

VILLAGE OF PALMETTO BAY
Minutes of the Local Planning Agency Meeting of May 2, 2016
Village Hall Chambers
9705 East Hibiscus Street

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

The meeting was called to order at 7:05 p.m.

The following members of the Village Council were present:

Mayor Eugene Flinn
 Vice Mayor John DuBois
 Council Member Karyn Cunningham
 Council Member Tim Schaffer
 Council Member Larissa Siegel Lara

The following members of staff were present:

Village Manager Edward Silva
 Village Attorney Dexter Lehtinen
 Village Attorney Claudio Riedi
 Village Clerk Meighan J. Alexander

- 2. DECORUM STATEMENT:** Clerk Alexander read the following statement: Any person making impertinent or slanderous remarks, or who becomes boisterous, while addressing the Council may be barred from further appearance before the Council by the Mayor, unless permission to continue or again address the Council is granted by a majority vote of the Council. Applauding speakers shall be discouraged. Heckling or verbal outbursts in support or opposition to a speaker, or his or her remarks, shall be prohibited. No signs or placards shall be allowed in the Council meeting. Persons exiting the Council meeting shall do so quietly. All cellular telephones and beepers are to be silenced during the meeting.

3. ORDINANCES FOR SECOND READING/PUBLIC HEARING (Included as Items 13 A through D in the Regular Agenda)

- A. Pursuant to Section 30-30.8(b):
 AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING AGENCY, RELATING TO A LARGE SCALE AMENDMENT OF THE FUTURE LAND USE MAP (FLUM) CONSISTENT WITH 163.3161 AND 163.3184, FLORIDA STATUTES; CHANGING THE LAND USE DESIGNATION OF CERTAIN LANDS WITHIN THE DOWNTOWN AREA OF THE VILLAGE OF PALMETTO BAY, AS FURTHER DESCRIBED AT ATTACHMENT A, FROM LOW DENSITY RESIDENTIAL, LOW MEDIUM RESIDENTIAL, AND MEDIUM RESIDENTIAL MEDIUM, TO FRANJO ACTIVITY CENTER (FAC); AND AMENDING THE VILLAGE'S COMPREHENSIVE PLAN'S LAND USE CATEGORY, FAC; ADJUSTING

THE NUMBER OF UNITS PERMITTED WITHIN THE FAC FROM 5,389 TO 5,661; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

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

Planning & Zoning Director Darby Delsalle provided staff report. He explained that there is a companion item; therefore, he would like to present both as one report. He stated that this matter concerns the Franjo Activity Center, which was submitted to the Department of Economic Opportunity following first reading. He stated that the review by DEO returned two comments: one is a mapping correction, there is an alternate Land Use Map, provided; and the second is a name change, which is detailed in the staff report (a Department within the County changed names.)

Mayor Flinn asked if it would be acceptable for one public hearing for items A and B. Attorney Lehtinen stated that one ordinance amends the Comprehensive Plan and one ordinance amends the zoning code. He suggested that people could comment on both at once; however, people would be permitted to comment on both separately.

Councilwoman Siegel Lara moved to combine the public hearings (Items A and B), allowing public hearings on both, if desired by the public. Seconded by Councilwoman Cunningham. The motion passed (4 to 1--Vice Mayor DuBois opposing.)

- B. Pursuant to Section 30-30.7(b):
AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING SECTION 30-50.23, ENTITLED "DOWNTOWN URBAN VILLAGE", TO INCLUDE THE AMENDED PAGES AT ATTACHMENT A; AND AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING OF THOSE LANDS EFFECTED AS DESCRIBED AT ATTACHMENT B, FROM AG, AGRICULTURAL DISTRICT; R-1, SINGLE FAMILY DISTRICT; R-2; TWO FAMILY RESIDENTIAL, R-3M APARTMENT DISTRICT; R-4L, LIMITED APARTMENT DISTRICT; AND I, INTERIM DISTRICT; TO DOWNTOWN URBAN VILLAGE DISTRICT; IN PALMETTO BAY, FLORIDA; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

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

Director Delsalle advised that this matter was heard and approved by the Council on first reading in February; however, final passage was held pending the State's review of the companion item. He advised that there are no changes to this Ordinance.

Mayor Flinn opened the public hearing with regard to both ordinances. The following individuals addressed the Council: Peter England, 7620 SW 171 Street; Jacqueline Prussing, 9341 SW 178 Street; and Carol Vega, 8845 SW 178 Terrace, opposed to development in her district.

Vice Mayor DuBois asked if these items would both have to be approved in order for either of them to be approved.

Attorney Lehtinen replied that if Item A does not pass, it would be unlikely that Item B would be considered consistent with the Comprehensive Plan. He explained that Zoning must be consistent with the Comprehensive Plan.

Mayor Flinn called the question to approve on Item A. The matter passed via roll call vote (4 to 1, Vice Mayor DuBois opposed.)

Mayor Flinn opened the public hearing for any specific comments with regard to Item B. No one wished to be heard.

The Council did not have any further comments.

Mayor Flinn called the question to approve Item B. The matter passed unanimously (5 to 0) via roll call vote.

- C. Pursuant to Section 30-30.8(b):
AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING AGENCY, AMENDING POLICY 1.1.3 OF THE VILLAGE'S COMPREHENSIVE PLAN LAND USE CATEGORY, "VILLAGE MIXED-USE", TO INCLUDE ALL PERMITTED RESIDENTIAL USES TO BE CLASSIFIED AS MULTIPLE FAMILY, AND TO PROVIDE A NOTATION REGARDING TRANSFER OF DEVELOPMENT RIGHTS CONSISTENT WITH POLICY 1.1.14 OF THE COMPREHENSIVE PLAN; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Councilwoman Siegel Lara moved to hear both items. Seconded by Councilman Schaffer. The motion passed (4 to 1, Vice Mayor DuBois opposed.)

