RESOLUTION NO. 2016-____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO TRAFFIC STOP SIGNS AT SW 148TH DRIVE AND 82ND AVENUE IN THE VILLAGE PALMETTO BAY; REQUESTING MIAMI DADE COUNTY TO RE-ESTABLISH THE FOUR WAY STOP SIGNS AT THE INTERSECTION OF SW 148TH DRIVE AND SW 82ND AVENUE; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn and Councilmember Karyn Cunningham)

WHEREAS, the intersection at SW 148th Drive and SW 82nd Avenue has been effectively and safely regulated as a four-way stop sign intersection for several decades; and

WHEREAS, the transition of that intersection to a two-way stop sign intersection has decreased safety in the neighborhood; and

WHEREAS, the regulation of traffic and stop signs at this intersection is under the jurisdiction and authority of Miami Dade County.

WHEREAS, Miami Dade County removed the four-way stop signs at the intersection of SW 148th Drive and SW 82nd Avenue within the Village of Palmetto Bay without prior notice to the Village of Palmetto Bay; and

WHEREAS, the Village believes that Miami Dade County should provide at least 60 days prior notice before making any changes with respect to traffic control devices, including but not limited to stop signs and traffic lights.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. The Village Council requests Miami Dade County to re-establish the four-way stop signs at the intersection of SW 148th Drive and SW 82nd Avenue as soon as possible.

Section 3. The Village Council requests that Miami Dade County provide at least 60 days prior notice before making any changes with respect to traffic control devices, including but not limited to stop signs and traffic lights.

Section 4. The Village Manager shall transmit a copy of this Resolution to the appropriate administrative officials of Miami Dade County, Florida: Mayor Carlos Gimenez and Commissioner Daniella Levine Cava.

Section 5. This Resolution shall become effective immediately.

PASSED AND ADOPTED this 17th day of October, 2016.

Attest:

_____	_____
Missy Arocha	Eugene Flinn
Village Clerk	Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:

_____

Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham _____

Council Member Tim Schaffer _____

Council Member Larissa Siegel Lara _____

Vice-Mayor John DuBois _____

Mayor Eugene Flinn _____

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, OPPOSING ANY BRIDGING OF EITHER 87TH AVENUE AND/OR 77TH AVENUE WITHIN THE MUNICIPAL LIMITS OF PALMETTO BAY, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn)

WHEREAS, the Village of Palmetto Bay has created its own transportation Master Plan, Pedestrian and Bicycle Master Plan and worked with Miami-Dade County on long-range mass transit issues, specifically including, but not limited to light rail/SMART Plan, possible extension of the MetroRail down along US1 (South link) from Datran through to Homestead, Florida City; and

WHEREAS, the Village Council of the Village of Palmetto Bay has worked historically against increasing cut through traffic flow through the Village and steadfastly opposed any project that may profoundly and adversely impact our existing neighborhoods; and

WHEREAS, prior efforts include, but are certainly not limited to prior action opposing the widening of SW 87th Avenue from 2 to 4 lanes from 168th Street and SW 184th Street, as contained in Palmetto Bay Resolution No. 2003-22, approved March 3, 2003; and

WHEREAS, the Village Council of the Village of Palmetto Bay has been investing in significant traffic calming to address traffic issues caused by traffic created outside, but driving through the Village of Palmetto Bay; and

WHEREAS, at not times from date of First Council Meeting (2002) to date, has any Mayor, Vice Mayor, or District Council Member of the Village Council nor any staff member or consultant working on behalf of the Village of Palmetto Bay ever proposed or supported bridging either 87th or 77th Avenue within the municipal boundaries of Palmetto Bay. At no times have any master plans ever recommended installations of study of any such bridges; and

WHEREAS, the Village Council wants to be clear in its policy directives in support of mass transit solutions and specifically its opposition to short-term, or ineffectual attempts to move traffic through neighborhood roads, especially as it may reduce the desire to use or make less practical the creation of mass transit remedies; and

WHEREAS, far too often, misstatements or rumors are created in regard to positions of the Village Council or individual as to alleged position of the Mayor, Vice Mayor and/or specific District Council Members of the Village Council regarding bridging of 87th and/or 77th Avenue; and

WHEREAS, many residents of the Village of Palmetto Bay share the position of the Village Council that bridging either 87th or 77th Avenues would profoundly and negatively impact residents living along those streets/avenues, diminishing significantly the affected residents' quality of life; and

WHEREAS, the Mayor, Vice Mayor and District Members of the Palmetto Bay Village Council want to clarify and restate its position OPPOSING ANY BRIDGING of 87th and/or 77th Avenues.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, THAT:

Section 1. The Village of Palmetto Bay opposes the modification of 87th and/or 77th Avenue to including bridges.

