

VILLAGE OF PALMETTO BAY
Minutes of the Special Regular Council Meeting of January 25, 2016
Village Hall Chambers
9705 East Hibiscus Street

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

Mayor Eugene Flinn
 Council Member Karyn Cunningham
 Council Member Larissa Siegel Lara

Staff present:
 Village Manager Edward Silva
 Village Attorney Dexter W. Lehtinen
 Village Clerk Meighan J. Alexander

Mayor Flinn called the meeting to order at 6:05 p.m. He led the pledge of allegiance.

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

3. REQUESTS, PETITIONS AND PUBLIC COMMENTS

4. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; SPONSORING THE 2016 VOICES FOR CEREBRAL PALSY "BOWS & BOW TIES" 5K EVENT AT CORAL REEF PARK; AUTHORIZING THE VILLAGE MANAGER TO DISBURSE AN AMOUNT NOT TO EXCEED \$1,000.00; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn and Councilwoman Karyn Cunningham)

Councilwoman Siegel Lara moved this item forward. Seconded by Councilwoman Cunningham. There was no Council discussion. The Resolution passed unanimously (3 to 0.)

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; SPONSORING THE 2016 AMERICAN CANCER SOCIETY

RELAY FOR LIFE EVENT, AS A SIGNATURE SPONSOR; AUTHORIZING THE VILLAGE MANAGER TO DISBURSE AN AMOUNT NOT TO EXCEED \$1,000.00; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn)

Councilwoman Siegel Lara moved this item forward. Seconded by Councilwoman Cunningham. There was no Council discussion. The Resolution passed unanimously (3 to 0.)

5. **NEXT MEETING AND ADJOURNMENT:** The meeting adjourned at 6:10 pm.

Prepared and submitted by:

*Meighan J. Alexander, CMC
Village Clerk*

Approved by the Village Council on this ____ day of April, 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 Special Council Meeting of February 16, 2016
Village Hall Chambers
9705 East Hibiscus Street

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

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

Staff present:

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

Mayor Flinn called the meeting to order at 7:10 p.m. He asked the Scouts of Troop 127 to lead the pledge of allegiance.

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

- 3. REQUESTS, PETITIONS AND PUBLIC COMMENTS:** None at this time.

4. ORDINANCE FOR FIRST READING

- A. 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)

Mayor Flinn stated that this matter would prohibit vendors from using Styrofoam in parks. He remarked that this issue is positive for environmental stewardship.

Councilwoman Cunningham stated that legislation is pending in the State; and, if cities do not have regulations in place prior to March, there may be nothing to be done.

Councilman Schaffer stated that he is not comfortable with creating a law that limits contractors.

Councilwoman Cunningham explained that the State legislation would prevent cities from stopping the use of Styrofoam.

Following brief remarks, Councilwoman Siegel Lara expressed that she is comfortable passing ordinances for the “greater good”. She said while she personally does not purchase Styrofoam, if she is renting Thalatta Estate, would her vendor be able to use Styrofoam? Mayor Flinn responded that they would not be able to use it.

Councilwoman Siegel Lara asked if a block party would also be prohibited from using Styrofoam. Clerk Alexander stated that the Ordinance is specific to Village property and events.

Councilwoman Siegel Lara moved to remove reference to Special Events.

Attorney Riedi clarified the motion would be to strike the reference to Special Events at lines 29-30, 39-40, and 44, 45, and 46. The motion was seconded by Councilwoman Cunningham. All voted in favor of the amendment (4-0.)

Mayor Flinn called the question to approve the Ordinance, as amended. All voted in favor (4-0.) The matter will be noticed for second reading/public hearing.

5. OTHER BUSINESS

- A. Consideration of appointment to Administrative Advisory Committee: Councilwoman Cunningham recommended Mr. Anthony Musto. The Council concurred.

- B. Manager Silva and Attorney Lehtinen discussed the recent activity that has occurred within the City of Coral Gables concerning the FPL property and mosquitos. It was explained that the City has enacted an emergency ordinance of an “extra-territorial” nature with regard to the resolving what the City believes is a mosquito infestation in the FPL property, which is outside of Coral Gables’ limits. Attorney Lehtinen noted that the City’s ordinance indicates it would be a criminal action and imposes a sentence of two months or longer, once the violation has been determined.

Mayor Flinn asked if Palmetto Bay was provided a courtesy notice. Attorney Lehtinen stated that we had not.

