to quantify, many cities, such as Atlanta, Philadelphia, and New York have experienced increases in property values as a result of similar projects. He stated that it is apparent that this project will help raise the quality of life of the areas within half a mile of the project; however, he cannot provide information concerning the direct impact.

Vice Mayor DuBois asked whether the Village's support of this project may damage any request for funding of other projects within the Village of Palmetto Bay.

Mr. Roger Terrone came forward. He stated that there may be occasions where the Underline will be seeking transit oriented grants and development dollars; however, these pools of funding are large and the linear park project being

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proposed is very different than other TOD, light rail projects, and the like. He stated that the Underline organizers would assist the Village in seeking funding, if needed.

Councilwoman Siegel Lara asked if the funding was coming from Transit, not Parks. Mr. Terrone stated that the \$3,750,000 allocation from the County in the same capital space for parks. He noted that the County Park system is an \$800 million budget. Councilwoman Siegel Lara remarked that Palmetto Bay has had a difficult time seeking funding for the Deering Estate.

Councilman Schaffer stated that while he is in favor of the project, he is concerned that the Underline will want Village funding.

Councilwoman Cunningham amended the resolution to remove the word "support" and insert the word "endorse" where appropriate.

Mayor Flinn called the question on the amended Resolution. The Resolution passed unanimously (5-0).

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; APPROVING THE SELECTION OF CIVICPLUS TO PROVIDE PROFESSIONAL CONSULTING SERVICES FOR WEBSITE REDESIGN AND IMPLEMENTATION; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT NEGOTIATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (Administration) (Deferred from October 5th Council Meeting)

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

Manager Silva provided staff report.

Councilwoman Siegel Lara thanked the Manager. She asked if the Village would be receiving all features listed on Page 29. She additionally stated that she wanted the time line of when the actions listed would be occurring. She stated that user input should be sought during the development of the website. Manager Silva advised that he would contact CivicPlus to see if they may be able to accommodate the request. Councilwoman Siegel Lara suggested that the Community Outreach Committee be consulted.

Vice Mayor DuBois stated that it appears that functionality of the app would be \$5,500, but it is difficult to tell from the documents provided. He asked if this app would be used with iPhone and Android phones. Manager Silva stated that it would.

Vice Mayor DuBois remarked that it appears that the cost is extensive for many items in the proposal. Manager Silva stated that CivicPlus has experience with many cities. Vice Mayor DuBois replied that the proposal seems to piece meal the items and the Village should have a plan in place. He stated that \$18,000 for five days of work seems excessive.

Councilman Schaffer stated that the Council should be comfortable knowing that the Manager and staff will be handling this project efficiently. Vice Mayor DuBois concurred, adding that if the business intelligence manager position had been included in the budget as he had requested, this matter would have been handled in a holistic manner.

Councilwoman Cunningham asked who would be in charge, whether it was the IT Consultant or another member of staff. Manager Silva stated that the Public Information Officer would be working on content and all directors would be trained.

Manager Silva stated that when the matter was presented before the selection committee, the IT consultant reviewed the scope.

Councilwoman Cunningham stated that she knows the PIO Bill Kress was on the selection committee and he is probably the individual with the most knowledge of this project.

Councilwoman Siegel Lara stated that she is not concerned that input may be seen as "micromanaging" and while she shares the Vice Mayor's concerns, staff should be able to handle this project.

Mayor Flinn called the question. The Resolution was adopted (4-1, Vice Mayor DuBois opposed.)

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA RELATING TO THE 2016 STATE LEGISLATIVE AGENDA; PROVIDING FOR A LISTING OF LEGISLATIVE POLICIES THAT ARE EITHER OPPOSED OR SUPPORTED BY THE VILLAGE COUNCIL FOR THE UPCOMING LEGISLATIVE SESSION; PROVIDING AN EFFECTIVE DATE; AND DIRECTING THE VILLAGE CLERK TO PROVIDE A COPY OF THE EXECUTED RESOLUTION TO THE VILLAGE LOBBYIST. (Deferred from October 5th Council Meeting)

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

Manager Silva provided staff report.

