



**Departmental Report for:
Reporting Period
April 2016**

**RESPONSE TO EMAIL
FROM RESIDENT**

Date: June 3, 2016

Response to Email from resident

Good afternoon Ms. Matson, thank you for giving us the opportunity to respond to your inquiry about the direct appropriation from Representative Artiles.

The following is the portion of the recap from the Manager's report that you are requesting information and also the responses to your questions:

Tallahassee Trip Recap: During the week of November 30th, Village staff and Councilmembers lobbied key legislators in Tallahassee to request funding for Village projects and **promote the Village's legislative agenda**. The Village also presented its storm water funding request before the State's Appropriations **(at the request of the committee we were required to present the merits of our request to them)** Committee for General Government responsible for funding recommendations for drainage projects.

Staff also met with the Florida Department of Environmental Protection, which now oversees the FCT/FRDAP and Rec. Trails programs to discuss the Thalatta Estate facility and the Coral Reef Park trail projects. The agency was extremely helpful and appreciative of our visit and our commitment to our park facilities. Staff informed us that the Village is on the funding list for FRDAP this year, but that funding is subject to appropriations by the legislative body. The final results will therefore not be disclosed until the funding levels are known. **The Village requested \$200,000 for renovations of the basketball courts and a new gazebo at Palmetto Bay Park, and \$50,000 for upgrades to the Perrine Wayside Park. (The grant for Palmetto Bay Park did not make the funding list and has nothing to do with the direct appropriations from the Representative).**

These are the direct answers to your questions:

Please name the specific Palmetto Bay staff and council members who lobbied the key legislators, including Rep. Artiles, during the Tallahassee lobbying trip of the week of Nov. 30, 2015.

The Staff present was as follows:

Edward Silva, Village Manager

Corrice Paterson, Director of Public Works

Olga Cadaval, Director of Human Resources (& Grant Writer)

Council present

Vice Mayor John Dubois

Councilwoman Karyn Cunningham (intermittently)

1. **Where and on what dates did Palmetto Bay staff and council members met with Rep. Artiles during the lobbying trip?**

Staff was there December 2nd through December 4th, 2015. According to our lobbying firm, Vice Mayor DuBois was in Tallahassee earlier, not as part of official Village business. Councilwoman Cunningham is in Tallahassee frequently during the legislative session on behalf of UTD.

2. **Do you recall any staff member or council member mentioning the topic of two additional softball fields in Palmetto Bay Park being discussed with Rep. Artiles during these meetings or at informal get-togethers, for example, at dinners, social gatherings, or informal get-togethers?**

At no time did staff have an informal meeting with any Representative or Senator, our meeting wasn't scheduled but at the request of the Vice Mayor we stopped by the Representatives office to lobby on our legislative agenda and all meetings occurred during business hours.

3. **If so, which Palmetto Bay staff and council members mentioned the two additional softball fields in Palmetto Bay Park?**

As stated previously, staff was in Tallahassee and held meetings to discuss the Village's legislative matters. There was discussion between the Representative and Vice Mayor about making Palmetto Bay a girl's only softball facility but no definitive plan was discussed.

4. **Were softball advocates present at any meeting with Rep. Artiles, Palmetto Bay staff, or Palmetto Bay council members?**

We had one meeting on official Village business with Rep. Artiles, and the only ones present at that meeting were Staff, Vice Mayor DuBois and a representative from our lobbying firm. As to "any meeting", that addresses the Representative's entire schedule and I do not know who else he met or did not meet with or any details of his schedule for that matter.

We cannot stress the importance of transparency enough but the facts remain the same, administration did not request the funding, and we followed our policy as directed by Council in the adoption of our legislative agenda. This trip was a requirement from the Legislative body for the process of obtaining storm water funding and was therefore combined with a meeting with the grant agency to review one of our grants from a strict administration review. The meetings that occurred around our meeting were either set up by our lobbying team or by simply knocking on a legislator door and asking if they had a minute to talk with us. Staff did not meet in any way outside of the capital building with any representative or held any informal talks with legislative members. We were informed by our lobbying team that the Vice Mayor had been in Tallahassee previously and it had made obtaining appointments rather hard during this trip. It was our understanding that this trip was personal in nature and not affiliated with the Village as far as we know. The facts remain that we as staff did lobby on specific issues in December, softball fields was not one of these items, in January the language designating the fields as girls softball only was introduced and sponsored by the Vice Mayor and co-sponsored by the

Councilwoman Cunningham and approved in the February Council meeting. The direct appropriation from the Representative was represented to staff as potentially being used for maintenance. We never saw the appropriation; never had a discussion on it and it was vetoed by the Governor in the beginning of March.

I trust this answers your questions as to staff involvement and again for the record, the direct appropriation would have required negotiations with staff and Council action to accept the appropriation. We never had the opportunity to enter into negotiations or discussions with the State.

Edward Silva, Village Manager

Village of Palmetto Bay



Departmental Report for:
Reporting Period
April 2016

**PUBLIC NOTICE:
GREEN CORRIDOR PROPERTY
ASSESSMENT CLEAN ENERGY
DISTRICT**

**NOTICE OF MEETING
GREEN CORRIDOR PROPERTY ASSESSMENT
CLEAN ENERGY DISTRICT**

A regular meeting of the Board of Supervisors of the **Green Corridor Property Assessment Clean Energy District** will be held on **Monday, June 13, 2016 at 10:00 a.m. at the offices of Ygrene Energy Fund Florida, 3390 Mary Street, Suite 124, Coconut Grove, FL.** The meeting is open to the public and will be conducted in accordance with the provisions of Florida Law. This meeting may be continued to a date, time, and place to be specified on the record at the meeting.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Office at (954) 721-8681 at least five calendar days prior to the meeting.

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

Paul Winkeljohn
District Manager



Departmental Report for:
Reporting Period
April 2016

**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

**(TRANSITION TO
5-YR STEWARDSHIP REPORTING)**



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

June 1, 2016

Fanny Carmona-Gonzalez, Director
Parks and Recreation Department
Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, Florida 33157

fcarmona@palmettobay-fl.gov

Subject: Transition to 5-Year Stewardship Reporting
Thalatta Estate Park
05-042-FF5

Dear Ms. Carmona-Gonzalez:

Thank you for your response to our previous letter offering you the opportunity to transition to a 5-Year stewardship reporting cycle.