- D. Pursuant to Section 30-30.7(b):
AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING SECTION 30-50.19, "VILLAGE MIXED-USE DISTRICT", TO INCLUDE ALL PERMITTED RESIDENTIAL USES TO BE CLASSIFIED AS MULTIPLE FAMILY; TO ADJUST MAXIMUM PERMITTED HEIGHT FOR ALL BUILDINGS TO BE 85 FEET; AND TO PROVIDE A NOTATION THAT THE VMU ZONING DISTRICT IS ELIGIBLE TO PARTICIPATE IN SECTION 30-30.15 TRANSFER OF DEVELOPMENT RIGHTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Attorney Lehtinen advised that while Vice Mayor DuBois had recused himself from the previous hearing held on this matter, the Vice Mayor had just provided a legal opinion from the State Attorney opining that the Vice Mayor had acted in error regarding his recusal. He stated that if the Vice Mayor votes on this matter, he believes it raises questions as to the impartiality of the Vice Mayor's vote. He noted that the local Commission on Ethics has previously advised him, as Village Attorney, that it is up to the elected official to consider their own impartiality.

Vice Mayor DuBois added that Attorney Lehtinen had advised him that his participation in this matter was solely the Vice Mayor's decision.

Attorney Lehtinen explained the provisions of a quasi-judicial hearing. He swore in witnesses and asked Council to provide disclosures.

Vice Mayor DuBois stated that he had forwarded all emails to the Village Clerk earlier today. He noted that he had an interview with the Miami Herald a week and a half ago and also had extensive communication with the State's Ethics Commission concerning his recusal. He advised that the Ethics Counsel opined that the matter of a conflict was not an issue and he is permitted to provide his opinion.

Mayor Flinn advised that he had turned over emails he received to the Clerk. He stated that he toured the property four different times. He also noted that he had an interview with Miami Herald; he is familiar with site; and can be fair and impartial.

Councilwoman Cunningham stated that she turned over all emails to the Clerk. She advised that she posted remarks on Facebook and turned over the comments made on that post to the Clerk. She stated that she visited the site with Village Staff and also toured the site with Teacher Ray Maguire. She noted that she had received two text messages from Scott Silver and Michael Kesti and she let them know she would not speak with them. She listed the following individuals with whom she had

spoken: Joe Corradino, Mr. Trembley, Jackie Caproon, and Beverly from the Garden Club. She stated she will remain impartial.

Councilman Schaffer noted that he had received emails that he forwarded to Clerk. He responded to some and forwarded them to Clerk. He stated that today he spoke to an unknown woman on the phone. He noted that he had three conversations with resident Beth Kibler. He expressed that he is familiar with the area and will be fair and impartial.

Councilwoman Siegel Lara stated that she worked in the building and is very familiar with the property. She noted that she had three conversations and had received three emails previous and several today that she will forward to the Clerk. She stated that she will remain fair and impartial.

Manager Silva advised that following passage on first reading (March 7th), the Village had provided a press release concerning the Transfer of Development Rights. He commented that misinformation had been provided. He provided the history of the parcel and explained the current request and what the Village is attempting to accomplish. He noted that the Village is not giving away development rights or increasing density, actually the Village is increasing park space and moving development off of Old Cutler and moving the development east.

Attorney Lehtinen explained that the current zoning of 300 senior living units is defined by law that states that 80% of the occupied units must have one person one more aged 85 years or older living in the units. He noted that interim zoning is a zoning classification that was carried over by the County. He stated that interim zoning allows a right to develop and is defined that the "trend of development" (what is on the adjoining property, which excludes property across from Old Cutler"). He stated that adjoining property to the east allows 10 units per acre, which could allow 220 units on the 22 acres. Attorney Lehtinen explained that if you considered the property adjoining and development to the west, which allows a variety of 1 per acre or 2.5 per acre, when averaged, the development permit could be 5.5 units per acre or 121 total units on the 22 acres. He opined that staff is proposing 85 units per acre. He stated that with respect to the covenant, it was amendment in 1989 with all provisions remaining the same as 1985; however, obscuring visibility, the covenant referred to property east, north, and south and the covenant discussed vegetation for a visible barrier that required governmental approval. He explained that several acres, at the time, were provided for preservation; however, the GU zoning was placed upon the 22 acres. Attorney Lehtinen advised that the Village's zoning power is not bound by any 75% vote of property owners within 2,000 feet. He stated that is not possible for a municipality to give up its zoning power. He noted that as the 75% clause has no expiration date, it is in violation of the marketable record title act. He concluded that the marketable record title act says that if someone takes title to property and the restricted covenant is not re-imposed in that title, then the covenant would only be imposed for 30 years later, (30 years from 1989 is 2019, which would be the date of release of the covenant.) He explained that the Council can provide that any hotel

rooms could count as individual residential units. He stated that he was asked to draft an amendment that nothing may be done to the property that would increase traffic that would be anticipated by the current zoning.

Mayor Flinn asked if the amendment would apply to Item D. Attorney Lehtinen concurred. He added that the amendment to Item C is the State's recommendation that there should be a cap of 25% for Transfer of Development Rights. He stated that a correction of the proper accounting of acreage would also be presented by staff for Council's consideration.

Councilman Schaffer moved Item D forward. Seconded by Councilwoman Siegel Lara.

Director Delsalle provided staff report. He noted that there is a display that provides the zoning adjacent to the parcel and the accompanying development rights of those areas. He stated that the adjacent parcels indicate, basically, five units per acre. He explained that if you remove the strip that would contain the visible barrier, there would be 17 acres remaining, which would total 85 units. He stated that the capture of live-work zoning was contemplated in order to assist with reducing traffic. He advised that Joe Corradino is present to provide a traffic analysis, although this development is exempt from traffic concurrency. Director Delsalle stated that this model is actual premature, as there is no site plan at this time.

Mr. Joe Corradino noted that his firm reviewed the parameters and is offering this report based upon the analysis of the application. He stated that when he reviewed the inputs from the application, traffic will not be affected. He opined that mixed use categories are more synergistic and; therefore, there would actually be a minor decrease of the existing condition (39 trips less), which, essentially, is not significant enough to be considered a change. He stated that Old Cutler has a capacity of 21,000 trips; currently, there are 17,000 trips; therefore, the current utilization is at 81% of its capacity and the development (less than 1% impact) would not affect traffic.

Councilwoman Cunningham stated that she had spoken to Mr. Corradino and thanked him for taking her phone call, noting that she was not aware that the Village had hired Mr. Corradino to provide any type of analysis. She stated that when she had spoken to Mr. Corradino, he stated that the impact would be 7-8%. She asked what changed since they had spoken.