Councilwoman Cunningham advised that she had met with two members of the Council in Sunshine Meetings, Vice Mayor DuBois and Councilwoman Siegel Lara, and reviewed her substitute Resolution, which included an item supporting traffic calming projects and public transit. She also asked the Council to consider inclusion of funding for Public Schools at five percent more per student.

Mayor Flinn stated that it is good practice to remove the Bill numbers from the Resolution, as they may change. He remarked that the Resolution could be problematic to include support and opposition in the same Resolution. He suggested that the request for Deering Estate be included.

Councilwoman Siegel Lara stated that there is a separate resolution for the Deering Estate; however, if the Council supports the funding for Miami-Dade County Public Schools, it may be appropriate to include all matters. She moved to include Section 2, Item 4, "Support the 2016 legislative funding requests of the Deering Estate Foundation to include planning improvements to the properties within the Deering Estate." She added that the Council would be indicating that it is supportive of the 2016 legislative funding requests (that was previously attached as exhibit A to the Deering Estate Resolution) and the efforts of the Deering Estate Foundation to continue the planning and improvements to the properties within the Deering Estate.

Councilman Schaffer stated that all opposition items should be in a separate resolution. He also noted that the entire Council has not had the opportunity to discuss the school funding issue. Councilwoman Cunningham remarked that the opposing piece is identical to what was previously presented to the Council at the October 19th meeting.

The Council decided to review each item and vote separately on each.

Councilwoman Siegel Lara moved to include Section 2, Number 5, Supporting the extension of the Sunset Dates for all Enterprise Zones within the Village of Palmetto Bay. Councilwoman Cunningham accepted the modification into her substitute item.

Councilwoman Cunningham moved forward her substitute item, as amended. Seconded by Councilwoman Siegel Lara.

Mayor Flinn called the question on the revised Resolution. The Resolution passed (4-1, Councilman Schaffer opposed.)

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA RELATING TO THE 2016 STATE LEGISLATIVE AGENDA; APPROVING THE FUNDING PRIORITIES FOR THE VILLAGE; PROVIDING AN EFFECTIVE DATE; AND DIRECTING THE VILLAGE CLERK TO PROVIDE A COPY OF

THE EXECUTED RESOLUTION TO THE VILLAGE LOBBYIST.
(Deferred from October 5th Council Meeting)

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

Manager Silva stated that the Resolution concerns funding assistance. He stated that the Village's lobbyist believes all requests are appropriate.

Mayor Flinn asked for the list of the FRDAP projects. Manager Silva stated that they would be the Palmetto Bay Park improvements, including refurbishing basketball courts and the picnic pavilion.

Vice Mayor DuBois asked if the lobbyist indicated that a legislator would sponsor any of the items. Manager Silva replied that the lobbyists only indicated they were appropriate.

Councilwoman Cunningham asked for explanation concerning seeking funding assistance for environmentally sensitive Bayfront land. Manager Silva stated that there is a possibility that the Burch property may come on the market and if the Council wishes, the Village may be able to acquire the property as a passive addition to the Ludovici Park. Councilwoman Cunningham asked if there was a dollar amount associated with this request. Manager Silva stated that there was not; however, he believes that Miami Dade Fire Rescue approached the property owner regarding a potential location of the south fire station. Councilwoman Cunningham stated that without a dollar amount, she is not comfortable with this request.

Councilwoman Cunningham remarked that the Village's lobbyists should be present for these types of matter. Mayor Flinn concurred. He asked Attorney Lehtinen if the lobbyist could appear via Skype. Attorney Lehtinen stated that they could, as long as the audio/visual is available to anyone in the audience.

Councilman Schaffer concurred with Councilwoman Cunningham. Councilwoman Siegel Lara stated that she would be amenable to an "up to" amount. Mayor Flinn remarked that it is important to state an intention. Vice Mayor DuBois countered that the lack of clarity remains a problem, as he is not certain whether the Village is promoting the use of the property by the Fire Department or is the Village seeking to purchase the property for its own use and use by the Fire Department.

