



VILLAGE OF PALMETTO BAY

Mayor Karyn Cunningham
Vice Mayor John DuBois
Council Member Patrick Fiore (Seat 1)
Council Member David Singer (Seat 2)
Council Member Marsha Matson (Seat 3)

Interim Village Manager Gregory Truitt
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

REGULAR VILLAGE COUNCIL MEETING

MONDAY, FEBRUARY 3, 2020 – 7:00 PM

(Proclamations, Awards, and Presentations will commence at 6:30 PM)

Village Hall Chambers, 9705 E. Hibiscus Street
(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. **PROCLAMATIONS, AWARDS, PRESENTATIONS**
 - A. Recognition of 2019 Teachers of the Year (TOY) and Rookie Teachers of the Year (RTOY) of the Village of Palmetto Bay
3. **APPROVAL OF MINUTES**
 - A. Regular Council Meeting (January 6, 2020)

- B. Special Council Meeting (January 23, 2020)

4. 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 \$11,520 FOR PERIOD ENDING NOVEMBER 30, 2019; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration)*

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO FLORIDA STATUTE 100.151; DIRECTING THE VILLAGE CLERK TO COORDINATE A SPECIAL ELECTION WITH ONE OR MORE OPEN PRECINCTS ON NOVEMBER 3, 2020 TOGETHER WITH THE VILLAGE OF PALMETTO BAY GENERAL ELECTION FOR THE CONSIDERATION OF CHARTER AMENDMENT QUESTIONS ON THE BALLOT; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Village Clerk Missy Arocha)*

- C. 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 2020 FLORIDA INLAND NAVIGATION DISTRICT (FIND) WATERWAYS ASSISTANCE PROGRAM FOR THE CONSTRUCTION OF THE PIER AT THALATTA ESTATE PARK; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration)*

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING PARKS AND RECREATION; AUTHORIZING THE DONATION OF A ONE-WEEK ENROLLMENT IN THE 2020 CORAL REEF PARK SUMMER CAMP PROGRAM TO RESPECTIVE PTSA'S OF HOWARD DRIVE ELEMENTARY SCHOOL AND CORAL REEF ELEMENTARY SCHOOL, IN SUPPORT OF FORTHCOMING FUND-RAISING AUCTIONS; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration)*

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING PARKS AND RECREATION; ALLOWING FOR THE USE OF THE VILLAGE LOGO; AND SPONSORING ONE KICKBALL TEAM FOR THE BRYANT MCKINNIE & FRIENDS TOURNAMENT BENEFITING THE CYSTIC FIBROSIS

FOUNDATION; AND PROVIDING AN EFFECTIVE DATE.
(Sponsored by Administration)

5. REQUESTS, PETITIONS AND PUBLIC COMMENTS

6. VILLAGE MANAGER'S REPORT

- Village-wide updates:
 - Franjo Road project
 - Proposed traffic circle on SW 87th Avenue and SW 174th Street
 - Council's legislative travel to Tallahassee
 - Village parks
 - Strategic Plan

- Village Police Commander Report

7. VILLAGE ATTORNEY'S REPORT

- Litigation update
- Memorandum relating to Village laws and procedures

8. VILLAGE CLERK'S REPORT

- Calendar update (public meetings for February 2020)
- Council's legislative travel to Tallahassee for Miami Dade Days
- Passport Acceptance Facility
- Charter Revision Commission Council-Liaison
- Ballot deadlines for 2020 VPB General/Special Election
- Cone of Silence

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

- A. Charter Revision Commission Meeting (December 3, 2019)
- B. Parks & Rec. Committee Meeting (November 21, 2019)
- C. Tree Advisory Board Meeting (November 4, 2019)

10. RESOLUTIONS WITH PUBLIC COMMENT

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE CHARTER REVISION COMMISSION; APPOINTING MEMBER TIM SCHAFFER TO THE CHARTER REVISION COMMISSION; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from January 6, 2020)*

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, EXTENDING FOR NINETY

(90) DAYS THE SUNSET DATE OF THE NEIGHBORHOOD PROTECTION COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember Marsha Matson) (Deferral from January 6, 2020)*

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, DIRECTING THE VILLAGE MANAGER TO CONTINUE THE EFFORTS TO ACHIEVE A LOWER COMMUNITY RATING SYSTEM PROGRAM (CRS) FOR THE BENEFIT OF THE RESIDENTS OF PALMETTO BAY; REQUESTING THAT THE CONTINUANCE OF THE PROGRAM ACHIEVE THE LOWEST POSSIBLE RATING; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham) (Deferral from January 6, 2020)*
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING THE PREPARATION OF THE VILLAGE COUNCIL AGENDA; PROVIDING THAT ANY AGENDA ITEM THAT HAS BEEN CONTINUED TWICE SHALL BE PLACED AS THE FIRST ITEM TO BE HEARD UNDER ITS RESPECTIVE SECTION OF THE AGENDA; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer and Councilmember Marsha Matson) (Deferral from January 6, 2020)*
- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE PARKS AND RECREATION AND COMMUNITY OUTREACH COMMITTEE; APPOINTING MAYOR KARYN CUNNINGHAM AS THE COUNCIL LIAISON TO THE PARKS AND RECREATION AND COMMUNITY OUTREACH COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham) (Deferral from January 6, 2020)*
- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ADVISORY BOARDS AND COMMITTEES; ESTABLISHING A COMMITTEE FOR THE SELECTION OF THE PERMANENT VILLAGE MANAGER; DIRECTING THE COMMITTEE TO REVIEW THE FINALISTS AND MAKING A RECOMMENDATION TO THE VILLAGE COUNCIL; THE COMMITTEE SHALL SUNSET IMMEDIATELY FOLLOWING THE RECOMMENDATION MADE TO THE VILLAGE COUNCIL, AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham) (Deferral from January 6, 2020)*
- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE MIAMI-DADE COUNTY TRANSIT ONE-HALF (1/2) CENT SALES TAX FOR TRANSIT; DIRECTING THE VILLAGE ATTORNEY TO FILE A

MOTION FOR THE VILLAGE TO INTERVENE AS PLAINTIFF IN THE EXISTING LAWSUIT CHALLENGING THE ILLEGAL DIVERSION OF REVENUE RAISED BY THE VOTER-APPROVED TRANSIT ONE-HALF (1/2) CENT SALES TAX; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9, September 23, October 7, November 4, December 2, 2019 & January 6, 2020)*

- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, WITH ATTACHMENT(S), SUPPORTING _____ CONCEPT OF THE BETTER BUS PROJECT REDESIGN OF COUNTY BUS NETWORK; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham) (Deferral from December 2, 2019 & January 6, 2020)*
- I. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE STORMWATER MASTER PLAN; APPROVING THE SELECTION OF KIMLEY-HORN AND ASSOCIATES, INC., TO UPDATE THE VILLAGE'S STORMWATER MASTER PLAN; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH SAID COMPANY AND ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$84,500; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration) (Deferral from October 7, November 4, December 2, 2019 & January 6, 2020)*
- J. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; APPROVING THE PROPOSED MASTER PLAN COMPONENTS FOR LUDOVICI PARK ON AN ITEM BY ITEM BASIS FROM RECOMMENDATIONS LISTED HEREIN; PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration) (Deferral from October 7, November 4, December 2, 2019 & January 6, 2020)*
- K. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; APPROVING THE PROPOSED MASTER PLAN COMPONENTS FOR PERRINE WAYSIDE "DOG PARK" ON AN ITEM BY ITEM BASIS FROM RECOMMENDATIONS LISTED HEREIN; PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration) (Deferral from November 4, December 2, 2019 & January 6, 2020)*
- L. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO FORM A TRAFFIC TASK FORCE TO STUDY AND MAKE RECOMMENDATIONS TO RELIEVE TRAFFIC CONGESTION AND TRAFFIC PATTERNS IN THE VILLAGE; AND

PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from December 2, 2019 & January 6, 2020)*

- M. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; APPROVING THE ANNUAL "PALMETTO BAY INDEPENDENCE DAY CELEBRATION" ON JULY 4TH, 2020; AUTHORIZING THE VILLAGE MANAGER TO ALLOCATE AND EXPEND UP TO \$42,500 NET FUNDING FOR EXPENSES RELATED TO THE ANNUAL EVENT; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration) (Deferral from December 2, 2019 & January 6, 2020)*
- N. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REQUESTING ADMINISTRATION TO APPROACH MIAMI-DADE COUNTY TO COMPLETE THE BICYCLE NETWORK IN THE COMMUNITY; BRING BACK OPTIONS ON DESIGN AND FUNDING NO LATER THAN 90-DAYS FROM APPROVAL WITH OPTIONS ON HOW TO IMPLEMENT SAID BICYCLE NETWORK; NETWORK SHALL CONSIST OF EAST-WEST CONNECTIVITY ON SW 152ND STREET, SW 168TH STREET, SW 184TH STREET AND NORTH-SOUTH CONNECTIVITY ON SW 77TH AVENUE AND SW 87TH AVENUE; AUTHORIZING THE VILLAGE MANAGER TO BEGIN A DIALOGUE WITH MIAMI-DADE COUNTY, PROVIDE COST ESTIMATES TO THE VILLAGE COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9, September 23, October 7, November 4, December 2, 2019 & January 6, 2020)*
- O. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING VILLAGE PARK FACILITIES; DIRECTING THE MANAGER TO RECOMMEND TO THE VILLAGE COUNCIL AN ARCHITECT WITH AN ASSOCIATED PROPOSED CONCEPT FOR DRAWING CONSTRUCTION PLANS TO REPLACE THE CORAL REEF PARK RECREATION BUILDING; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9, September 23, October 7, November 4, December 2, 2019 & January 6, 2020)*
- P. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING THE VILLAGE VETERANS' PARK; DIRECTING THE MANAGER TO RECOMMEND TO THE VILLAGE COUNCIL AN APPROPRIATE DESIGN PROFESSIONAL (ARCHITECT, PARK PLANNER, OR OTHER APPROPRIATE PROFESSIONAL) WITH AN ASSOCIATED PROPOSED CONCEPT FOR DRAWING DESIGN AND/OR CONSTRUCTION PLANS FOR THE VILLAGE VETERANS' PARK; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by*

Councilmember David Singer) (Deferral from September 9, September 23, October 7, November 4, December 2, 2019 & January 6, 2020)

Q. (Alternate A)

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO A COMMUNITY CENTER ON VILLAGE-OWNED PROPERTY; DIRECTING THE MANAGER TO PREPARE A RECOMMENDED PLAN FOR THE DEVELOPMENT OF A COMMUNITY CENTER ON THE PROPERTY OWNED BY THE VILLAGE (FORMER SCHOOL SITE) IN THE DOWNTOWN URBAN VILLAGE (DUV) ZONING DISTRICT (EAST OF AND NEAR VILLAGE HALL); AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9, September 23, October 7, November 4, December 2, 2019 & January 6, 2020)*

(Alternate B)

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SALE OF VILLAGE-OWNED PROPERTY; DIRECTING THE MANAGER TO DEVELOP A RECOMMENDED PLAN FOR THE SALE OF THE PROPERTY OWNED BY THE VILLAGE (FORMER SCHOOL SITE) IN THE DOWNTOWN URBAN VILLAGE (DUV) ZONING DISTRICT (EAST OF AND CLOSE TO VILLAGE HALL); AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9, September 23, October 7, November 4, December 2, 2019 & January 6, 2020)*

11. RESOLUTIONS REQUIRING PUBLIC HEARING

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ESTABLISHING “ZONING-IN-PROGRESS” FOR THE FOLLOWING: THE DOWNTOWN URBAN VILLAGE (DUV) ZONING DISTRICT; PROVIDING FOR A NEW DOWNTOWN ZONING CODE MAP AS PER ATTACHMENT “A”; PROVIDING FOR MAXIMUM RESIDENTIAL DENSITY OF FIFTY-FOUR (54) RESIDENTIAL UNITS PER GROSS ACRE FOR THE DOWNTOWN GENERAL (DG1) SECTOR; FORTY-THREE (43) RESIDENTIAL UNITS PER GROSS ACRE FOR THE DOWNTOWN GENERAL TWO (DG2) SECTOR; THIRTY-TWO (32) RESIDENTIAL UNITS PER GROSS ACRE FOR THE DOWNTOWN VILLAGE (DV) SECTOR; AND TWENTY FOUR (24) RESIDENTIAL UNITS PER GROSS ACRE FOR THE NEIGHBORHOOD VILLAGE (NV) SECTOR AND THE URBAN VILLAGE (UV) SECTOR; PROVIDING FOR MAXIMUM BUILDING HEIGHT OF FIVE (5) STORIES FOR “RESIDENTIAL-ONLY” BUILDINGS, SEVEN (7) STORIES FOR “MIXED-USE” BUILDINGS AND (8) STORIES FOR “ALL-COMMERCIAL” BUILDINGS IN THE DOWNTOWN GENERAL (DG1)

