To: Honorable Mayor and Village Council

From: Edward Silva, Village Manager

Date: April 4, 2016

Re: Budget Amendment – FY 2015-2016 (2nd Reading)

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE FISCAL YEAR 2015-2016 BUDGET; AMENDING ORDINANCE NUMBER 2015-10; AMENDING THE VILLAGE'S BUDGET FOR THE 2015-2016 FISCAL YEAR; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS ORDINANCE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

UPDATE SINCE FIRST READING:

This item was heard at first reading on March 7, 2016 and was approved without any changes. The remainder of this report regarding the agenda item is as it was submitted on March 7, 2016.

BACKGROUND AND ANALYSIS:

The Adopted Budget for Fiscal Year 2015-2016 incorporates the Staffing Summary, summarizing all positions within the Village. At this mid-point of the budget year, administration finds that it is necessary to make certain personnel changes to better meet the needs of Village operations. The attached (Exhibit A) Amended Staffing Summary reflects and details the proposed personnel changes and updates.

BUDGET AND FISCAL IMPACT:

None; the proposed changes will not have an impact on the approved funding levels.

RECOMMENDATION:

Approval is recommended.

Attachments:

(Exhibit A) – Amended Staffing Summary

Exhibit A

Amended Staffing Summary

VILLAGE POSITION DETAIL		FY 13-14 Adopted		FY 14-15 Amended Final		FY 15-16 Adopted		FY 15-16 Mid-Year Adj.	
Mayor & Council		**PT**	**FT**	**PT**	**FT**	**PT**	**FT**	**PT**	**FT**
	Mayor	1.0	0.0	1.0	0.0	1.0	0.0	1.0	0.0
	Vice Mayor	1.0	0.0	1.0	0.0	1.0	0.0	1.0	0.0
	Councilmember	3.0	0.0	3.0	0.0	3.0	0.0	3.0	0.0
	Total Positions	**5.0**	**0.0**	**5.0**	**0.0**	**5.0**	**0.0**	**5.0**	**0.0**
Office of the Village Manager		**PT**	**FT**	**PT**	**FT**	**PT**	**FT**	**PT**	**FT**
	Village Manager	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Executive Assistant	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Admin. Aide/Receptionist	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Communications Mgr/PIO	0.0	1.0	0.0	1.0	0.0	0.0	0.0	0.0
	TV & Camera Technician	0.0	0.0	1.0	0.0	0.0	0.0	0.0	0.0
	Business Partner Liaison	0.0	0.0	0.0	0.0	0.0	1.0	0.0	0.0
	Assistant to the Manager	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0
	Procurement Specialist	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0
	Architectural Renderer**	0.0	0.0	0.0	0.0	1.0	0.0	0.0	1.0
	Total Positions	**0.0**	**4.0**	**1.0**	**4.0**	**1.0**	**4.0**	**0.0**	**6.0**
Office of the Village Clerk		**PT**	**FT**	**PT**	**FT**	**PT**	**FT**	**PT**	**FT**
	Village Clerk	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Administrative Assistant	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Total Positions	**0.0**	**2.0**	**0.0**	**2.0**	**0.0**	**2.0**	**0.0**	**2.0**
Finance Department		**PT**	**FT**	**PT**	**FT**	**PT**	**FT**	**PT**	**FT**
	Finance Director	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Sr. Accountant	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Procurement Specialist	0.0	1.0	0.0	1.0	0.0	1.0	0.0	0.0
	IT Technician	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0
	Accountant	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Cashier	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Accounting & Alarm Clerk	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Total Positions	**0.0**	**6.0**	**0.0**	**6.0**	**0.0**	**6.0**	**0.0**	**6.0**
Dept. of Community & Economic Dev		**PT**	**FT**	**PT**	**FT**	**PT**	**FT**	**PT**	**FT**
Building & Permitting	Community & Econ. Dev. Dir.**	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Building Official**	0.0	0.0	0.0	0.0	0.0	1.0	0.0	1.0
	Chief Building Inspector**	0.0	1.0	0.0	1.0	0.0	0.0	0.0	1.0
	Office Manager**	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Code Compliance Coordinator**	0.0	0.0	0.0	1.0	0.0	1.0	0.0	1.0
	Code Compliance Inspector**	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Code Compliance Officer**	0.0	0.0	0.0	2.0	0.0	2.0	0.0	2.0
	Zoning Administrator**	0.0	0.0	0.0	1.0	0.0	1.0	0.0	1.0
	Permit Clerk I**	0.0	1.0	0.0	1.0	0.0	1.0	0.0	2.0
	Permit Clerk II**	0.0	1.0	0.0	1.0	0.0	1.0	0.0	0.0
	Permit Clerk I/ Receptionist**	0.0	0.0	0.0	1.0	0.0	1.0	0.0	1.0
	Plans Processing Clerk**	1.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Receptionist**	1.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0
	Architectural Renderer**	0.0	0.0	1.0	0.0	0.0	0.0	0.0	0.0
	Total Buiding & Permitting Positions	*2.0*	*8.0*	*1.0*	*12.0*	*0.0*	*12.0*	*0.0*	*13.0*

Exhibit A

Amended Staffing Summary

Planning & Zoning	Planning & Zoning Director	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Planning & Zoning Administrator	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Planning & Zoning Admin. Coord.	0.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0
	Administrative Assistant	0.0	1.0	0.0	1.0	0.0	0.0	0.0	0.0
	Permit Zoning Technician	0.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0
	Code Compliance Officer	0.0	2.0	0.0	0.0	0.0	0.0	0.0	0.0
	Total Planning & Zoning Positions	*0.0*	*7.0*	*0.0*	*3.0*	*0.0*	*2.0*	*0.0*	*2.0*
	Total Positions	**2.0**	**15.0**	**1.0**	**15.0**	**0.0**	**14.0**	**0.0**	**15.0**
Human Resources & Communications		**PT**	**FT**	**PT**	**FT**	**PT**	**FT**	**PT**	**FT**
	Human Resources & Communications Dir.*	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	HR Generalist	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Communications Manager*	0.0	0.0	0.0	0.0	0.0	1.0	0.0	1.0
	Videographer/ Video Editor*	0.0	0.0	0.0	0.0	1.0	0.0	1.0	0.0
	Public Information Officer*	0.0	0.0	0.0	0.0	0.0	1.0	0.0	1.0
	Grantwriter	0.0	0.0	1.0	0.0	1.0	0.0	1.0	0.0
	Total Positions	**0.0**	**2.0**	**1.0**	**2.0**	**2.0**	**4.0**	**2.0**	**4.0**
Parks & Recreation		**PT**	**FT**	**PT**	**FT**	**PT**	**FT**	**PT**	**FT**
	Parks and Recreation Director	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Parks and Recreation Manager	0.0	1.0	0.0	1.0	0.0	1.0	0.0	0.0
	Parks & Recreation Supervisor	0.0	2.0	0.0	3.0	0.0	3.0	0.0	3.0
	Administrative Assistant	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Special Events Supervisor	0.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0
	Special Events & Programs Coord.	0.0	1.0	0.0	2.0	0.0	2.0	0.0	2.0
	Park Reservations Specialist	0.0	0.0	0.0	1.0	0.0	1.0	0.0	1.0
	Grounds/ Facility Maint. Supervisor	0.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0
	Parks Maintenance Worker	6.0	3.0	0.0	0.0	0.0	0.0	0.0	0.0
	Tennis Center Attendant	3.0	0.0	3.0	0.0	3.0	0.0	3.0	0.0
	Park Service Aide	19.0	0.0	18.0	0.0	20.0	0.0	20.0	0.0
	Total Positions	**28.0**	**11.0**	**21.0**	**9.0**	**23.0**	**9.0**	**23.0**	**8.0**
Public Services		**PT**	**FT**	**PT**	**FT**	**PT**	**FT**	**PT**	**FT**
Public Works	Public Works Director**	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Administrative Assistant**	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Field Operations Supervisor**	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Grounds Maintenance Worker**	0.0	2.0	0.0	2.0	0.0	3.0	0.0	3.0
	Stormwater Engineering Technician**	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Bus Operator**	3.0	0.0	1.0	1.0	1.0	0.0	1.0	0.0
	Transit Operations Specialist**	0.0	0.0	0.0	0.0	0.0	1.0	0.0	1.0
	Total Public Works Positions	*3.0*	*6.0*	*1.0*	*7.0*	*1.0*	*8.0*	*1.0*	*8.0*
Facilities Maint.	Facilities Maint. Superintendent	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Facilities Maint. Worker I	0.0	1.0	0.0	1.0	0.0	1.0	2.0	3.0
	Facilities Maint. Worker II	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Grounds/ Facility Maint. Supervisor	0.0	0.0	0.0	1.0	0.0	1.0	0.0	1.0
	Maintenance Technician	0.0	0.0	0.0	1.0	0.0	1.0	0.0	1.0
	Maintenance Worker	0.0	0.0	5.0	3.0	5.0	3.0	4.0	3.0
	Total Facilities Maint. Positions	*0.0*	*3.0*	*5.0*	*8.0*	*5.0*	*8.0*	*6.0*	*10.0*
	Total Public Services Positions	**3.0**	**9.0**	**6.0**	**15.0**	**6.0**	**16.0**	**7.0**	**18.0**

Exhibit A

Amended Staffing Summary

CONTRACTUAL POSITION DETAIL		FY 13-14 Adopted		FY 14-15 Amended Final		FY 15-16 Adopted		FY 15-16 Mid-Year Adj.	
Police Services		**PT**	**FT**	**PT**	**FT**	**PT**	**FT**	**PT**	**FT**
Contractual	Police Major	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Police Lieutenant	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Police Sergeant	0.0	5.0	0.0	5.0	0.0	5.0	0.0	5.0
	Police Officer	0.0	35.0	0.0	35.0	0.0	35.0	0.0	36.0
	Secretary	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Police Record Specialist	0.0	2.0	0.0	2.0	0.0	2.0	0.0	2.0
	Police Station Specialist	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Total (Contractual) Positions	**0.0**	**46.0**	**0.0**	**46.0**	**0.0**	**46.0**	**0.0**	**47.0**
Village Attorney		**PT**	**FT**	**PT**	**FT**	**PT**	**FT**	**PT**	**FT**
Contractual	Village Attorney	1.0	0.0	1.0	0.0	1.0	0.0	1.0	0.0
	Total (Contractual) Positions	**1.0**	**0.0**	**1.0**	**0.0**	**1.0**	**0.0**	**1.0**	**0.0**
Dept. of Community & Economic Dev (Bldg. & Permitting)		**PT**	**FT**	**PT**	**FT**	**PT**	**FT**	**PT**	**FT**
Contractual	Building Inspector	1.0	0.0	1.0	0.0	1.0	0.0	1.0	0.0
	Chief Mechanical Inspector	1.0	0.0	1.0	0.0	1.0	0.0	1.0	0.0
	Chief Electrical Inspector	1.0	0.0	1.0	0.0	1.0	0.0	1.0	0.0
	Chief Plumbing Inspector	1.0	0.0	1.0	0.0	1.0	0.0	1.0	0.0
	Structural Plans Reviewer	1.0	0.0	1.0	0.0	1.0	0.0	1.0	0.0
	Total (Contractual) Positions	**5.0**	**0.0**	**5.0**	**0.0**	**5.0**	**0.0**	**5.0**	**0.0**
	TOTAL VILLAGE POSITIONS	**33.0**	**49.0**	**30.0**	**53.0**	**32.0**	**55.0**	**32.0**	**59.0**
	TOTAL COUNCIL POSITIONS	**5.0**	**0.0**	**5.0**	**0.0**	**5.0**	**0.0**	**5.0**	**0.0**
	TOTAL CONTRACTUAL POSITIONS	**6.0**	**46.0**	**6.0**	**46.0**	**6.0**	**46.0**	**6.0**	**47.0**

Proposed Adjustments:

Departmental Name: Human Resources & Communications Department

Staffing Updates:

Manager:	Update Business Partner Liaison to Assistant to Manager
	Update Architectural Rendered from PT to FT
	Transfer (1) Procurement Specialist from Finance Dept.
Finance:	Add (1) IT Technician-FT
	Transfer (1) Procurement Specialist to Village Manager
Building & Permitting	Replace (1) Permit Clerk II with (1) Permit Clerk I
	Add (1) Chief Building Inspector- FT
Parks & Recreation:	Remove (1) Parks & Recreation Manager-FT
Public Works	Replace (1) FT Bus Operator with (1) FT Transit Operations Specialist
Facilities Maint.:	Add (2) Facilities Maint. Worker I- PT
	Add (2) Facilities Maint. Worker I- FT
	Remove (1) Maintenance Worker- PT

Title Updates*:

Update Building & Capital Projects Director to Community & Economic Dev. Director
Update Human Resources Director to Human Resources & Communications Director
Update Communications Manager/ PIO to Communications Manager
Update Public Information Specialist to Public Information Officer
Update TV/ Camera Tech. to Videographer/ Video Editor

**Funded through Special Revenue

PROPOSED
ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE FISCAL YEAR 2015-2016 BUDGET; AMENDING ORDINANCE NUMBER 2015-10; AMENDING THE VILLAGE'S BUDGET FOR THE 2015-2016 FISCAL YEAR; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS ORDINANCE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Village Council adopted Ordinance 2015-10, which approved and adopted the Village's Operating and Capital Budget for Fiscal Year (FY) 2015-2016; and

WHEREAS, the adopted Operating and Capital Budget for FY 2015-2016 incorporates the Staffing Summary, which shows all the positions approved by the Council, and the departments to which such positions correspond; and

WHEREAS, the Village desires to adjust the current organizational structure, transfer certain operational functions between departments in an effort to improve efficiencies, and include other positions which are necessary to maintain a high level of service; and

WHEREAS, the proposed personnel changes will not impact the funding levels approved by the Village Council in the Adopted Budget for FY 2015-2016; and

WHEREAS, the Mayor and Village Council of the Village of Palmetto Bay desire to amend the budget and adopt the amended Staffing Summary for FY 2015-16, as set forth in the attached Exhibit "A", based upon the review and analysis of the Finance Director and based upon the recommendation of the Village Manager.