Councilwoman Cunningham moved to approve Number 4, seeking funding assistance and support for the Village's FRDAP projects. Seconded by Councilman Schaffer. All in favor.

The Council concurred to leave Item 3 on the Resolution.

Mayor Flinn suggested removing Item 4. Councilwoman Cunningham, Councilman Schaffer, and Vice Mayor DuBois opposed. The motion failed.

Mayor Flinn called the question on the revised Resolution. The Council passed the Resolution unanimously (5-0.)

Mayor Flinn asked the Council to consider hearing the Ordinances as the next items, due to individuals wishing to speak at the public hearing. The Council concurred.

12. ORDINANCES FOR FIRST READING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE COMPREHENSIVE PLAN; CREATING POLICY 1.1.14 OF THE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN RELATING TRANSFER OF DEVELOPMENT RIGHTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Planning & Zoning Director Darby Delsalle provided staff report. He explained the reason for the Transfer of Development Rights, stating that it would allow the Village to modify the land development regulations. He stated that the Downtown Urban Village information would have receiver sites within the area and the Village would have greater control to use discretion and all the potential development to take advantage of the reserve pool. Director Delsalle explained that should one of the commercial properties get a density bonus, they may have a problem with the height of the building. He stated that this Ordinance would allow a bonus program within the downtown district.

Vice Mayor DuBois asked if any of the receiver sites would be outside of Palmetto Bay. Director Delsalle stated that they would not. Vice Mayor DuBois asked if a developer would pay for the use of the bonus. Director Delsalle stated that they would pay. Vice Mayor DuBois asked how this concept is different from an SUR. Director Delsalle stated that he was not familiar with the term.

Vice Mayor DuBois explained that one of the first items passed by Palmetto Bay was a prohibition on SUR's (Severable Use Rights). He stated that the only difference he sees with this Ordinance was the ability to use the credit from a property outside of the Village. He opined that this Ordinance creates a variant to SUR's in order to help the downtown redevelopment. He gave the example of a development needing a density credit for a multi-family development, as the more residents a property has, the more parking you will need.

Councilwoman Cunningham asked how the Village would know which property the bonus would relate to. She expressed her concern with not knowing what would change and what would transfer. Director Delsalle replied that both the receiver site and the donor site would have to sign documentation and the matter would be required to be heard at a quasi-judicial hearing.

Councilwoman Siegel Lara remarked that this would allow a trade to be conducted fairly, even if the Council doesn't know what the trade is until the matter comes ~~it ems~~ before the Council at a quasi-judicial hearing.

Manager Silva added that SUR's allow for density to be taken from outside of an area; this Ordinance would allow for density to be used from within the Village. He added that the TDR would come before the Council and there would be a two-year expiration date, unless the site plan has a specific yearly amount requested, which the Council could approve or not.

Vice Mayor DuBois remarked that he is uncertain what problem the Village is trying to solve. Manager Silva replied that the effort gives flexibility to a developer and the overall stays within the Village's parameters.

Councilwoman Siegel Lara remarked that the concept would be an incentive for developers to come in early. Mayor Flinn concurred, adding that there would be limited availability.

Attorney Lehtinen noted that there is a correction on the next item: page 4, line 9.

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

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; CREATING SECTION 30-30.15 OF THE LAND DEVELOPMENT CODE RELATING TO TRANSFER OF DEVELOPMENT RIGHTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Director Delsalle explained the correction on Page 4, line 9, should read, "revert back to the **sender** site and no longer inure to the **receiver** site. Councilman Schaffer moved to amend the Ordinance. Seconded by Vice Mayor DuBois. All voted in favor of the correction.

Mayor Flinn called the question, as there was no further discussion. All voted in favor of the corrected ordinance 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, ARTICLES 1 AND 2, OF THE VILLAGE'S CODE OF ORDINANCE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

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

Parks and Recreation Director Fanny Carmona provided staff report. She stated that page 3 of 28 requires a modification, Under Tennis Fees, it should read one and one-half hour \$25.00.

Manager Silva added that the modification to the Ordinance would bring the Village more in line with other cities' fees and assist with a re-capture rate.