Mr. Corradino stated that he had based his opinion to the Councilwoman based upon the raw numbers he was provided. He explained that when he was provided the full information, his analysis was based upon the application, which is what he relied upon for this report. He noted that he had previously utilized erroneous inputs, which he has since corrected.

Councilman Schaffer stated that 485 units are currently being considered, but actually 220 could be added to the 400 units already permitted. He asked if Mr. Corradino was basing his review on the 485 units.

Mr. Corradino stated that he considered 485 units as the baseline. He noted that the impact from 400 to 485 is negligible.

Councilman Schaffer remarked that the applicant, as well as the Council, will be working with staff to see what we can do to mitigate any increase in traffic. Director Delsalle opined that this initiative, with the proposed amendment, would put a cap on development of the property.

Councilwoman Siegel Lara asked Mr. Corradino if he was basing his report on what is current. Mr. Corradino stated that the report was based upon 485 units.

Councilwoman Siegel Lara stated that currently there is an office building with pre-existing rights to build 400 units. She noted that the addition of 85 units is not going to significantly negatively impact traffic, as the current right of 400 units exists. She expressed that the viewpoint of most experts is that Old Cutler is not at capacity; and, while she is aware of the negative reactions to traffic, the entire County and other national urban areas are negatively impacted by traffic. She explained that the issue currently is to move the development rights from the exterior of the property to the interior and under this scenario, there would not be an additional negative impact on traffic. Councilwoman Siegel Lara concluded that the movement of the 85 units from the exterior to the interior does not change anything, nor does the removal of the restriction of the senior facility living. Mr. Corradino concurred.

Vice Mayor DuBois stated that he had reviewed the matter when it was originally modified by the Village and the Council, at that time in 1985, was told that this type of senior development would lessen traffic flow in the past. He asked how the impact of single family traffic is the same as senior housing traffic. Mr. Corradino stated that senior living is poorly defined in the State's Traffic Engineers' Handbook and there should be at least five to six categories of senior living; however, this type of development states that 80% of a community must have the requirement of one person being over 55 years old.

Vice Mayor DuBois stated that it does not seem likely that senior housing would generate the same traffic as single family traffic. Mr. Corradino stated that senior housing would not, but they would generate about as much as a mid-level apartment.

Vice Mayor DuBois asked Director Delsalle why this hearing would not be considered a zoning hearing. Director Delsalle stated that this would not be a zoning hearing; rather, it would be a quasi-judicial hearing.

Mayor Flinn remarked that if and when the applicant comes forward with any of the units, the report provided by Mr. Corradino would not be a usable traffic analysis for these homes when site plan comes forward. Director Delsalle concurred with the Mayor.

Mayor Flinn noted that the applicant would have to go through their own site plan analysis and provide their own traffic study. Director Delsalle concurred.

Attorney Lehtinen asked that if the Council passed an amendment to indicate that the property cannot generate more traffic, would that amendment be an enforcement concept. Director Delsalle stated that staff would model the concept and could impose that standard.

Vice Mayor DuBois asked for clarification of the amendment to provide the exact acreage. Director Delsalle stated that the Department of Economic Opportunity stated that the confusion was the overall size of the former Burger King Property. Attorney Lehtinen stated that it was a technical correction and should read 39 acres.

Mayor Flinn opened the public hearing. The following individuals addressed the Council: Scott Silver, 18001 Old Cutler Road; David Feinberg, 9161 Caribbean Boulevard, Cutler Bay; Eric Tullberg, 7884 SW 179 Terrace; David Singer, 8360 SW 154 Terrace; Laura Reynolds, 20715 Leeward Lane, Cutler Bay; Mitchell Greg, 18140 SW 78 Place; Michael Sign, 8515 SW 168 Terrace; Brenda Storch, 7885 SW 179 Terrace; Carol Vega, 8845 SW 178 Terrace; Patrick Fiore, 13805 SW 77 Court; Margaret Lazinsky, 15400 SW 83 Avenue; State Representative Jose Javier Rodriguez, 2100 Coral Way; John Jensen, 18930 SW 82 Terrace; Julie Jeffries 5981 SW 131 Street; Sylvia Carrillo, 5724 SW 131 Terrace; Victor Bower, 15280 SW 62 Avenue; Jackie Caproone, 8285 SW 164 Terrace; Todd Morrow, 9375 SW 178 Terrace; Robert Buzzelli, 17140 SW 86 Avenue; Bob Ross, 6701 SW 94 Street; Rainer Schael, 19171 SW 90 Court; Peter England, 7620 SW 171 Street; Beth Kibler, 7162 SW 166 Terrace; Mikalvyzk (name unintelligible), 9280 SW 167 Terrace; Steven Smith, 17821 SW 78 Avenue; Bev Gerald, 14271 SW 74 Court; Jim Haas, 17902 SW 77 Court; Edwardo Barona, 9271 Marine Drive, Cutler Bay; Susan Admire, 9200 SW 178 Terrace; Mayata Ursel, 8270 SW 163 Street; and Margorie Westland, 17535 SW 83 Court.

The Council took a brief recess. The meeting re-convened.

Vice Mayor DuBois provided a brief history, stating that the argument for upzoning for 100 townhomes and 300 units of senior housing was that this type of facility would lessen traffic. He remarked that this matter is swapping upzoning for land that would not be developable. He explained that the Council created the Transfer of Development Rights in an attempt to spruce up the downtown urban corridor and the receiver properties were to be in the downtown urban corridor. He stated that, for some reason, the VMU was included (the development being considered tonight.) Vice Mayor DuBois stated that the TDR Ordinance is a relatively new ordinance and has not been used previous to this hearing. He noted that Director

Delsalle stated that the calculation of 85 units was based upon trend of analysis. He stated that he spoke to a land use attorney and was told that there are two ways to do this calculation: 1. trend of development and 2. the use of predominantly one classification of use, meaning that if the area has a predominant zoning use, that use should have been used, which would be one house per five acres. He stated that the attorney believed that even if trend of development was used, the calculation was wrong, because they are assuming the 22 acres should have had the same rights as what was used in the calculation for the high density area. He expressed his opposition to this calculation. Vice Mayor DuBois expressed his disapproval that an applicant did not submit this application; rather, the Village is the applicant. He stated that if the statement removing the provision of 300 senior units will impact traffic. He noted that the current land use is parks and recreation on the 22 acres. He stated that the buffer zone extends 3,000 feet down Old Cutler; however, staff is saying that 5 acres is all that is needed for a buffer, which makes the buffer 88 feet deep (one-quarter of what it currently is.) He stated that the restrictive covenant was clear in 1985: an office building with a significant buffer zone. Vice Mayor DuBois remarked that in February of 2015, the Mayor placed an item on the agenda to remove the historical designation on Old Cutler, which he objected to and it was subsequently removed. He concluded that the Village would be setting a precedent and the Council should deny this ordinance and modify the TDR ordinance, removing the VMU as a receiver site.