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

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

Section 2. *Budget Amendment.* The Village Council authorizes and approves the amendment of Ordinance Number 2015-10, which adopted the Village's Capital and Operating Budget for Fiscal Year 2015-2016. The budget adopted by Ordinance Number 2015-10 is hereby amended to authorize the changes in personnel, as further detailed on the amended Staffing Summary, attached hereto as Exhibit A.

Section 3. *Authorization of Village Manager.* The Village Manager is hereby authorized to take all actions necessary to implement the terms and conditions of this Ordinance.

Section 4. *Severability.* If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. *Effective Date.* This ordinance shall take effect immediately upon adoption on second reading.

PASSED AND ENACTED this ____ day of _____, 2016.

First Reading: _____

Second Reading: _____

Attest: _____ _____

Meighan Alexander, Village Clerk — Eugene Flinn, Mayor

APPROVED AS TO FORM:

_____

Dexter Lehtinen
Office of 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 _____

Additions shown by underlining and deletions shown by ~~overstriking~~.

Exhibit A

Amended Staffing Summary

VILLAGE POSITION DETAIL		FY 13-14 Adopted		FY 14-15 Amended Final		FY 15-16 Adopted		FY 15-16 Mid-Year Adj.	
Mayor & Council		**PT**	**FT**	**PT**	**FT**	**PT**	**FT**	**PT**	**FT**
	Mayor	1.0	0.0	1.0	0.0	1.0	0.0	1.0	0.0
	Vice Mayor	1.0	0.0	1.0	0.0	1.0	0.0	1.0	0.0
	Councilmember	3.0	0.0	3.0	0.0	3.0	0.0	3.0	0.0
	Total Positions	**5.0**	**0.0**	**5.0**	**0.0**	**5.0**	**0.0**	**5.0**	**0.0**
Office of the Village Manager		**PT**	**FT**	**PT**	**FT**	**PT**	**FT**	**PT**	**FT**
	Village Manager	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Executive Assistant	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Admin. Aide/Receptionist	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Communications Mgr/PIO	0.0	1.0	0.0	1.0	0.0	0.0	0.0	0.0
	TV & Camera Technician	0.0	0.0	1.0	0.0	0.0	0.0	0.0	0.0
	Business Partner Liaison	0.0	0.0	0.0	0.0	0.0	1.0	0.0	0.0
	Assistant to the Manager	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0
	Procurement Specialist	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0
	Architectural Renderer**	0.0	0.0	0.0	0.0	1.0	0.0	0.0	1.0
	Total Positions	**0.0**	**4.0**	**1.0**	**4.0**	**1.0**	**4.0**	**0.0**	**6.0**
Office of the Village Clerk		**PT**	**FT**	**PT**	**FT**	**PT**	**FT**	**PT**	**FT**
	Village Clerk	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Administrative Assistant	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Total Positions	**0.0**	**2.0**	**0.0**	**2.0**	**0.0**	**2.0**	**0.0**	**2.0**
Finance Department		**PT**	**FT**	**PT**	**FT**	**PT**	**FT**	**PT**	**FT**
	Finance Director	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Sr. Accountant	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Procurement Specialist	0.0	1.0	0.0	1.0	0.0	1.0	0.0	0.0
	IT Technician	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0
	Accountant	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Cashier	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Accounting & Alarm Clerk	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Total Positions	**0.0**	**6.0**	**0.0**	**6.0**	**0.0**	**6.0**	**0.0**	**6.0**
Dept. of Community & Economic Dev		**PT**	**FT**	**PT**	**FT**	**PT**	**FT**	**PT**	**FT**
Building & Permitting	Community & Econ. Dev. Dir.**	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Building Official**	0.0	0.0	0.0	0.0	0.0	1.0	0.0	1.0
	Chief Building Inspector**	0.0	1.0	0.0	1.0	0.0	0.0	0.0	1.0
	Office Manager**	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Code Compliance Coordinator**	0.0	0.0	0.0	1.0	0.0	1.0	0.0	1.0
	Code Compliance Inspector**	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Code Compliance Officer**	0.0	0.0	0.0	2.0	0.0	2.0	0.0	2.0
	Zoning Administrator**	0.0	0.0	0.0	1.0	0.0	1.0	0.0	1.0
	Permit Clerk I**	0.0	1.0	0.0	1.0	0.0	1.0	0.0	2.0
	Permit Clerk II**	0.0	1.0	0.0	1.0	0.0	1.0	0.0	0.0
	Permit Clerk I/ Receptionist**	0.0	0.0	0.0	1.0	0.0	1.0	0.0	1.0
	Plans Processing Clerk**	1.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Receptionist**	1.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0
	Architectural Renderer**	0.0	0.0	1.0	0.0	0.0	0.0	0.0	0.0
	Total Buiding & Permitting Positions	*2.0*	*8.0*	*1.0*	*12.0*	*0.0*	*12.0*	*0.0*	*13.0*

Exhibit A

Amended Staffing Summary

Planning & Zoning	Planning & Zoning Director	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Planning & Zoning Administrator	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Planning & Zoning Admin. Coord.	0.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0
	Administrative Assistant	0.0	1.0	0.0	1.0	0.0	0.0	0.0	0.0
	Permit Zoning Technician	0.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0
	Code Compliance Officer	0.0	2.0	0.0	0.0	0.0	0.0	0.0	0.0
	Total Planning & Zoning Positions	*0.0*	*7.0*	*0.0*	*3.0*	*0.0*	*2.0*	*0.0*	*2.0*
	Total Positions	**2.0**	**15.0**	**1.0**	**15.0**	**0.0**	**14.0**	**0.0**	**15.0**
Human Resources & Communications		**PT**	**FT**	**PT**	**FT**	**PT**	**FT**	**PT**	**FT**
	Human Resources & Communications Dir.*	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	HR Generalist	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Communications Manager*	0.0	0.0	0.0	0.0	0.0	1.0	0.0	1.0
	Videographer/ Video Editor*	0.0	0.0	0.0	0.0	1.0	0.0	1.0	0.0
	Public Information Officer*	0.0	0.0	0.0	0.0	0.0	1.0	0.0	1.0
	Grantwriter	0.0	0.0	1.0	0.0	1.0	0.0	1.0	0.0
	Total Positions	**0.0**	**2.0**	**1.0**	**2.0**	**2.0**	**4.0**	**2.0**	**4.0**
Parks & Recreation		**PT**	**FT**	**PT**	**FT**	**PT**	**FT**	**PT**	**FT**
	Parks and Recreation Director	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Parks and Recreation Manager	0.0	1.0	0.0	1.0	0.0	1.0	0.0	0.0
	Parks & Recreation Supervisor	0.0	2.0	0.0	3.0	0.0	3.0	0.0	3.0
	Administrative Assistant	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Special Events Supervisor	0.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0
	Special Events & Programs Coord.	0.0	1.0	0.0	2.0	0.0	2.0	0.0	2.0
	Park Reservations Specialist	0.0	0.0	0.0	1.0	0.0	1.0	0.0	1.0
	Grounds/ Facility Maint. Supervisor	0.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0
	Parks Maintenance Worker	6.0	3.0	0.0	0.0	0.0	0.0	0.0	0.0
	Tennis Center Attendant	3.0	0.0	3.0	0.0	3.0	0.0	3.0	0.0
	Park Service Aide	19.0	0.0	18.0	0.0	20.0	0.0	20.0	0.0
	Total Positions	**28.0**	**11.0**	**21.0**	**9.0**	**23.0**	**9.0**	**23.0**	**8.0**
Public Services		**PT**	**FT**	**PT**	**FT**	**PT**	**FT**	**PT**	**FT**
Public Works	Public Works Director**	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Administrative Assistant**	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Field Operations Supervisor**	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Grounds Maintenance Worker**	0.0	2.0	0.0	2.0	0.0	3.0	0.0	3.0
	Stormwater Engineering Technician**	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Bus Operator**	3.0	0.0	1.0	1.0	1.0	0.0	1.0	0.0
	Transit Operations Specialist**	0.0	0.0	0.0	0.0	0.0	1.0	0.0	1.0
	Total Public Works Positions	*3.0*	*6.0*	*1.0*	*7.0*	*1.0*	*8.0*	*1.0*	*8.0*
Facilities Maint.	Facilities Maint. Superintendent	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Facilities Maint. Worker I	0.0	1.0	0.0	1.0	0.0	1.0	2.0	3.0
	Facilities Maint. Worker II	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Grounds/ Facility Maint. Supervisor	0.0	0.0	0.0	1.0	0.0	1.0	0.0	1.0
	Maintenance Technician	0.0	0.0	0.0	1.0	0.0	1.0	0.0	1.0
	Maintenance Worker	0.0	0.0	5.0	3.0	5.0	3.0	4.0	3.0
	Total Facilities Maint. Positions	*0.0*	*3.0*	*5.0*	*8.0*	*5.0*	*8.0*	*6.0*	*10.0*
	Total Public Services Positions	**3.0**	**9.0**	**6.0**	**15.0**	**6.0**	**16.0**	**7.0**	**18.0**

Exhibit A

Amended Staffing Summary

CONTRACTUAL POSITION DETAIL		FY 13-14 Adopted		FY 14-15 Amended Final		FY 15-16 Adopted		FY 15-16 Mid-Year Adj.	
Police Services		**PT**	**FT**	**PT**	**FT**	**PT**	**FT**	**PT**	**FT**
Contractual	Police Major	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Police Lieutenant	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Police Sergeant	0.0	5.0	0.0	5.0	0.0	5.0	0.0	5.0
	Police Officer	0.0	35.0	0.0	35.0	0.0	35.0	0.0	36.0
	Secretary	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Police Record Specialist	0.0	2.0	0.0	2.0	0.0	2.0	0.0	2.0
	Police Station Specialist	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
	Total (Contractual) Positions	**0.0**	**46.0**	**0.0**	**46.0**	**0.0**	**46.0**	**0.0**	**47.0**
Village Attorney		**PT**	**FT**	**PT**	**FT**	**PT**	**FT**	**PT**	**FT**
Contractual	Village Attorney	1.0	0.0	1.0	0.0	1.0	0.0	1.0	0.0
	Total (Contractual) Positions	**1.0**	**0.0**	**1.0**	**0.0**	**1.0**	**0.0**	**1.0**	**0.0**
Dept. of Community & Economic Dev (Bldg. & Permitting)		**PT**	**FT**	**PT**	**FT**	**PT**	**FT**	**PT**	**FT**
Contractual	Building Inspector	1.0	0.0	1.0	0.0	1.0	0.0	1.0	0.0
	Chief Mechanical Inspector	1.0	0.0	1.0	0.0	1.0	0.0	1.0	0.0
	Chief Electrical Inspector	1.0	0.0	1.0	0.0	1.0	0.0	1.0	0.0
	Chief Plumbing Inspector	1.0	0.0	1.0	0.0	1.0	0.0	1.0	0.0
	Structural Plans Reviewer	1.0	0.0	1.0	0.0	1.0	0.0	1.0	0.0
	Total (Contractual) Positions	**5.0**	**0.0**	**5.0**	**0.0**	**5.0**	**0.0**	**5.0**	**0.0**
	TOTAL VILLAGE POSITIONS	**33.0**	**49.0**	**30.0**	**53.0**	**32.0**	**55.0**	**32.0**	**59.0**
	TOTAL COUNCIL POSITIONS	**5.0**	**0.0**	**5.0**	**0.0**	**5.0**	**0.0**	**5.0**	**0.0**
	TOTAL CONTRACTUAL POSITIONS	**6.0**	**46.0**	**6.0**	**46.0**	**6.0**	**46.0**	**6.0**	**47.0**

Proposed Adjustments:

Departmental Name: Human Resources & Communications Department

Staffing Updates:

Manager:	Update Business Partner Liaison to Assistant to Manager
	Update Architectural Rendered from PT to FT
	Transfer (1) Procurement Specialist from Finance Dept.
Finance:	Add (1) IT Technician-FT
	Transfer (1) Procurement Specialist to Village Manager
Building & Permitting	Replace (1) Permit Clerk II with (1) Permit Clerk I
	Add (1) Chief Building Inspector- FT
Parks & Recreation:	Remove (1) Parks & Recreation Manager-FT
Public Works	Replace (1) FT Bus Operator with (1) FT Transit Operations Specialist
Facilities Maint.:	Add (2) Facilities Maint. Worker I- PT
	Add (2) Facilities Maint. Worker I- FT
	Remove (1) Maintenance Worker- PT

Title Updates*:

Update Building & Capital Projects Director to Community & Economic Dev. Director
Update Human Resources Director to Human Resources & Communications Director
Update Communications Manager/ PIO to Communications Manager
Update Public Information Specialist to Public Information Officer
Update TV/ Camera Tech. to Videographer/ Video Editor

**Funded through Special Revenue

ORDINANCE NO. _____

AN ORDINANCE OF THE VILLAGE OF PALMETTO BAY FLORIDA, MODIFYING CHAPTER 16 "ENVIRONMENT" BY CREATING ARTICLE V "EXPANDED POLYSTYRENE "STYROFOAM" FOOD SERVICE ARTICLES" AND PROVIDING FOR LEGISLATIVE INTENT, DEFINITIONS, PROHIBITIONS OF SALE OR USE BY VILLAGE CONTRACTORS ~~AND SPECIAL EVENT PERMITTEES~~, AND EXEMPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn and Councilwoman Karyn Cunningham)

WHEREAS, the Village of Palmetto Bay (the "Village") declares that it is in the interest of the public health, safety, and welfare of its residents and visitors to reduce litter and pollutants within the Village; and

WHEREAS, expanded polystyrene, a petroleum by-product commonly known as Styrofoam, breaks down so slowly that it is not viable as a biodegradable product; and, the technology to recycle Styrofoam is more costly that the production of Styrofoam itself; and

WHEREAS, the Village's goal is to replace expanded polystyrene food service articles with reusable, recyclable or compostable alternatives; and

WHEREAS, the Ordinance will preserve and enhance the environment of the Village; and

WHEREAS, the Village Council finds that this Ordinance is necessary for the preservation of the public health, safety and welfare of the Village's residents.