Congratulations! We have reviewed your submittal and found that it included all of the requested documents. Therefore, your stewardship reporting requirement for this site is now every 5 years, with a reporting date of **June 30**. Your next stewardship report will be due on **June 30, 2021**.

Please note if it is determined the site is not fully in compliance with all requirements of the Management Plan, Grant Award Agreement, and Declaration of Restrictive Covenants and Special Management Conditions, the annual reporting requirement may be reinstated at any time. Please note that if the site collects any revenue, the total revenue collected in each year must be reported annually, by **June 15**.

FCT appreciates your continuing stewardship and applauds your commitment to the completion and public enjoyment of your community parks and open spaces. If you have any additional questions about transitioning to the 5-Year stewardship reporting cycle, please contact Mr. Jerry Taber at (850) 245-2683.

Sincerely,

Linda Reeves
Program Manager

LR/jt



**Departmental Report for:
Reporting Period
April 2016**

**2016
ASSESSMENT ROLL ESTIMATE**



MIAMI-DADE COUNTY
PROPERTY APPRAISER
ADMINISTRATIVE DIVISION

PEDRO J. GARCIA
PROPERTY APPRAISER

May 31, 2016

The Honorable Eugene Flinn, Mayor
Village of Palmetto Bay
9705 E Hibiscus St.
Palmetto Bay, FL 33157

RE: 2016 ASSESSMENT ROLL ESTIMATE

Dear Mayor Flinn:

The June 1st estimate information listed below is being provided in accordance with Section 200.065(8), Florida Statutes, so that you may start preparing for next year's budget.

It is important to note that July 1st is the official certification date for the 2016 assessment roll. June 1st is only an estimate, which is subject to change.

If you have questions or need clarification, you may contact me at 305-375-4004.

\$2,659,000,000

Sincerely,

A handwritten signature in blue ink, appearing to be "PJG", is written over a light blue horizontal line.

Pedro J. Garcia, MNAA
Property Appraiser

cc: Edward Silva, Manager



Departmental Report for:
Reporting Period
April 2016

**MIAMI DADE COUNTY:
PROPERTY BEING CONSIDERED
FOR SURPLUS**

Memorandum



Date: May 23, 2016
To: Distribution
From: Tara C. Smith, Director
Internal Services Department
Subject: Property Being Considered for Surplus
Located Adjacent North and West of 7821 SW 141 ST
Folio No. 33-5022-000-0180

The subject County-owned vacant property described below and shown in the attached location sketch is being considered for surplus designation by the Internal Services Department. The property information below is being distributed to County Departments and Commissioners' Offices to determine if the County has a present or future need for the property.

Commission District: 8
Managing Department: Internal Services Department
Legal Description: 22 55 40 1.31 AC N160FT OF N1/2 OF NW1/4 OF SE1/4 OF NE1/4 LESS THE E150FT THEREOF & LESS PORT IN PB 77-9
Location: Adjacent North and West of 7821 SW 141 ST
Folio No: 33-5022-000-0180
Lot Size: 57,063.6 square feet
Assessed Market Value: \$7,860

Please note the accepting department will be required to take over any initial acquisition or existing financial obligations. Examples of existing financial obligations may include lot clearing fees, water and sewer charges, special assessments, ISD administrative fees, etc. ISD will consult with interested parties to discuss any existing financial obligations, legal notices, or other charges that may exist or require action.

Any department interested in this property should contact Barry Kent, ISD Real Estate Development Division at 305-375-2110, or by e-mail at bkent@miamidade.gov, by June 12, 2016.

c: Carlos A. Gimenez, Mayor
Honorable Chairman Jean Monestime
and Members, Board of County Commissioners
Department Directors

Attachments



OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 5/13/2016

Property Information	
Folio:	33-5022-000-0180
Property Address:	
Owner	MIAMI-DADE COUNTY GSA R/E MGMT
Mailing Address	111 NW 1 ST STE 2460 MIAMI,FL33128-1929
Primary Zone	2100 ESTATES - 15000 SQFT LOT
Primary Land Use	8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	57,063.6 Sq.Ft
Year Built	0



Assessment Information			
Year	2015	2014	2013
Land Value	\$7,860	\$7,860	\$7,860
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$7,860	\$7,860	\$7,860
Assessed Value	\$5,753	\$5,230	\$4,755

Taxable Value Information			
	2015	2014	2013
County			
Exemption Value	\$5,753	\$5,230	\$4,755
Taxable Value	\$0	\$0	\$0
School Board			
Exemption Value	\$7,860	\$7,860	\$7,860
Taxable Value	\$0	\$0	\$0
City			
Exemption Value	\$5,753	\$5,230	\$4,755
Taxable Value	\$0	\$0	\$0
Regional			
Exemption Value	\$5,753	\$5,230	\$4,755
Taxable Value	\$0	\$0	\$0

Benefits Information				
Benefit	Type	2015	2014	2013
Non-Homestead Cap	Assessment Reduction	\$2,107	\$2,630	\$3,105
County	Exemption	\$5,753	\$5,230	\$4,755