Mayor Flinn stated that, years ago, he did move forward on a modification of the Old Cutler historic district, as did Cutler Bay, for traffic calming. He noted that today, he would like the designation to be modified for safety – for bicycle lanes. He expressed that it is a shame that development has been allowed to destroy traffic patterns in other neighborhoods, such as Kendall. He stated that the Village needs a moratorium on excessive development. Mayor Flinn stated that TDR's are known conservation tools to save land – shifting development to other areas in order to preserve land. He stated that he has consistently attempted to take land out of the developer's hands and into the public. In January of 2009, an Ordinance was adopted to seek funds and act as a non-monetary sponsor to support the County and State in their efforts to preserve the land. He stated that the land was not purchased by the County. He noted that a parks and recreation designation is transitory and the Village wished to make the preservation permanent, which can be done by putting the land into the government domain. He concluded that he is committed to securing and preserving green space and the Village has to control its growth to the best of our ability. He stated that 42 meetings, a charrette, and many meetings were held with regard to the VMU district. Mayor Flinn stated that he supports green space and parks and would be in favor of a moratorium on development until transit has been improved.

Councilwoman Cunningham thanked all who came forward. She remarked that the Village posts all meetings on its website and also sends out information via email. She thanked the residents, neighbors, and the elected officials who came to the meeting. She explained that she was disappointed as to how the marketing of this item has taken a life of its own and there has been a great deal of misinformation

provided. She expressed that she did not agree that it is a “done deal” when an item is heard on second reading. Councilwoman Cunningham stated that the Village is attempting to find solutions to traffic issues throughout Palmetto Bay. She explained that the traffic study she had reviewed noted that the traffic grade on Old Cutler was a “D” during weekday peak levels. She stated that she did not believe the Palmer Trinity traffic has not been considered in Mr. Corradino’s report (she noted that Mr. Corradino shook his head “no”.) She concluded that traffic will be negatively impacted by that school’s traffic at some point in the future. She stated that Mr. Silver’s remark that employees will live on the property is not necessarily the case, as those employees may not be able to afford the housing. She also thanked Mr. Tullberg, but having a bicycle community is a wonderful idea, but not practical in Miami-Dade County. She asked if the land use for the 22 acres would have to be modified in the future in order to construct any parks amenity.

Attorney Lehtinen stated that the comprehensive plan indicates the parks designation; however, a down-zoning hearing was not conducted. He stated that the zoning is interim, as a hearing did not occur.

Councilwoman Siegel Lara stated that the comprehensive plan should be consistent with the land use map. Attorney Lehtinen stated that the zoning should have been legally changed through a hearing, as there are constitutional issues when you down-zone a property within your comprehensive plan. Councilwoman Siegel Lara stated that the land use designation is currently inconsistent and would have to be made consistent for the Village to move forward.

Councilwoman Cunningham stated that the documents say the land use designation must change. She asked if the property owner is paying taxes on the 22 acres. Manager Silva stated that he should be receiving a tax bill. Councilwoman Cunningham stated that there has been no information provided concerning maintenance of the property and heard there was an estimate of \$10,000. Manager Silva stated that he was informed that the owner is paying \$10-12,000 per year. He noted that the Parks Department estimated \$18,000 and his office is in conversations with DERM. Councilwoman Cunningham stated that the path alone will require more than \$12,000 in her opinion. She asked whether GU is similar to the current zoning. Attorney Lehtinen stated that GU is similar; however, determination of the rights by the Village’s code is done through trend of development. Councilwoman Cunningham stated that regardless of whether or not Mr. Corradino states that that traffic will not be impacted, she does not believe that is the case and will have a hard time supporting this matter.

Councilman Schaffer stated that in a quasi-judicial function, the Council must rule based upon the law. He explained that the Council must review the facts and consider the law, relying upon the Village Attorney, staff, and any experts to provide the evidence. He reviewed the various items that had been presented to the Council up to this point, including the provisions of the covenant. He stated that he relies on the Village Attorney and while he understands that traffic is problematic to all; however, he has to rule in accordance with the law. Councilman Schaffer remarked

that the Court may decide a much higher number for development units, if the matter is litigated. He reviewed the calculation as to how the current number of units was determined. He noted that while there is no guarantee that the 22 acres can be built upon, private property owners do not own land that cannot be constructed upon. He stated that it is irrelevant to state that the Council erred when it included the VMU in the TDR Ordinance, as it is currently the law. He explained that the law indicates that traffic studies are irrelevant, as well; the law does not mandate traffic concurrency. He concluded that the Council needs to review all of the issues and try to mitigate any negative impacts for the future, while following the rule of law.

Councilwoman Siegel Lara asked Attorney Lehtinen whether the Village is the applicant. Attorney Lehtinen stated that the Village is the source of the proposal, not necessarily the applicant, as the Village can act by motion of Council members.

Councilwoman Siegel Lara asked if the Council is the source of all legislation. Attorney Lehtinen concurred. Attorney Lehtinen added that government zoning without application is not uncommon; in fact, the Village re-zoned the entire Village shortly following incorporation.

Councilwoman Siegel Lara stated that she understands the community's difficulty with this matter due to the traffic problems within Miami-Dade County, the Village must consider appropriate development, while recognizing the facts and the law. She expressed that the misinformation provided causes difficulty; however, the Village must consider the legal issue and the determinations by law. She stated that she believes the Council must take a leadership role and use its foresight to consider all of the facts. She noted that the 22 acres are developable. Attorney Lehtinen concurred.