Attorney Lehtinen advised that municipal boundaries have significance under Charter and State Statutes that specifically prohibit extra-territorial action. He stated that the Coral Gables' action subjects Village residents to illegal threats and improper invasion by Officers outside of Palmetto Bay's municipal limits. He explained several options: 1. Do nothing; 2. Discuss the matter with Coral Gables, without triggering the Statutory dispute resolution process (a lengthy process); 3. Initiate the dispute resolution process (without lawsuit); 4. Ask Coral Gables to rescind its ordinance; and 5. File a lawsuit. Attorney Lehtinen stated that he is confident that the Village will prevail in a declaratory judgment action, declaring the extra-territorial action to be null and void.

Following brief remarks, Manager Silva indicated that he would like Attorney Lehtinen to contact Coral Gables and allow them the opportunity to correct the unlawful ordinance.

Councilwoman Cunningham advised that she had spoken to Councilwoman Slesnick and Keone of Coral Gables and expressed that the Village was dismayed about the lack of communication from their City. She stated that she believed the action was well-intended to rid the mosquito problem. Attorney Lehtinen concurred that the action was well-intended; however, the City's action is not lawful.

Councilwoman Siegel Lara asked what the Village is doing in response to the recent outbreak of the Zika virus. Manager Silva stated that the Village has stepped up its own code enforcement and has been in contact with the County regarding various properties throughout the Village, including the FPL site.

Councilman Schaffer suggested that the Village consider filing a lawsuit against the City.

Manager Silva announced that on February 22 at 9 am, staff will be joining a tour that Coral Gables had arranged at the FPL Site. The Council directed the Clerk to notice this meeting so that the Council members can attend.

Following brief remarks, Attorney Lehtinen requested that the Council consider passing a Motion, approving a Resolution that requests the City Commission of Coral Gables to repeal the extra-territorial aspect of the ordinance concerning mosquito infestation or, in the alternative, request the City not enforce this aspect of the Coral Gables Ordinance. He stated that should Coral Gables fail to do so no later than February 24, 2016; otherwise, the Village Attorney shall be directed to file a declaratory lawsuit indicating that the City's powers within Palmetto Bay are null and void.

Mayor Flinn stated that the Council would empower the Village Attorney to take all legal action necessary to protect the legal interest of the Village, including, but not limited to filing a lawsuit.

Councilwoman Siegel Lara moved to approve the Resolution. Seconded by Councilman Schaffer. All voted in favor. The motion passed unanimously (4-0.)

6. NEXT MEETING AND ADJOURNMENT

The meeting adjourned at 8:10 pm.

Prepared and submitted by:

*Meighan J. Alexander, CMC
Village Clerk*

Approved by the Village Council on this ____ day of April, 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 March 7, 2016
Village Hall Chambers
9705 East Hibiscus Street

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

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

Staff present:
Village Manager Edward Silva
Village Attorney Dexter W. Lehtinen
Village Clerk Meighan J. Alexander

Mayor Flinn called the meeting to order at 7:10 p.m. He asked the Scouts of Troop 127 to lead the pledge of allegiance.

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

3. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Palmetto Senior High Girls Soccer Championship recognition
- B. Proclamation for Bike 305 Month

Mayor Flinn noted that he would be personally providing the recognitions to the individuals.

- C. Recognition of Michael Kesti: Mayor Flinn presented Michael Kesti with a certificate of recognition, thanking him for his service in being a confidential informant.

4. APPROVAL OF MINUTES

- A. Special Council Meeting of January 21, 2016
- B. Local Planning Agency Meeting of February 1, 2016

C. Regular Council Meeting of February 1, 2016

Councilman Schaffer moved to approve the Minutes. Seconded by Councilwoman Siegel Lara. All voted in favor. The Minutes were approved.

5. **REQUESTS, PETITIONS AND PUBLIC COMMENTS:** The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Anthony Valkovick, 9280 SW 167 Terrace; Laura Reynolds, 20715 Leeward Lane, Cutler Bay; Anthony Gorman, 14140 SW 72 Avenue; and Clifford Steele, 6102 Paradise Point Drive.

6. **CONSENT AGENDA**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR LEHTINEN SCHULTZ RIEDI CATALANO FUENTE, PLLC IN THE AMOUNT OF \$15,505; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Schaffer moved to approve the Consent Agenda item. Seconded by Councilwoman Siegel Lara. All voted in favor. The Resolution passed unanimously (5-0.)