SECTOR; FIVE (5) STORIES FOR THE DOWNTOWN GENERAL TWO (DG2) SECTOR, FOUR (4) STORIES FOR "RESIDENTIAL-ONLY" BUILDINGS AND FIVE (5) STORIES IF "MIXED-USE" FOR THE DOWNTOWN VILLAGE (DV) SECTOR; THREE (3) STORIES FOR THE NEIGHBORHOOD VILLAGE (NV) AND THE URBAN VILLAGE (UV) SECTORS; AMENDING THE SECTOR BOUNDARIES IN THE DUV TO CHANGE FROM DUV TO SINGLE FAMILY RESIDENTIAL DISTRICT (R-1), FOR THE SOUTH EASTERN PORTION OF THE (DUV) PERIMETER FROM SW 97TH AVENUE TO SW 95TH COURT WEST TO EAST DIRECTION, AND SW 181ST STREET TO SW 184TH STREET FOR THE NORTH TO SOUTH DIRECTION; PROVIDING FOR AMENDING THE (DUV) PARKING REQUIREMENTS AS PER ATTACHMENT "B"; AND PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. *(Sponsored by Administration)*

12. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CHAPTER 15 OF THE VILLAGE OF PALMETTO BAY'S CODE OF ORDINANCES ENTITLED "ENVIRONMENT", BY ADDING SECTION 15-2 STYLED "BIRD REFUGE"; ESTABLISHING THE VILLAGE AS A BIRD REFUGE; PROVIDING FOR DEFINITIONS, PROVIDING FOR PENALTIES, CODIFICATION AND AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer and Co-Sponsored by Councilmember Marsha Matson)*

13. ORDINANCES FOR FIRST READING WITH PUBLIC COMMENT

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO FUND BALANCE POLICY; IDENTIFYING THE FUND BALANCE LEVEL TO ENSURE UNINTERRUPTED OPERATIONS FOR THE VILLAGE GOVERNMENT; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. *(Sponsored by Administration) (Deferral from December 2, 2019 & January 6, 2020)*
- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CAPITAL ASSET FUNDING POLICY; IDENTIFYING FUNDING FOR CAPITAL ASSETS/PROJECTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. *(Sponsored by Administration) (Deferral from December 2, 2019 & January 6, 2020)*

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PRIVATE DEVELOPMENT PROJECTS; AMENDING SECTION 30-30.2(D) OF THE VILLAGE'S ZONING CODE BY ESTABLISHING THAT ALL NEW APPLICATIONS FOR DEVELOPMENT SHALL ONLY BE ACCEPTED BETWEEN APRIL 15TH AND NOVEMBER 30TH OF EACH YEAR; REQUIRING THAT A POTENTIAL DEVELOPER MAKES A PRESENTATION AT A MEETING BEFORE THE GENERAL PUBLIC REGARDING A PROPOSED DEVELOPMENT PROJECT FOR THE PURPOSE OF DISCUSSING THE PROJECT PARAMETERS AND CHARACTERISTICS AND TO RESPOND TO QUESTIONS AND INQUIRIES FROM THE RESIDENTS; PROVIDING THAT A MEETING SHALL BE HELD AT LEAST TWO WEEKS PRIOR TO COUNCIL DELIBERATIONS ON A PROPOSED PROJECT; PROVIDING THAT ALL RELEVANT QUESTIONS BY RESIDENTS MAY BE ASKED AT THE MEETING; PROVIDING FOR FACILITATION OF THE MEETING BY THE VILLAGE PUBLIC INFORMATION OFFICER; REQUIRING ANSWERS TO BE GIVEN BY STAFF AND THE DEVELOPER RELEVANT TO THE PROPOSED PROJECT; REQUIRING AT LEAST 7-DAYS PUBLIC NOTICE FOR THE MEETING; REQUIRING THAT A MEETING TAKES PLACE ON THE EVENING OF A REGULAR SEMESTER SCHOOL DAY OF THE MIAMI-DADE PUBLIC SCHOOLS; REPEALING RESOLUTION 2018-14; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. *(Sponsored by Councilmember Marsha Matson)*

14. OTHER BUSINESS

15. COUNCIL COMMENTS

16. NEXT MEETING AND 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;
- 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.



MINUTES
REGULAR VILLAGE COUNCIL MEETING
MONDAY, JANUARY 6, 2020 – 7:00 PM

(Proclamations, Awards, and Presentations will commence at 6:30 PM)
 Village Hall Chambers, 9705 E. Hibiscus Street, Palmetto Bay, FL 33157

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

All proclamations, awards, and presentations were held by the Village Council at approximately 6:31 p.m.

- A. Proclamation to Director Juan Perez, MDCPD
- B. Recognition of Officer Peter Calvert
- C. Recognition of Officer James Sickles
- D. Recognition of 2019 State of the Village Sponsors

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.

Mayor Cunningham called the meeting to order at approximately 7:07 p.m.

The following members of the Village Council were present during roll call:

Mayor Karyn Cunningham
 Vice Mayor John DuBois
 Councilmember Patrick
 Councilmember David Singer
 Councilmember Marsha Matson

The following Charter Officials were in attendance:

Village Attorney John C. Dellagloria
 Village Manager Edward Silva
 Village Clerk Missy Arocha

The Invocation was led by Deacon Ralph Ghazi.

The pledge of allegiance was led by Cub Scouts Troop #840.

Mayor Cunningham disposed the decorum statement.

3. APPROVAL OF MINUTES

Vice Mayor DuBois ***motioned*** to approve the minutes. The motion was ***seconded*** by Councilmember Fiore. All voted in favor (5-0). The ***minutes were approved unanimously.***

A. Regular Council Meeting (December 2, 2019)

4. CONSENT AGENDA

Clerk Arocha reported that items 4A, 4C, 4E, 4F, 4G, 4H, and 4I were timely pulled from the consent agenda. Mayor Cunningham reported that the items from the consent agenda were going to be heard in the beginning of Resolutions with Public Comment. No objections from the Council were received to hear the consent agenda items first.