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

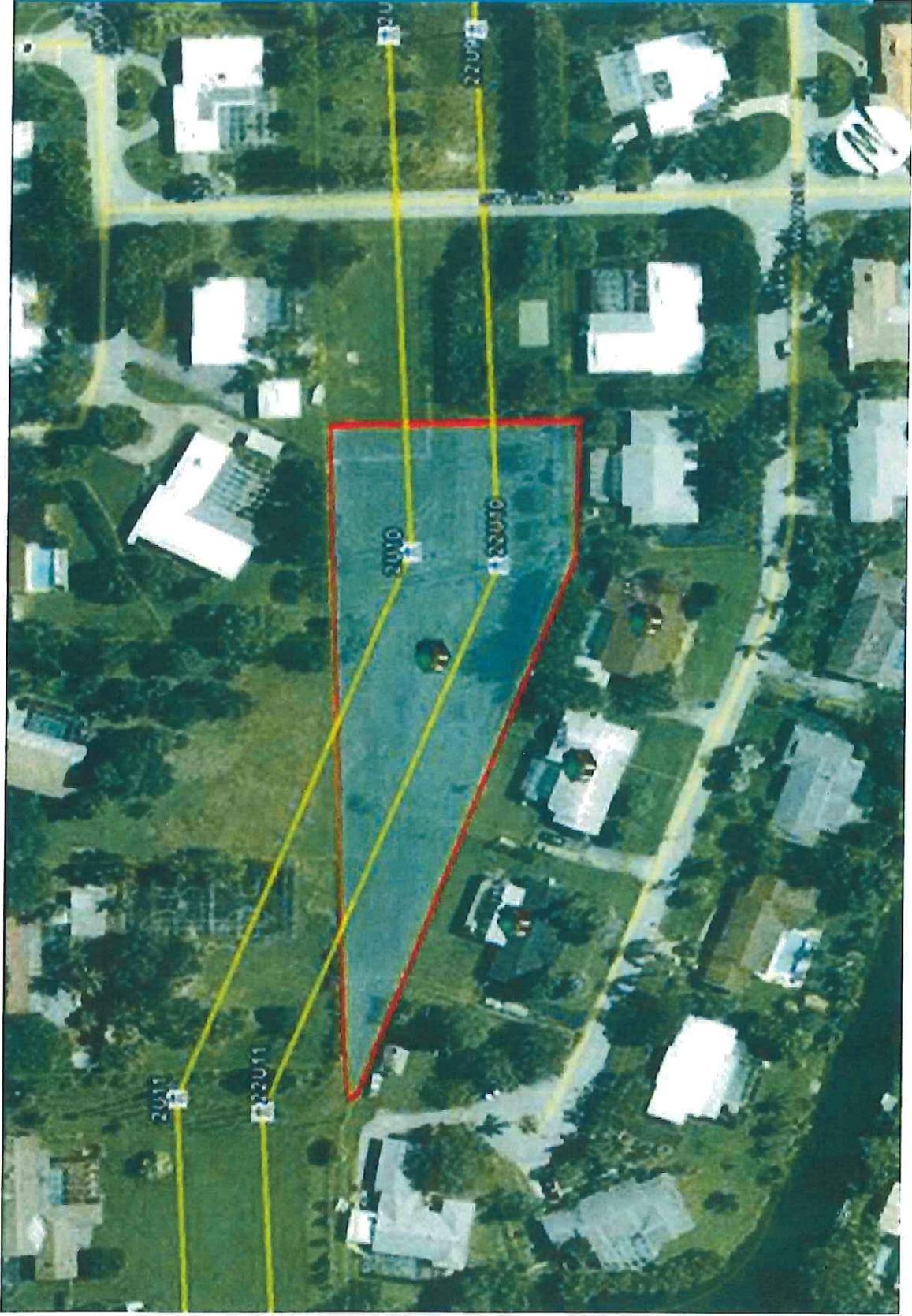
Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description

Short Legal Description
22 55 40 1.31 AC
N160FT OF N1/2 OF NW1/4 OF SE1/4
OF NE1/4 LESS THE E150FT THEREOF
& LESS PORT IN PB 77-9
LOT SIZE SITE VALUE

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

33-5022-000-0180



FLORIDA POWER & LIGHT EASEMENT



Departmental Report for:
Reporting Period
April 2016

MUNICIPAL ETHICS OFFICERS

Miami-Dade County
Commission on Ethics and Public
Trust

Memo

To: All Municipal Clerks and Municipal Attorneys

From: Joseph M. Centorino, Executive Director, Miami-Dade Commission on Ethics and Public Trust

Date: April 8, 2016

Re: Municipal Ethics Officers

The Commission on Ethics and Public Trust in an effort to enhance communication on ethics issues between the Commission staff and local public officers and employees recently began biannual meetings with all Miami-Dade County Ethics Officers, who are appointed under a mandatory County Commission Resolution to represent their respective county departments as liaisons to the Ethics Commission. Because of the enthusiastic response we have received from this program, we are initiating a voluntary Municipal Ethics Officer program.

All municipalities in Miami-Dade County are invited to appoint one or more individuals from among their existing employees as designated Municipal Ethics Officers. There is no particular qualification for such officers other than that they be responsible and ethical employees trusted by both managers and employees at all levels.

Appointed Municipal Ethics Officers will be expected to fulfill the following responsibilities:

- a) Acting as a municipal resource and liaison on ethics matters;
- b) Disseminating ethics information to municipal staff;
- c) Requesting Commission on Ethics and Public Trust opinions as necessary or appropriate on behalf of municipal employees;
- d) Assisting with the coordination and implementation of ethics training programs for the municipality;
- e) Attending biannual or special meetings of Municipal Ethics Officers.

We plan to provide Municipal Ethics Officers with information about County or State ethics requirements, and to answer questions and make suggestions for the purpose of improving ethical awareness and compliance by all municipal employees.

Municipal attorneys are expected and welcome to be included in the Ethics Officer program. However, to maximize accessibility and communication with all employees, we ask that at least one person appointed as an Ethics Officer from each municipality be a non-attorney.

Our initial meeting with Municipal Ethics Officers will take place at our Commission office at 19 W. Flagler Street, Suite 820 in Miami on Wednesday, May 18 at 10 A.M.

At this meeting, which should last about an hour, we will provide an overview of our agency procedures, highlighting some of the common ethics issues that arise for municipal employees. Staff members from the Commission will be introduced. We will also invite requests for future meeting topics and gather contact information from those present to enable us to send out periodic email updates on ethics-related opinions and other legal developments.

This program is not mandatory for municipalities, but we see it as a useful way to improve ethical awareness and promote collegial relationships between municipal and Commission staffs. All appointed Municipal Ethics Officers should contact Rodzandra Sanchez, Administrative Officer for the Ethics Commission (RODZAND@miamidade.gov) at 307-579-2594 to confirm their attendance at the meeting on May 18.