Councilwoman Cunningham expressed her opposition. She stated that she is in favor of fee increases for the use of Thalatta, but does not agree that the summer camp fees should be increased. She explained that while the Council made a decision as Council to not lower the millage, the increase of fees is not significant.

Councilman Schaffer expressed that the Council should discuss the free use of gazebo and other rental properties by non-profit organizations outside of Palmetto Bay. Manager Silva noted that if a paying customer wishes to use the facility, the paying customer has priority. He stated that over 70% of the rental of facilities is from individuals outside of Palmetto Bay.

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

Mayor Flinn called the question. The matter passed on roll call vote (4-1, Councilwoman Cunningham voting in opposition.)

- B. 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.

Mayor Flinn stated that this matter was moved forward from the Local Planning Agency meeting held prior to this meeting.

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

Mayor Flinn stated for the record that staff's report and any testimony from the Local Planning Agency hearing would be incorporated into this hearing.

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

Mayor Flinn called the question. The Ordinance passed unanimously via roll call vote (5-0.)

- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING SECTION 30-60.3 OF THE LAND DEVELOPMENT CODE RELATING TO PERGOLAS, TRELLISES, CANVAS SHADE STRUCTURES, AND OTHER SIMILAR STRUCTURES LOCATED WITHIN RESIDENTIAL DISTRICTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Director Delsalle explained that this matter was moved forward from the Local Planning Agency meeting held prior to this meeting; and there have been no changes. He asked that his report and any comments be included in this hearing as part of the record.

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

Mayor Flinn called the question. The Ordinance passed unanimously via roll call vote (5-0.)

- D. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING SECTION 30-90.17(b) OF THE LAND DEVELOPMENT CODE RELATING TO SCHOOL SIGNAGE WITHIN RESIDENTIAL DISTRICTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Director Delsalle stated that this item was heard in September, then heard at the Local Planning Agency meeting of October 19th. He stated that there was no additional report.

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

Mayor Flinn called the question. The Ordinance passed unanimously via roll call vote (5-0.)

Return to the Agenda, Resolutions, Item 10:

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE ISSUANCE OF ITS REFUNDING REVENUE NOTE, SERIES 2015 IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$1,315,000 TO REFUND AN OUTSTANDING LOAN, AS MORE FULLY DESCRIBED HEREIN; AUTHORIZING THE PRIVATE NEGOTIATED SALE OF THE NOTE TO WHITNEY BANK D/B/A HANCOCK BANK PURSUANT TO THE TERMS AND CONDITIONS OF A LOAN AGREEMENT BY AND AMONG THE FLORIDA MUNICIPAL LOAN COUNCIL, THE VILLAGE OF PALMETTO BAY, FLORIDA AND WHITNEY BANK D/B/A HANCOCK BANK; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT; DESIGNATING THE NOTE AS A QUALIFIED TAX-EXEMPT OBLIGATION; PROVIDING FOR THE ADOPTING OF REPRESENTATIONS; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION WITH THE ISSUANCE OF THE NOTE; AND PROVIDING AN EFFECTIVE DATE. (Administration)

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

Finance Director Desmond Chin provided staff report, stating that this Resolution would continue moving forward following approval of the Ordinance.

Attorney Lehtinen stated that he has reviewed the documents and they are legally sufficient and proper.

As there were no Council comments, Mayor Flinn called the question. 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 ROADWAY RESURFACING AND STRIPING OF PUBLIC ROADWAYS WITHIN THE

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VILLAGE OF PALMETTO BAY; AUTHORIZING THE WAIVER OF FORMAL BIDDING REQUIREMENTS AND UTILIZING RFQ NO. 20140163, PREVIOUSLY ADVERTISED FOR BID BY MIAMI-DADE COUNTY WHICH IS REASONABLE AND IN THE BEST INTEREST OF THE VILLAGE OF PALMETTO BAY AND PROVIDING FOR THE AWARD THEREOF TO H & J ASPHALT, INC.; FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$162,500.00 TO CONTINUE RESURFACING AND STRIPING VILLAGE ROADWAYS FOR FISCAL YEAR 2015-16; AND PROVIDING FOR AN EFFECTIVE DATE. (Administration)

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

Public Works Director Corrice Patterson provided staff report.

