



VILLAGE OF PALMETTO BAY

Mayor Karyn Cunningham
Vice Mayor Leanne Tellam
Council Member Patrick Fiore (Seat 1)
Council Member Steve Cody (Seat 2)
Council Member Marsha Matson (Seat 3)

Village Manager Nick Marano
Village Attorney John C. Dellagloria
Village Clerk Missy Arocha

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter, or hearing impaired to participate in this proceeding should contact the Village Clerk at (305) 259-1234 for assistance no later than four days prior to the meeting.

AGENDA

COMMITTEE OF THE WHOLE WORKSHOP

TUESDAY, JANUARY 18, 2022 - 7:00 PM

Village Hall Council Chambers, 9705 E. Hibiscus Street, Palmetto Bay, FL 33157
(305) 259-1234

1. **CALL TO ORDER, ROLL CALL, INVOCATION, PLEDGE OF ALLEGIANCE, AND DECORUM STATEMENT, IN THAT ORDER:** 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.
2. **PUBLIC COMMENTS**
3. **PRESENTATIONS**
 - A. COMMUNITY SURVEY RESULTS (*Sponsored by Administration*)
4. **VILLAGE COUNCIL/ADMINISTRATION DISCUSSION ITEMS**
 - A. FOOD TRUCK REGULATIONS (*Sponsored by Vice Mayor Leanne Tellam*)

- B. PARK DRIVE EXPANSION (*Sponsored by Councilmember Marsha Matson*)
 - C. GAS-POWERED LEAF BLOWERS (*Sponsored by Mayor Karyn Cunningham*)
 - D. RECREATIONAL USE OF SINGLE-FAMILY HOMES (*Sponsored by Mayor Karyn Cunningham*)
 - E. TREE MASTER PLAN REQUEST FOR PROPOSAL (*Sponsored by Mayor Karyn Cunningham*)
5. **NEXT COMMITTEE OF THE WHOLE WORKSHOP DATE**
- TUESDAY, FEBRUARY 22, 2022
6. **ADJOURNMENT**

WE, THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, HEREBY COMMIT OURSELVES TO MAINTAINING CIVILITY IN OUR PUBLIC AND POLITICAL DISCOURSE AND PLEDGE TO THE FOLLOWING PRINCIPLES:

- **We will respect the right of all citizens in our community to hold different opinions;**
- **We will avoid rhetoric intended to humiliate or question the wisdom of those whose opinions are different from ours;**
- **We will strive to understand differing perspectives;**
- **We will choose our words carefully;**
- **We will speak truthfully without accusation and we will avoid distortion; and**
- **We will speak out against violence, prejudice, and incivility in all of their forms, whenever and wherever they occur.**

PURSUANT TO FLORIDA STATUTES 286.0105, THE VILLAGE HEREBY ADVISES THE PUBLIC THAT 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.



PUBLIC NOTICE:
INSTRUCTIONS
FOR
PUBLIC PARTICIPATION



VILLAGE OF PALMETTO BAY NOTICE OF VIRTUAL COUNCIL WORKSHOP ("COMMITTEE OF THE WHOLE WORKSHOP")

NOTICE IS HEREBY GIVEN that on **TUESDAY, JANUARY 18, 2022, AT 7:00 PM** the Village of Palmetto Bay shall hold a *virtual* Committee of the Whole Workshop at Village Hall Municipal Center, 9705 East Hibiscus Street, Palmetto Bay, FL 33157. ***No official action shall be taken by the Village Council during this Council Workshop.***

This meeting will be conducted using a teleconferencing platform and broadcast live. **Members of the public may participate in the virtual workshop and/or watch the virtual workshop via the Village's official Facebook page and/or our Granicus web stream on www.palmettobay-fl.gov.**

PLEASE NOTE that pursuant to the Village of Palmetto Bay's Declaration of COVID-19 Virus State of Emergency Order No. 2020-11, all Village Advisory Boards, Committees, Task Forces, Charter Officers, and staff shall continue to meet virtually. Commencing December 1, 2020, a minimum of three members such as the Mayor and Village Council shall be present to maintain a quorum at meetings requiring legislative actions. This Emergency Order allows any Councilmember who believes they are at high risk to not be required to be physically present in the Village Chambers but shall be permitted to participate virtually and vote provided they remain physically present in Village Hall, including waiving all applicable requirements in the Village Charter, Code of Ordinances, Resolutions, or other Village policy that may require the physical presence at any public meeting. All virtual meetings shall otherwise continue to comply with the Florida Constitution, Florida's Government in the Sunshine Law, and Chapter 286, Florida Statutes.