Councilwoman Siegel Lara stated that the trend of development is the method of law that must be considered. She expressed that a reasonable average was considered when the 85 units were decided. Attorney Lehtinen stated that the units considered is an unchallenged legal opinion, as there has been no contrary substantial competent evidence. Councilwoman Siegel Lara expressed her calculation that only 25% of what may possibly be developed is being considered by the Council. She stated that the source of the traffic is not necessarily the result of development in Palmetto Bay, but development from the surrounding areas primarily to the south. She remarked that this area of the State is the fastest growing area and the Council must consider the best way to restrict the limits that it can today. She stated that the TDR in this matter serves the Village. Councilwoman Siegel Lara expressed her disappointment with the misinformation that was provided. She thanked those who expressed their opinions in a respectful manner.

Attorney Lehtinen reminded the Council that the Council must vote on evidence on the record. He stated that while debate of the Council is useful, it is not part of the evidence. He also noted that opinions of an attorney who is not present to provide evidence is not competent evidence, although the Council does not have to agree with its Village Attorney. He stated that the Council ruled that the property to the north and south and along Old Cutler was to be considered as a buffer. He explained the buffer and the lands specifically preserved. Attorney Lehtinen opined that there are various ways to determine interim zoning; however, the Palmetto Bay code is clear that "trend of development" is the only method. He explained the two amendments, including the prohibition of traffic and if a hotel is constructed, there is no additional development right: each hotel room is a residential unit. He reiterated the reason for TDR's and opined that TDR's are legal in order to approve preservation of open space; however, the Council could deny or approve the TDR request.

Councilwoman Siegel Lara asked whether there are rights to a hotel. Attorney Lehtinen stated that the legal effect of the amendment to count hotel rooms functionally eliminates the ability to have a hotel. Councilwoman Siegel Lara asked if the OPD is removed. Attorney Lehtinen stated that the current zoning is VMU, which has a .5 Floor Area Ratio, which is an extremely restrictive ratio. He stated that the VMU Districts permits mixed uses and includes residential usages; however, the .5 ratio is a very restrictive ratio.

Manager Silva added that the commercial usage remains.

Mayor Flinn called the question to approve Item C. Clerk Alexander reminded Attorney Lehtinen of the amendments to be considered. Attorney Lehtinen asked for a motion from the Council to add the under-lined amendments that were listed in Staff's Report. Councilman Schaffer moved to approve the amendment. Seconded by Councilwoman Siegel Lara. The motion passed (4 to 1, Vice Mayor DuBois opposed.)

From the Staff's Report's amendments, A motion to cap the amount of TDR's permitted to be 25% was made by Councilman Schaffer. Seconded by Councilwoman Siegel Lara. The motion passed (4 to 1, Vice Mayor DuBois opposed.)

Clerk Alexander called the roll on the vote. The matter passed (3 to 2, Vice Mayor DuBois and Councilwoman Cunningham opposed.)

Mayor Flinn opened the public hearing on any discussion concerning Item D. Mary Krantzler, 7700 SW 144 Street, came forward and addressed the Council.

Attorney Lehtinen stated that while the original 1985 Covenant did contain a provision that stated that the covenant is renewable automatically, that provision is not permitted under Florida Law. He stated that Paragraph 11 says it does not apply to the 75% rule, which can't be eliminated under the Covenant, which also makes that provision illegal. He noted that any change of ownership more than 30 years ago that did not re-impose the covenant makes the covenant non-enforceable. He explained that the legislature determined that a subsequent owner should be able to get the benefit of not being bound by a covenant. He stated that the most recent Deed did not re-impose the covenant; therefore, the covenant expires in 2019.

Councilman Schaffer moved to amend Item D to include an amendment at Page 2, Line 9, as follows:

Automobile traffic volume on Old Cutler Road generated by residential land uses within the VMU Zoning District shall not exceed the automobile traffic volume which would have been generated by the residential development rights of 300 senior housing units and 100 multi-family residential rowhouses/townhouses in the VMU Zoning District pursuant to the VMU provisions of Village Ordinance 08-09 and by residential development rights of 85 single family residential units in the Interim Zoning District (which is contiguous to the western boundary of the VMU Zoning District) pursuant to the Interim provisions of Village Code section 30-50.22, as in effect on May 1, 2016. The owners of all property within the VMU shall execute a restrictive covenant running with the land containing the automobile traffic volume restriction of this subsection and development rights of this subsection shall not be available to such owners until such a covenant, approved by the Village Attorney, is publicly recorded.

The motion was seconded by Councilwoman Siegel Lara. The motion passed (4 to 1, Vice Mayor DuBois opposed.)

Councilman Schaffer moved to include the following sentence on Page 2, line 43, following the underlined sentence: For the purposes of this subsection and within the VMU zoning district, each individual hotel unit shall be considered and count as an individual residential unit. Councilwoman Siegel Lara seconded the motion. The passed (4 to 1, Vice Mayor DuBois opposed.)

Mayor Flinn called the question on the amended Ordinance (Item D). Following roll call vote, the Ordinance passed (3 to 2, Vice Mayor DuBois and Councilwoman Cunningham opposed.)

Attorney Lehtinen suggested that the Ordinances be considered first at the Regular Council meeting.

4. NEXT MEETING AND ADJOURNMENT

The meeting adjourned at 11:15 pm.

Prepared and submitted by:

*Meighan J. Alexander, CMC
Village Clerk*

Approved by the Village Council on this ____ day of June, 2016.

Eugene Flinn, Mayor

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

VILLAGE OF PALMETTO BAY
Minutes of the Regular Council Meeting of May 2, 2016
Village Hall Chambers
9705 East Hibiscus Street

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

The meeting was called to order at 7:05 p.m. Manager Silva lead the pledge of allegiance.

The following members of the Village Council were present:

Mayor Eugene Flinn

Vice Mayor John DuBois

Council Member Karyn Cunningham

Council Member Tim Schaffer

Council Member Larissa Siegel Lara

The following members of staff were present:

Village Manager Edward Silva

Village Attorney Dexter Lehtinen

Village Attorney Claudio Riedi

Village Clerk Meighan J. Alexander

- 2. DECORUM STATEMENT:** Clerk Alexander read the following statement: Any person making impertinent or slanderous remarks, or who becomes boisterous, while addressing the Council may be barred from further appearance before the Council by the Mayor, unless permission to continue or again address the Council is granted by a majority vote of the Council. Applauding speakers shall be discouraged. Heckling or verbal outbursts in support or opposition to a speaker, or his or her remarks, shall be prohibited. No signs or placards shall be allowed in the Council meeting. Persons exiting the Council meeting shall do so quietly. All cellular telephones and beepers are to be silenced during the meeting.

3. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Recognition of Public Services Week: Manager Ed Silva made the presentation on behalf of the Mayor and Council. Councilman Schaffer read the proclamation.

Councilwoman Siegel Lara thanked Public Works and congratulated Director Corrice Patterson.

- B. Proclamation - Water Safety Month: A proclamation for Water Safety Month was provided.

Mayor Flinn tabled the Regular Council Meeting to consider the public hearings scheduled for the Local Planning Agency. The meeting re-convened at 11:17 pm.

Clerk Alexander called the roll. Mayor Flinn lead the pledge of allegiance.

Councilman Schaffer moved to hear the Ordinance presented at the Local Planning Agency Meeting as the next items. Seconded by Councilwoman Siegel Lara. All voted in favor.

- A. Pursuant to Section 30-30.8(b):
AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING AGENCY, RELATING TO A LARGE SCALE AMENDMENT OF THE FUTURE LAND USE MAP (FLUM) CONSISTENT WITH 163.3161 AND 163.3184, FLORIDA STATUTES; CHANGING THE LAND USE DESIGNATION OF CERTAIN LANDS WITHIN THE DOWNTOWN AREA OF THE VILLAGE OF PALMETTO BAY, AS FURTHER DESCRIBED AT ATTACHMENT A, FROM LOW DENSITY RESIDENTIAL, LOW MEDIUM RESIDENTIAL, AND MEDIUM RESIDENTIAL MEDIUM, TO FRANJO ACTIVITY CENTER (FAC); AND AMENDING THE VILLAGE'S COMPREHENSIVE PLAN'S LAND USE CATEGORY, FAC; ADJUSTING THE NUMBER OF UNITS PERMITTED WITHIN THE FAC FROM 5,389 TO 5,661; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

Councilman Schaffer moved to include the entire record from the Local Planning Agency meeting into this meeting. Seconded by Councilwoman Siegel Lara. All voted in favor.

Mayor Flinn opened the public hearing. No one wished to speak. The public hearing was closed.

Councilwoman Siegel Lara remarked that the number of units permitted was changed from 5,389 to 5,661.

Vice Mayor DuBois stated that he had objected to that matter during the Local Planning Agency since the Director of Planning and Zoning did not state the change in the number of units.

Mayor Flinn called the question on approval. The matter passed following roll call vote (4 to 1, Vice Mayor DuBois opposed.)

- B. Pursuant to Section 30-30.7(b):

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING SECTION 30-50.23, ENTITLED "DOWNTOWN URBAN VILLAGE", TO INCLUDE THE AMENDED PAGES AT ATTACHMENT A; AND AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING OF THOSE LANDS EFFECTED AS DESCRIBED AT ATTACHMENT B, FROM AG, AGRICULTURAL DISTRICT; R-1, SINGLE FAMILY DISTRICT; R-2; TWO FAMILY RESIDENTIAL, R-3M APARTMENT DISTRICT; R-4L, LIMITED APARTMENT DISTRICT; AND I, INTERIM DISTRICT; TO DOWNTOWN URBAN VILLAGE DISTRICT; IN PALMETTO BAY, FLORIDA; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

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

Councilwoman Siegel Lara moved to include the entire record from the Local Planning Agency meeting into this meeting. Seconded by Councilman Schaffer. All voted in favor.

Mayor Flinn opened the public hearing opened. No one wished to speak. The public hearing was closed.

Mayor Flinn called the question on approval. The matter passed following roll call vote (4 to 1, Vice Mayor DuBois opposed.)

- C. Pursuant to Section 30-30.8(b):
AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING AGENCY, AMENDING POLICY 1.1.3 OF THE VILLAGE'S COMPREHENSIVE PLAN LAND USE CATEGORY, "VILLAGE MIXED-USE", TO INCLUDE ALL PERMITTED RESIDENTIAL USES TO BE CLASSIFIED AS MULTIPLE FAMILY, AND TO PROVIDE A NOTATION REGARDING TRANSFER OF DEVELOPMENT RIGHTS CONSISTENT WITH POLICY 1.1.14 OF THE COMPREHENSIVE PLAN; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Councilwoman Siegel Lara moved to include the entire record from the Local Planning Agency meeting into this meeting. Seconded by Councilman Schaffer. All voted in favor.

Mayor Flinn opened the public hearing opened. No one wished to speak. The public hearing was closed.

Councilman Schaffer moved to include the amendments approved at the Local Planning Agency meeting. Seconded by Councilwoman Siegel Lara. All voted in favor. The motion passed unanimously.

Mayor Flinn called the question on approval. The matter passed following roll call vote (3 to 2, Vice Mayor DuBois and Councilwoman Cunningham opposed.)

D. Pursuant to Section 30-30.7(b):

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING SECTION 30-50.19, "VILLAGE MIXED-USE DISTRICT", TO INCLUDE ALL PERMITTED RESIDENTIAL USES TO BE CLASSIFIED AS MULTIPLE FAMILY; TO ADJUST MAXIMUM PERMITTED HEIGHT FOR ALL BUILDINGS TO BE 85 FEET; AND TO PROVIDE A NOTATION THAT THE VMU ZONING DISTRICT IS ELIGIBLE TO PARTICIPATE IN SECTION 30-30.15 TRANSFER OF DEVELOPMENT RIGHTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Councilman Schaffer moved to include the entire record from the Local Planning Agency meeting into this meeting. Seconded by Councilwoman Siegel Lara. All voted in favor.

Councilman Schaffer moved to include the amendments approved at the Local Planning Agency meeting. Seconded by Councilwoman Siegel Lara. All voted in favor. The motion passed unanimously.

Mayor Flinn opened the public hearing opened. Mr. Eric Tullberg, 7884 SW 179 Terrace addressed the Council. The public hearing was closed.

Mayor Flinn called the question on approval. The matter passed following roll call vote (3 to 2, Vice Mayor DuBois and Councilwoman Cunningham opposed.)

Councilman Schaffer moved to hear Item 10A as the next item to be heard. Seconded by Councilwoman Cunningham. All voted in favor.