Councilmember Matson ***motioned*** to approve the consent agenda. The motion was ***seconded*** by Councilmember Singer. **All voted in favor (5-0). The consent agenda was approved.**

A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE PARKS AND RECREATION AND COMMUNITY OUTREACH COMMITTEE; APPOINTING MAYOR KARYN CUNNINGHAM AS THE COUNCIL LIAISON TO THE PARKS AND RECREATION AND COMMUNITY OUTREACH COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham)*

Item 4A was pulled from the Consent Agenda.

B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE TREE ADVISORY BOARD; APPOINTING MEMBER JENNA CRAWFORD TO THE TREE ADVISORY BOARD; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham)*

Item 4B was approved on the Consent Agenda.

C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE CHARTER REVISION COMMISSION; APPOINTING MEMBER TIM SCHAFFER TO THE CHARTER REVISION COMMISSION; AND

PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Village Clerk Missy Arocha)*

Item 4C was pulled from the Consent Agenda.

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE YOUTH COMMUNITY INVOLVEMENT BOARD TASK FORCE; APPOINTING MEMBER CAROLINA BRANCO TO THE TASK FORCE; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Village Clerk Missy Arocha)*

Item 4D was approved on the Consent Agenda.

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, EXTENDING FOR NINETY (90) DAYS THE SUNSET DATE OF THE NEIGHBORHOOD PROTECTION COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember Marsha Matson)*

Item 4E was pulled from the Consent Agenda.

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, DIRECTING THE VILLAGE MANAGER TO CONTINUE THE EFFORTS TO ACHIEVE A LOWER COMMUNITY RATING SYSTEM PROGRAM (CRS) FOR THE BENEFIT OF THE RESIDENTS OF PALMETTO BAY; REQUESTING THAT THE CONTINUANCE OF THE PROGRAM ACHIEVE THE LOWEST POSSIBLE RATING; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham)*

Item 4F was pulled from the Consent Agenda.

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO THE PALMETTO BAY POLICING UNIT, COMMUNITY OUTREACH UNIT; APPROVING FUNDING IN THE AMOUNT OF \$496 FROM THE COMMUNITY OUTREACH UNIT, OFFICER FRIENDLY BUDGET, TO OFFSET THE COST OF THE UPCOMING FIELDTRIP FOR 31 YOUTH CRIME WATCH STUDENTS FROM CORAL REEF ELEMENTARY AND HOWARD DRIVE ELEMENTARY SCHOOLS TO THE KENNEDY SPACE CENTER; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration)*

Item 4G was pulled from the Consent Agenda.

- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING THE

PREPARATION OF THE VILLAGE COUNCIL AGENDA; PROVIDING THAT ANY AGENDA ITEM THAT HAS BEEN CONTINUED TWICE SHALL BE PLACED AS THE FIRST ITEM TO BE HEARD UNDER ITS RESPECTIVE SECTION OF THE AGENDA; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer and Councilmember Marsha Matson)*

Item 4H was pulled from the Consent Agenda.

- I. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; APPROVING THE PARTICIPATION OF THE VILLAGE OF PALMETTO BAY AS A SPONSOR OF THE WEST PERRINE DR. MARTIN LUTHER KING, JR., ANNUAL CELEBRATION; AUTHORIZING THE VILLAGE MANAGER TO DISBURSE UP TO \$1,000 AS PART OF THE VILLAGE'S SPONSORSHIP CONTRIBUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration)*

Item 4I was pulled from the Consent Agenda.

5. REQUESTS, PETITIONS AND PUBLIC COMMENTS

The following members of the public addressed the Village Council during public comments:

- Eric Tullberg (7884 SW 179th Terrace) – spoke in support of bridging in the Village and explained that a bridge will increase the safety of children walking and biking to school and reported that all pathways should be at least 10-feet wide.
- Carol Vega (8845 SW 178th Terrace) – spoke in support of the Village approving a bird sanctuary and reported that her vehicle was damaged as she was parking near Village Hall prior to the meeting; requested that the Village investigate more parking spots.
- Heidi Sanchez (8825 SW 178th Terrace) - spoke in support of Ordinance relating to bird sanctuary.
- Michael Frank (7405 SW 159th Terrace) – spoke in opposition to bridging connectivity in the Village and urged the Council to stop development and congestion on Old Cutler Road; SW 77th Avenue from SW 152nd to SW 104th, the road is extremely congested.
- Dr. Jose Munoz (15640 SW 77th Avenue) – spoke in opposition to bridging connectivity in the Village.

- Helena Ledbetter (15600 SW 85th Avenue) – spoke in opposition to bridging connectivity in the Village and encouraged that all bus stops in the Village be secured from weather conditions; more people would ride the bus if the shelters were better maintained for pedestrians.
- Nicholas Bustle (16240 SW 77th Avenue) – opposed to bridging in Palmetto Bay; bridges invite more access and traffic in the community; it would affect the real estate value to the homes near the bridge; in terms of alternative for the local officials to work on north and south transit and working those to county officials to create business centers.
- Mike Hernandez (17801 SW 84th Avenue) – supports bridging connectivity in the Village; SW 82nd Avenue is the only thoroughfare to alleviate traffic – bridging will help with the traffic issue in the Village; create flow or you will have bottlenecks everywhere.
- Dr. Jeffrey Boden (17921 SW 84th Avenue) – reported that SW 82nd Avenue is the only route north; spoke in support of bridging connectivity in the Village; any proposal to increase public transportation is not helpful to alleviate traffic; the only solution long-term is to build the bridge.
- Betsy Stephenson (18085 SW 77th Avenue) – explained that bridging is not safe in the Village; spoke of Cutler Bay.
- Robert Buzzelli (17140 SW 86th Avenue) – reported that SW 87th and SW 77th Avenue are designed to carry traffic; complete street- tree lighting; curbing, bike paths, and other traffic calming devices – these avenues will create a flow pattern and not a cut through problem; many neighborhoods are suffering cut through traffic; the only thing to solve the problem, is to listen to the professional engineers and complete the grid.
- Jay Wolever (15401 SW 85th Avenue) – reported that he is an engineer experienced with transportation and aviation and stated that bridging will increase traffic – it will not reduce it; it will not have a permanent effect.
- Brian Burns (18141 SW 84th Avenue) – spoke in support of bridging and reported that the Malbrook neighborhood is extremely affected by traffic and urged the Council to hire professionals to conduct a study to determined traffic calming measures.
- Victor Balmaseda (8740 SW 160th Street) – spoked in opposition to bridging and urged the Council not to pursue bridging.