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

Section 1. The Village Council of the Village of Palmetto Bay hereby amends Chapter 16, creating Article V, of the Code of Ordinances as follows:

ARTICLE V. - EXPANDED POLYSTYRENE "STYROFOAM" FOOD SERVICE ARTICLES

Sec. 15-160. – Intent and Purpose.

Expanded polystyrene, a petroleum by-product commonly known as Styrofoam, breaks down so slowly that it is not viable as a biodegradable product; and, the technology to recycle Styrofoam is more costly that the production of Styrofoam itself. While Styrofoam is a concern in landfills due to its almost nonexistent biodegradation, polystyrene is of greater concern when found outside of landfills. The litter is unsightly and there is little economic incentive for recyclers, as the technology to recycle Styrofoam is more costly that the production of Styrofoam

itself. Additionally, expanded polystyrene breaks into pieces easily when crushed and can be detrimental to wildlife, if mistaken for food and then ingested.

The Village's goals are to reduce the use of expanded polystyrene and encourage the use of reusable, recyclable, or compostable alternatives.

Sec. 15-161. – Definitions.

For purposes of this section only, the following definitions shall apply:

Village contractor means a contractor, vendor, lessee, concessionaire of the Village, or operator of a Village facility or property.

Expanded Polystyrene is a petroleum-based plastic made from the styrene monomer. It is commonly referred to as Styrofoam, which is actually the trade name of a polystyrene foam product used for housing insulation. Expanded Polystyrene is a light-weight material, about 95% air. In most cases, expanded polystyrene foam is white and is composed of small, interconnected beads. It is made by combining the chemicals ethylene and benzene, to make a compound known as styrene. The styrene is then treated with other chemicals which cause the styrene molecules to polymerize and then cool prior to molding.

Expanded polystyrene food service articles means plates, bowls, cups, containers, lids, trays, coolers, ice chests, and all similar articles that consist of expanded polystyrene.

Village facility means any building, structure, or park, owned, operated, or managed by the Village.

Village property means any land, water, or air rights owned, operated, or managed by the Village.

~~Special event permittee means any person or entity issued a special event permit by the Village for special event on Village property or in a Village facility.~~

Sec. 15-162. – Prohibitions regarding sale or use by Village contractors ~~and special event permittee.~~

Village contractors ~~and special event permittees~~ shall not sell, use, provide food in, or offer the use of expanded polystyrene food service articles in Village facilities or on Village property. A violation of this section shall be deemed a default under the terms of the Village contract, lease, or concession agreement ~~and is grounds for revocation of a special event permit.~~ This subsection shall not apply to expanded polystyrene food service article used for prepackaged food that have been filled and sealed prior to receipt by the Village contractor ~~or special event permittee.~~

Sec. 15-163. – Exclusions.

Any Village contract, lease, or concession agreement entered into prior to the effective date of this section ~~or any special event permit issued prior to the effective date of this section~~ shall not be subject to the requirements of this section, unless the Village contractor ~~or special event permittee~~ voluntarily agrees thereto.

Section 2. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that his Ordinance shall stand notwithstanding the invalidity of any part.

Section 3. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. It is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the Village of Palmetto Bay; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. This Ordinance shall be effective immediately upon adoption on second reading.

First reading: February 16, 2016

PASSED AND ENACTED this _____ day of April, 2016.

Attest: _____ _____

Meighan Alexander — Village Clerk

Eugene Flinn — Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY 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 _____

Additions shown by underlining and deletions shown by ~~overstriking~~.

ITEM 13C

To: Honorable Mayor and Village Council

Date: April 4, 2016

From: Edward Silva, Village Manager

Re: 13650 SW 82 Court
Rezoning 2nd Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING THE OFFICIAL ZONING MAP; CHANGING .98 ACRES (+/-), FROM E-1 ESTATE SINGLE FAMILY TO E-M ESTATE MODIFIED SINGLE FAMILY DISTRICT; FOR THE PROPERTY LOCATED AT 13650 SW 82ND COURT BEARING FOLIO 33-5022-000-0191, IN PALMETTO BAY, FLORIDA; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

UPDATE SINCE FIRST READING:
This item was heard at first reading on March 7, 2016 and was approved without any changes. The remainder of the report regarding this item is as it was submitted on March 7, 2016 as attached as Exhibit A.

RECOMMENDATION:
Approval is recommended.

Attachments:
(Exhibit A) – Report heard at 1st Reading

Darby P. Delsalle, AICP
Planning and Zoning Director

EXHIBIT A

To: Honorable Mayor and Village Council

Date: March 7, 2016

From: Edward Silva, Village Manager

Re: 13650 SW 82 Court
Rezoning – 1st Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING THE OFFICIAL ZONING MAP; CHANGING .98 ACRES (+/-), FROM E-1 ESTATE SINGLE FAMILY TO E-M ESTATE MODIFIED SINGLE FAMILY DISTRICT; FOR THE PROPERTY LOCATED AT 13650 SW 82ND COURT BEARING FOLIO 33-5022-000-0191, IN PALMETTO BAY, FLORIDA; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

UPDATE SINCE FIRST READING:
This item was heard during First Reading on February 1, 2016 however, the item was continued for the Regular Council Meeting scheduled on March 7, 2016. During First Reading, the Village Council did not vote to approve or deny the item. Instead the Village Council requested the item to be advertised in a manner similar to a typical zoning application request (ex. site plan, plat, variance, etc.) prior to First Reading occurring. Attached are copies of the postings, mailings, and advertising that were completed for this item (Attachment A). The same procedure will be followed again prior to returning the item for Second Reading. The remainder of the report regarding this item was submitted on February 1, 2016. A copy of the previous report is included (Attachment B).

RECOMMENDATION:
Approval is recommended.

Attachments:
(A) Postings, mailings, and advertising
(B) Report submitted on February 1, 2016 Regular Council Meeting

Darby Delsalle, AICP
Director of Planning and Zoning

Manager's Report
for
13650 SW 82 Court Rezoning

ATTACHMENT A

ATTACHMENT A

VILLAGE OF PALMETTO BAY
NOTICE OF PUBLIC HEARING FOR A PROPOSED ZONING DISTRICT BOUNDARY CHANGE

The Village of Palmetto Bay shall conduct a public hearing to consider an item on first reading on Monday, March 7, 2016, at 7:00 p.m. The hearing shall be held at Village Hall, 9705 East Hibiscus Street, Council Chambers, Palmetto Bay, FL 33157. Discussion and public input will be welcome concerning the following items that may be of interest to your immediate neighborhood.

John Andrew Smith submitted an application for the property, located at 13650 SW 82nd Court (Folio 33-5022-000-0191) is requesting the following:

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING THE OFFICIAL ZONING MAP TO REFLECT A DISTRICT BOUNDARY ZONE; CHANGING .98 ACRES (+/-), FROM E-1 ESTATE SINGLE FAMILY DISTRICT TO E-M ESTATE MODIFIED; FOR THE PROPERTY LOCATED AT 13650 SW 82ND COURT BEARING FOLIO 33-5022-000-0191, IN PALMETTO BAY, FLORIDA; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. [4/5 Vote].

All persons are invited to appear and be heard. The documents pertaining to this public hearing may be inspected during regular working hours at the Department of Planning & Zoning at Village Hall, 9705 East Hibiscus Street, Palmetto Bay, FL 33157. Inquiries may be directed to the Village Clerk at (305) 259-1234. Any meeting may be opened and continued, and, under such circumstances, additional legal notice would not be provided. Any person may contact Village Hall for more information.

Pursuant to Section 286.0105, F.S., if any person decides to appeal any decision by the Village Council with regard to this or any matter, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the Village for the introduction or admission of otherwise inadmissible evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation (or hearing impaired) to participate in this proceeding or to review any documents relative thereto should contact the Village for assistance at (305) 259-1234 no later than seven (7) days prior to the proceedings.

VILLAGE OF PALMETTO BAY
NOTICE OF PUBLIC Hearing

HEARING NUMBER: VPB-16-003
APPLICANT NAME: John Andrew Smith
FOLIO: 33-5022-000-0191
PROJECT LOCATION: 13650 SW 82nd Court
PALMETTO BAY, FL 33158

REQUEST: Changing .98 acres (+/-), from E-1, Estate Single Family to E-M, Estate Modified Single Family.

PLANS ARE ON FILE AND MAY BE EXAMINED IN THE DEPARTMENT OF PLANNING AND ZONING AT VILLAGE HALL. PLANS MAY BE MODIFIED BEFORE AND DURING THE PUBLIC HEARING.

A PUBLIC HEARING WILL BE HELD MONDAY, MARCH 7, 2016, AT 7:00 PM AT THE COUNCIL CHAMBERS LOCATED WITHIN VILLAGE HALL, 9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157.

YOU ARE NOT REQUIRED TO RESPOND TO THIS NOTICE: However, objections or waivers of objection may be made in person at the hearing or filed in writing prior to the hearing date with the Department of Planning and Zoning. Any meeting may be opened and continued, and under such circumstances, additional legal notice would be provided. Any person may contact Village Hall at (305) 259-1234 for additional information. Please call the Village Clerk for ADA needs (or hearing impaired) no later than four (4) days prior to the proceedings.

VILLAGE OF PALMETTO BAY
NOTICE OF PUBLIC Hearing

HEARING NUMBER: VPB-16-003
APPLICANT NAME: John Andrew Smith
FOLIO: 33-5022-000-0191
PROJECT LOCATION: 13650 SW 82nd Court
PALMETTO BAY, FL 33158

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VILLAGE OF PALMETTO BAY
NOTICE OF PUBLIC Hearing

HEARING NUMBER: VPB-16-003
APPLICANT NAME: John Andrew Smith
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VILLAGE OF PALMETTO BAY
NOTICE OF PUBLIC Hearing

HEARING NUMBER: VPB-16-003
APPLICANT NAME: John Andrew Smith
FOLIO: 33-5022-000-0191
PROJECT LOCATION: 13650 SW 82nd Court
PALMETTO BAY, FL 33158

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PUBLIC NOTICE

PUBLIC NOTICE

PUBLIC NOTICE
PURPOSE

Manager's Report
for
13650 SW 82 Court Rezoning

ATTACHMENT B

ATTACHMENT B

To: Honorable Mayor and Village Council

From: Edward Silva, Village Manager

Date: February 1, 2016

Re: Amendment of Official Zoning Map for property located at 13650 SW 82nd CT - 1st Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING THE OFFICIAL ZONING MAP; CHANGING .98 ACRES (+/-), FROM E-1 ESTATE SINGLE FAMILY TO E-M ESTATE MODIFIED SINGLE FAMILY DISTRICT; FOR THE PROPERTY LOCATED AT 13650 SW 82ND COURT BEARING FOLIO 33-5022-000-0191, IN PALMETTO BAY, FLORIDA; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

BACKGROUND:

The property in question is located at 13650 SW 82nd Court, consisting of approximately .98 acres, and is in the center of a residential block. In 2009, as part of Ordinance No. 2009-17, the Village adopted its own Official Zoning Map, thus replacing the Miami-Dade Zoning Map. The overall affect, with few exceptions, was the re-labeling of zoning designations throughout the Village in a manner consistent with the Miami-Dade County's designations. During that zoning mapping/adoption process, this section was zoned from EU-1 to E-1. This designation is inconsistent with all of the surrounding properties. As such the applicant is now seeking to realign the zoning of this parcel to be consistent with the surrounding parcels. The property was never platted. It is now the intent of the applicant to plat this property and create two E-M lots consistent with the surrounding neighborhood.

The parcel is question is described as follows:

> The South 153 Feet of the North 548 Feet of the W ½ of the East ½ of the NE ¼ of the NW ¼ less the East 25 feet and the West 25 Feet thereof, in Section 22, Township 55 South, Range 40 East, lying and being in Miami-Dade County, Florida, and containing 42,688 square feet or .98 acres, more or less.

ZONING HEARING HISTORY:

In October 2009, the Village created its Land Development Code and Comprehensive Zoning Map, and re-designated the subject property as E-1 (residential). (Documentation not provided in this back-up as it is voluminous and is existing Code).

NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE DESIGNATION
Subject Property:	
E-1; Estate Single Family Residential	Estate Density Residential
Surrounding Properties:	
NORTH:	
E-M; Estate Modified Single Family	Estate Density Residential
EAST:	
E-M; Estate Modified Single Family	Estate Density Residential
SOUTH:	
E-M; Estate Modified Single Family	Estate Density Residential
WEST:	
E-M; Estate Modified Single Family	Estate Density Residential

ANALYSIS:

The following is a review of the request pursuant to the Village's rezoning criteria found at Section 30-30.7(b), of the Land Development Code. The Background Section and the Analysis is hereby incorporated by reference.

Criteria (1) Whether the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the Village's concurrency management program.

Analysis: The underlying land use designation is Estate Density Residential which permits up to 2.5 units per acre. The E-M zoning fits within that land use density category. The rezoning aligns the property with the zoning of the surrounding properties.

Finding: Consistent.