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, PURSUANT TO SECTION 30-30.15, ENTITLED TRANSFER OF DEVELOPMENT RIGHTS (TDR); TRANSFERRING 85 RESIDENTIAL UNITS FROM 17901 OLD CUTLER ROAD, AS MORE PARTICULARLY DESCRIBED AT ATTACHMENT A;

TO 17777 OLD CUTLER ROAD, AS MORE PARTICULARLY DESCRIBED AT ATTACHMENT B; AND ACCEPTING BY THE VILLAGE, AS A CONDITION THEREOF, THE OWNERSHIP OF PARCELS OF APPROXIMATELY 40± ACRES, AS MORE PARTICULARLY DESCRIBED AT ATTACHMENT C, FOR PUBLIC FACILITIES, PARKS, AND CONSERVATION PURPOSES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

Mayor Flinn called the question on approval. The matter passed following roll call vote (3 to 2, Vice Mayor DuBois and Councilwoman Cunningham opposed.)

Attorney Lehtinen reminded the Council that it should include the record from the Local Planning Agency meeting.

Councilman Schaffer moved to include the entire record from the Local Planning Agency meeting into this meeting. Seconded by Councilwoman Cunningham. All voted in favor. The motion passed unanimously.

Mayor Flinn again called the question on approval. The matter passed following roll call vote (3 to 2, Vice Mayor DuBois and Councilwoman Cunningham opposed.)

Councilwoman Siegel Lara asked if the Village Manager's report could address the C-100 canal matter.

7. VILLAGE MANAGER'S REPORT

Manager Silva provided an update regarding the C-100 canal. He stated that start date for restorations and locations will be announced in June. He noted that signage can be requested by the Village, and if approval is provided SFWMD, the signage cannot be located within 100 feet of a bridge, cannot block right-of-way, and the Village would be responsible for the installation and maintenance of the signs.

Mayor Flinn confirmed that the signage cannot be placed on the bridge. Manager Silva concurred.

Councilwoman Siegel Lara remarked that there should be one conduit who can provide the information from SFWMD, as she believes there has been conflicting information given by Armando Villaboy. Manager Silva concurred, adding that staff will continue to work with the agency and will return with further information. Councilwoman Siegel Lara asked if the direction is to provide SFWMD exactly what the Village is looking for

and receive a clear answer. She volunteered to represent the Village and the Council at the next Board meeting. She stated that while she is grateful to the Agency for their willingness to meet with the Village, she is seeking a direct answer. Manager Silva concurred, adding that he would have a proposal for the next Council meeting.

- Audit update: Director Chin provided the report following the annual audit. He noted that Mr. Andrew Fierman, partner of the audit firm, is present. Manager Silva noted that assets exceed liabilities and the audit is positive. Director Chin stated that the audit was clean. Mr. Fierman and Mr. Alfredo Caraballo came forward. Mr. Fierman announced that it was a clean, unqualified opinion. He asked the Council to review the reports provided, both required reports were clean, containing no deficiencies within government controls. Councilwoman Siegel Lara moved to accept the audit report. Seconded by Councilman Schaffer. All in favor.
- Update on coral reef park trail completion: Manager Silva stated that the restoration of sod is finishing and the entire trail should be completed next week.
- Update on strategic plan: Manager Silva noted that he will be providing the latest draft of the Strategic Plan to the Council. He stated that more information will be included in the Plan following the upcoming Parks Town Hall meeting. He expects the Consultant to complete the plan in July and come before the Council to present same.
- Update on transit: Manager Silva advised that due to the work of the “Gang of Six” (mayors that banded together to work on transit issues), the MPO passed the Smart Plan that moved the South Dade Busway into priority funding status. He stated that the matter will go to a subcommittee lead by Commissioner Daniella Levine Status to review funding.
- New process for establishing a new business in village: Manager Silva stated that a “Business Liaison Officer” position will be established within the Village to assist new businesses. In addition, staff is preparing a welcome packet to further assist by providing pertinent information. Councilwoman Siegel Lara suggested that a welcome packet should be prepared for residents, as well.
- Budget season update: Manager Silva announced the May 9th Budget Workshop, which will focus on capital items.
- Update on unsolicited multimodal center: Manager Silva noted that three bids were received following this procurement action.
- Update on GOB grant: Manager Silva noted that staff has reached an agreement on the Grant, looking for County Mayor’s approval and Committee approval.

- Looking for sponsors for 4th of July. Manager Silva advised that staff has been reaching out for sponsors and will seek approval for funding at the June Council meeting.
- Manager Silva congratulated Parks and Public Services for the recent outstanding events. He announced several special events, including a Tri-City Hurricane Summit that will take place on June 4th from 8 am to noon.

Mayor Flinn asked for a motion to extend the meeting. Councilman Schaffer moved to extend the meeting one-half hour. There was no second.

4. APPROVAL OF MINUTES

- A. Local Planning Agency Meeting of March 7, 2016
- B. Regular Council Meeting of April 4, 2016

Councilman Schaffer moved to approve the Minutes, as submitted. Seconded by Councilwoman Siegel Lara. All voted in favor. The Minutes were approved unanimously (5-0).

5. REQUESTS, PETITIONS AND PUBLIC COMMENTS: None at this time.

6. CONSENT AGENDA

Clerk Alexander announced that Items 6 B, D, and G were timely pulled. Mayor Flinn announced that those items would be added to the end of the regular Resolutions.

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR LEHTINEN SCHULTZ RIEDI CATALANO FUENTE, PLLC IN THE AMOUNT OF \$16,284; AND PROVIDING FOR AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, CONDEMNING THE INVIDIOUS AND DISCRIMINATORY LEGISLATION RECENTLY ADOPTED BY THE STATE OF NORTH CAROLINA; SUPPORTING THE LGBT COMMUNITY; AND PROVIDING AN EFFECTIVE DATE (Sponsored by Mayor Eugene Flinn.)
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE CANDIDACY FOR THE LOCATION OF THE UNITED STATES AIR FORCE'S RESERVE-LED F-35A LIGHTNING II UNITS TO BE BASED AT THE HOMESTEAD AIR RESERVE BASE; PROVIDING FOR

TRANSMITTAL TO INTERESTED PARTIES; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn).