- Margaret Losinski (15400 SW 83rd Avenue) – reported that the Village has been ignored by the county and partner communities for many years and reported that bridging is not the problem to traffic, it is the traffic lights; urged the Council to work with county representatives.
- Patricia Rodriguez (8420 SW 181st Street) – reported that the Village cannot stop over-development and urged the Council to work with county representatives.
- George Curtiss (7621 SW 174th Street) – stated that he has traveled the states for more than 40 years and has seen a lot of bypasses being built around towns, but Palmetto Bay is not a bypass.
- William Riley (17643 SW 85th Avenue) – spoke in support of bridging and urged the Council to vote in favor of it.
- Carl Crawford (7760 SW 175th Street) – spoke in opposition to bridging and reported that bridging will increase traffic in the community.
- George Kokorelis (17901 SW 84th Avenue) – urged the Council to approve item 10C; supports a study to be done; wants the professionals to do their jobs.
- Jorge Sanabria (8715 SW 160th Street) – opposed to bridging connectivity; however, he urged the council to support item 10C for a study to be done by Miami Dade County to update their traffic plan for the Village.
- Debbie Hutchins (16100 SW 87th Avenue) – spoke in opposition to bridging and urged the Council to vote against a study.
- Todd Koudelka (8740 SW 158th Street) – opposed to bridging connectivity and supports the Village’s freebee transportation program.
- Bill Kestel (16720 SW 83rd Avenue) – spoke in support of agenda items 10C and 10N; reported that he received a letter from County Property Appraiser, Pedro Garcia stating that bridging will not decrease property values in the Village; urged the council to support item 10C and let the professionals and traffic experts to do their jobs; urged the Council to vote in favor of a study.
- Ivonna Schaffer (17421 SW 84th Court) – urged the council to consider the entire community, not only particular areas of the Village; she explained that her neighborhood is experiencing traffic too and that a study should be conducted for the entire Village.

- Beatrice Herrmann (17251 SW 86th Avenue) – thanked the Council and Manager Silva for his many years of service to the Village; invited the public to attend the Art South event scheduled January 18.
- Rob Johnson (16700 SW 83rd Avenue) – reported that many years have passed by and there is no traffic solution; bridging is a step for the distribution of traffic in the surrounding areas; millions have been spent in traffic calming control solutions that have not solved problem; urged the council to support a study to allow MDC to update their traffic plan.

6. VILLAGE MANAGER'S REPORT

The Village Manager's Report was deferred to the Regular Council Meeting of February 3, 2020.

- Village-wide updates:
 - Franjo Road project
 - Natural Forest Community Designation (NFC)
 - Recap of upcoming issues
 - Village Manager's farewell
- Village Police Commander Report

7. VILLAGE ATTORNEY'S REPORT

The Village Attorney's Report was deferred to the Regular Council Meeting of February 3, 2020.

- Litigation update
- Memorandum relating to Village laws and procedures

8. VILLAGE CLERK'S REPORT

The Village Clerk's Report was deferred to the Regular Council Meeting of February 3, 2020.

- Calendar update
- Council's legislative travel to Tallahassee

9. BOARD AND COMMITTEE REPORTS

Board and Committee Report Minutes were provided for Council's information, in lieu of verbal reports.

- A. Education Advisory Board (November 18, 2019)
- B. Parks & Rec. and Community Outreach Committee (October 29, 2019)

10. RESOLUTIONS WITH PUBLIC COMMENT

Councilmember Singer ***motioned*** to take item 10C out of order. The motion was ***seconded*** by Councilmember Fiore. The motion passed (3-2); Councilmember Matson and Vice Mayor DuBois voting in opposition.

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRAFFIC; PETITIONING MIAMI-DADE COUNTY TO UPDATE THEIR TRAFFIC PLAN, SPECIFICALLY AS IT RELATES TO CONNECTIVITY FOR THE VILLAGE OF PALMETTO BAY; RESCINDING ALL PREVIOUS RESOLUTIONS AGAINST BRIDGING; PROPOSING STUDIES FOR CONNECTIVITY IN PALMETTO BAY AND ALL OF SOUTH MIAMI-DADE AND IDENTIFYING A FUNDING SOURCE FOR THE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE. (*Sponsored by Councilmember David Singer*) (*Deferral from November 4 & December 2, 2019*)

Item 10C was moved by Councilmember Singer. Seconded by Vice Mayor DuBois.

The following individuals addressed the Village Council during public comment for item 10C:

- Richard Klein, President of Community & Environmental Defense Services spoke on behalf of the Miami Dade Safe Streets Alliance – explained that the alliance believes that their poll shows that Council efforts to date have made a number of Village neighborhood streets safer and that there's a widespread support for expanded efforts. He urged the Council to support a far more comprehensive study than one looking at just one solution to one issue. He provided a copy of the Miami Dade Safe Street Alliance Testimony Report into the record.
- Stacey Gordon (15875 SW 77th Avenue) – strongly opposed to bridging connectivity in the Village and urged the Council to deny a study.
- Christy Waters (16900 SW 88th Court) – urged the Council to figure out how to open the bridges; bridge needs to be built on SW 87th Avenue; people in Malbrook have to deal with everyday problems due to cut through traffic.
- Andy Quartin (15800 SW 77th Avenue) – opening the bridges would create more issues in the community; does not support item 10C

- Jay Wolever (15401 SW 85th Avenue) – spoke in support of item 10C, we must share our land with our neighbors and urged the Council to work with county representatives.
- Bill Kestel (16720 SW 83rd Avenue) – reported that the Village has spent approximately \$15 million since 2004 on temporary traffic calming measures and to date, no permanent solutions have been set in place; urged the Council to approve a traffic study that would benefit the entire community; spoke in support of bridging and reported that there are no results with the amount of money that has been spent on speed tables.
- Heather Keenan (8460 SW 181st Street) – urged the Council to consider a permanent solution that would benefit the entire community, not just Malbrook; spoke in support of a study being done and urged the Council to support item 10C.
- Brian Byrnes (18141 SW 84th Avenue) – spoke in support of item 10C and urged the Council to allow professional engineers to do a study to find solutions to the traffic problem in the Village.
- Orestes Mayo (8495 SW 174th Street) – stated that bridges are part of the solution; however, roads need to be widened; the issue is not being resolved; it would be resolved by the county when the south puts the pressure on the county.
- Marcelo Zen (16132 SW 174th Place) – reported that developers continue to build in the south; the only way to make a real change is to find a way to discourage people from driving into the Village; urged the Council to consider a solution by implementing a ferry system.
- Beatrice Herrmann (17251 SW 86th Avenue) – spoke in opposition to item 10C and not in favor of a study or bridging.