We look forward to working more closely with your municipality to enhance public service ethics in Miami-Dade County.



Departmental Report for:
Reporting Period
April 2016

**INFORMATIONAL SIGNAGE ON
SOUTH FLORIDA WATER
MANAGEMENT DISTRICT
RIGHT OF WAY**



MEMORANDUM

To: Edward Silva
Village Manager

Date: June 2, 2016

From: Ed Hernandez

Re: Informational Signage on South Florida Water Management District (the District) right of way

On May 2, 2016 during the regularly scheduled Council meeting of the Village of Palmetto Bay (the Village), Councilwoman Siegel-Lara expressed interest in informational signage on South Florida Water Management District (the District) right of way running along the C-100 series canals. The Purpose of this memo is to provide some information as to the process the Village will have to go through in order to request a permit to place informational signs along the C-100 series canals within its jurisdictional boundaries and where we are currently in that process.

The C-100 series of canals is part of the Central and Southern Flood Control System created for the purpose of providing flood protection within the 16 county jurisdiction of the District which starts in Kissimmee down to the Florida Keys. The District owns in fee or has an easement on lands along the canals used for the purpose of access to the canal for regular maintenance of the canals and for future expansion of the canals should the need ever arise. This right of way varies in width from section to section. Although the canals primary function is for flood control, the District does allow and encourage recreation on District controlled property as well as *"allow adjacent owners, governmental entities and utilities to utilize Works and Lands of the District provided that the use does not adversely impact or interfere with the District's ability to utilize these lands in any manner it sees fit in furtherance of the District's missions."* These uses include but are not limited, to fencing, placement of boat docks, and signage. The mechanism used to allow utilization of works and lands of the District is the permit.

However, it must be pointed out that all structures on District works and lands constructed by permittee (Village of Palmetto Bay) shall remain the property of permittee, who shall be solely responsible for ensuring that such structures and other uses remain in good and safe condition. The District assumes no duty with regard to ensuring that such uses are so maintained and assumes no liability with regard to injuries caused to others by any such failure. Permittee solely acknowledges and accepts the duty and all associated responsibilities to incorporate safety features, which meet applicable engineering practice and accepted industry standards, into the design, construction, operation and continued maintenance of the permitted facilities/authorized use. This permit does not create any vested rights, and except for governmental entities and utilities, is revocable at will upon reasonable prior written notice. Permittee bears all risk of loss as to monies expended in furtherance of the permitted use. This permit does not convey any property rights nor any rights or privileges other than those specified therein and this permit shall not, in any way, be construed as abandonment or any other such impairment or disposition of the District's property rights.

Some permits can be requested by adjacent property owners (fencing) while other permit requests can only be made by the municipality (signage). The information regarding the permitting process and criteria used can be found in the District's Right of Way Criteria Manual for Use of Works or Lands of the District, August 2013. The manual is used as a guideline by the District staff in reviewing proposals for the issuance of permits. The Rules and criteria contained therein are not intended to restrict the District's use of its rights of way and are subject to change by the Governing Board of the District.

The initial cost for the permit application is \$625 made to the District. There are additional costs associated with the process but are not limited to GIS services, design and fabrication of the signs, maintenance, etc. Installation of the signs is envisioned to be done by current Village staff however there could be an additional cost should the Village decide to seek an outside vendor.

The actual permit process consists of the following:

- Permit application
- Permit fee of \$625
- 4 Legible 8 1/2" x 11" plan view and profile drawings, either drawn to scale or fully dimensioned depicting:
 - District rights of way lines.
 - Location tied to the nearest crossroad or bridge.
- Location of each sign via GIS mapping
- Diagram of Sign 2x2
- Elevation of Sign
- Method of installation
- Petition for waiver
 - Demonstrate hardship and why we require of waiver of the 40' setback from top of bank
- Approval from Governing Board
- Criteria To Be Met:
 - The location of the sign, or any portion of a sign that overhangs the District's right of way, does not interfere with the District's ingress/egress routes or its ability to perform canal operation and maintenance activities.
 - The sign is not located within 100' of a bridge or pile-supported utility crossing.
 - The facility is not located within a staging area or other area which the District has designated as an area where regulatory/informational signs are prohibited.
 - The facility is not located within an environmentally sensitive area.
 - The facility does not adversely affect previously authorized use(s) of the right of way.

Once the application for permit is received by the District's Right of Way Division, it will be reviewed by the Right of Way Division, Real Estate Division and the Miami Field Station. Afterwards, the application will be placed on the District's Governing Board meeting consent agenda if there are no issues with the Village's application. This permit process takes approximately 6-8 week, provided there are no issues. It should be noted that the District reserves the right to grant all the requested signs or some of the requested signs.

<u>COST:</u> Permit fee	\$625
Signage	\$107: post and sign (approximately 30 signs)
GIS	\$tbd
Installation	\$tbd
Drawing	\$tbd
Maintenance	\$tbd
Engineering	<u>\$tbd</u>
Total	\$tbd

Where we are today

We have had several conversations with District staff regarding this issue. They have explained the process and the requirements. We have begun to look at the canal easements within the Village to identify potential locations for the proposed signs. We are beginning the process of determining an approximate budget for this project. The cost may change due to the number of signs approved and other potential factors. Once we have identified the potential locations, the Village and the District will work together to determine the underlying ownership of the property. Should the property be owned by another entity and the District only has an easement on the property, then the Village will have to also request permission from that owner also for the placement of the sign. We will meet periodically with the District as we move through the permitting process to make sure that our application is correct

CC:

ⁱ SFWMD Right of Way Criteria Manual for Use of Works or Lands of the District, August, 2013, pg. 1, Introduction, Policy Statement



Departmental Report for:
Reporting Period
April 2016

CANAL EROSION

Edward Silva

From: Vilaboy, Armando <avilaboy@sfwmd.gov>
Sent: Wednesday, May 25, 2016 2:38 PM
To: Edward Silva; Larissa Siegel Lara
Cc: Ed Hernandez
Subject: Erosion List, Photos and Signage Permits
Attachments: DOC052516.pdf; Chen 8601 SW 140th Terr. Photos.docx; C-100A Erosion Photos.docx; Miami_Field_Station_Erosion-Stablization_Aug_08(1).xlsx

Mr. Silva,

Attached with this email I am forwarding all the information on erosion we discussed at our meeting. The erosion photos show the contrast in areas of C-100 A and C-100 C where we have received some complaints. Below is what we received from our right of way division when discussing the property in question.