Section 2. The Village of Palmetto Bay remains committed to long-term traffic infrastructure improvements including, but not necessarily limited to mass-transit solutions along the transit way (formerly known as the US1 busway), specifically excluding any proposals that include the bridges opposed above.

Section 3. The Village of Palmetto Bay requests Miami Dade County to take notice of this position and not plan or promote any bridging of 87th and/or 77th Avenue roadways within the municipal boundaries of the Village of Palmetto Bay.

Section 4. The Village Council hereby directs the Village Clerk and staff to communicate by this Resolution the statements and wishes of the Village of Palmetto Bay to the Miami-Dade County Commission and County Mayor.

Section 5. The Village Council hereby directs the Village Manager to take all steps necessary to maintain this directive through notification to all departments, consultants and to include same in any and all master plans and any updates.

Section 6. This Resolution shall take effect immediately upon its passage and adoption.

PASSED and **ADOPTED** this 17th day of October, 2016.

Attest: _____

Missy Arocha
Village Clerk

_____

Eugene Flinn
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:

_____

Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham _____

Council Member Tim Schaffer _____

Council Member Larissa Siegel Lara _____

Vice-Mayor John DuBois _____

Mayor Eugene Flinn _____

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, EXPOSING THE HIDDEN AGENDA BEHIND FLORIDA CONSTITUTION AMENDMENT 1 BALLOT QUESTION TITLED "RIGHTS OF ELECTRICITY CONSUMERS REGARDING SOLAR ENERGY CHOICE", SCHEDULED FOR NOVEMBER 8, 2016 GENERAL ELECTION BALLOT, AND INFORMING THE PUBLIC OF THE FACTS SURROUNDING THE AMENDMENT AND ITS EFFECTS AND RAMIFICATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn)

WHEREAS, Florida spends billions of dollars each year purchasing carbon-based fuels from other states and countries to power its homes, businesses, and vehicles, while solar power will keep energy dollars in the state and create good-paying local sales, installation, and maintenance jobs; and

WHEREAS, solar photovoltaic energy offers many potential benefits, including: lower electricity costs for homeowners, businesses, and governments; local jobs and economic development; reduced dependence on imported fuels; pollution-free electricity generation; no water use; and contribution to a more resilient electric grid; and

WHEREAS, Florida has the third-highest potential for rooftop solar energy generation in the United States, but currently ranks 14th in the nation for installed solar capacity, according to the Solar Energy Industry Association; and

WHEREAS, in the eastern United States, Florida has the greatest potential for rooftop solar power of any state yet, according to The Gainesville Sun news, with 9 million electric utility customer accounts, less than 12,000 customer-sited solar electric systems exist in Florida; and

WHEREAS, New Jersey, which only has half the population of Florida and does not enjoy the same abundance of sunlight that exists in the "Sunshine State", has over 43,000 customer-sited solar electric systems, according to The Gainesville Sun; and

WHEREAS, increased solar-generated electricity, including customer-sited systems on residential and commercial properties, will be a key strategy for achieving this community-wide goal of maximizing the utilization of Florida's abundance of sunlight; and

WHEREAS, the resounding passage of Amendment 4 which authorizes the Florida Legislature to exempt solar and other renewable energy systems from both residential and commercial property appraisals and from the tangible personal property tax by the voters on August 30, 2016 shows that a majority of Floridians want more rights and less restrictions; and

WHEREAS, Amendment 1, titled "Rights of Electricity Consumers Regarding Solar Energy Choice," will be presented to voters at the November 8, 2016 general election; and

WHEREAS, Amendment 1 purports to provide a new "choice" for solar power in its title, but no choices are provided in Amendment 1 and no new solar rights are created, but instead, Amendment 1 will place critical restrictions on existing solar rights in the Florida Constitution according to Florida Supreme Court Justice Barbara Pariente in her dissent in *Advisory Opinion to Atty. Gen. re Rights of Electricity Consumers regarding Solar Energy Choice*, 188 So.3d 822 (Fla. 2016); and