7. **VILLAGE MANAGER'S REPORT**

Manager Silva asked the Council to consider an add-on item that is time-sensitive. Attorney Lehtinen stated that this matter involves a grant that is under deadline.

Councilman Schaffer moved to include the add-on item concerning the FIND Grant to the Agenda at Item 10D. Seconded by Councilwoman Siegel Lara. All voted in favor. The motion carried (5-0.)

Manager Silva provided an update of the Village's activities. He noted that staff will be requesting authority to clean the Village's drains in April in an attempt to assist with mosquito control.

- A. Village Police Commander Report: Major Serralta provided an update concerning traffic citations and activity. He advised the Council that the majority of burglaries in vehicles are due to the vehicles being left un-locked. He cautioned all to lock their vehicles.

Manager Silva advised that the traffic lights along the Bus-way will be synchronized with the traffic lights. He asked all to be aware and drive cautiously.

- B. Information on Coral Gables Ordinance: Manager Silva stated that the Village Attorney would provide this update.

- C. Miami-Dade Fire Rescue Annual Report: The written report was provided to the Council.
 - D. Calendar update (Village Clerk): Clerk Alexander provided the dates of the upcoming meetings and events.
8. **VILLAGE ATTORNEY'S REPORT:** Attorney Lehtinen advised that he had met with the City Attorney for the City of Coral Gables concerning their recent extra-territorial ordinance and the City has agreed to eliminate Section 2, which relates to "neighboring properties". He stated that the City is satisfied that the concerns of mosquitos will be taken care of by Palmetto Bay. Attorney Lehtinen stated that he expects Commissioner Keone will remove the reference to neighboring properties at the City's next meeting.
9. **BOARD AND COMMITTEE REPORTS** - Minutes provided for Council's information, in lieu of verbal reports:
- A. Tree Advisory Board Report: Mr. Don Pybas, 9264 SW 180 Street, came forward, representing the Tree Board, stated that the Board is moving forward with its Tree Management Plan, beginning with a very progressive inventory.
 - B. Education Advisory Committee – January 5, 2016
 - C. Palmetto Bay Partnership Advisory Committee – January 6, 2016
 - D. Village Services Advisory Committee – January 6, 2016: Mr. Jon Beisenherz advised that the Committee unanimously approved to support the ordinance to roll back fees to the level of 2015 and allow the Village Manager and staff to develop guidelines for future increases. He noted that the Committee is also working on developing Frequently Asked Questions to assist the public.
 - E. Art in Public Places Advisory Board – October 29, 2015
 - F. Community Outreach Advisory Board – January 6, 2016: Councilwoman Cunningham thanked the Committee for bringing forth the survey at the picnic, advising that 75 surveys were completed. She encouraged all to go the Village's website and take the survey.

10. **RESOLUTIONS**

- A. A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; SUPPORTING THE CITY OF HOMESTEAD'S RESOLUTION NO. R2015-12-130, URGING MIAMI-DADE COUNTY TO MOVE FORWARD WITH THE RELOCATION OF THE DADE COUNTY YOUTH FAIR (THE "FAIR") TO SOUTH DADE AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Councilwoman Katryn Cunningham)

Vice Mayor DuBois moved the item forward. Councilwoman Cunningham stated that she would like to defer the matter to a future date. Vice Mayor

DuBois concurred, and seconded the deferral. All voted in favor. The motion passed unanimously (5-0).

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PUBLIC SERVICES FLEET OPERATIONAL EQUIPMENT; AUTHORIZING THE VILLAGE MANAGER TO PIGGYBACK ONTO THE CITY OF KISSIMMEE, FLORIDA BID NUMBER BA2016-006; AND FURTHER AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER FOR THE PURCHASE OF A 2016 ALTEC LR-7 BUCKET TRUCK FROM ALTEC INDUSTRIES, INC. IN THE AMOUNT OF \$143,560; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Public Services Director Corrice Patterson provided staff report.

Mayor Flinn asked if the vehicle were a hybrid vehicle. Director Patterson stated that it was not.