Criteria (2) Whether the proposal is in conformance with all applicable requirements of Chapter 30.

Analysis: Please see Background Section of this report. The parcel in question is currently zoned differently from all of the properties that surround it. In this case, the parcel was zoned E-1 in 2009. Changing of the parcel's zoning would make it consistent with the surrounding properties and thus, consistent with all requirements of Chapter 30.

Finding: Consistent.

Criteria (3) Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether the changes support or work against the proposed change in land use policy.

Analysis: Not applicable. There were no changes to land use policy.

Finding: Consistent.

Criteria (4) Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land uses.

Analysis: See Criteria 1 and 2, and the Background Section of this report. The rezoning is consistent with the surrounding uses and will mirror the zoning on all sides if approved.

Findings: Consistent.

Criteria (5) Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and services; would exceed the capacity of the facilities and services, existing or programmed, including: transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services.

Analysis: Please see Criteria 1. The proposed rezoning is for .98 acres. Any impact on infrastructure and services would be de minimis. Any impact would be measured at the time of development application.

Finding: Consistent.

Criteria (6) Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.

Analysis: The proposed rezoning is on a parcel of land consisting of .98 acres. The site is an in area populated with single family homes. There does not appear to be any significant natural resources at the site.

Finding: Consistent.

Criteria (7) Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.

Analysis: The rezoning is consistent with the surrounding zoning on all four sides.

Finding: Consistent.

Criteria (8) Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on land use pattern shall be identified.

Analysis: The rezoning is consistent with the surrounding zoning on all four sides.

Finding: Consistent.

Criteria (9) Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of Chapter 30.

Analysis: The rezoning is consistent with the surrounding uses and will mirror the zoning on all four sides.

Finding: Consistent.

Criteria (10) Other matters which the Local Planning Agency or the Village Council in its legislative discretion may deem appropriate.

Finding: Decision for the Village Council.

FISCAL/BUDGETARY IMPACT:
No budgetary impact is anticipated at this time.

RECOMMENDATION:
Approval is recommended.

Darby Delsalle, AICP
Director of Planning and Zoning

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING THE OFFICIAL ZONING MAP; CHANGING .98 ACRES (+/-), FROM E-1 ESTATE SINGLE FAMILY TO E-M ESTATE MODIFIED SINGLE FAMILY DISTRICT; FOR THE PROPERTY LOCATED AT 13650 SW 82ND COURT BEARING FOLIO 33-5022-000-0191, IN PALMETTO BAY, FLORIDA; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the property in question is located at 13650 SW 82nd Court, consists of approximately .98 acres, and is landlocked by adjoining properties; and

WHEREAS, in 2009, the Mayor and Village Council adopted Ordinance No. 2009-17, which created the Village's Official Zoning Map, thus replacing the Miami-Dade County Zoning Map; and

WHEREAS, in creating the Official Zoning Map, this section was rezoned from EU-1 to E-1, Estate Single Family; and

WHEREAS, the surrounding properties are all zoned E-M; Estate Modified Single Family, and

WHEREAS, pursuant to Chapter 166, Florida Statutes, a change of zoning, otherwise known as a district boundary change, of less than 10 acres, requires a public hearing on second reading, and a Land Planning Agency public hearing prior to approval of the rezoning by ordinance; and

WHEREAS, pursuant to Section 163.3174, *Florida Statutes* the Village Council has been designated as the Local Planning Agency for the Village; and

WHEREAS, on _____, 2016, the Local Planning Agency approved the proposed amendment; and

WHEREAS, to approve a rezoning, the request must be consistent with the Village's Comprehensive Plan and a basic finding of compatibility to Code Section 30-30.7(b) must be rendered by the Mayor and Village Council; and

WHEREAS, the Mayor and Village Council, now desire to rezone the property described in Attachment E-1 from Estate Single Family, to E-M, Estate Modified Single Family District.

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

Section 1. In evaluating an application for a rezoning, from E-1 Estate Single Family to, E-M, Estate Modified Single Family for .98 acres (+/-), for the property located at 13650 SW 82nd Court bearing folio 33-5022-000-0191, the Palmetto Bay Village Council applied the criteria under 30-30.7(b) of the Village's Code and found the request to be consistent. The map amendment is attached and incorporated by reference herein as Attachment 1.

Section 2. The property that is the subject of the rezoning bears the following legal description:

> The South 153 Feet of the North 548 Feet of the W ½ of the East ½ of the NE ¼ of the NW ¼ less the East 25 feet and the West 25 Feet thereof, in Section 22, Township 55 South, Range 40 East, lying and being in Miami-Dade County, Florida, and containing 42,688 square feet or .98 acres, more or less.

Section 3. The Village Council in compliance with Chapter 166, Florida Statutes, after the first reading approved the request to rezone.

Section 4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed.

Section 5. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This ordinance shall take effect immediately upon enactment.

PASSED and ENACTED this ____ day of _____, 2016.

First Reading: _____

Second Reading: _____

Attest: _____
Meighan Alexander
Village Clerk

_____
Eugene Flinn
Mayor

Additions shown by underlining and deletions shown by ~~overstriking~~.

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

_____

Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham _____

Council Member Tim Schaffer _____

Council Member Larissa Siegel Lara _____

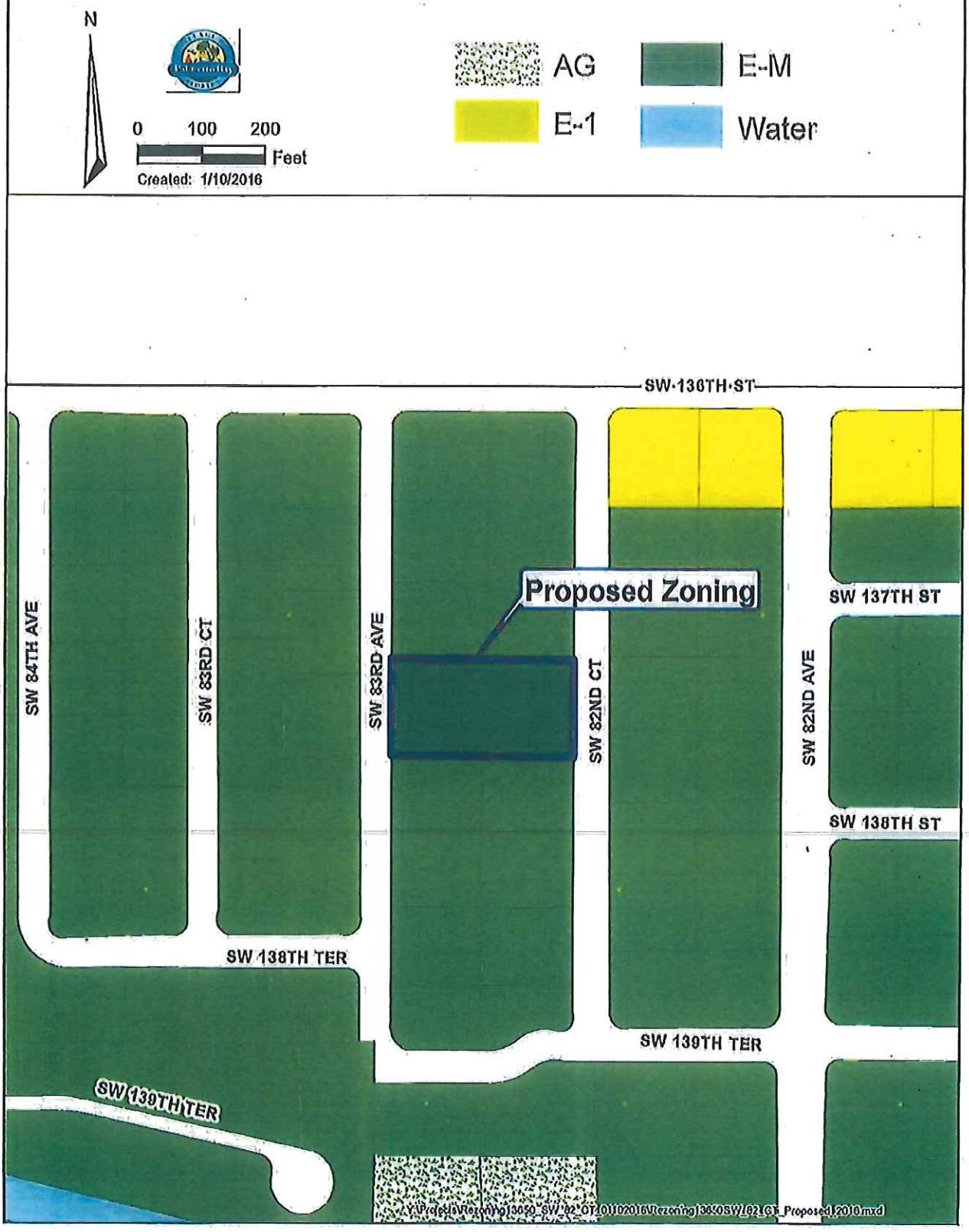
Vice-Mayor John DuBois _____

Mayor Eugene Flinn _____

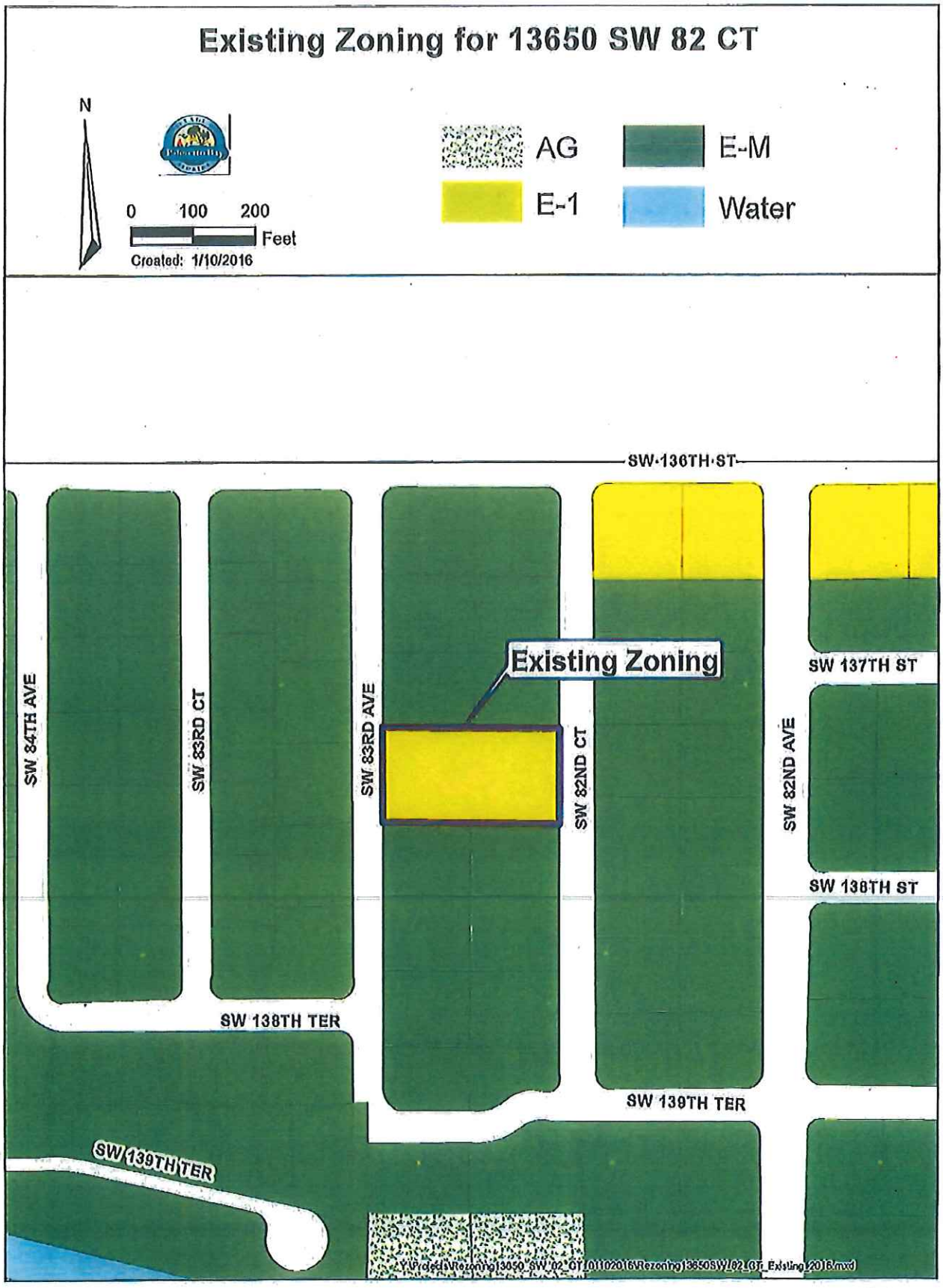
Additions shown by underlining and deletions shown by ~~overstriking~~.

Attachment A
Proposed & Existing Zoning

Proposed Zoning for 13650 SW 82 CT



Existing Zoning for 13650 SW 82 CT



Application

John Andrew Smith & Hollub Homes
9771 South Dixie Highway
Pinecrest, FL 33156

Village of Palmetto Bay
Department of Planning and Zoning
Re: Letter of Intent for Zoning Hearing

Dear Department of Planning and Zoning,

Our company, Hollub Homes, contract purchaser, on behalf of the property owner, John Andrew Smith, requests a district boundary change on property located within Palmetto Bay, Miami-Dade County.