WHEREAS, Justice Barbara Pariente wrote a minority opinion, supported by two other justices, to warn the voters of a bait and switch tactic and stated:

> "Let the pro-solar energy consumers beware. Masquerading as a pro-solar energy initiative, this proposed constitutional amendment, supported by some of Florida's major investor-owned electric utility companies, actually seeks to constitutionalize the status quo. Due to the use and definitions of certain terms within the proposed amendment, it may actually have the effect of diminishing some rights of solar energy consumers. For example, a group of environmental groups who filed a brief in opposition assert that this amendment will eliminate" [a very desirable method of payment called] "'pay-by-the-watt' leases by narrowly defining "lease," rendering many ordinary consumers unable to afford the "tens of thousands of dollars to purchase solar panels."

The minority also felt that "[t]he ballot title is affirmatively misleading by its focus on "Solar Energy Choice," when no real choice exists for those who favor expansion of solar energy." Also the minority found that "[t]he ballot language is further defective for purporting to grant rights to solar energy consumers that are illusory; and failing, as required, to clearly and unambiguously set forth the chief purpose of the proposed amendment — to maintain the status quo favoring the very electric utilities who are the proponents of this amendment."

The minority opinion points out that "[w]hat the ballot summary does not say is that there is already a right to use solar equipment for individual use afforded by the Florida Constitution and existing Florida statutes and regulations. It does not explain that the amendment will elevate the existing rights of the government to regulate solar energy use and establish that regulatory power as a constitutional right in Florida. This is a glaring omission, especially since rights enshrined in the Constitution are generally intended to limit, rather than grant, governmental power." *** "This ballot initiative is the proverbial 'wolf in sheep's clothing.'"

The minority noted that:

> "[the title of the ballot question] … does not illuminate the real purpose, namely, to place a critical restriction on those rights [to use solar equipment] through elevating state and local governments' police powers to regulate solar energy to the constitutional level."
> ***

"The ballot summary does not make clear that the right of homeowners to own solar equipment for their own use already exists. As a result, it creates a false impression that a vote in favor of the amendment is necessary for the voter to be afforded the right at all."

***

"The impact is that the constitutional right that the amendment purportedly creates in the first section [of Amendment 1] is seriously diminished in the second section [of Amendment 1]. The proposed amendment would have the practical effect of maintaining the status quo with the balance of power in the hands of the utility companies."

***

"Clearly, this is an amendment geared to ensure nothing changes with respect to the use of solar energy in Florida — it is not a "pro-solar" amendment."

WHEREAS, Amendment 1 will establish a constitutional right and then give the government unbridled discretion to limit that right by later defining the meaning of the word "subsidy"; and

WHEREAS, Amendment 1 will insert in the Florida Constitution an unsupported, misleading, and inaccurate presumption that solar rooftop customers are "subsidized" by solar customers; and

WHEREAS, Amendment 1 implies that the solar customers are not paying their fair share of the cost of the grid and that FP&L will be forced to charge the non-solar customer to pay for the cost not being paid by the solar customers. There has been no evidence that this has occurred but even if it does, there is no need for a constitutional amendment since the state has the right to regulate what FPL charges its customers without a constitutional amendment. Moreover, solar electricity is more efficient than electricity generated at a power plant. The electricity that starts at the power plant dissipates as it travels along the transmission lines and requires that extra electricity be generated to compensate for the loss in the transmission process whereas solar electricity that is put into the grid reduces the cost to all customers since the solar electricity is used locally. In addition, and currently, at the end of the year, solar customers who have a net gain are only paid a fraction of what the power company charges its customers; and

WHEREAS, Amendment 1, if it passes, can be used to weaken or eliminate the state's net metering policy; and

WHEREAS, the Florida Center for Investigative Reporting ("FCIR") reported that, as early as April of 2015, there was already legislation circulating in Tallahassee in an attempt to stop homeowners with solar power from selling extra energy back to utility companies; and