Mayor Flinn asked for the main use of the vehicle. Director Patterson advised that the vehicle would be used primarily for tree maintenance, but the Village would also be using it for various maintenance activities that are currently being performed

Councilwoman Cunningham asked if this purchase was currently budgeted. Director Patterson noted that the line item was \$165,000. Councilwoman Cunningham stated that Village would be saving \$22,000. Director Patterson explained the warranty for the equipment.

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

- C. RESOLUTION CONCERNING SEAL/LOGO:

1. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE OF PALMETTO BAY SEAL AND LOGO; DESIGNATING THE VILLAGE MANAGER TO AS THE VILLAGE COUNCIL DESIGNEE FOR THE PURPOSE OF AUTHORIZING THE USE OF THE VILLAGE SEAL (OFTEN REFERRED TO AS "LOGO") IN SIGNAGE AND/OR MARKETING MATERIALS TO PROMOTE VILLAGE-SPONSORED EVENTS; REQUIRING THE VILLAGE MANAGER TO PROVIDE AN UPDATED LIST OF

VILLAGE-SPONSORED EVENTS TO THE VILLAGE COUNCIL;
AND PROVIDING FOR AN EFFECTIVE DATE.

OR – ALTERNATIVELY,

2. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE OF PALMETTO BAY SEAL AND LOGO; AUTHORIZING THE VILLAGE MANAGER TO USE THE VILLAGE SEAL (OFTEN REFERRED TO AS “LOGO”) IN SIGNAGE AND/OR MARKETING MATERIALS FOR THE VILLAGE-SPONSORED EVENTS LISTED ON EXHIBIT A; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Manager Silva explained that the Village’s Code reads that the logo/seal can only be used when authorized by council vote or designee. He stated that the first resolution would allow the Manager to be named the designee. He provided a list of the current events.

Mayor Flinn stated that future sponsorship resolutions could include the use of the logo in promotional materials. He remarked that it is important to maintain the integrity of the log.

Councilman Schaffer stated that he would be in favor of the first Resolution in order to avoid delay of its use on appropriate items.

Councilwoman Siegel Lara clarified that the Resolution does not prevent the right of the Council to additionally authorize the use of the logo. Manager Silva concurred.

Councilwoman Siegel Lara remarked that the second Resolution seems cumbersome and difficult, if there is not sufficient time to come before the Council. Councilwoman Cunningham and Vice Mayor DuBois concurred, stating that she would support the first Resolution.

Attorney Lehtinen stated that this matter is an administrative action and the Council can always approve or remove the permission to use of the logo. He clarified that the Seal and Logo are same thing, the seal is commonly referred to as the embossed logo; the logo is commonly on letterhead or shirts.

Vice Mayor DuBois moved to approve Resolution C.1. Seconded by Councilwoman Siegel Lara. All voted in favor. The Resolution passed unanimously (5-0.)

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GRANTS; AUTHORIZING THE VILLAGE MANAGER TO SUBMIT A GRANT APPLICATION UNDER THE 2016 FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM FOR THALATTA ESTATE; AND PROVIDING AN EFFECTIVE DATE.

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

Manager Silva explained that this Resolution would allow the Village to apply for a grant for a fishing/viewing pier, which is consistent with the Park's management plan.

Mayor Flinn expressed his pleasure that staff is moving forward with this item.

Vice Mayor DuBois asked the amount of the grant. Manager Silva replied that it was a 50/50 matching grant, with total expenses estimated at \$100K.

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

11. RESOLUTIONS REQUIRING PUBLIC HEARING

- A. 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. (Quasi-Judicial public hearing)

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

Planning and Zoning Director Darby Delsalle introduced the matter and stated that witnessed would be sworn in.

Attorney Lehtinen swore in those who wished to speak.

Vice Mayor DuBois called for a recess to discuss the matter with Attorney Lehtinen.

The meeting reconvened. Attorney Lehtinen stated that the Vice Mayor has a particularized interest, rather than general, in this item and it is appropriate for him to recuse himself on items 11A, 12A and 12B.

The following disclosures were offered:

Mayor Flinn advised that he automatically forward emails to the Clerk. He stated that he has had general conversations with Laura Reynolds and Al Sunshine regarding this matter, prior to the matter becoming an agenda item (during his election campaign).

Councilwoman Cunningham disclosed that she has only spoken with Manager Silva regarding this matter.

Councilwoman Siegel Lara and Councilman Schaffer both indicated that they did not have any contact about this matter and will remain objective.