RECEIVED
Zoning Department
11/30/15
Village of Palmetto Bay
Building & Zoning Department
By:

Subject Property Information:
Folio Number: 33-5022-000-0191
Address: 13650 SW 82 CT,
Palmetto Bay, FL 33158
Acreage: .98 acres or 42,689 SQ FT

Our intention is to split the existing property, currently zoned E-1, into two E-M lots of similar size to conform with adjacent and nearby property zoning. The request, therefore, is to change the subject property's zoning from E-1 to E-M. Our project will involve the demolition of the existing single family home, built in 1947, in order to build two new single family homes. Based on surveys provided, no variance is needed or requested. The request complies with the future land use map designation of estate density residential development of up to 2.5 units per acre.

Our company, Hollub Homes, is a 61 year old, third generation family business based in Pinecrest, but with strong ties to the Palmetto Bay community. Our company has built many homes and communities in Palmetto Bay over the years, including Pine Bay South and Lychee Grove.

Should you have any questions, please contact our office:
Hollub Homes
9771 South Dixie Highway
Pinecrest, FL 33156
(305) 665-4275

Best,
Aaron Hollub
Vice President – Hollub Homes

Form ZH-0107-01

SEC: ___ TWP: ___ RGE: ___

RECEIVED
Zoning Department
11/30/15
Village of Palmetto Bay
Building & Zoning Department
By:

ZONING HEARING (ZH) APPLICATION
Village of Palmetto Bay, Department of Planning and Zoning

LIST ALL FOLIO #S: 33-5022-000-0191 Date Received ___

1. NAME OF APPLICANT (Owner(s) of record of the property or lessee. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

John Andrew Smith

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 5330 Nagami Drive
City: Windermere State: FL Zip: ___ Phone#: ___

3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:

Owner's Name (Provide name of ALL owners): John Andrew Smith
5330 Nagami Drive
City: Windermere State: FL Zip: 34786 Phone#: ___

4. CONTACT PERSON'S INFORMATION:

Name: Company: Aaron Hollins - Hollins Homes
City: Pinecrest State: FL Zip: 33156 Cell Phone#: 305-987-9324
Phone#: 305-665-9275 Fax#: ___ E-mail: Aaron@HollinsHomes.com

5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION
(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, a legal description for each requested zone must be provided. Attach separate sheets as needed and clearly label (identify) each legal description attached. In addition to paper version it is requested that lengthy metes and bounds descriptions be provided on diskette or compact disc in Microsoft Word or compatible software.)

The south 153 Feet of the North 548 Feet of the W-1/2 of the E-1/2 of the NE-1/4 of the NW-1/4, Less the East 25 feet and the West 25 feet thereof, in Section 22, township 55 South, Range 40 East, Lying and Being in Dade County, Florida.

6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

13650 S.W. 82nd Court, Miami, FL 33158

7. SIZE OF PROPERTY (In acres): .98 (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property: ☒ acquired ☐ leased: June, 1973 (month & year) **9. Lease term:** ___ years

10. IS CONTIGUOUS PROPERTY OWNED BY THE SUBJECT PROPERTY OWNER(S)? yes☐ no☒ If yes, provide complete legal description of said contiguous property.

11. Is there an option to purchase ☐ or lease ☐ the subject property or property contiguous thereto? no ☐ yes ☐ (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. PRESENT ZONING CLASSIFICATION: _____

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

☒ District Boundary(zone) Changes [Zone(s) requested]: Convert property to 2 equally sized E-M lots.
(Provide a separate legal description for each zone requested)

☐ Unusual Use: _____

☐ Use Variance: _____

☐ Non-Use Variance: _____

☐ Alternative Site Development: Option: _____

☐ Special Exception: _____

☐ Modification of previous resolution/plan: _____

☐ Modification of Declaration or Covenant: _____

14. Has a public hearing been held on this property within the eighteen (18) months? ☒ no ☐ yes. If yes, provide applicant's name, date, purpose and result of hearing, and resolution number:

15. Is this application a result of a violation notice? ☒ no ☐ yes. If yes, give name to whom the violation notice was served: and describe the violation:

16. Describe structures on the property: Single family home, detached porch and pool

17. Is there any existing use on the property? ☐ no ☐ yes. If yes, what use and when established?
Use: _____ Year: _____

Planning Staff Use Only

Base Fee	Reviewed and Accepted by	Date
Receipt No.	Deemed Complete By	Date

SW 83rd Ave
16550 SW 82nd Ct

13650 SW 82nd Ct

1.

2.

3.

4.

5.

6.

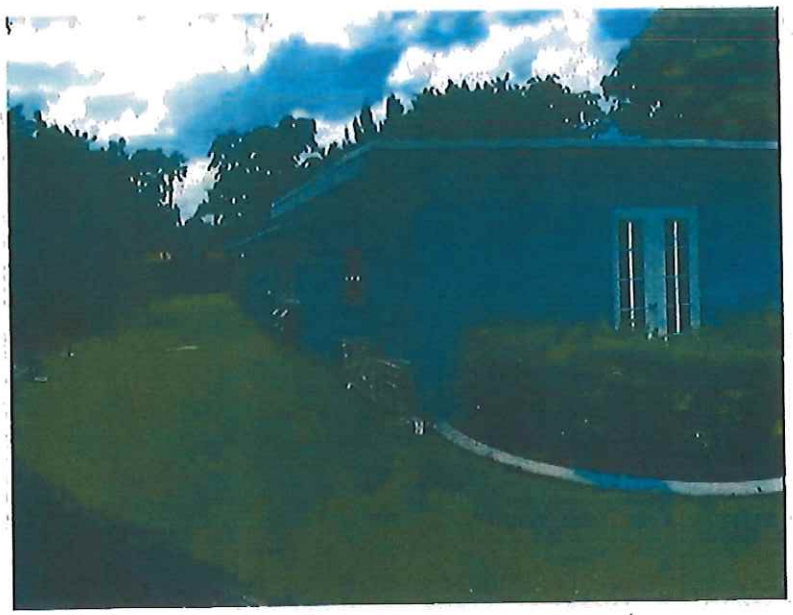
7.

8.

9.

10.

11.



12.

13.

14.

15.

APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

****

OWNER OR TENANT AFFIDAVIT

(I)(WE), Jennifer Smith, being first duly sworn, depose and say that (I am) (we are) ☒ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

Jennifer Smith (POA)
Signature

Chontay Clark
Signature

CHONTAY A. CLARK
MY COMMISSION # FF897763
EXPIRES July 09, 2019
(407) 398-0153 FloridaNotaryService.com

Sworn to and subscribed to before me
this 15th day of October, 2015.

Notary Public: 07-09-2019
Commission Expires:

****

CORPORATION AFFIDAVIT N/A

(I) (WE), _____, being first duly sworn, depose and say that (I am) (we are) the ☐ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

_____
Authorized Signature

_____
Office Held

(Corp. Seal)

Sworn to and subscribed to before me
This ____ day of _____, ____.

Notary Public: _____
Commission Expires:

****

PARTNERSHIP AFFIDAVIT N/A

(I)(WE), _____, being first duly sworn, depose and say that (I am) (we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

By _____ %

By _____ %

By _____ %

By _____ %

Sworn to and subscribed to before me
This ____ day of _____, ____.

Notary Public: _____
Commission Expires:

****

ATTORNEY AFFIDAVIT N/A

I, _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

_____
Signature

Sworn to and subscribed to before me
This ____ day of _____, ____.

Notary Public: _____
Commission Expires:

FORM ZH-0107-03

RESPONSIBILITIES OF THE APPLICANT AFFIDAVIT

I AM AWARE THAT:

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property and I am responsible for paying the additional radius mailing costs. In addition to mailing costs, I am responsible for additional fees related to application changes, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. Refunds must be requested in writing.
3. The Florida Building code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and a building permit will probably be required. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Plan (CP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. Any covenant to be proffered must be submitted to the Village Attorney, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Village Attorney can advise as to additional requirements applicable to foreign corporations. Documents submitted to the Village Attorney must carry a cover letter indicating subject matter, application number and hearing date. Village Attorney may be reached at (305) 854-5353.

Jennifer Smith, POA
(Applicant's Signature)

Jennifer Smith
(Print Name)

Sworn to and subscribed before me this 15 day of October, 2015. Affiant is personally known to me or has produced Personally Known as identification.

(Notary Public)
My commission expires 07-09-2019

CHONTAY A. CLARK
MY COMMISSION # FF097763
EXPIRES July 09, 2019
(407) 398-0153 FloridaNotaryService.com

FORM ZH-0107-04

OWNERSHIP AFFIDAVIT
FOR
INDIVIDUAL

STATE OF Florida **Public Hearing No.** _____
COUNTY OF Miami - Dade

Before me, the undersigned authority, personally appeared Jennifer Smith _____ hereinafter the Affiant, who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the fee owner of the property that is the subject of the proposed hearing.
2. The subject property is legally described as:

THE SOUTH 163 FEET OF THE NORTH 548 FEET OF THE W-1/2 OF THE E-1/2 OF THE NE-1/4 OF THE NW-1/4, LESS THE EAST 25 FEET AND THE WEST 25 FEET THEREOF, IN SECTION 22, TOWNSHIP 55 SOUTH, RANGE 40 EAST, LYING AND BEING IN DADE COUNTY, FLORIDA.

3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

[signature]
Signature

Sharon Shelton
Print Name

[signature]
Signature

Andrea Wiedfolk
Print Name

Jennifer Smith (POA)
Affiant's signature

Jennifer Smith
Print Name

Sworn to and subscribed before me on the 15th day of October 20 15.

Affiant is personally known to me or has produced Personally Known as identification.

Notary

CHONTAY A. CLARK
MY COMMISSION # FF897763
EXPIRES July 09, 2019
(407) 398-0153 FloridaNotaryService.com

(Stamp/Seal)
Commission Expires:

FORM ZH-0107-06

DURABLE POWER OF ATTORNEY

NOTE: A THIRD PARTY WHO IMPROPERLY REFUSES TO ACCEPT THIS POWER OF ATTORNEY WILL BE LIABLE FOR DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES AND COSTS, INCURRED IN ANY ACTION OR PROCEEDING THAT CONFIRMS THE VALIDITY OF THIS POWER OF ATTORNEY PURSUANT TO F.S. 709.2120 .

I, JOHN A. SMITH, a/k/a JOHN ANDREW SMITH, as of this June 13, 2013, hereby appoint JENNIFER MARIE SMITH, my daughter, as my true and lawful attorney-in-fact ("my Agent"), to act for me and in my name and on my behalf to exercise the powers listed in this instrument. Except as otherwise provided in the Florida Power of Attorney Act (Fla. Stat. Ch. 709), my Agent may exercise these powers independently and without the approval of any court. My Agent, however, shall exercise all powers in a fiduciary capacity in good faith, as a prudent person would using reasonable care, skill, and caution.

Successors. If at any time my Agent named above fails or ceases to serve as my attorney-in-fact, I appoint STEPHEN MICHAEL SMITH, my son, as my attorney-in-fact.

All successor Agents will have the rights, powers, privileges and discretions specified in this instrument while they are serving as my attorney-in-fact.

Third Parties. Any third party to whom this power of attorney is presented may rely upon an affidavit by my Agent stating, to the best of my Agent's knowledge and belief, that this power has not been revoked, that I am then living, and that no proceedings have been initiated to determine my incapacity. No third party relying on this power and that affidavit will be liable for any losses, damages, or claims caused by compliance with the action requested by my Agent, unless that third party has actual knowledge of my death or the revocation of this power.

Durable Power. This durable power of attorney will not be affected by my subsequent incapacity except as provided in Chapter 709 of the Florida Statutes. It is my specific intent that the power conferred on my Agent will be exercisable from the date of this instrument, notwithstanding my subsequent disability or incapacity, except as otherwise specifically provided by statute.

My Agent will have the following powers and duties:

GENERAL AUTHORITY

1. To manage all assets and properties belonging to me or in which I have any interest, and

to expend whatever funds my Agent deems proper for the preservation, maintenance, or improvement of those assets or properties.

2. To exercise all powers even though my Agent may also be acting individually or on behalf of any other person or entity interested in the same matters (as more fully set forth in the Additional Provisions section).

3. To seek on my behalf the assistance of a court or other governmental agency to carry out an act authorized in this power of attorney and to enforce the exercise of these powers granted to my Agent.

4. To execute, acknowledge, seal, deliver, file, or record any instrument or communication the Agent considers desirable to accomplish a purpose of a transaction, including creating at any time a schedule listing some or all of my property and attaching it to the power of attorney;

5. To exercise any authority reasonably necessary to give effect to an express grant of specific authority in this power of attorney.

6. To the extent not limited under the law of the jurisdiction in which this power of attorney is presented, to take all other actions as may be necessary or appropriate for my personal well-being and the management of my affairs, as fully and as effectively as if made or done by me personally.

REAL PROPERTY

To manage and conserve any real property, or any interest or incidents in real property, on my behalf as stated below. Such property and incidents in property include any interest in homestead property, mineral rights, and cooperative apartments. I give my Agent the following powers:

7. To receive, buy, sell, exchange, lease, encumber, and convey such property; to impose restrictions and covenants; to grant options, releases, and easements, including for public use; to adjust boundaries; and to partition or consent to partitioning, subdivide, apply for zoning or other governmental permits, plat or consent to platting, and engage in development activities for such property; further to do everything necessary to transfer, assign, convey, and deliver any interest I may have in property owned by me (real or personal, tangible or intangible), including, but not limited to, my homestead property as such property is defined by Florida law as amended, to any person or entity, including, but not limited to a trust, such as a revocable or irrevocable trust, or entity, such as a limited liability company, corporation, professional association, partnership, limited partnership, or limited liability limited partnership.

8. To pay or contest any taxes due on such property, and to receive refunds.

9. To engage in any form of litigation regarding the possession, ownership or liability involving such property, including foreclosure on a mortgage, or enforcement of a

contract for sale (including specific performance).

10. To create or receive a security interest in such property, and to satisfy a mortgage.

11. To lease or sublease such property; any such lease will be valid and binding for its full term even if it extends beyond the duration of this power of attorney.