Following public comment, Councilmember Singer explained the purpose and intent of the proposed Resolution. He answered questions raised by the members of the Village Council relating to monies the Village has spent on traffic studies. He spoke in support of the item and urged the Council to approve the item.

After Council deliberation, Vice Mayor DuBois ***motioned*** to defer item 10C to the Regular Council Meeting of February 3, 2020. ***The motion failed for a lack of a second.***

Mayor Cunningham called the question in favor of the Resolution (item 10C), the ***Resolution failed (1-3)***; Cunningham, Matson, and Fiore voting in opposition; DuBois being absent during the vote.

Councilmember Matson ***motioned*** to bring item 10A out of order. The motion was ***seconded*** by Councilmember Fiore. ***The motion passed (4-0)***; Vice Mayor DuBois being absent during the vote.

A recess was held at 9:33 p.m.

The meeting reconvened at approximately 9:39 p.m.

The motion to bring item 10A forward was ***withdrawn*** by the Village Council.

Councilmember Fiore ***motioned*** to bring item 4G out of order. The motion was ***seconded*** by Councilmember Matson. ***All voted in favor (5-0). The motion passed unanimously.***

ITEM 4G: CONSENT AGENDA

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO THE PALMETTO BAY POLICING UNIT, COMMUNITY OUTREACH UNIT; APPROVING FUNDING IN THE AMOUNT OF \$496 FROM THE COMMUNITY OUTREACH UNIT, OFFICER FRIENDLY BUDGET, TO OFFSET THE COST OF THE UPCOMING FIELDTRIP FOR 31 YOUTH CRIME WATCH STUDENTS FROM CORAL REEF ELEMENTARY AND HOWARD DRIVE ELEMENTARY SCHOOLS TO THE KENNEDY SPACE CENTER; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration)*

Item 4G was moved by Councilmember Singer. Seconded by Councilmember Fiore.

Police Officer(s) Collins and Judge provided an explanation on the purpose and intent of the proposed Resolution and answered questions raised by the Council.

No Council deliberation was held on the item.

Mayor Cunningham called the question in favor of the Resolution (item 4G), ***all voted in favor (5-0). The Resolution passed unanimously.***

Councilmember Matson ***motioned*** to bring item 10A out of order. The motion was ***seconded*** by Councilmember Singer. ***All voted in favor (5-0). The motion passed unanimously.***

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, HIRING _____ AS THE PROFESSIONAL EXECUTIVE SEARCH FIRM FOR THE SOLICITATION OF CANDIDATES FOR THE POSITION OF VILLAGE MANAGER, AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Village Attorney John Dellagloria and Village Clerk Missy Arocha)

Item 10A was moved by Vice Mayor DuBois. Seconded by Councilmember Singer.

Clerk Arocha provided an explanation on the purpose and intent of the proposed Resolution and answered questions raised by the Council.

Mayor Cunningham reported that she individually contacted the seven professional search firms that submitted a timely proposal. She also provided highlights regarding her own conversations with each firm and recommended: The Mercer Group, Inc., Collin Baenziger & Associates, and Renee Narloch & Associates. She reported that her three recommendations were made based on the firms' experience, proposed timeline to the Village for the selection of a Village Manager, pricing, procedures of conducting background checks, and proximity.

Attorney Dellagloria and Clerk Arocha answered questions raised by the Council relating to the proposed Resolution.

After Council discussion, Vice Mayor DuBois ***motioned*** to hire The Mercer Group, Inc., as the professional executive search firm for the solicitation of candidates for the position of Village Manager. The motion was ***seconded*** by Councilmember Singer. ***All voted in favor (5-0)***. The motion passed unanimously.

Councilmember Singer ***motioned*** to authorize himself to negotiate the agreement between The Mercer Group, Inc., and the Village of Palmetto Bay. ***The motion failed for a lack of a second.***

Councilmember Matson ***motioned*** to authorize Vice Mayor DuBois to negotiate the agreement between The Mercer Group, Inc., and the Village of Palmetto Bay. Vice Mayor DuBois ***rejected the proposed motion made*** by Councilmember Matson ***and motioned*** to authorize the Village Attorney and Village Clerk to authorize the agreement. The motion was ***seconded*** by Mayor Cunningham. ***All voted in favor (5-0)***. ***The motion passed unanimously.***

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

Mayor Cunningham opened public comment for Resolutions. The following individuals addressed the Village Council:

- Eric Tullberg (7884 SW 179th Terrace) – spoke in support of the Ludovici park master plan.

- Patricia Rodriguez (8420 SW 181st Street) – spoke in support of a community center.
- Beatrice Herrmann (17251 SW 86th Avenue) – spoke in support of a community center.

Vice Mayor DuBois ***motioned*** to bring item 10E out of order. The motion was ***seconded*** by Councilmember Matson. ***All voted in favor (5-0). The motion passed unanimously.***

- E. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, PROVIDING THE REQUIRED THIRTY (30) DAY NOTICE TERMINATING THE AGREEMENT FOR PROFESSIONAL AUDITING SERVICES WITH CABALLERO, FIERMAN, LLERENA & GARCIA, LLP; AUTHORIZING THE RETENTION OF A NEW FIRM TO PERFORM THE 2018-2019 FISCAL YEAR AUDIT FOR THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Vice Mayor John DuBois)*

Item 10E was moved by Vice Mayor DuBois. Seconded by Councilmember Matson.

Vice Mayor DuBois explained the purpose and intent of the proposed Resolution and urged the Council to support the item. During his explanation, he reported that he met with a certified auditing firm (MBAF) in which they provided a proposal for audit services. He presented the proposal to the Village Council.

Finance Director, Desmond Chin answered questions raised by the Council relating to the Village's existing professional auditing services. He also reported that if the current firm is terminated that a request for proposal (RFP) process must be done and followed to retain a new firm.

Attorney Dellagloria provided a legal explanation on auditor selection procedures pursuant to Florida statute 218.391 and reported that the Village may waive the procurement process in an emergency basis.

Auditor, Andrew Fierman from Caballero, Fierman, Llerena & Garcia, LLP addressed the Council and reported that his firm would like to continue working with the Village and will address any concerns that are outstanding.

During Council deliberation, the Village Attorney reiterated that the proposed Resolution meets legal sufficiency and that the Village may move forward with selecting a new auditing firm.