Mayor Flinn added that he spoke with Beth Kibler, Ed Varona, and Steve Zarzecki at Cutler Bay events with regard to this matter and will be objective.

Director Delsalle began staff report, explaining that the item concerns the property referred to as the Palmetto Bay Village Center. He stated that the matter concerns the transfer of development rights. He explained that his one report would suffice for items 12A and 12B, as the matter concerns the same property. He stated that due to a cooperative effort, the property owner wishes to preserve the park area and conservation area (the front 22 acres has pine uplands and a small wetland) and allow for 1.25 acres for a fire station, when needed. He explained that the purpose of this matter is to make a presentation, as the two companion ordinances must be provided to the State agencies for review prior to returning to the Council for final reading. He advised that the components that are changing are with regard to the land use and zoning in the VMU areas. He stated that, currently, 300 senior living unit and 100 townhomes would be permitted. He stated that the suggestion is to change to 400 general multi-family units, with up to 300 permitted to be senior living units.

Mayor Flinn opened the public hearing. The following individuals addressed the Council: Laura Reynolds, 20715 Leewood Lane, Cutler Bay; Eric Tullberg, 7884 SW 179 Terrace; Craig Grossenbacher, 7245 SW 167 Street; Michael Haley, 7703 SW 170 Terrace; Janie Enriquez, Cutler Bay; and Bev Gerald, 14271 SW 74 Court.;

Attorney Lehtinen noted that interim zoning does not create new development rights; rather, the proposal transfers rights into another area and preserves the

open space. He stated that the proposal would allow the developer to transfer the property to the village.

Councilwoman Siegel Lara asserted that the development rights exist on the open space, as was presented before the Council a year ago. She stated that currently, the question is “where” and what development will occur. She noted that the “trade-off” is to allow development within the site and the Village could have property for a future fire station and also preserve some land. Councilwoman Siegel Lara stated that the buildings on that property are all of the same height and you cannot see them from Old Cutler; the buildings are 85 feet tall and the County would have allowed 125 feet. She stated that she is supportive of this matter.

Councilman Schaffer provided some history of the property. He stated that there is not currently any partnership with Cutler Bay regarding park lands within our municipality.

Mayor Flinn remarked that he believes the transfer of development rights could assist Cutler Bay and their property on the south side of 184 Street.

Following brief comment, Councilwoman Cunningham asked if the property owner’s plans for development would return to the Council for approval. Manager Silva replied that they would.

Councilwoman Cunningham asked if there is a guarantee in place so that the property owner would have to transfer the 40 acres. Attorney Lehtinen stated that the TDR is done by resolution and staff is requesting deferral so that the State can review the comprehensive plan element and approval same.

Councilman Schaffer moved to defer this matter. Seconded by Councilwoman Siegel Lara. All voted in favor. The motion to defer passed unanimously (4-0.)

12. ORDINANCES FOR FIRST READING

- A. 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. (Quasi-Judicial public hearing)

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

Councilwoman Siegel Lara moved to incorporate all testimony and written staff reports into the record from item 11 A into this matter. Seconded by Councilman Schaffer. All voted in favor.

Mayor Flinn opened the public hearing. Ms. Laura Reynolds, 20715 Leeward Lane, Cutler Bay, addressed the Council. Mayor Flinn closed the public hearing.

Mayor Flinn stated that the item of all uses can be considered at time of second reading.

Mayor Flinn called the question to approve the matter on first reading. All voted in favor (4-0.)

- 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. (Quasi-Judicial public hearing)

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

Councilwoman Siegel Lara moved to incorporate all testimony and written staff reports into the record from item 11 A into this matter. Seconded by Councilman Schaffer. All voted in favor.

Mayor Flinn opened the public hearing. Mr. Eric Tullberg, 7884 SW 179 Terrace; and Ms. Laura Reynolds, addressed the Council. Mayor Flinn closed the public hearing.

Attorney Lehtinen stated that with the pre-existing TDR Ordinance in the Code, the VMU property had the right under existing code to receive TDR's; this was already the case and the ordinance clarifies that right.

Mayor Flinn called the question to approve the matter on first reading. All voted in favor (4-0.)

- C. 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. (Public Hearing – Quasi-judicial hearing)

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

(Vice Mayor DuBois returned to the meeting.)

Attorney Lehtinen swore in those who wished to be heard.

Mayor Flinn, Vice Mayor DuBois, Councilwoman Cunningham, and Councilman Schaffer each stated that they did not have any further disclosures.