Councilwoman Siegel Lara asked which areas would be included.

Director Patterson stated the two areas are identified in the documents and staff will be reviewing the roadways to determine exactly which ones would be resurfaced.

Councilwoman Siegel Lara stated that while she was campaigning, several individuals stated that Palmetto Bay was resurfacing too many roads, too often.

Director Patterson reported that these roads are Village-owned roadways; staff is performing the inspections in-house, as employees are certified to perform this work. Councilwoman Siegel Lara requested a listing of the roads. Director Patterson replied that the roads being considered had not been re-surfaced before.

Mayor Flinn called the question. The Council voted in favor of the Resolution (5-0.)

- G. RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACT 000030 SIDEWALK IMPROVEMENTS; AUTHORIZING METRO EXPRESS, INC., TO CONTINUE PROVIDING SIDEWALK IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY WITHIN THE VILLAGE OF PALMETTO BAY; AND FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$100,000; AND PROVIDING FOR AN EFFECTIVE DATE. (Administration)

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

Director Patterson provided staff report.

Councilwoman Siegel Lara requested that staff focuses on the ADA compliant areas within the community.

Director Patterson stated that resident Eric Tullberg has been assisting, as he closely monitors and reports on areas that may be non-compliant. She stated that staff has also received requests concerning repairs from residents.

Councilwoman Siegel Lara specifically mentioned an area on SW 174 Lane where a disabled resident resides; she asked if staff could prioritize areas in need of ADA modification. She suggested a survey. Director Patterson stated that they could seek input from the public on the website.

Mayor Flinn concurred, adding that there is some concern with regard to residents being uncertain as to which road is within Palmetto Bay's jurisdiction or the County.

Director Patterson and Manager Silva explained that staff has begun conversation with the County to resolve this matter.

Mayor Flinn called the question. The Resolution passed unanimously (5-0.)

- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SECTION 30-160 OF THE ART-IN-PUBLIC PLACES (AIPP) PROGRAM, ACCEPTING THE RECOMMENDATIONS OF THE AIPP ADVISORY BOARD TO APPROVE THE ART INSTALLATION ENTITLED "ART FINS" AS DESIGNED BY ELENA MANFERDINI, FOR ALEXANDER SCHOOL, INC., LOCATED AT 14850 SW 67TH AVENUE; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE. (Administration)

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

Planning Administrator Travis Kendall provided staff report. He stated that with approximately \$4.4 Million being spent in conjunction with construction at the School, approximately \$55K must be spent. He explained that the Board found that the criteria was met and voted for recommendation.

Mayor Flinn asked if the School is providing what they are legally obligated to do. Mr. Kendall replied that they were.

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

- I. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA SUPPORTING THE "MIAMI-DADE CONNECTION 2.0 RECOMMENDATION" AS PROPOSED BY STATE REPRESENTATIVE KIONNE MCGHEE FOR THE PURPOSE OF ESTABLISHING AN EFFICIENT AND FUNCTIONAL TRANSPORTATION SYSTEM FOR THE RESIDENTS OF MIAMI-DADE COUNTY; URGING THE MAYOR & BOARD OF COUNTY COMMISSIONERS TO IMPLEMENT THE WILL OF ITS RESIDENTS IN THIS CURRENT BUDGET SESSION BY ADOPTING THE PROPOSED TRANSPORTATION PLAN AND IDENTIFYING A FUNDING SOURCE FOR SUCH INITIATIVE; AND PROVIDING AN EFFECTIVE DATE (Sponsored by Mayor Eugene Flinn.)

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

Mayor Flinn explained that this matter arises out of a resolution co-sponsored by Councilwoman Cunningham for joint South Dade efforts to improve transportation. He noted that neighboring cities are joining in, such as Pinecrest and Cutler Bay. He stated that this would be an "ask" to the Board of County Commission.

Councilwoman Cunningham stated that she is pleased that the Village is speaking in a collective voice with the cities. Mayor Flinn concurred.