For persons wishing to participate virtually and provide public comment, please refer to the options described below:

Public comments forum (Option 1): Prior to the meeting, the public can submit a web form available at this address: <https://www.palmettobay-fl.gov/FormCenter/Public-Comments-Form-10/Public-Comments-Form-52>. **Form submissions received prior to the meeting will be read before the item is heard. Form submissions received after 6:00 p.m. will remain part of the record.**

Public comments forum (Option 2): Public attendees wishing to provide real-time, audible public comments during the meeting may do so using GoToWebinar's desktop, laptop, tablet, or smartphone app. Once registered, attendees will receive GTW session information and call-in telephone numbers for those wishing to use a telephone. Telephone attendees may not participate in public comment as the system has no way to mute or unmute. Attendees wishing to speak during public comment time must use the GoToWebinar application on their desktop, laptop, or smart device. Attendees may not use a webcam whatsoever. In lieu if no availability to participate through the webinar, please submit your public comment using the web form as described above.

Please register to attend the session as follows:

<https://attendee.gotowebinar.com/rt/4930714135011816463>

After registering, you will receive a confirmation email containing information about joining the webinar.

Any meeting may be opened and/or continued, under such circumstances, additional legal notice would not be provided. Any person may contact Village Hall at (305) 259-1234 for additional information and/or may express their views in writing addressed to the Village Council via email: council@palmettobay-fl.gov. If a person decides to appeal any decision made by the Village Council, with respect to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation (or hearing impaired) to participate in this proceeding or to review any documents relative thereto should contact the Village for assistance at (305) 259-1234 no later than twelve (12) hours prior to the proceedings.

www.palmettobay-fl.gov



DISCUSSION ITEM:

4C

ORDINANCE NO. 2021-

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, AMENDING ARTICLE II, "NOISES; UNNECESSARY AND EXCESSIVE PROHIBITED," OF CHAPTER 15 OF THE CODE OF ORDINANCES RELATING TO LEAF BLOWERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 15, Article II of the Village of Pinecrest ("Village") Code of Ordinances ("Code") protects the health, safety, and welfare of Village residents and visitors by prohibiting unnecessary and excessively loud noises within the Village; and

WHEREAS, fuel-powered leaf blowers emit loud noises and air pollutants that disturb the peace and quality of life of Village residents and visitors; and

WHEREAS, most common fuel-powered leaf blowers emit noises at 70 to 75 decibels when measured from fifty feet away, far in excess of the Village's 65 decibel limit for ordinary noises during the hours of 7:00 a.m. to 11:00 p.m.; and

WHEREAS, according to tests conducted by Edmunds' InsideLine.com, an online resource for automotive enthusiasts, consumer-grade leaf blowers can emit more pollutants than a 6,200-pound 2011 Ford F-150 SVT Raptor; and

WHEREAS, the Village Council finds that it is necessary to amend Article II of Chapter 15 of the Village Code in order to restrict the use of leaf blowers whose design utilizes gas engines and causes the emission of unnecessary and excessively loud noise even when used as intended; and

WHEREAS, the Village Council finds it to be in the best interest of the public, health, safety, and welfare of the citizens to adopt the Ordinance amending the Village's Code of Ordinance;

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

Section 1. Recitals Adopted. That the above stated recitals are hereby adopted and confirmed.

Section 2. Village Code Amended. The Village Council of the Village of Pinecrest hereby amends Article II, "Noises; Unnecessary and Excessive Prohibited," of Chapter 15 of the Code of Ordinances as follows:

Chapter 15. Nuisances

ARTICLE II. – Noises; Unnecessary and Excessive Prohibited

Section 15-21.1. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Leaf blower means any device used, designed, or operated to produce a current of air by electricity or other means to push, propel, or blow lawn, tree, or plant cuttings, refuse, or debris. Such devices shall not produce a current of air by fuel.

Section 15-21.3. - Specific acts considered to be unreasonably loud and raucous noise. Any of the following acts ~~is~~ are presumed to constitute unreasonably loud and raucous noise be in violation of this Article ~~and to constitute unreasonably loud and raucous noise~~. This enumeration does not constitute an exclusive list:

(5) Power tools and landscaping equipment. The operation of noise-producing lawn mowers, lawn-edgers, weed trimmers, leaf blowers, chippers, chain saws, power tools or other noise-producing tools which are used between the hours of 8:00 p.m. and 7:00 a.m.