12. To insure the property against liability or casualty or other loss, and to maintain, repair or alter such property, including removing or erecting structures on the property.

13. If not prohibited in this instrument, to change the form of title of such property, including contribution into a business entity in exchange for an interest in that entity.

14. To join with other persons with whom I own property as joint tenants with right of survivorship or as tenants by the entireties in any transaction regarding that property.

15. With respect to income-producing real property, my Agent will have the powers:

    a. To retain and operate the property for as long as advisable;

    b. To control, direct, and manage the property, determining the manner and extent of my Agent's active participation in these operations, and to hire one or more supervisors for the property;

    c. To hire and discharge employees, fix their compensation, and define their duties;

    d. To invest funds in other land holdings and to use those funds for all improvements, operations, or similar purposes;

    e. To retain any of the net earnings for working capital and other purposes as advisable in conformity with sound and efficient management; and

    f. To purchase and sell machinery, equipment, and supplies of all kinds as needed for the operation and maintenance of the property.

TANGIBLE PERSONAL PROPERTY

To manage and conserve any tangible personal property, or any interest in tangible personal property, including exempt property, on my behalf, as follows:

16. To receive, buy, sell, exchange, or otherwise dispose of such property, even if without consideration.

17. To pay or contest any taxes due on such property, and to receive refunds.

18. To engage in any form of litigation regarding the possession, ownership or liability involving such property.

19. To create or receive a security interest in or grant options regarding such property.

20. To lease or sublease such property; any such lease will be valid and binding for its full term even if it extends beyond the duration of this power of attorney.

21. To insure, store, move, maintain, repair or alter such property.

22. If not prohibited in this instrument, to change the form of title of such property, including contribution into a business entity in exchange for an interest in that entity.

23. To surrender possession of such property to me or to members of my family without liability for wear, tear, and obsolescence of the property.

INVESTMENTS

24. To invest in assets, securities, or interests in securities of any nature, whether domestic or foreign markets, including (without limit) stocks, bonds, mutual funds, index funds, or investment funds, including common trust funds, provided such securities are traded on a regulated exchange.

25. To establish or maintain and to trade in credit or margin accounts (whether secured or unsecured), and to pledge assets for that purpose.

26. To hold funds uninvested for such periods as the Agent deems prudent, and to invest in any assets the Agent deems advisable even though they are not technically recognized or specifically listed in so-called "legal lists," without responsibility for depreciation or loss on account of those investments, or because those investments are non-productive, as long as the Agent acts in good faith.

27. To trade in commodities, options, futures, precious metals, and currencies, provided such items are traded on a regulated exchange.

28. To employ a custodian or agent ("the Custodian") located anywhere within the United States, at my expense, whether or not such Custodian is an affiliate of an Agent; to register securities in the name of the Custodian or a nominee thereof without designation of fiduciary capacity; and to appoint the Custodian to perform such other ministerial functions as the Agent may direct, all as permitted in Fla. Stat. Chapter 709. While such securities are in the custody of the Custodian, the Agent will be under no obligation to inspect or verify such securities, nor will the Agent be responsible for any loss by the Custodian.

29. To employ any investment management service, financial institution, or similar organization to advise the Agent; to handle investment of my assets; and to render all accountings of funds held on my behalf under custodial, agency, or other agreements. If the Agent is an individual, these costs may be paid from my assets in addition to compensation payable to the Agent.

30. To receive and hold certificates and other evidences of ownership with respect to stocks and bonds, or to hold such securities in street certificates or in a book entry system.

31. To exercise voting rights with respect to stocks and bonds in person or by proxy, enter into voting trusts, and consent to limitations on the right to vote.

32. To the extent not limited in the Special Transactions section, to apply for, fund, modify, withdraw from, or terminate a qualified tuition plan authorized under 26 USC §529, or its successor provisions, for any of my descendants, including the right to combine accounts, to transfer an account from one state to another, to redirect the investment of the account (to the extent permitted by law), or to change the designated beneficiary of the plan.

33. To conduct investment transactions as provided in Fla. Stat. §709.2208(2).

FINANCIAL MATTERS

34. To collect, receive, and receipt for any and all sums of money or payments due or to become due to me.

35. To continue, establish, modify, or terminate an account, credit or debit card, electronic transfer authorization, or other banking arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, insurance company, or other financial institution selected by the Agent.

36. To make, assign, draw, endorse, discount, guarantee, and negotiate promissory notes, checks, drafts, and other negotiable or nonnegotiable paper.

37. To deposit to or withdraw from, by check, order, electronic funds transfer, wire transfer, or otherwise, money or property of mine held by a financial institution.

38. To receive statements of account, notices, and similar documents from a financial institution and act with respect to them; to contract with a financial institution for services, including renting a safe deposit box or space in a vault.

39. To enter any safe deposit box or vault on which I am a signer and withdraw or add to the contents.

40. To adjust, renew or extend the time of payment of commercial paper, a debt owed to me, a debt I owe, or a debt guaranteed by me, or any other financial transaction.

41. To borrow money on my behalf and pledge as security my personal property; to apply for, receive, and use letters of credit from a financial institution, and give an indemnity or other agreement in connection with them.

42. To conduct banking transactions as provided in Fla. Stat. §709.2208(1).

BUSINESSES AND CONTRACTS

43. To act for me in any business or enterprise, including sole proprietorships, general or limited partnerships, joint ventures, business trusts, land trusts, limited liability companies, and other domestic and foreign forms of organizations (each referred to as an

"Entity"), in which I am now or have been engaged or interested.

44. To change the form of organization or governing jurisdiction under which an Entity is operated, or its name, or any of the above, and to continue any unincorporated business that the Agent determines is not advisable to incorporate.

45. To buy, sell, enlarge or reduce my ownership interest in any Entity, and to contribute additional capital into an Entity in which I have an interest.

46. To enter into an ownership agreement with other persons to take over all or part of the operation of an Entity.

47. To establish the value of an Entity under a buy-sell agreement to which I am a party, and to enforce the terms of any agreement relating to ownership (or sale) of an interest in an Entity.

48. To participate in any type of liquidation or reorganization of any enterprise.

49. To vote and exercise all rights and options, or empower another to vote and exercise those rights and options as permitted by law, concerning any interests in an Entity, in securities, or in other assets; to enter into or approve agreements for merger, reorganization, conversion, domestication or equivalent transactions with respect to any Entity; and to enter into voting trusts and other agreements or subscriptions.

50. To exercise in person or by proxy, or enforce by litigation or otherwise, a right, power, privilege, or option I have as the holder of stocks and bonds;

51. To compromise, arbitrate, or otherwise adjust claims in favor of or against any Entity in which I have an interest.

52. Except as otherwise provided under Fla. Stat. Chapter 709 relating to contracts for personal services, to contract with any person or Entity for any purpose, and to perform that contract; to agree to any termination, release, rescission or modification of any contract or agreement.

INSURANCE, ANNUITIES, AND RETIREMENT FUNDS

For purposes of this section, a "Contract" means a contract of insurance on my life, a contract of insurance regarding my disability or long term care, or an annuity (however denominated). A "Plan" means a retirement plan or account created by an employer, by me, or by another person to provide retirement benefits or deferred compensation for me as a participant, beneficiary, or owner, including a plan or account under the following sections of the Internal Revenue Code (as amended from time to time): an individual retirement account under §§408, 408A, or 408(q); an annuity or mutual fund custodial account under §403(b); a pension, profit-sharing, stock bonus, or other retirement plan qualified under §401(k); a plan under §457(b), and a nonqualified deferred compensation plan under §409A. To the extent not limited in the Special Transactions section, I give my Agent the following powers:

53. To continue, pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a Contract, whether or not I am a beneficiary under the contract, and whether owned by me or obtained by my Agent;

54. To procure new Contracts for me and any member of my family;

55. To exercise the following rights for Contracts:

a. To obtain a loan secured by a Contract or to borrow against its value;

b. To surrender a Contract and receive its cash surrender value;

c. To exercise any election available under that Contract;

d. To exercise investment powers, if applicable;

e. To change the manner of paying premiums and to select the form and timing of the payment of proceeds;

f. To change or convert the Contract to another type;

g. To sell, assign, or otherwise transfer the Contract.

56. To obtain property, casualty, liability or any other insurance for me and my property.

57. With respect to a Plan, I give my Agent the following powers:

a. To select the form and timing of payments and withdraw benefits from the Plan;To make rollovers, including a direct trustee-to-trustee rollover, of benefits from one Plan to another;
c. To establish a Plan in my name;
d. To make contributions to a Plan;
e. To exercise investment powers, if applicable;
f. To borrow from, sell assets to, or purchase assets from a Plan.

ESTATES, TRUSTS, AND OTHER BENEFICIAL INTERESTS

To the extent not limited in the Special Transactions section, to act for me regarding any trust, probate estate, guardianship, conservatorship, escrow, custodianship or fund in which I may have a right or beneficial interest, including:

58. To make an election on my behalf for me to receive an elective share, if any, as provided by Florida law as amended from time to time.

59. To exercise for my benefit a presently exercisable general power of appointment.

60. To transfer property to the trustee of a trust created by me or for my benefit.

61. To accept, receipt for, sell, assign, pledge, or exchange my interest; to reject or disclaim, or consent to a modification of, my interest.

62. To initiate and pursue litigation, including settlement, compromise, or alternative dispute resolution, regarding my interest, including a determination of the meaning, validity, or effect of a deed, Will, declaration of trust, or other instrument or transaction affecting my interest, or to remove, substitute, or surcharge a fiduciary.

CLAIMS AND LITIGATION

63. To sue in my name and behalf for the recovery of any and all sums of money or other things of value, payments due or to become due to me, or damages I have sustained or will sustain; to seek an attachment, garnishment, order of arrest, or other preliminary, provisional, or intermediate relief and use an available procedure to effect or satisfy a judgment, order, or decree; and to collect, hold and disburse any property received in satisfaction of judgments.

64. To initiate or participate in adjustments of claims, either by me or against me, including submission to alternative dispute resolution, and to settle or compromise such claims.

65. To participate and bind me in any litigation, including: to waive or accept service of process on my behalf; to appear for me; to agree to stipulations or admission of facts on my behalf (other than a representation as to my personal knowledge); to verify pleadings, seek appellate review, procure and give surety and indemnity bonds, authorize and pay for records and briefs; to receive, execute, and file a consent, waiver, release, confession of judgment, satisfaction of judgment, notice, agreement, or other instrument; and to make or accept a tender or offer of judgment.

66. To pay any and all bills, accounts, claims, and demands now or hereafter payable by me, including a judgment, award, order or settlement made in connection with a claim or litigation.

67. To assert and maintain before a court or administrative agency a claim for relief or cause of action, or to seek an injunction, specific performance, or other relief.

68. To act for me with respect to any bankruptcy or insolvency concerning me or some other person, or with respect to a reorganization or receivership which affects my interest in any property.

PERSONAL AND FAMILY MATTERS

69. To demand, obtain, review, and release to others medical records, documents, or communications protected by the patient-physician privilege, attorney-client privilege, or any similar privilege, including all records subject to, and protected by, the Health Insurance Portability and Accountability Act of 1996, as amended ("HIPAA"). I designate my Agent as my personal representative under HIPAA. My Agent may also enforce any or all of the privileges listed above.

70. To nominate on my behalf a person (including my Agent) or entity to be appointed by a court of appropriate jurisdiction as guardian of my person or property, or both, or as custodian for my property during the pendency of any proceedings to determine my legal

capacity.

71. To receive and open my mail, change my mailing address, and otherwise represent me in any matter concerning the U.S. Postal Service.

72. To access communications intended for me, and communicate on my behalf, whether by mail, electronic transmission, telephone, or other means.

73. To access my accounts involving web-based communications, such as email, memberships in organizations or commercial enterprises, and social media, all of which require a user name and password for access, even to the extent of compelling the provider to reset my information to data of my Agent's choosing.

74. To the extent not limited in the Special Transactions section, to continue or discontinue my membership in any club, religious institution, society, order, or other organization (whether individual or family) and to continue or discontinue payment of dues, fees, or contributions to those organizations.

75. Accept or resign on my behalf from any offices or positions which I may hold, including any fiduciary positions.

76. To hire and compensate attorneys, accountants, advisors, financial consultants, managers, agents, and assistants (including any individual or entity who provides investment advisory or management services, or who furnishes professional assistance in making investments) without liability for any act of those persons, if they are selected and retained with reasonable care. An Agent may serve in one or more of these capacities and be compensated separately for the services in each.

77. To discharge (with or without cause) any person hired by me (or on my behalf), by the Agent, or by any prior Agent, including but not limited to, the categories of persons named above, and physicians, nurses, care-givers, and domestics.

78. To make periodic payments of child support and other family maintenance required by a court or governmental agency or an agreement to which I am a party.

GOVERNMENT BENEFITS AND ACTIONS

This section deals with benefits or actions from or relating to any branch or department of the United States government, any state government, or any foreign government, whether or not recognized by the United States, including without limitation, the Social Security Administration, the Department of Veterans Affairs, the Internal Revenue Service, Medicare or Medicaid, and any government department providing payments or grants. I give my Agent the following powers:

79. To file or process claims, and receive payment for any amounts due me under Social Security, or as payments for retirement under the Civil Service Administration, the Railroad Retirement Act, any plan sponsored by a state (or a subdivision of a state) of the United States, or any branch of the military.

80. To enroll in, apply for, select, reject, change, amend, or discontinue, on my behalf, a benefit or program, and to receive and endorse for deposit in any account any payments that I receive from a governmental source.

81. To file or process claims, and receive payment for medical bills with all insurance companies through which I have coverage, including but not limited to Medicare and Medicaid, and to receive from Blue Cross/Blue Shield, Humana, United Health Care, CHAMPUS, or any other insurer information obtained in the adjudication of any claim in regard to services furnished to me under Title 18 of the Social Security Act.