Councilwoman Siegel Lara stated that she met with several individuals and will remain objective.

Mr. Travis Kendall, Planning & Zoning Administrator provided staff report, noting that this matter was continued from last month and the intent is to rezone a property from E-1 to E-M to be consistent with surrounding neighborhood. He stated that the applicant is present and the potential owner is also present, represented by Mr. Jerry Proctor.

Attorney Jerry Proctor, 1450 Brickell Avenue, came forward and stated that the re-zoning would allow the development of two homes where there is one. He provided an aerial that shows the area is entirely EM and the developer would like to be consistent with the rest of the neighborhood.

Attorney Lehtinen stated that the aerial shall be included as part of the record, as it is consistent with the map provided by staff.

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

Mayor Flinn remarked that this matter seems fair and reasonable. He called the question for approval. All voted in favor (5-0.) Mayor Flinn stated that the next time this matter will be heard, it shall be heard for “time certain”.

- D. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; CREATING SECTION 30-70 OF THE LAND DEVELOPMENT CODE RELATING TO REQUIRED PARKING EXEMPTIONS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Director Delsalle provided staff report.

Mayor Flinn asked if parking for transit would be included.

Director Delsalle stated that staff will be contemplating a transit oriented type mechanism to assist the commercial corridor.

Mayor Flinn stated that staff needs to be certain that developers do not circumvent other parking by allowing bike parking. Director Delsalle concurred.

Vice Mayor DuBois asked since there is an administrative adjustment allowed and it discovered that the adjustment was incorrect, what is the administrative mechanism to correct this. Director Delsalle stated that a revocation of the Certificate of Use by code compliance would be the result.

Mayor Flinn called the question for approval. All voted in favor (5-0.)

Mayor Flinn asked if staff felt this matter should be work-shopped. Director Delsalle stated that the matter would return for second reading.

- E. 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.

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

Manager Silva stated that this matter is not a change to the budgetary numbers or amounts, rather a "shifting" of positions to the services.

Councilwoman Cunningham asked for an explanation of the need for a full-time architectural renderer from part-time status.

Manager Silva stated that the title of that position may be modified as that individual is creating significant renderings for procurement and creating banners, logos, and postcards for parks, in addition to overseeing construction drawings for parks. He advised that the employee is also working with public services in development rendering and foam boards for meetings. Manager Silva explained that another Enterprise position would be to hire a chief building inspector to assist the Building Official due to the significant amount of work being performed in that division.

Councilwoman Cunningham asked for the Architectural Renderer's job description and asked the total salary with benefits. Manager Silva stated that he would have the job description available for second reading.

Director Chin stated that employee would receive benefits, but the hourly rate is not changing.

Councilwoman Cunningham asked for the total amount – salary and benefits. Vice Mayor DuBois asked for the hourly rate. Councilman Schaffer clarified that the full compensation package should be provided.

Manager Silva replied that he believes his salary would be \$32,000 and the overall budget would not change.

Councilwoman Cunningham stated that the Clerk had requested for a position to be added in her office and it is not addressed in this document.

Manager Silva replied that there are significant challenges that staff is facing due to the increase in committee activities and the position would be considered for next budget year, as he did not wish to take surplus funds to create a new position. He stated that staff liaisons will be directed to provide more assistance to the advisory boards.

Councilwoman Cunningham stated that all of the advisory boards are extremely active and she would like to have a “state of the committees” meeting to have an open discussion as to what can be done to spread the work across all of the departments, or perhaps discuss how the committees are structured so that their work moves forward. She suggested placing the matter on the March 16th Committee of the Whole.

Councilman Schaffer stated that the committees have grown, which has created strain on staff.

Councilwoman Siegel Lara remarked that the Council needs to clarify the positions of recommendation and the actions that should be taken by the

council. She noted that the committees work through the direction of the council. She remarked that the degree of disparity of activity level may be due to the scope of the committees and some committees need to be reviewed from the point that they are advisory, not steering committees. She concurred that discussion at a Committee of the Whole meeting is important.

Clerk Alexander advised that there have been 43 meetings of the council in 2015; 11 meetings in 2016; and, the advisory boards met 54 times since 2015 to present.

Vice Mayor Dubois concurred that the advisory boards should be discussed at the Committee of the Whole meeting. He remarked that he was happy to see the addition of a police officer. He asked if funds are budgeted for additional Wi-Fi at the parks.