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, URGING THE U.S. ARMY CORPS OF ENGINEERS, THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO EXPEDITE PHASE II OF THE BISCAYNE BAY COASTAL WETLANDS PROJECT SO THAT PLANNING FOR PHASE II MAY COMMENCE AS SOON AS POSSIBLE AND TO TAKE ALL NECESSARY ACTIONS TO COMPLETE PHASE I OF THE BISCAYNE BAY COASTAL WETLANDS PROJECT; PROVIDING FOR TRANSMITTAL TO INTERESTED PARTIES; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn).
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER TO PAVEWAY SYSTEMS INC. FOR THE PURPOSES OF INSTALLING A STAMPED ASPHALT CROSSWALK AT THE INTERSECTION OF SW 77TH AVE AND SW 152ND STREET IN AN AMOUNT NOT TO EXCEED \$23,412.12; AND PROVIDING FOR AN EFFECTIVE DATE.
- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GRANTS; AUTHORIZING SUBMISSION OF AN APPLICATION TO THE URBAN AND COMMUNITY FORESTRY GRANT PROGRAM THROUGH THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY; FURTHER AUTHORIZING THE VILLAGE MANAGER TO EXECUTE DOCUMENTS NECESSARY TO EFFECTUATE THE INTENT AND PURPOSE OF THIS RESOLUTION AND PROVIDING FOR AN EFFECTIVE DATE.
- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REQUESTING A ROADWAY IMPROVEMENT FEASIBILITY STUDY AND COST ANALYSIS STUDY FOR TRAFFIC CALMING AND VOLUME REDUCTION SOLUTIONS ON SW 168TH ST BETWEEN US-1 AND OLD CUTLER RD WITH FOCUS ON THE INTERSECTION OF SW 168TH ST AND SW 82ND AVE AND NEIGHBORING RESIDENTIAL STREETS IN CLOSE PROXIMITY TO SOUTHWOOD MIDDLE SCHOOL AND PERRINE ELEMENTARY SCHOOL IN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT WITH MARLIN ENGINEERING, INC. TO PROVIDE TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING SERVICES FOR A TRAFFIC FEASIBILITY STUDY INCLUSIVE OF BIKE LANES; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A

PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$57,867.50; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilwoman Siegel Lara moved to list Items 6 B, D, and G under "Resolutions.". Seconded by Councilman Schaffer. All voted in favor. The motion passed unanimously (5-0.)

Councilman Schaffer moved to further discuss the Green Corridor/P.A.C.E. Resolution and Ordinance (Green Corridor items) at the upcoming Committee of the Whole meeting. Seconded by Councilwoman Siegel Lara. All voted in favor. The motion passed unanimously (5-0.)

Councilwoman Siegel Lara moved to approve Consent Items A, C, E, and F. Seconded by Councilwoman Cunningham. All voted in favor. The Resolutions were approved unanimously (5-0.)

Councilwoman Siegel Lara moved to defer all remaining items to May 9th. She moved that the Budget Workshop will be held at 5 pm, the Special Council meeting will be held at 6 pm. Seconded by Councilman Schaffer. All voted in favor. The motion passed unanimously.

The remaining agenda items, listed below, were deferred to May 9th (in addition to the Consent Agenda Items B, D, and G, which were moved to "Resolutions"):

- Village Police Commander Report
- Calendar update (Village Clerk)

8. VILLAGE ATTORNEY'S REPORT

9. BOARD AND COMMITTEE REPORTS - Minutes provided for Council's information, in lieu of verbal reports:

- A. Art in Public Places – February 18, 2016

10. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACCEPTING THE VILLAGE OF PALMETTO BAY TREE MANAGEMENT PLAN, TO SERVE AS AN INFORMATIVE RESOURCE GUIDE FOR TREE MANAGEMENT, PLANTING PROGRAM STRATEGIES, AND DESIGN RECOMMENDATIONS TO MAINTAIN AND PROTECT TREES IN PUBLIC PLACES; AND FURTHER AUTHORIZING THE VILLAGE

MANAGER TO IMPLEMENT THE TREE MANAGEMENT PLAN AS RECOMMENDED BY THE VILLAGE'S TREE ADVISORY BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; APPROVING THE CONTRACT AGREEMENT WITH R.J. BEHAR FOR PROFESSIONAL ENGINEERING SERVICES TO PREPARE DESIGN, CONSTRUCTION PLANS, SPECIFICATIONS, AND CONTRACT DOCUMENTS FOR THE SAFE ROUTES TO SCHOOL IMPROVEMENTS NEAR PERRINE ELEMENTARY AND CORAL REEF ELEMENTARY PRIORITY 2 PROJECTS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH R.J. BEHAR AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$115,492; AND PROVIDING FOR AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY DISTRICT; TERMINATING THE VILLAGE OF PALMETTO BAY'S PARTICIPATION IN THE INTERLOCAL AGREEMENT; PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilman Tim Schaffer)

11. RESOLUTIONS REQUIRING PUBLIC HEARING: None.

12. ORDINANCES FOR FIRST READING

- A. AN ORDINANCE OF THE VILLAGE OF PALMETTO BAY FLORIDA, REPEALING CHAPTER 17: GREEN CORRIDOR PACE DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Councilman Tim Schaffer)
- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BUILDING PERMIT FEES; AMENDING THE PERMIT FEE SCHEDULE FOR THE BUILDING DEPARTMENT; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE. (Sponsored by Councilman Tim Schaffer)
- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING AGENCY, AMENDING POLICY 1.4.1 RELATING TO PUBLIC SCHOOLS; ESTABLISHING A DISTANCE SEPARATION REQUIREMENT BETWEEN SUCH SCHOOLS FOR THE PURPOSE OF ENSURING COMPLIANCE WITH TRAFFIC LEVEL OF SERVICE

CONCURRENCY; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

- D. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ESTABLISHING THE REQUIREMENT FOR A SOLICITATION PERMIT FOR SOLICITATION WITHIN THE VILLAGE; PROVIDING DEFINITIONS, EXCLUSIONS, CIVIL PENALTIES, AND MINIMUM APPLICATION CONTENTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. (Sponsored by Councilman Tim Schaffer.)

13. OTHER BUSINESS

14. COUNCIL COMMENTS

The meeting adjourned at midnight.

Prepared and submitted by:

*Meighan J. Alexander, CMC
Village Clerk*

Approved by the Village Council on this ____ day of June, 2016.

Eugene Flinn, Mayor

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