Vice Mayor DuBois reported that a scrip nous error exists on the proposed Resolution as the caption illustrated an error on the fiscal year – the caption is to read 2019-2020, not 2018-2019.

Attorney Dellagloria reported that the scrip nous error will be corrected on the Resolution by illustrating 2019-2020, not 2018-2019 and reiterated that the proposed Resolution met legal sufficiency and that the competitive selection process may be waived.

Vice Mayor DuBois ***motioned*** to name MBAF in section 6 of the Resolution as the new auditing firm for 2019-2020 in accordance with the proposal submitted to the Village Council in the amount of \$50,000. The motion was ***seconded*** by Councilmember Matson. ***The motion passed (4-1)*** via a roll-call vote:

- Vice Mayor DuBois - YES
- Councilmember Singer - NO
- Mayor Cunningham - YES
- Councilmember Fiore - YES
- Councilmember Matson - YES

Councilmember Marsha called the question in favor of the amended Resolution. The ***amended Resolution passed (3-2)*** via a roll call vote:

- Vice Mayor DuBois - YES
- Mayor Cunningham - YES
- Councilmember Matson - YES
- Councilmember Fiore - NO
- Councilmember Singer - NO

Councilmember Matson ***motioned*** to bring item 10D out of order. The motion was ***seconded*** by Vice Mayor DuBois. ***All voted in favor (5-0). The motion passed unanimously.***

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PRIVATE DEVELOPMENT PROJECTS; AMENDING RESOLUTION 2018-14; REQUIRING THAT A POTENTIAL DEVELOPER MAKES A PRESENTATION AT A MEETING BEFORE THE GENERAL PUBLIC REGARDING A PROPOSED DEVELOPMENT PROJECT FOR THE PURPOSE OF DISCUSSING THE PROJECT PARAMETERS AND CHARACTERISTICS AND TO RESPOND TO QUESTIONS AND INQUIRIES FROM THE RESIDENTS; PROVIDING THAT SUCH A MEETING SHALL BE AT LEAST TWO WEEKS PRIOR TO COUNCIL DELIBERATIONS ON SAID PROPOSED PROJECT; PROVIDING THAT ALL RELEVANT QUESTIONS BY RESIDENTS MAY BE ASKED AT THE MEETING; PROVIDING FOR FACILITATION OF THE MEETING BY THE VILLAGE PUBLIC INFORMATION OFFICER;

REQUIRING ANSWERS TO BE GIVEN BY STAFF AND THE DEVELOPER RELEVANT TO THE PROPOSED PROJECT; REQUIRING AT LEAST 7-DAYS NOTICE FOR THE MEETING; REQUIRING THAT ALL SUCH MEETING TAKE PLACE ON THE EVENING OF A REGULAR SEMESTER SCHOOL DAY OF THE MIAMI-DADE PUBLIC SCHOOLS; AND TEMPORARILY SUSPENDING A DEVELOPER MEETING DURING TIMES WHEN THE VILLAGE HAS A DEVELOPMENT MORATORIUM AND/OR A ZONING IN PROGRESS RESOLUTION IN EFFECT FOR THE PROPERTY TO BE DEVELOPED; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. *(Sponsored by Councilmember Marsha Matson)*
(Deferral from September 9, September 23, October 7, November 4, & December 2, 2019)

Item 10D was moved by Councilmember Matson. Seconded by Vice Mayor DuBois.

Councilmember Matson provided an explanation of the purpose and intent of the proposed Resolution and answered questions raised by the Council.

Councilmember Singer questioned the legality of the proposed item and inquiring about zoning requirements.

Community and Economic Development Director, Maria Pineda answered questions raised by the Council relating to existing parameters of zoning applications.

Attorney Dellagloria provided a legal explanation on the matter urged the Council not to vote on the item as a Resolution and reported that the item be brought back as an Ordinance that would coincide with the Village Code of Ordinances.

After Council deliberation, Councilmember Matson withdrew the Resolution (item 10D). No objections from the Council were received regarding the withdrawal of the Resolution.

Attorney Dellagloria reported that the item will be brought as an Ordinance at the next scheduled regularly council meeting.

- F. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE INTERIM VILLAGE MANAGER TO RETAIN AN INDEPENDENT AUDITING FIRM TO REVIEW REVENUE AND EXPENDITURES FOR VILLAGE FISCAL YEARS 2016-17, 2017-18, 2018-19 AND 2019-20; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham)*

Mayor Cunningham withdrew item 10F. No objections from the Village Council were received. *Item 10F was withdrawn.*

Vice Mayor DuBois ***motioned*** to bring item 13C out of order. The motion was ***seconded*** by Councilmember Singer. ***All voted in favor (5-0). The motion passed unanimously.***

Ordinances for First Reading and Public Comment

- 13C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CHAPTER 15 OF THE VILLAGE OF PALMETTO BAY'S CODE OF ORDINANCES ENTITLED "ENVIRONMENT", BY ADDING SECTION 15-2 STYLED "BIRD SANCTUARY"; ESTABLISHING THE VILLAGE AS A BIRD SANCTUARY; PROVIDING FOR DEFINITIONS, PROVIDING FOR PENALTIES, AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer)*

Item 13C was moved by Vice Mayor DuBois. Seconded by Councilmember Singer.

Councilmember Singer provided an explanation on the purpose and intent of the proposed Ordinance on First Reading and answered questions raised by the Council.

No one wished to be heard during public comment.

At approximately 10:59 p.m., Councilmember Singer ***motioned*** to extend the meeting to 11:30 p.m. The motion was ***seconded*** by Councilmember Matson. The motion passed (4-1); Vice Mayor DuBois voting in opposition.

Attorney Dellagloria provided a legal explanation of a bird sanctuary and Muscovy ducks. He answered all questions raised by the Council.

Following Council deliberation, Mayor Cunningham called the question in favor of the Ordinance on First Reading via a roll-call vote:

- Councilmember Singer - YES
- Councilmember Fiore - YES
- Councilmember Matson - YES
- Mayor Cunningham - YES
- Vice Mayor DuBois - YES

Councilmember Singer ***motioned*** to bring item 10G out of order. The motion was ***seconded*** by Councilmember Fiore. ***All voted in favor (5-0). The motion passed unanimously.***

- G. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE ENERGY EFFICIENCY GRANT AND INSTALLATION OF ENERGY EFFICIENT LIGHTING AT CORAL REEF AND PALMETTO BAY PARKS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE ATTACHED CHANGE REQUEST WITH AMERICAN ENERGY SERVICES (AES); FURTHER AUTHORIZING THE VILLAGE MANAGER TO APPROVE THIS AND SUBSEQUENT CHANGE ORDERS AND EXPENDITURE OF PROJECT GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$250,000 AS APPROVED IN RESOLUTION 2019-26; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration) (Deferral from December 2, 2019)*

Item 10G was moved by Councilmember Singer. Seconded by Councilmember Fiore.