(11) Leaf blowers. The use or operation of any leaf blower unless said machine has a stamp from the manufacturer or testing laboratory certifying a rating of no more than 65 dBA and incorporates the best available technology for the reduction of noise.

Section 15-21.4. - Noise complaints.

(a) Noise complaints may be submitted orally or in writing to the village by any person ~~and may be submitted anonymously~~. A noise complaint shall include the address, to the extent known, of the person or entity responsible for the loud and raucous noise, a description of the noise, and, if available, the date and time of the noise occurrence.

(b) Upon receiving and confirming a complaint as described in subsection (a) involving loud and raucous noise, the village will notify the person or entity responsible for the loud and raucous noise, advising that person or entity of the alleged noise and advising that immediate steps must be taken to abate the noise. Such notice may be an oral warning, a code compliance reminder or a civil violation notice, as deemed appropriate by a village officer.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall

remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Conflict. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. Codification. It is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the Village of Pinecrest; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading. Following the adoption of this section, the Village Manager shall engage in public education efforts to inform the public of the provisions of this Ordinance and shall have the discretion to delay the start of enforcement of this Ordinance until July 1, 2022.

PASSED on first reading this __th day of _____, 2021.

PASSED AND ADOPTED on second reading this __th day _____, 2021.

Joseph M. Corradino, Mayor



DISCUSSION ITEM:

4D

1 **DISCUSSION ITEM SPONSORED BY**
2 **MAYOR KARYN CUNNINGHAM**

3
4 **C.O.W (TUESDAY, JANUARY 18, 2022)**

5
6 **AGENDA ITEM 4D**
7

8
9 **PROPOSED ORDINANCE NO. 2022-____**

10
11 **AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE**
12 **VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING SECTION 30-**
13 **50.1 OF THE CODE OF ORDINANCES BY PROVIDING FOR THE**
14 **PROHIBITION ON THE RENTAL OF RESIDENTIAL PROPERTIES**
15 **FOR RECREATIONAL USES; PROVIDING FOR SEVERABILITY;**
16 **PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION,**
17 **AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Mayor**
18 **Karyn Cunningham)**

19
20 **WHEREAS**, those residing in the several residential districts in
21 the Village expect and deserve the peaceful and quiet enjoyment of life
22 their respective neighborhoods; and

23
24 **WHEREAS**, in order to effectuate this goal, the Mayor and Village
25 Council wish to amend the land use regulations to codify a prohibition
26 against residential properties being rented for recreational uses; and

27
28 **WHEREAS**, the rental of a residential property should be solely
29 for the property’s use as residential dwelling; and

30
31 **WHEREAS**, all uses of a residential property not preempted by
32 Florida Statute are prohibited; and

33
34 **WHEREAS**, the Village Council finds that this amendment is in
35 the best interest of the Village and will better serve the community.

36
37 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND**
38 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS**
39 **FOLLOWS:**

1 **Section 1.** The above recitals are incorporated as if set forth in
2 full.

3
4 **Section 2.** That Section 30-50.1 of the Code of Ordinances
5 is amended as follows:

6
7 **Section 30-50.1 District and General Provisions:**

8
9 The intent of the residential districts is to protect the quality
10 and character of residential estate and single-family
11 neighborhoods from encroachment by incompatible
12 development and uses; preserve open space; achieve and
13 maintain densities that are compatible with existing and future
14 development; provide compatibility with natural features of
15 land, and minimize the burdens on public services and
16 facilities. The rental of a residential property in the Village
17 shall be for residential purposes only, and the rental solely for
18 recreational uses is prohibited.

19
20 **Section 3. Severability.** The provisions of this Ordinance are
21 declared to be severable and if any section, sentence, clause or phrase
22 of this Ordinance shall for any reason be held to be invalid or
23 unconstitutional, such decision shall not affect the validity of the
24 remaining sections, sentences, clauses, and phrases of this Ordinance
25 but they shall remain in effect.

26
27 **Section 4. Conflict.** All Sections or parts of Sections of the Code
28 of Ordinances, and all Ordinances or parts of Ordinances in conflict
29 with this Ordinance are repealed to the extent of such conflict.

30
31 **Section 5. Codification.** It is the intention of the Village Council,
32 and it is that the provisions of this Ordinance shall become and made
33 a part of the Code of the Village and that the sections of this Ordinance
34 may be renumbered or re-lettered to accomplish such intention.

35
36 **Section 6. Effective Date.** This Ordinance shall become effective
37 immediately upon adoption on Second Reading.

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