Manager Silva noted that he would provide information with regard to Wi-Fi; and, a repeater was installed at Coral Reef Park to assist with Wi-Fi range for the picnic.

Mayor Flinn called the question for approval. All voted in favor (5-0.)

13. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO PARKS AND RECREATION; AMENDING CHAPTER 20, ARTICLE 1, OF THE VILLAGE'S CODE OF ORDINANCE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. (Sponsored by Councilwoman Karyn Cunningham)

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

Mayor Flinn asked if there were any updates.

Manager Silva provided staff report. He provided that the annual operating budget was \$2,012,000 and the cost is approximately \$82.69 per resident. He stated that potentially outsourcing tennis and outsourcing concession programming may result in some revenue. He explained that the national average on recapture is approximately 48.9% and the Village is 26%.

Councilwoman Cunningham stated that the ordinance was presented in January, after the tennis fee reduction. She noted that the matter was deferred to Village Services Committee, which voted to recommend passage of the ordinance on a 3-2 vote. She stated that the recovery rate is higher than the Village's sister cities and if the Village includes Thalatta, the recovery would be 36%. She explained

that the ordinance does not include a roll back of rates at Thalatta, or many of the services at Palmetto Bay Park. Councilwoman Cunningham noted that this ordinance results in less than \$13,000 reduction, which out of a \$2,000,000 parks budget is less than .06%. She reminded the Council that they had agreed not to not to reduce millage by a small percent because the Council felt that a \$17,000 reduction was not significant. She asked for the Council's support.

Vice Mayor DuBois stated that he is in favor of this ordinance and noted that one comment made was that roll back the tennis fees, it will have a negative impact; he explained that with regard to the tennis fees, the after-hours fee increase was going to result in a significant impact because people would not come out and play at that rate. He noted that fees are "elastic" and people will use facilities with reasonable rates.

Councilwoman Siegel Lara stated that she was dismayed that the rates had not been reviewed for eight years. She stated that she did not agree that the Committee should produce the fee schedule and the Committee actually acknowledged that they were not qualified; rather, the Committee wanted the administration to review fees and provide the information to the Committee. She stated that she does not support the roll back, as \$12,000 is one-fourth of an employee and there appears to be no seasonality in the usage. She asked the impact of reducing the tennis fees. Manager Silva stated that it was \$50,000.

Councilman Schaffer stated that he had brought the tennis fees forward with the suggestion of rolling back the rates. He stated that he voted against the tennis roll back rate, as the Council did not seem to have the accurate information. He noted that he had asked for deferral then, but the council went forward and voted to reduce the tennis fees. He asked if there would be a loss of revenue, if the Village keeps the fees at the current rate.

Director Carmona stated that the numbers are steady. Manager Silva stated that if the pattern continues, the revenue will slightly increase.

Mayor Flinn expressed that he will support roll back fees, if the Council will consider a fee schedule applicable for next year. He stated that the former Council included over a quarter of a million dollars in tennis improvements, but did not plan on how to pay for it. He noted that the Village installed a \$24,000 score board, which does not benefit the general public. He remarked that the public has been waiting for many years to get the walking path re-done.

Manager Silva stated that the Village's picnic delayed the installation of the walking path and staff expects the path construction to continue the next two to three weeks.

Following brief comment, Mayor Flinn opened the public hearing. The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; and Beth Adler, 8140 SW 151 Street, addressed the Council.

Mayor Flinn closed the public hearing. He called the question on approval. The Ordinance passed on first reading, following roll call vote (3-2 – Councilman Schaffer and Councilwoman Siegel Lara voting in opposition.)

Mayor Flinn stated that he is hopeful the Council will consider reducing residents' property taxes in the future, as well.

- B. 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 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)

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

Councilwoman Cunningham advised that State Legislation 7007 was recently amended. She noted that Senator Soto is hoping to amend the legislation further to extend the current preemption on the sale of use of Styrofoam products from January 1st to be April 1st. She stated that there is less of a need to adopt this item at the current time.

Councilwoman Siegel Lara moved to defer. Seconded by Vice Mayor DuBois.

Mayor Flinn asked whether the matter should be deferred to date certain. Councilwoman Cunningham stated that if the amendment does not pass, the deadline for this Ordinance is January 1st, but the law allows local municipalities to make their own decision. Mayor Flinn stated that it seems that the Village should either pass the matter now or the Village may miss its opportunity.