82. To prepare, execute, and file a record, report, or other document to safeguard or promote my interest under a federal or state statute or regulation; to communicate with any representative or employee of a government or governmental subdivision, agency, or instrumentality, on my behalf.

83. To create, fund, and maintain an Income Trust pursuant to 42 USC §1396(d)(4)(B) in order to qualify me or retain my eligibility for Medicaid or any other public assistance benefits.

TAXES

84. To represent me before any office of the Internal Revenue Service or any state agency, to receive confidential information regarding all tax matters for all periods, whether before or after the execution of this instrument, and to make any tax elections on my behalf.

85. To prepare, sign and file any tax return on my behalf including income, gift, payroll, property, Federal Insurance Contributions Act, claims for refund and other tax returns or other tax-related documents, including receipts, offers, waivers, consents, and agreements.

86. To pay taxes due, collect refunds, post bonds, receive confidential information, and contest assessments, deficiencies, fines, or penalties determined by the Internal Revenue Service or any other taxing authority.

87. To execute on my behalf any power of attorney required by the Internal Revenue Service or other taxing authority with respect to a tax year upon which the statute of limitations has not run and the following 25 tax years.

SPECIAL TRANSACTIONS

Certain transactions under this power of attorney may profoundly affect my existing estate plan and therefore require a separate authorization for my Agent to engage in them. By initialing next to any items within the respective numbered paragraphs in this Special Transactions section, I grant my Agent the authority stated in that paragraph with respect to the item initialed. If I have not initialed an item, my Agent is not authorized to take that action.

88. Gifts. I authorize my Agent to make gifts of my property outright to, or for the benefit of, the persons specified below, including by the exercise of any presently exercisable

general power of appointment which I hold or acquire. For these purposes, a gift "for the benefit of" a person includes a gift to a trust in which that person is a beneficiary, to a custodial account under a state version of the Uniform Transfers (or Gifts) to Minors Act, and to a tuition savings account or prepaid tuition plan as defined under Internal Revenue Code §529. Unless I have provided otherwise in this instrument, gifts made to different donees need not be equal in amount, character or timing. Gifts may be made only to:

JAS my children and other descendants

_____ other members of my family, other than those listed above

JAS my Agent, despite any limitation under Fla. Stat. §709.2202(2)

_____ any organization qualifying for a gift tax charitable deduction which I have supported or which my Agent, in said Agent's discretion, believes I would support

_____ all of the above in this paragraph.

The gifts to the persons I have specified above, if any, may be made in the following amounts:

_____ in an amount not to exceed $-0- per donee, subject to my Agent's sole and absolute discretion.

_____ in an amount per donee not to exceed the annual dollar limits of the federal gift tax exclusion under Internal Revenue Code §2503(b) (annual exclusion)

_____ any amounts qualifying for federal gift tax exclusion under Internal Revenue Code §2503(e) (medical and educational exclusions)

_____ in an aggregate amount not to exceed my Applicable Exclusion Amount as provided in Internal Revenue Code §2010(c)

JAS for estate planning purposes, in unlimited amounts

_____ my Agent may NOT make any gifts of my property or exercise any powers of appointment I may hold. (I understand this limitation may have unintended or undesirable effects, but I choose it anyway.)

89. Trusts. I authorize my Agent to deal with trusts created by me, for me, on my behalf, or in connection with gifts from me to others as provided in the paragraph above authorizing gifts, as follows:

_____ To create an inter vivos trust, whether revocable or irrevocable, in which I am a beneficiary

_____ To the extent permitted in the trust agreement, to amend, revoke, or terminate a

trust of which I am a beneficiary, or transfer the assets of such a trust into another trust under which I am a beneficiary

_____ To create, amend, or revoke trusts for the benefit of others

_____ To participate in either judicial or nonjudicial modification of a trust as permitted in Fla. Stat. Chapter 736

JH all of the above in this paragraph.

90. Survivorship and Other Designations. My Agent may create or alter the nature of accounts in which I have an interest, as follows:

JH To create or change rights of survivorship in accounts or other assets in which I have an interest

JH To change a beneficiary designation for any accounts or financial instruments, including life insurance policies, annuities, or retirement accounts of any nature

JH To waive my right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan of any nature

91. Disclaimers. My Agent may disclaim interests in property on my behalf as follows:

_____ Disclaim any interest in property I might otherwise receive, either outright or in trust

_____ Disclaim any powers I have over property or as a beneficiary of any trusts (excluding any powers I possess in a fiduciary capacity)

_____ Disclaim any powers of appointment I have or may acquire, excluding any testamentary power of appointment that I currently exercise in my Last Will and Testament

ADDITIONAL PROVISIONS

Protection for Agent. I understand, acknowledge and anticipate that many of my Agent's actions taken pursuant to specific grants of authority in this instrument could involve said Agent in conflicts of interest (created either by me or by my Agent), or call into question my Agent's apparent loyalty to me, or both. This might result from the totality of the circumstances facing the Agent at that time, or by virtue of the Agent's specific actions that might create the conflict of interest. I want my Agent to be free to act in my interest without concern over questionable lawsuits. Therefore, so long as my Agent acts in good faith, said Agent will be protected as follows:

a. My Agent does not have an affirmative duty to act under this power of attorney and will

not be liable for any claim or demand arising out of said Agent's good faith acts or omissions, except for actions or omissions resulting from my Agent's dishonesty, improper motive, or reckless indifference to the purposes of this power of attorney.

b. My Agent may have competing interests for said Agent or the Agent's affiliates, and I waive any express duty of loyalty imposed under Fla. Stat. §709.2114(2).

c. My Agent may have a conflict of interest as provided in Fla. Stat. §709.2116. Despite that section, my Agent may undertake a transaction on my behalf even if another party to that transaction is: (i) a business or trust controlled by my Agent, or of which an Agent, or any director, officer, or employee of a Corporate Agent, is also a director, officer, or employee; (ii) an affiliate or business associate of my Agent; or (iii) an Agent acting individually. This exception also extends to any relative of such a party.

d. I fully indemnify my Agent out of my assets and my estate for any actions brought against said Agent, and damages said Agent sustains, including attorneys' fees and costs, that have as a basis my Agent's actions or inactions resulting in both a claim for breach of fiduciary duty and actual damages to me or my estate, but this protection does not extend to actions or omissions resulting from my Agent's dishonesty, improper motive, or reckless indifference to the purposes of this power of attorney.

e. My Agent will not be liable for any actions by a predecessor agent if the Agent does not participate in or conceal the action. An Agent is not required to review the actions of a predecessor agent, absent actual knowledge by the Agent of wrongdoing.

Compensation and Expenses. My Agent will be entitled to reasonable compensation and reimbursement for all expenses reasonably incurred by said Agent on my behalf.

Foreign Accounts. Despite any power granted to the Agent in this instrument or under law, my Agent may not exercise any power over, or transact any business with respect to, an account in a foreign country, as defined in 31 CFR 1010.350(c) and 1010.350(d), unless the Agent expressly and specifically accepts such authority in writing.

Delegation of Powers. My Agent may not delegate the powers given as my attorney-in-fact, except as follows:

a. To grant a transfer agent or similar person the authority to register securities in my name or the name of a nominee.

b. For investment management purposes as provided in Fla. Stat. §518.112.

c. To any other person, as may be permitted under the law of another jurisdiction in which this instrument is presented.

Suspension of Rights and Duties. All powers granted to an Agent will be suspended immediately if he or she becomes disabled. For these purposes, an Agent's disability is determined as follows:

a. If an Agent is determined to be incapacitated by a court having jurisdiction.

b. In the absence of a judicial determination, and if the majority of my children reasonably believe that an Agent is suffering from any mental or physical incapacity that would affect his or her ability to manage my affairs, and if they obtain written confirmation of that opinion from that Agent's physician, those persons shall give that Agent written notice to that effect. Upon delivery to the Agent of that written notice, all powers of that Agent as my attorney-in-fact will be suspended until his or her legal capacity is determined by a court, until his or her physician determines the Agent is no longer disabled, or until the persons entitled to give such written notice rescind it.

c. If an Agent fails to sign a release of relevant medical information necessary to determine his or her capacity, that Agent will be suspended for 30 days after the request for such a release is delivered to him or her by the persons described above. If the Agent consents to the release of relevant medical information, and is determined not to be disabled, he or she may elect to resume service as Agent by giving written notice to me and to the persons named above.

Use of Copies. As provided in Fla. Stat. §709.2106, a photocopy or electronic copy of this power is sufficient for its exercise.

Partial Invalidity. If any part of this power of attorney is declared invalid or unenforceable, that decision will not affect the validity of the remaining parts.

Limitation on actions of Agent. No Agent may participate in an action to the extent that a payment or distribution pursuant to that action would discharge a legal support obligation of that Agent. No Agent who is the insured of any insurance policy that I own may exercise any rights or have any incidents of ownership with respect to the policy, including the power to change the beneficiary, to surrender or cancel the policy, to assign the policy, to revoke any assignment, to pledge the policy for a loan, or to obtain from the insurer a loan against the surrender value of the policy. All such power is to be exercised solely by another Agent, if any.

DURABLE POWER OF ATTORNEY

In witness whereof, I have executed this durable power of attorney as of the date first written above.

JOHN A. SMITH

Witness

Address: Christian Medina
6940 NW 170 Street, Apt. 402
Hialeah, FL 33015

Witness
Marlene Krantz

Address: Marlene Krantz
7319 Big cypress ct.
Miami Lakes, FL 33014

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

The foregoing Durable Power of Attorney was acknowledged and subscribed before me on June 13, 2013 by JOHN A. SMITH, Principal, who personally appeared before me, is personally known to me or presented a driver's license as identification.

Witness my hand and official seal. [SEAL]

NOTARY PUBLIC

PHILLIP B. FARICK
MY COMMISSION # DD022210
EXPIRES: June 14, 2014
Bonded Thru Notary Public Underwriters

AFFIDAVIT BY ATTORNEY-IN-FACT

Before me, the undersigned authority, personally appeared JENNIFER MARIE SMITH, ("Affiants"), who swore or affirmed that:

1. Affiant is the attorney-in-fact named in the Durable Power of Attorney executed by JOHN A. SMITH (the "Principal") on June 13, 2013.

2. This Durable Power of Attorney is currently exercisable by Affiant. The Principal is domiciled in Florida.

3. To the best of Affiant's knowledge after diligent search and inquiry:

   a. The Principal is not deceased; and

   b. The Durable Power of Attorney has not been revoked; partially or completely terminated by adjudication of incapacity of the Principal or by the occurrence of an event referred to in the Durable Power of Attorney; or suspended by initiation of proceedings to determine the incapacity of the Principal.

4. Affiant is acting within the scope of authority granted in the Power of Attorney.

5. Affiant agrees not to exercise any powers granted by the Durable Power of Attorney if Affiant learns that any averment in Section 3a or 3b is no longer accurate.

JENNIFER MARIE SMITH 8/2/13

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me on June 13, 2013, by JENNIFER MARIE SMITH who personally appeared before me, is personally known to me or presented a driver's license as identification and did take an oath.

[SEAL]

Notary Public--State of Florida

Johnathen Franco
State of Florida
MY COMMISSION # EE 865060
Expires: January 14, 2017

END
= CONCRETE
WALL = CONCRETE BLOCK STRUCTURE
CENTER LINE
= DRAINAGE EASEMENT
DELTA
= FOUND IRON ROD
= FOUND IRON PIPE
= FOUND NAIL
. = FOUND DRILL HOLE
= LICENSE BUSINESS
RC DISTANCE
= LAKE MAINTENANCE EASEMENT
). = NO IDENTIFICATION
= NOT APPLICABLE
D. = NATIONAL GEODETIC VERTICAL DATUM
D. = NORTH AMERICAN VERTICAL DATUM
= ON LINE
= PLAT BOOK
= PAGE
PLAT
= UTILITY EASEMENT
= PROFESSIONAL SURVEYOR AND MAPPER
= PERMANENT CONTROL POINT
= RIGHT OF WAY
SUCCS
= ITS SUCCESSORS AND/OR ASSIGNS
= AS THEIR INTEREST MAY APPEAR

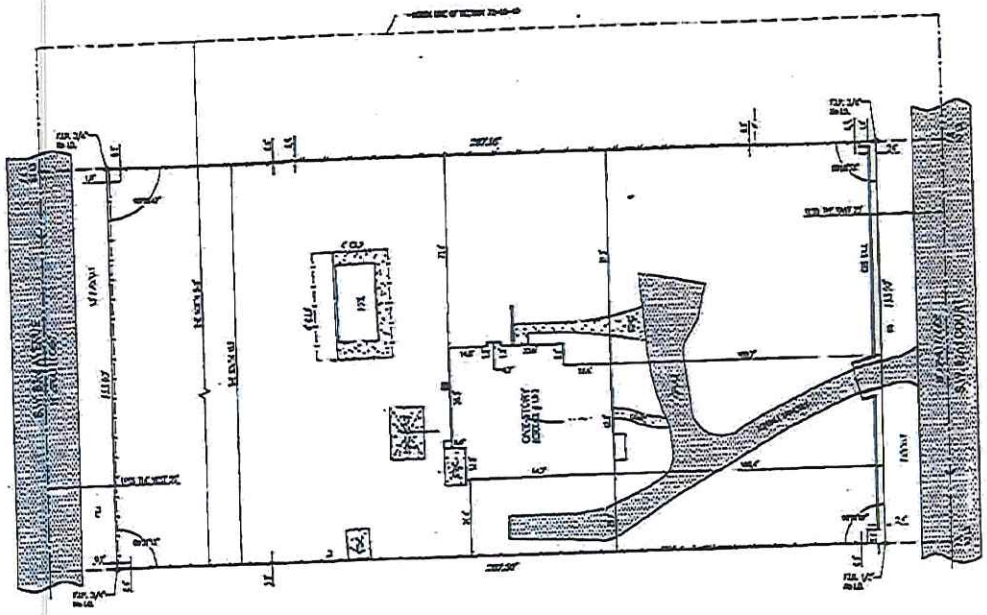
SYMBOLS:
- AIR CONDITIONER
- CATCH BASIN
- WATER METER
- POOL PUMP
- WATER HEATER
- FIRE HYDRANT
- WATER VALVE
- CABLE BOX
- FPL TRANSFORMER
- ELECTRIC BOX
- TELEPHONE BOX
- LANDSCAPE
- UTILITY POST
- LIGHT POLE
- CONCRETE POLE
- WOOD POLE
- EXISTING ELEVATION
- COVERED AREA
- CBS. WALL
- ENCROCH LNE (ENC)
- CHAIN LINK FENCE (CLF)
- WOOD FENCE (WF)
- METAL FENCE (MF)
- PLASTIC FENCE (PF)
- WIRE FENCE (WF)