WHEREAS, FCIR found that from 2010 to 2015 utility companies had invested $12 million into the campaigns of state lawmakers. When FCIR asked one West Palm Beach lobbyist who represents solar companies why we don't have a bigger solar industry in Florida,

the lobbyist said: "The answer is simple. Every kilowatt of solar you produce on your roof is one less kilowatt that the utilities can sell you."; and

WHEREAS, Amendment 1 is sponsored by an organization called Consumers for SmartSolar which appears to be primarily bankrolled by the state's big power companies all of whom appear to be opposed to the current net metering policy; and

WHEREAS, the ballot question for Amendment 1 is titled "Rights of Electricity Consumers Regarding Solar Energy Choice" and, as it is described above, it is detrimental to the Village of Palmetto Bay's previously expressed support for efforts to increase solar energy generation and other forms of renewable energy in the Village of Palmetto Bay, and in the State of Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, THAT:

Section 1. The Village Council finds that the recital set forth hereinabove are true and correct and they are hereby adopted by reference as if set forth in full herein.

Section 2. The Village Clerk is hereby instructed to send a copy of this Resolution to all the voters of the Village of Palmetto Bay as well as to all the Cities and Counties in the state of Florida for the purpose of informing them of the facts surrounding Amendment 1, the effect that the amendment will have on the consumers of electricity, the ramifications of the amendment and the apparent agenda of the supporters of this proposed constitutional amendment.

Section 3. This Resolution shall take effect immediately upon its passage and adoption.

PASSED and **ADOPTED** this 17th day of October, 2016.

Attest: _____

Missy Arocha
Village Clerk

_____

Eugene Flinn
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:

_____

Dexter W. Lehtinen

Village Attorney
FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham _____

Council Member Tim Schaffer _____

Council Member Larissa Siegel Lara _____

Vice-Mayor John DuBois _____

Mayor Eugene Flinn _____

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, URGING EXPEDITED COMPREHENSIVE ACTIONS TO STORE, TREAT AND CONVEY CLEAN WATER TO AND FROM LAKE OKEECHOBEE TO ALLEVIATE HARMFUL DISCHARGES TO EVERGLADES NATIONAL PARK, FLORIDA BAY AND NORTHERN COASTAL ESTUARIES; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Councilmember Karyn Cunningham)

WHEREAS, waters of the Florida Bay and Biscayne Bay are connected to and dependent on the Everglades landscape as the primary source of freshwater for a healthy estuarine environment; and

WHEREAS, the health of the Everglades, which includes Florida and Biscayne Bay, are vital to the multi-billion dollar fishing and ecotourism industry that supports quality of life in the Village of Palmetto Bay including commercial and recreational fishing, snorkeling, diving boat and equipment rentals and other related businesses; and

WHEREAS, lack of freshwater flow, coupled with unseasonably low rainfall over the past year, led to record high salinity in Florida Bay that contributed to mass seagrass die-offs that may continue to worsen; and

WHEREAS, the dire situation in Florida Bay is a symptom of a larger water crisis plaguing Florida whereby northern coastal estuaries receive excess amounts of polluted Lake Okeechobee discharges while the Everglades National Park and Florida Bay are starved for freshwater due to lack of infrastructure for treatment and storage of water and restoration of flow; and

WHEREAS, the discharge of water from Lake Okeechobee has contributed to algae blooms within local water bodies and recreational areas in South Florida, including the St. Lucie River, Caloosahatchee River; and

WHEREAS, the Comprehensive Everglades Restoration Plan (CERP) passed in 1999 calls for a 360,000 acre foot reservoir south of Lake Okeechobee to provide water storage that can contribute clean freshwater flows to the Everglades, Biscayne and Florida Bays; and

WHEREAS, the "Legacy Florida" bill passed by the Florida legislature in 2016 directs funds from the Land Acquisition Trust Fund to fund CERP projects and requires the Department of Environmental Protection and the South Florida Water Management District shall give preference to those Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner; and

WHEREAS, continued focus on Everglades Restoration is an essential component of protecting regional water supply and building climate resilience.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, THAT:

Section 1. The Village Council is in support of the expedited implementation of the Everglades Agricultural Area (EAA) reservoir as called for in CERP.

Section 2. The Village Council urges the passage of Senate President designate Joe Negron's plan to secure funding for land acquisition for the purpose of building a reservoir in the EAA.

Section 3. This Resolution shall take effect immediately upon its passage and adoption.