- Chen property please note: research (PB 122/46 lot 4, block 2) shows a 20 foot overbank Fee/Easement ROW the existing fence is not under permit and it would appear almost half of the swimming pool is encroaching. We, the Field Station are unaware of any releases. Last we have attached photos of 3' up to 8' of erosion elsewhere as opposed to the 1' or 2' in the area of the Chen property.

We also discussed signage along District canals and found a match in Pinecrest which seems to have been requested by the County and then turned over to Pinecrest during incorporation. Attached is the permit information we were able to find. Given the issue date 1968 it would have been issued by the Districts predecessor the Central and Southern Florida Flood Control District. What is most interesting specially given our discussion at our meeting are the type of signs in the description.

AMIS (NEW)

Permit Applications ROW Permits Right-of-Way Reports ATLAS Micro Fiche EP Numbers ROW Public Mail ROW Violations

GENP

Row Permits: Window 0

Permit Data Modifications Inv Bk/Page Inspections Conditions

Permit Card

Permit Number Special Handling

Appl Number

Quality of Title

County MIAMI-DADE

Canal/Levee

Permittee

Address

Contact Person

Authorization

Comments

Date Cancelled

Date Issued

Permit Exp Date

Reason Cancelled

Mods

Section, Township and Range

Sec	Twtp	Rge
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

Per value for Permit Number

ord: 1/1

<OSC>

I understand Ed Hernandez is working with John Hixenbaugh on signage along the right of way and I will also be attending your event on June 4th. Please let me know if you need any other information from us or if there is anything I missed.

Sincerely,

Armando L. Vilaboy
 South Florida Water Management District
 Regional Representative
 9001 NW 58th Street
 Miami, FL 33178
 Office: 305-513-3420 Ext. 7249
 Cell: 305-336-0711

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking on this [link](#).

A. Chen 8601 SW 140th Terr. Palmetto Bay, FL 33158



Looking South-Southeast at the rear of Mr. Chen's Property



Looking Southeast at the rear of Mr. Chen's Property



Looking South at the rear of Mr. Chen's Property



C-100 A Erosion Examples



Looking Easterly along a South bank at 4' to 5' of Erosion



Looking Easterly along a North bank at 6' to 8' of Erosion

Continued



Looking Easterly along another South bank at 6' to 8' of Erosion



Looking Westerly along a South bank at 5' to 6' of Erosion

Miami Field Station Area Erosion Estimate

Canal	Erosion Reach	Priority	Canal Bank	Distance (ft ±)	Cost	
C-2	C-2/C-4 intersection South to SW 117th Ave. bridge	Medium	East	180	\$45,000.00	
			West	800	\$200,000.00	
	SW 117th Ave. bridge Easterly to 107th Ave. bridge	Medium	North	500	\$125,000.00	
			South	1660	\$415,000.00	
	SW 107th Ave. bridge Easterly to 99th Ave. bridge	Medium	North	330	\$82,500.00	
			South	560	\$140,000.00	
	SW 97th Ave. Easterly to SR-874 (Don Shula expwy)	Medium	North	300	\$75,000.00	
			South	1620	\$405,000.00	
SR-874 (Don Shula expwy) Easterly to SW 87th Ave.	M/H	North	1370	\$342,500.00		
		South	1550	\$387,500.00		
SW 87th Ave. Easterly to SR-826 (Palmetto expwy)	M/H	North	1040	\$260,000.00		
		South	150	\$37,500.00		
SR-826 (Palmetto expwy) Easterly to US-1	Medium	North	420	\$105,000.00		
		South				
C-4	NW 63rd Ave. Northeasterly to NW 7th St.	Medium	NW	800	\$200,000.00	
	NW 43rd Ave. Northwestery to NW 18th St.	Medium	NW	810	\$202,500.00	
C-7	NW 37th Ave. Easterly to NW 32nd Ave.	Medium	North	1460	\$365,000.00	
	NW 32nd Ave. Easterly to NW 27th Ave.	Medium	North	240	\$60,000.00	
NW 27th Ave. Easterly to NW 22nd Ave.	Medium	North	100	\$25,000.00		
1970 NW 107th St. (complaint)	High	North	100	\$25,000.00		
1801 NW 103rd St. (complaint)	High	NE	150	\$37,500.00		

continued

Canal	Erosion Reach	Priority	Canal Bank	Distance (ft ±)	Cost
C-7	31 NW 85th St. (complaint)	High	South	100	\$25,000.00
	388 NE 85th St. (complaint)	High	North	50	\$12,500.00
C-8	NW 77th Ave. (SR-826/Perimeter Road)	Low	West	420	\$105,000.00
	NW 42nd Ave. Easterly to NW 37th Ave.	M/L	North	150	\$37,500.00
	100' East & West of the NW 32nd Ave. bridge	Medium	South	200	\$50,000.00
	NW 24th Ave. Easterly to NW 25th Ave.	M/L	North	290	\$72,500.00
	NW 15th Ave. Easterly to NW 16th Ave.	M/H	North	340	\$85,000.00
	SR-9 Easterly towards SR-7	M/H	North	450	\$112,500.00
C-9	NW 27th Ave. Easterly to the FL Turnpike <i>438 + 00 TO 4</i>	Medium	South	100	\$25,000.00
C-100	SW 92nd Ave. Easterly to SW 89th Pl.	M/H	South	240	\$60,000.00
	South of SW 168th ST. along SW 83rd Ct	M/H	East	430	\$107,500.00
C-100A	200' Westerly from US-1	Medium	South	200	\$50,000.00
	7555 SW 108th Ter. (complaint)	High	South	120	\$30,000.00
	11401 SW 72nd Pl. (complaint)	High	West	220	\$55,000.00
	SW 120th St. Westerly from SW 72nd Ave.	Medium	North	100	\$25,000.00