TIFIED TO:

AL DESCRIPTION:
SOUTH 153 FEET OF THE NORTH 540 FEET OF THE W 1/2 OF E-1/2 OF THE NE-1/4 OF THE NW-1/4, LESS THE EAST 25FT AND THE WEST 25 FEET THEREOF", IN SECTION 22, SHIP 55 SOUTH, RANGE 40 EAST, LYING AND BEING IN COUNTY, FLORIDA

KEY NOTES:
ZONIC ARE LIMITED TO VISIBLE IMPROVEMENTS ONLY AS SHOWN ON. LANDS SHOWN HEREON WERE NOT ABSTRACTED BY BASELINE NEERING & LAND SURVEYING INC. FOR EASEMENTS, RIGHT-OF-WAYS

GRAPHIC SCALE



RECEIVED
Zoning Department
4/24/15

TITLE: MAP OF BOUNDARY SURVEY			SCALE: 1" = 20'	NOTES/REVISIONS	THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.	FOUNDED IN 1993 BASELINE ENGINEERING
COMMUNITY PANEL 120635-0464-L	FLOOD ZONE AE	BASE FLOOD EL.: 10.00'	DRAWN BY: D.F. CHECKED BY: L.L.G.			

SHEET 1 OF 1

PROPOSED SKETCH & DESCRIPTION LOT 1

= CONCRETE
ALL = CONCRETE BLOCK STRUCTURE
ENTER LINE
DRAINAGE EASEMENT
DELTA
= FOUND IRON ROD
= FOUND IRON PIPE
FOUND NAIL
— FOUND DRILL HOLE
LICENSE BUSINESS
= DISTANCE
— LAKE MAINTENANCE EASEMENT
= NO IDENTIFICATION
NOT APPLICABLE
= NATIONAL GEODETIC VERTICAL DATUM
= NORTH AMERICAN VERTICAL DATUM
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— PERMANENT CONTROL POINT
RIGHT OF WAY
ADIUS
= ITS SUCCESSORS AND/OR ASSIGNS
— AS THEIR INTEREST MAY APPEAR

SYMBOLS:
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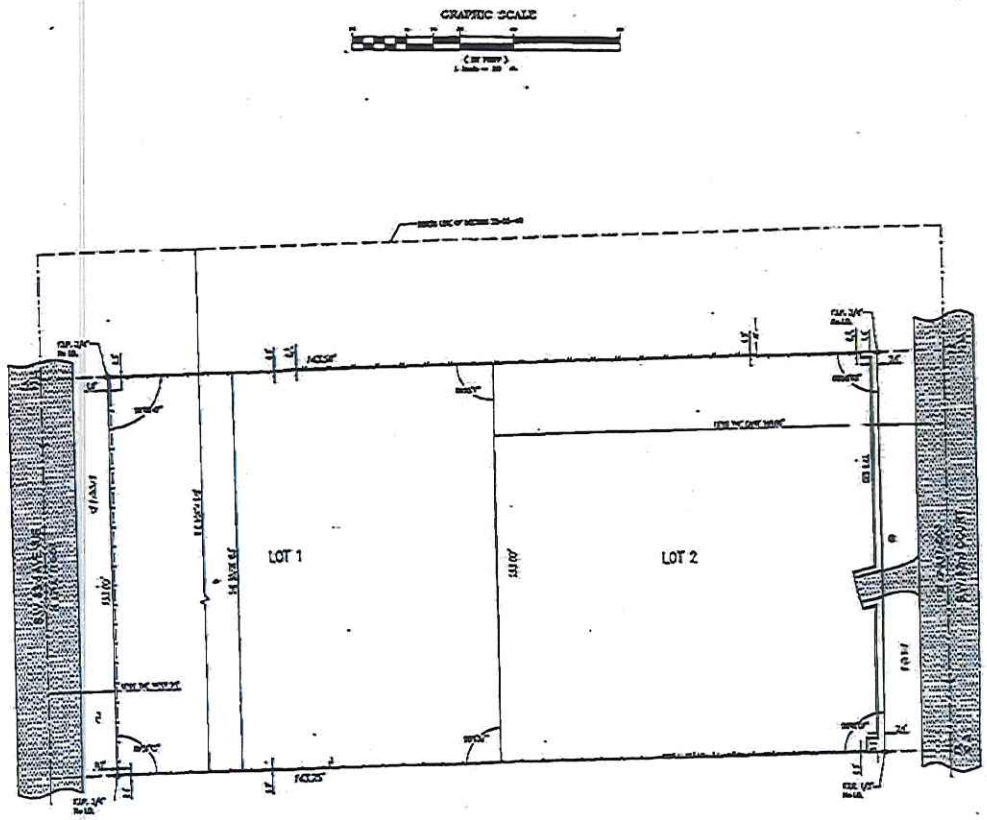
CATCH BASIN
WATER MULTI
POOL PUMP
WATER HEATER
FIRE HYDRANT
WATER VALVE
CABLE BOX
TPL TRANSFORMER
ELECTRIC BOX
TELEPHONE BOX
MANHOLE
UTILITY POLE
LIGHT POLE
CONCRETE POLE
WOOD POLE
EXISTING ELEVATION
CONFIRED AREA
CBS. WALL
CONTINUED LINE (CN)
CHAIN LINK FENCE (CLF)
WOOD FENCE (WF)
METAL FENCE (MF)
PLASTIC FENCE (PF)
WIRE FENCE (WF)

TIFIED TO:

L DESCRIPTION:
DESCRIBED AS:
SOUTH 153 FEET OF THE NORTH 548 FEET OF THE W-1/2 OF
-1/2 OF THE NE-1/4 OF THE NW-1/4, LESS THE EAST
FEET AND THE WEST 25 FEET THEREOF, IN SECTION 22,
SHIP 55 SOUTH, RANGE 40 EAST, LYING AND BEING IN
COUNTY, FLORIDA

Y NOTES:
TIONS ARE LIMITED TO VISIBLE IMPROVEMENTS ONLY AS SHOWN
ON. LANDS SHOWN HEREON WERE NOT ABSTRACTED BY BASELINE
ERING & LAND SURVEYING INC. FOR EASEMENTS, RIGHT-OF-WAYS



SHEET 1 OF 1

TITLE: PROPOSED SKETCH & DESCRIPTION			SCALE: 1" = 20'	NOTES/REVISIONS	THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.	FOUNDED IN 1993 BASELINE ENGINEERING AND
COMMUNITY PANEL# 120635-0464-L	FLOOD ZONE: AE	BASE FLOOD EL: 10.00'	DRAWN BY: ELF. CHECKED BY: L.J.G.			

PROPOSED SKETCH & DESCRIPTION LOT 2

LEGEND:
CONC. = CONCRETE
CBS WALL = CONCRETE BLOCK STRUCTURE
℄ = CENTER LINE
D.E. = DRAINAGE EASEMENT
Δ = DELTA
F.I.R. = FOUND IRON ROD
F.I.P. = FOUND IRON PIPE
F.N. = FOUND NAIL
F.D.H. = FOUND DRILL HOLE
L.B. = LICENSE BUSINESS
L= ARC DISTANCE
L.M.E. = LAKE MAINTENANCE EASEMENT
NO I.D. = NO IDENTIFICATION
N/A = NOT APPLICABLE
N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
N.A.V.D. = NORTH AMERICAN VERTICAL DATUM
O/L = ON LINE
P.B. = PLAT BOOK
PG = PAGE
(P) = PLAT
U.E. = UTILITY EASEMENT
P.S.M. = PROFESSIONAL SURVEYOR AND MAPPER
P.C.P. = PERMANENT CONTROL POINT
R/W = RIGHT OF WAY
R = RADIUS
ISAOA = ITS SUCCESSORS AND/OR ASSIGNS
ATIMA = AS THEIR INTEREST MAY APPEAR

SYMBOLS:
AIR CONDITIONER
CATCH BASIN
WATER METER
POOL PUMP
WATER HEATER
FIRE HYDRANT
WATER VALVE
CABLE BOX
FPL TRANSFORMER
ELECTRIC BOX
TELEPHONE BOX
MANHOLE
UTILITY POLE
LIGHT POLE
CONCRETE POLE
WOOD POLE
EXISTING ELEVATION
COVERED AREA
CBS WALL
OVERHEAD LINE (OH)
CHAIN LINK FENCE (CLF)
WOOD FENCE (WF)
METAL FENCE (MF)
PLASTIC FENCE (P.F)
WIRE FENCE (WF)

CERTIFIED TO:
1.

LEGAL DESCRIPTION:
LOT 2 DESCRIBED AS:
THE SOUTH 153 FEET OF THE NORTH 548 FEET OF THE W-1/2 OF THE E-1/2 OF THE NE-1/4 OF THE NW-1/4, LESS THE EAST 25 FEET AND THE WEST 168.66 FEET THEREOF , IN SECTION 22, TOWNSHIP 55 SOUTH, RANGE 40 EAST, LYING AND BEING IN DADE COUNTY, FLORIDA

SURVEY NOTES:
LOCATIONS ARE LIMITED TO VISIBLE IMPROVEMENTS ONLY AS SHOWN HEREON. LANDS SHOWN HEREON WERE NOT ABSTRACTED BY BASELINE

SHEET 1 OF 1

TITLE: PROPOSED SKETCH & DESCRIPTION			SCALE: 1" = 20'	NOTES/REVISIONS	THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.	FOUNDED IN 1993 BASELINE ENGINEERING AND
COMMUNITY PANEL# 120635-0464-L	FLOOD ZONE: AE	BASE FLOOD EL: 10.00'	DRAWN BY: ELF. CHECKED BY: L.A.G.			

PROPOSED
ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING THE OFFICIAL ZONING MAP; CHANGING .98 ACRES (+/-), FROM E-1 ESTATE SINGLE FAMILY TO E-M ESTATE MODIFIED SINGLE FAMILY DISTRICT; FOR THE PROPERTY LOCATED AT 13650 SW 82ND COURT BEARING FOLIO 33-5022-000-0191, IN PALMETTO BAY, FLORIDA; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the property in question is located at 13650 SW 82 Court, consists of approximately .98 acres, and is landlocked by adjoining properties; and

WHEREAS, in 2009, the Mayor and Village Council adopted Ordinance No. 09-17, which created the Village's Official Zoning Map, thus replacing the Miami-Dade County Zoning Map; and

WHEREAS, in creating the Official Zoning Map, this section was rezoned from EU-1 to E-1, Estate Single Family; and

WHEREAS, the surrounding properties are all zoned E-M; Estate Modified Single Family, and

WHEREAS, pursuant to Chapter 166, Florida Statutes, a change of zoning, otherwise known as a district boundary change, of less than 10 acres, requires a public hearing on second reading, and a Land Planning Agency public hearing prior to approval of the rezoning by ordinance; and

WHEREAS, pursuant to Section 163.3174, *Florida Statutes* the Village Council has been designated as the Local Planning Agency for the Village; and

WHEREAS, on _____, 2016, the Local Planning Agency approved the proposed amendment; and

WHEREAS, to approve a rezoning, the request must be consistent with the Village's Comprehensive Plan and a basic finding of compatibility to Code Section 30-30.7(b) must be rendered by the Mayor and Village Council; and

WHEREAS, the Mayor and Village Council, now desire to rezone the property described in Attachment E-1 from Estate Single Family, to E-M, Estate Modified Single Family District.

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

Section 1. In evaluating an application for a rezoning, from E-1 Estate Single Family to, E-M, Estate Modified Single Family for .98 acres (+/-), for the property located at 13650 SW 82 Court bearing folio 33-5022-000-0191, the Palmetto Bay Village Council applied the criteria under 30-30.7(b) of the Village's Code and found the request to be consistent. The map amendment is attached and incorporated by reference herein as Attachment 1.

Section 2. The property that is the subject of the rezoning bears the following legal description:

> The South 153 Feet of the North 548 Feet of the W ½ of the East ½ of the NE ¼ of the NW ¼ less the East 25 feet and the West 25 Feet thereof, in Section 22, Township 55 South, Range 40 East, lying and being in Miami-Dade County, Florida, and containing 42,688 square feet or .98 acres, more or less.

Section 3. The Village Council in compliance with Chapter 166, Florida Statutes, after the first reading approved the request to rezone.

Section 4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed.

Section 5. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This ordinance shall take effect immediately upon enactment.

PASSED and ENACTED this ____ day of _____, 2016.

First Reading: _____

Second Reading: _____

Attest: _____ _____

Meighan Alexander
Village Clerk

Eugene Flinn
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY 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 _____

Additions shown by underlining and deletions shown by ~~overstriking~~.