PASSED and **ADOPTED** this 17th day of October, 2016.

Attest: _____ _____

Missy Arocha — Eugene Flinn

Village Clerk — Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:

_____

Dexter W. Lehtinen

Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham _____

Council Member Tim Schaffer _____

Council Member Larissa Siegel Lara _____

Vice-Mayor John DuBois _____

Mayor Eugene Flinn _____

RESOLUTION NO. 2016-____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE "CREATING OPPORTUNITIES" CAMPAIGN; ENCOURAGING CITIZENS TO EMBRACE THE "CREATING OPPORTUNITIES" CAMPAIGN BY TAKING SUCH STEPS AS ARE FEASIBLE TO CREATE OPPORTUNITIES FOR DISABLED CITIZENS WITHIN THE COMMUNITY OF PALMETTO BAY; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Councilmember Karyn Cunningham)

WHEREAS, the Village of Palmetto Bay has made a commitment to inclusion of persons with disabilities within the community; and

WHEREAS, the Village of Palmetto Bay is already providing activities to promote inclusion of individuals with disabilities through events like Samantha's Purpose Walk, Run, Roll and the Unique Abilities Fair; and

WHEREAS, the Village of Palmetto Bay is interested in partnering with such groups as the Association of Agencies (AOA), Miami is Kind, Nature Links, Shake-a-Leg Miami, Center for Independent Living, and other groups to improve opportunities for fulfillment by persons with disabilities; and

WHEREAS, the "Creating Opportunities" campaign provides a guide regarding steps to create opportunities for disabled individuals (overview provided as Exhibit A, attached hereto).

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The Village Council urges all residents and the Village itself to take such steps as are feasible, as suggested in Exhibit A to provide opportunities for disabled citizens within the community of Palmetto Bay.

Section 2. This Resolution shall become effective immediately.

PASSED AND ADOPTED this 17th day of October, 2016.

Attest:

_____	_____
Missy Arocha	Eugene Flinn
Village Clerk	Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:

_____

Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham _____

Council Member Tim Schaffer _____

Council Member Larissa Siegel Lara _____

Vice-Mayor John DuBois _____

Mayor Eugene Flinn _____

EXHIBIT A

The "Creating Opportunities" Campaign

Sponsored by the Association of Agencies (AOA) of South Florida

OVERVIEW

The "Creating Opportunities" Campaign is a community initiative designed to encourage everyone in the community to create at least one opportunity that would allow a person with a disability, a senior, a veteran or another member of the community with special needs to tap into and use their enormous potential to work, to play, to continue learning and serving their community in ways that demonstrate that they too can be considered to be among the most valuable and treasured members of that community.

What is an "opportunity"?

A good idea.....an event.....a mentorship.....a learning experience.....an activity.....a job.....a volunteer experience.....a resource.....a donation to a special needs fund.....a scholarship.....an entrepreneurship.....a new program.....assistance.....a training.....inclusion in a community event.....providing materials for art and music.....a fundraiser.....an award.....help with preparing for an emergency....an internship.....the provision of professional dress.....a video or photo album that allows the person to tell their story.....a documentary on the potential of persons with disabilities.....a visit at a senior center.....a letter of appreciation to a veteran who has been injured.....a meal for someone who is homeless.....a gift card for a book to start a personal library.....assistance in using community transportation.....providing a special device that can improve access to learning.....promising to improve respect and appreciation for the potential of those who are often excluded opportunities we take for granted.

The Development of the Campaign

1. Identify those who would like to create and implement the Campaign

2. Customize the Campaign to the needs of the Community

3. Create a Community Brochure that citizens can use if they want to participate

4. Include important information and useful data that would be a valuable resource to the community.

5. Identify all the agencies that would be willing to make themselves available to assist someone with creating the opportunity.

6. Develop PSAs on a web site that explain the Campaign to the Community.

7. Post experiences on the website that capture outcomes that inspire others to get involved.

8. Work with employers to organize a program for matching individuals with special needs to mentorship, internship, training, or job opportunities.

9. Identify other programs or community services that could provide new ways of creating opportunities through cultural arts, leisure and recreation, volunteer programs, and more.

10. Arrange an annual celebration to recognize and/or award those in the community who have created some of the most successful or impactful opportunities that have transformed lives.