continued

Canal	Erosion Reach	Priority	Canal Bank	Distance (ft +/-)	Cost
C-100A	12825 SW 69th Ct. (complaint)	High	West	140	\$35,000.00
	SW 77th Ave. Westerly toward the Park	Medium	South	270	\$67,500.00
	15905 SW 77th Ct. (complaint)	High	West	130	\$32,500.00
	South from SW 168th St. to intersection with C - 100	M/H	E & W	2000	\$500,000.00
C-100B	9280 SW 186th Ter. (complaint)	High	North	100	\$25,000.00
C-100C	SW 92nd Ave. Easterly to US-1 (behind the "Falls")	M/H	North	100	\$25,000.00
			South	100	\$25,000.00
	Just East of US-1 (behind "Specs Music")	M/H	North	220	\$55,000.00
	8121 SW 140 Ter. (complaint)	High	South	120	\$30,000.00
	7855 SW 140 Ter. (complaint)	High	South	260	\$65,000.00
	7899 SW 140 Ter. (complaint)	High	South	260	\$65,000.00
	14320 SW 78th Ave.	M/H	East	120	\$30,000.00
Total of linear feet of right-of-way erosion/damage				22070	
Total cost of repair of right-of-way erosion/damage					\$5,517,500.00

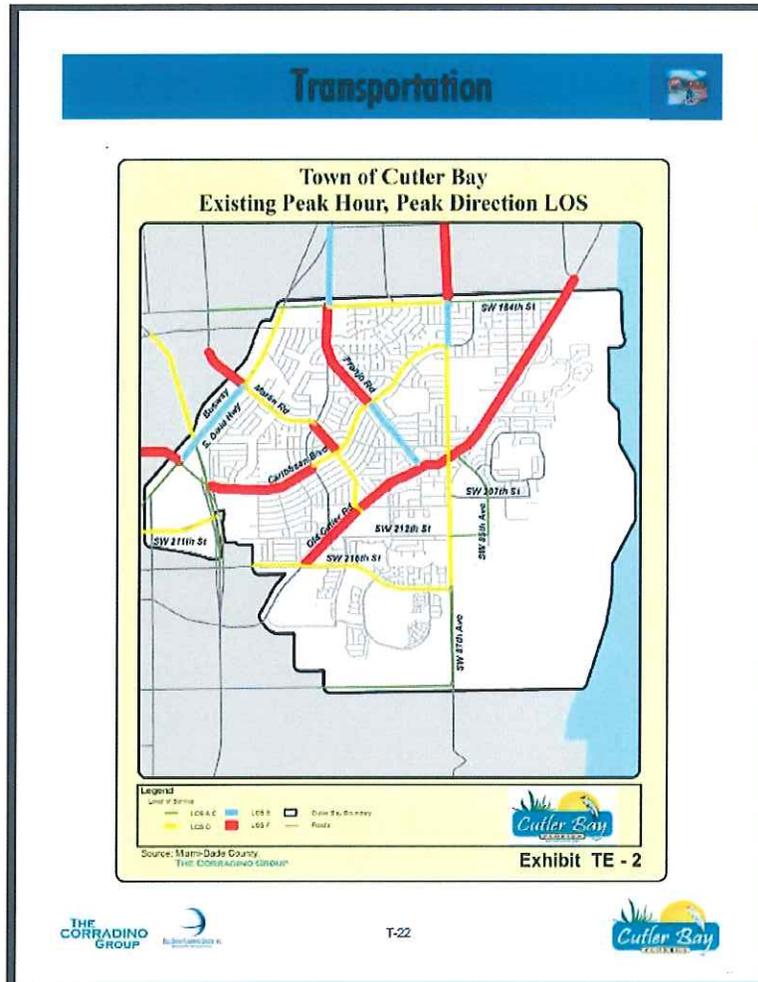


Departmental Report for:
Reporting Period
April 2016

**TOWN OF CUTLER BAY:
THE PROBLEM WITH
TRAFFIC STUDIES**

The Problem with Traffic Studies

In 2008, Cutler Bay approved its comprehensive plan, called the Growth Management Plan (GMP). Included in the plan was an analysis of traffic on Old Cutler Road (OCR). This analysis showed that the road was operating at Level of Service (LOS) F over its entire length through the Town.



Traffic has not improved since 2008. In fact, it has gotten much worse.

However, in 2015 a developer applied to the Town for a Land Use change to the GMP that would allow higher density development on his 9.5 acre property on OCR. As part of this application, the applicant submitted a traffic impact study that showed that OCR (south of 184th street) was currently operating at or better than LOS C. How can this be?

To understand this, the process and the methods of performing traffic impact studies must be considered.

Choosing a methodology.

As I understand it, even though it is the intent of the Land Development Regulations (LDRs) to "provide specific procedures to ensure that development orders and permits are conditioned on the

availability of public facilities and services that meet level of service requirements”, there are no specific procedures in the LDRs related to traffic impact studies, just general statements such as “The development permitted by the application, if granted, will efficiently use or not unduly burden or affect public transportation facilities.”

So, to choose a methodology, the applicant’s consultants meet with the Town’s consultants and “mutually agree” on a methodology. And, this methodology is usually (and was in this case) use of traffic volume counts and the Florida Department of Transportation (FDOT) Generalized Service Volume Tables. Then, the applicant performs the traffic study.

Generalized Service Volume Table Methodology

Simplified, the way this methodology works is:

- 1.) The applicant puts out some traffic counters – those boxes with rubber hoses extending into the road that count how many cars go by. He collects a 24 hour count
- 2.) He picks the two hours of peak count – one in the AM and one in the PM.
- 3.) He plugs these numbers into the Table (after some “factor tweaking”), and gets the Level of Service (LOS) for peak hours, morning and afternoon.