Councilwoman Siegel Lara moved to defer to April 4th. Seconded by Vice Mayor DuBois. The matter passed (3 to 2, Mayor Flinn and Councilwoman Cunningham voting in opposition.)

Attorney Lehtinen remarked that this ordinance, as proposed, is a directive to village staff as to what to include in contracts and the matter could be considered as a statement of policy in a Resolution. Mayor Flinn concurred.

- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, PERTAINING TO THE VILLAGE'S PARTICIPATION IN THE COMMUNITY RATING SYSTEM, "CRS"; ADDING REQUIRED ELEMENTS AND PROVIDING FOR OTHER ELEMENTS THAT MAY HAVE THE NET EFFECT OF LOWERING FLOOD INSURANCE PREMIUMS FOR THE RESIDENTS OF PALMETTO BAY; AMENDING, PURSUANT TO SECTION 30-30.7(b), SECTION 30-100.6, ENTITLED "FLOODPLAIN MANAGEMENT REGULATIONS" OF THE VILLAGE'S LAND DEVELOPMENT REGULATIONS; AND AMENDING, PURSUANT TO SECTION 553.73(5) OF THE FLORIDA BUILDING CODE, LOCAL ADMINISTRATIVE AND LOCAL TECHNICAL PROVISIONS OF THE FLORIDA BUILDING CODE PERTAINING TO THE DESIGN AND CONSTRUCTION OF BUILDINGS AND STRUCTURES IN FLOOD HAZARD AREAS; PROVIDING FOR ORDINANCES IN CONFLICT, REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

Councilwoman Siegel Lara moved to incorporate staff report, all comments and discussion from the Local Planning Agency hearing of March 7th into this hearing. Seconded by Councilman Schaffer. All voted in favor. The Motion carried (5-0.)

Director Delsalle stated that there was no further staff report.

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

Mayor Flinn called the question to approve. The Ordinance was adopted unanimously (5-0) following roll call vote.

14. OTHER BUSINESS

- A. Cutler Bay Zoning matter (Council had placed the matter on the Agenda at the February 1st Council meeting; however, this matter is moot, as the zoning application in Cutler Bay has been withdrawn.)
- B. Update concerning Miami-Dade County Days by all participating members of Council

Councilwoman Cunningham reported that the legislative session is underway. She asked Mr. Silva if he had received any updates from the Village's lobbyists.

Manager Silva advised that the Village's lobbyists report that the Village will be receiving \$250,000 for Sub-basin 59-60.

- C. Update concerning negotiations on Palmetto Bay Park appropriations
Vice Mayor DuBois announced that \$150,000 was included; however, the delegation is attempting to include another \$150,000.

Manager Silva stated that the Village is slated to receive \$250,000 for economic development-the Multimodal Center.

- D. Update concerning Cerebral Palsy 5K event: Councilwoman Cunningham noted that the event was successful and thanked Councilwoman Siegel Lara for attending. She expressed her hope that it would continue next year. Mayor Flinn expressed that he supported the Councilwoman with rolling back park fees and hopes the Village will continue to support budgeting funds for these kinds of program. (He displayed Macaroons that are created and baked by exceptional young people through a program organized through a Village resident.)

Councilwoman Cunningham thanked the Village Manager and others for a proposal to get State funding for specially-abled programs, working with MacTown. She commented that Southridge High also operates a great program with a café staffed by exceptional students.

Mayor Flinn remarked that the Village's parks are not serving this segment of our population and he intends to budget for increased events for specially-abled youth in our village.

Councilwoman Siegel Lara expressed that the Village's recent picnic was outstanding. She thanked Mr. Silva, staff, and all of the people who participated. She remarked that the event superseded all expectations. Manager Silva thanked Councilwoman Siegel Lara for her assistance in the food line.

Attorney Lehtinen concurred, adding that his granddaughters enjoyed the event, as well.

- E. Strategic Plan Meetings – attendance by Council (Councilwoman Siegel Lara)

Councilwoman Siegel Lara opined that Council attendance may disturb the feedback process by creating bias with their presence. She stated that Council members are perceived to be in a position of authority and it is best that if a council person attends, they remain silent and observe.

Councilwoman Cunningham concurred, stating that the Council should treat it as do any other town hall; come, sit, and observe.