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

- J. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA URGING THE METROPOLITAN PLANNING ORGANIZATION TO UNDERTAKE A NEW STUDY OF THE SOUTH DADE BUSWAY TO DETERMINE THE NEED FOR ALTERNATIVE TRANSIT OPPORTUNITIES IN SOUTH MIAMI-DADE COUNTY, AND DEVELOP A PLAN OF ACTION TO IMPLEMENT FUTURE TRANSIT OPTIONS FOR SOUTH MIAMI-DADE, WITH A STRONG EMPHASIS ON THE DEVELOPMENT OF A LIGHT RAIL TRANSIT SYSTEM ALONG THE BUSWAY LANE; AND PROVIDING AN EFFECTIVE DATE (Sponsored by Mayor Eugene Flinn.)

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

Mayor Flinn provided a brief report. Manager Silva added that this matter would be an "ask" of the MPO to provide a study and that this matter is in conjunction with legislation sponsored by the Village of Pinecrest, initially.

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

- K. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; APPROVING THE SELECTION OF PLANT PROFESSIONAL, INC. TO LANDSCAPE TWO (2) MEDIANS ON THE US 1 HIGHWAY (STATE ROAD 5); AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT NEGOTIATIONS WITH SAID COMPANY; AND PROVIDING AN EFFECTIVE DATE.

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

Manager Silva provided staff report, noting that the contract for the landscaping would be the long-awaited project for the US-1 corridor.

Mayor Flinn asked the time frame. Manager Silva stated that the project should commence 60 days following contract approval.

Vice Mayor DuBois remarked that the Village had originally planned to begin this project in the summer. He asked if the grant time-line had expired. Manager Silva replied that this matter was still covered by the grant.

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

- L. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; SPONSORING THE ANNUAL WEST PERRINE DR. MARTIN LUTHER KING, JR., ANNUAL CELEBRATION; AUTHORIZING THE VILLAGE MANAGER TO DISBURSE AN AMOUNT NOT TO EXCEED \$1,000.00; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn.)

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

Mayor Flinn stated that this is an important national holiday and the Village has sponsored the celebration each and every year since incorporation. He remarked that if the Village does not have any event within the Village concerning this holiday and sponsoring this event is a collegial way for us to participate. He

concluded that if the Village does not sponsor this event, then staff should plan a Village Martin Luther King, Jr., event.

Councilman Schaffer stated that he is not questioning the event, but as there has been some opposition from residents about donations, he wanted to be sure that this event is discussed.

Mayor Flinn stated that this event is a community event; the Village should actively promote this event.

Vice Mayor DuBois asked if the funds would come out of the special events line item budget. Manager Silva stated that this would not come from special events, as this event is not a Village event.

Mayor Flinn stated that the funds should be re-allocated for a mid-year budget adjustment.

Councilwoman Cunningham asked how much was given in the past. Clerk Alexander stated that usually \$1,000 is given, but she believed \$2,000 may have been given in one year or more.

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

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

Items 12 and 13 were heard out of Order, following Item 10-D.

14. OTHER BUSINESS

- A. Announcement of appointments to Palmetto Bay Partnership Advisory Committee

Vice Mayor DuBois nominated Rick Lujan.

Councilman Schaffer stated that he was intending to nominate Mr. Lujan, but will reach out to another individual.

Councilwoman Cunningham submitted Suzanne Holtzman, noting that she had worked with the Age Friendly Initiative and also works with Commissioner Daniella Levine Cava. She also offered Mr. Tony Musto, who works with Athletics at the University of Miami.

Councilman Schaffer nominated Tony Musto and Edward Joffee.

Vice Mayor DuBois nominated Suzanne Holtzman

Vice Mayor DuBois also nominated Jim Araiza and Rob Forbes to the Administrative Advisory Committee, subject to acceptance.

All voted in favor of the nominations.

15. **COUNCIL COMMENTS:** None at this time.
16. **NEXT MEETING AND ADJOURNMENT:** The meeting adjourned at 11:15 pm.

Prepared and submitted by:


Meighan J. Alexander, CMC
Village Clerk

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


Eugene Flinn, Mayor

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