Here is an actual 24 hour count from an applicant’s traffic study:

24-HOUR COUNTS																
Project Name:		Old Cutler Road Site					Project No.:		14191							
Location:		Old Cutler road South of SW 184 St					Count Date:		AVERAGE							
Observer:		Traffic Survey Specialists, Inc.														
BEGIN TIME	Southbound						TOTAL	BEGIN TIME	Northbound						TOTAL	TWO-WAY TOTAL
	1st 1/4	2nd 1/4	3rd 1/4	4th 1/4	5th 1/4	TOTAL			1st 1/4	2nd 1/4	3rd 1/4	4th 1/4	5th 1/4	TOTAL		
12:00 AM	22	14	10	9	55		12:00 AM	10	6	7	6	28	82			
01:00 AM	8	10	7	6	30		01:00 AM	4	2	4	2	12	42			
02:00 AM	5	5	5	2	16		02:00 AM	4	1	5	2	11	27			
03:00 AM	4	2	3	3	11		03:00 AM	6	2	3	5	15	26			
04:00 AM	5	2	3	5	14		04:00 AM	8	10	16	25	58	72			
05:00 AM	3	7	14	12	35		05:00 AM	36	51	98	121	305	340			
06:00 AM	12	27	33	39	110		06:00 AM	221	256	227	199	903	1,013			
07:00 AM	46	69	71	79	265		07:00 AM	225	219	208	190	842	1,106			
08:00 AM	85	74	100	106	364		08:00 AM	179	206	232	220	838	1,202			
09:00 AM	86	76	58	57	277		09:00 AM	176	148	142	129	593	870			
10:00 AM	61	72	62	68	262		10:00 AM	116	100	109	87	411	673			
11:00 AM	74	73	75	71	293		11:00 AM	83	85	84	91	343	635			
12:00 PM	80	94	84	77	334		12:00 PM	99	83	86	87	354	688			
01:00 PM	76	99	91	90	355		01:00 PM	91	108	95	101	394	749			
02:00 PM	120	121	131	134	504		02:00 PM	108	91	95	100	391	895			
03:00 PM	150	172	155	178	654		03:00 PM	100	96	124	100	418	1,072			
04:00 PM	235	206	208	226	874		04:00 PM	85	78	79	107	348	1,222			
05:00 PM	236	236	226	241	938		05:00 PM	92	98	91	96	376	1,313			
06:00 PM	226	225	223	226	900		06:00 PM	87	81	91	80	339	1,238			
07:00 PM	205	196	185	188	773		07:00 PM	67	63	58	57	245	1,017			
08:00 PM	165	162	122	110	558		08:00 PM	51	47	32	31	160	718			
09:00 PM	96	93	88	76	353		09:00 PM	32	38	34	27	131	483			
10:00 PM	71	52	54	47	223		10:00 PM	24	22	21	17	83	306			
11:00 PM	44	30	25	25	124		11:00 PM	10	18	11	11	49	173			
24-HOUR TOTAL						8,317	24-HOUR TOTAL						7,640	15,956		

TRAFFIC COUNT SUMMARY			
2013 FDOT Peak Season Conversion Factor = 1.02			
	Southbound	Northbound	TWO-WAY
AM Peak Hour	Volume: 321	Volume: 856	Volume: 1,177
PM Peak Hour	Volume: 924	Volume: 369	Volume: 1,293

We see in the summary that the value for Northbound AM Peak Hour volume is 856. Noting that OCR between 87 ave. and 184st is Class II, the applicant consults a FDOT Generalized Service Volume Table (see below) and submits a traffic study that claims LOS C northbound in the morning. And, the Town cannot object, because he has followed the Town-approved methodology to the letter.

STATE SIGNALIZED ARTERIALS					
Class I (>0.00 to 1.99 signalized intersections per mile)					
Lanes	Median	B	C	D	E
2	Undivided	860	1,370	1,480	***
4	Divided	2,600	3,110	3,280	***
6	Divided	4,020	4,710	4,950	***
Class II (2.00 to 4.50 signalized intersections per mile)					
Lanes	Median	B	C	D	E
2	Undivided	**	910	1,330	1,420
4	Divided	**	2,200	2,910	3,080
6	Divided	**	3,460	4,400	4,640
Class III/IV (more than 4.50 signalized intersections per mile)					
Lanes	Median	B	C	D	E
2	Undivided	**	460	1,040	1,300
4	Divided	**	1,110	2,480	2,800
6	Divided	**	1,750	3,860	4,260

But, the results and the conclusions are WRONG!

The Problem

To understand the problem, it is necessary to go out and actually look at the traffic. (In engineering this is called a "field observation".) Here are excerpts from a field log (these observations were also video recorded):

8:40 AM - Northbound on OCR. Complete stop approx. 0.1 mi north of SW 82 Ave.

- Stop and go traffic. Motorists making U turns on swale, and turning into side streets

8:49 AM – clear SW184 st and OCR intersection – turn rt into PBVC driveway. Traffic is stopped in NB lane on N side of intersection.

This is clearly abysmally poor traffic quality. Driving 0.8 miles in 9 minutes calculates to an Average Travel Speed of about 5 MPH.

The next observation was to count the number of vehicles per minute passing through the intersection (at 5 MPH or less). The count was 11. Or, 660 per hour. This closely coincides with the applicant's count – and, when using the volume table, results in an LOS C.

(A later field observation – at 11:00 AM that day, and with vehicles passing through the intersection at 40+ MPH – resulted in a similar count.).

Again, these observations were documented by video recording.

The only possible conclusion is that the Generalized Service Volume Table methodology does not differentiate between 660 vehicles crossing an intersection at 5 MPH and 660 vehicles crossing at 40 MPH, and thus fails to produce valid results when a roadway is already congested.

This conclusion was verified in a communication with FDOT.

In fact, the Highway Capacity Manual (HCM) - published by the Transportation Research Board of the National Research Council, and considered the ultimate reference for Traffic Studies - cautions against use of the Generalized Service Volume Tables: *"If conditions on a given street vary considerably from those used to create the tables, the tabular values are not appropriate"*. These conditions (assumptions) include no delay and no queue. (Surely a queue 0.8 miles long would violate such an assumption.)

The Average Travel Speed Methodology

The Highway Capacity Manual states:

"The average travel speed for through vehicles along an urban street is the determinant of the operating level of service (LOS)"

The Average Travel Speed methodology measures the average speed a vehicle moves over a segment of a highway under study. This is done by clocking the time it takes to actually travel through the segment.

Since the commuter doesn't care how many other cars are on the road, but instead just how long it takes to get to work, the Average Travel Speed methodology is intuitive, descriptive, simple, informative, and foolproof. Its accuracy is not affected by congestion, queuing, or other delays. If the truth is desired, it is the proper methodology to use.

The HCM contains the following table to determine Level of Service from measured Average Travel Speed (table modified to show MPH rather than KmPH):

EXHIBIT 15-2. URBAN STREET LOS BY CLASS (MPH)				
Urban Street Class	I	II	III	IV
Range of free-flow speeds (FFS) (mi/h)	56 to 43	43 to 34	34 to 31	34 to 25
Typical FFS (mi/h)	50	40	34	28
LOS	Minimum Average Travel Speed (mi/h)			
A	> 45	> 37	> 31	> 25
B	> 35	> 29	> 24	> 20
C	> 25	> 20	> 17	> 14
D	> 20	> 16	> 14	> 11
E	> 16	> 13	> 11	> 9
F	<= 16	<= 13	<= 11	<= 9

We see by comparing our 5 MPH average travel speed on OCR to the table that it is operating at LOS F – as we intuitively know it is.

The Consequences of a Flawed Traffic Study

When everyday drivers hear that a study says that traffic isn't a problem on OCR, and the Town doesn't object or even comment, they lose trust and confidence in their government.

When an invalid study contributes to the approval of a development that actually degrades LOS, it violates the mandate of the GMP that a development "*does not degrade adopted levels of service in the Town*".

When LOS is degraded, it impacts quality of life in the community – who wants to live (or operate a business) where traffic is abysmal?

When quality of life is degraded, property values suffer.

When property values suffer, the tax base decreases.

When a study intended to identify infrastructure needs fails, those needs are ignored.

When a study intended to identify mitigation needed to offset impact on infrastructure by a proposed development fails, the community must then pay for improvements required to remedy the impact, rather than the applicant – who is supposed to.

The Solution

All my life, my parents, teachers, and ministers all taught me that when studying or learning, to search for the truth. Throughout my professional career I followed this advice – when performing feasibility studies, market analyses, and/or product projections. The solution is to **search for the truth**.

- 1.) The Town must perform complete and truthful impact studies itself, independently of the applicant, and charge the applicant(s) for the costs of the studies.
- 2.) The Town must require, by inclusion in the LDRs, the Average Travel Speed Methodology for performing studies of existing traffic quality.

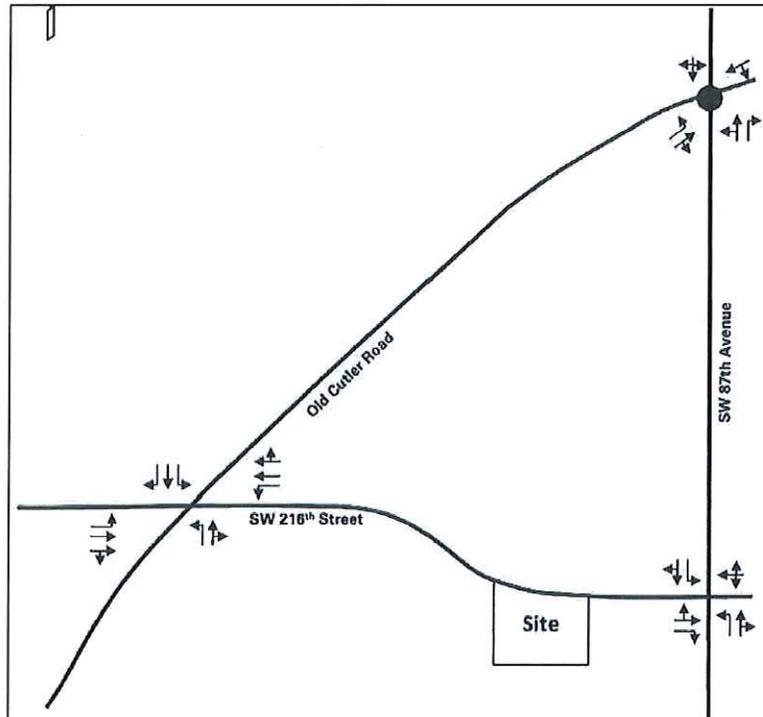
In addition, the Town should contract with a reputable Town Planner/Engineer to compose specific regulations to be included in the LDRs, as approved by the Council, to ensure that all studies, impact and otherwise, traffic and otherwise, conform to the requirements of completeness and truthfulness.

- 3.) Studies must include "committed development information" in the entire area influenced by the proposed development. This area must not be bounded by municipal boundaries, but must extend to any committed development in the surrounding area.

For example, a recent impact study failed to include the impact of the expansion of Palmer Trinity School, even though this expansion was just blocks away, and will have a huge impact on the exact roadways also impacted by the proposed development.

- 4.) The study area must be realistic and include all roadways that would actually be impacted by a proposed development.

For example, another impact study failed to consider the impacts of a proposed development on the segments of 87th Ave. north of Old Cutler Road, Old Cutler Road northeast of 87th Avenue, and SW 216th Street West of Old Cutler Road, when the proposed development would have a direct and negative impact on those roadway segments (See below).



Conclusion

It is my hope that applicants will know that they must bring their “best stuff” before the Town of Cutler Bay. That development in Cutler Bay will be responsible and beneficial to the community beyond any doubt or element of mistrust. That any negative impact must and will be properly recognized by legitimate, complete, and truthful methods and procedures, and such negative impact will not be tolerated.

In short, that Cutler Bay is a Town that looks out for the benefit and well-being of its residents.