Grant Writer, Jenny Polynice-Hall provided an explanation on the purpose and intent of the proposed Resolution and reported that the item was time sensitive. She answered questions relating to the expenditures of the project grant funds and the timeline of the project.

Following no Council deliberation, Mayor Cunningham called the question in favor of the Resolution. **All voted in favor (5-0). The Resolution passed unanimously.**

Councilmember Singer **motioned** to bring item 12B out of order. The motion was **seconded** by Councilmember Fiore. **All voted in favor (5-0). The motion passed unanimously.**

Ordinances for Second Reading and Public Hearing

- 12B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING SECTION 30-30-.11 (f) OF THE VILLAGE'S ZONING CODE STYLED "WEBSITE NOTICE" BY EXEMPTING PORTIONS OF CURRENT APPLICATIONS THAT ARE NON-COMPLIANT WITH THE AMERICANS WITH DISABILITIES ACT (ADA) FROM BEING PART OF THE ENTIRE APPLICATION REQUIRED TO BE POSTED ON THE VILLAGE'S WEBSITE; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. *(Sponsored by Vice Mayor John DuBois and the members of the Village Council)*

Item 12B was moved by Councilmember Singer. Seconded by Councilmember Fiore.

Attorney Dellagloria provided a legal explanation on the exempting portions of the current applications that are non-compliant with the Americans with the disabilities act.

No one wished to be heard during the public hearing for item 12B.

Mayor Cunningham called the question in favor of the Ordinance on First Reading. The Ordinance passed unanimously (5-0) via a roll call vote:

- Vice Mayor DuBois - YES
- Mayor Cunningham - YES
- Councilmember Matson - YES
- Councilmember Fiore - YES
- Councilmember Singer - YES

Councilmember Matson ***motioned*** to bring item 4I out of order. The motion was ***seconded*** by Councilmember Fiore. ***All voted in favor (5-0). The motion passed unanimously.***

Item 4I: Consent Agenda

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; APPROVING THE PARTICIPATION OF THE VILLAGE OF PALMETTO BAY AS A SPONSOR OF THE WEST PERRINE DR. MARTIN LUTHER KING, JR., ANNUAL CELEBRATION; AUTHORIZING THE VILLAGE MANAGER TO DISBURSE UP TO \$1,000 AS PART OF THE VILLAGE'S SPONSORSHIP CONTRIBUTION; AND PROVIDING FOR AN EFFECTIVE DATE.
(Sponsored by Administration)

Item 4I was moved by Councilmember Matson. Seconded by Councilmember Fiore.

Following Council discussion, Mayor Cunningham called the question in favor of item 4I. ***All voted in favor (5-0). The Resolution passed unanimously.***

Councilmember Matson ***motioned*** to bring item 10I out of order. The motion was ***seconded*** by Councilmember Fiore. ***All voted in favor (5-0). The motion passed unanimously.***

Vice Mayor DuBois exited the meeting at approximately 11:20 p.m.

- I. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO A PROJECT TO COMMEMORATE THE 100TH ANNIVERSARY OF THE PASSAGE OF THE WOMEN'S SUFFRAGE AMENDMENT TO THE U.S. CONSTITUTION, DIRECTING THE VILLAGE MANAGER TO DIRECT THE PUBLIC INFORMATION OFFICER TO CONDUCT VIDEO INTERVIEWS OF PERSONS KNOWLEDGEABLE OF WOMEN'S LIVES AND POLITICAL PARTICIPATION IN THE PALMETTO BAY AREA IN THE EARLY 1900s, AND INTERVIEWS OF CURRENT AND

PAST PALMETTO BAY WOMEN MAYORS AND COUNCILPERSONS, AND INSTRUCTING THE PUBLIC INFORMATION OFFICER TO PREPARE A VIDEO PRESENTATION TO BE POSTED ON THE VILLAGE WEBSITE, AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember Marsha Matson) (Deferral from November 4 & December 2, 2019)*

Item 10I was moved by Councilmember Matson. Seconded by Councilmember Fiore.

Councilmember Matson provided an explanation of the purpose and intent of the proposed Resolution and answered questions raised by the Council.

Kelly Craig, Public Information Officer addressed questions raised by the Council regarding video presentations to be posted on the Village website regarding the proposed Resolution.

Following Council deliberation, Councilmember Singer ***motioned*** to amend the Resolution exclusive of any candidate presently running for office. The motion was ***seconded*** by Councilmember Matson. ***All voted in favor (4-0)***; Vice Mayor being absent during the vote.

Mayor Cunningham called the question in favor of the amended Resolution, all voted in favor (4-0); Vice Mayor DuBois being absent during the vote. ***The amended Resolution passed.***

The following Resolutions were deferred to the Regular Council Meeting Agenda of Monday, February 3, 2020.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ADVISORY BOARDS AND COMMITTEES; ESTABLISHING A COMMITTEE FOR THE SELECTION OF THE PERMANENT VILLAGE MANAGER; DIRECTING THE COMMITTEE TO REVIEW THE FINALISTS AND MAKING A RECOMMENDATION TO THE VILLAGE COUNCIL; THE COMMITTEE SHALL SUNSET IMMEDIATELY FOLLOWING THE RECOMMENDATION MADE TO THE VILLAGE COUNCIL, AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham)*

- H. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE MIAMI-DADE COUNTY TRANSIT ONE-HALF (1/2) CENT SALES TAX FOR TRANSIT; DIRECTING THE VILLAGE ATTORNEY TO FILE A MOTION FOR THE VILLAGE TO INTERVENE AS PLAINTIFF IN THE EXISTING LAWSUIT CHALLENGING THE ILLEGAL DIVERSION OF REVENUE RAISED BY THE VOTER-APPROVED TRANSIT ONE-

HALF (1/2) CENT SALES TAX; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9, September 23, October 7, November 4, & December 2, 2019)*

- J. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, WITH ATTACHMENT(S), SUPPORTING _____ CONCEPT OF THE BETTER BUS PROJECT REDESIGN OF COUNTY BUS NETWORK; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham) (Deferral from December 2, 2019)*
- K. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE STORMWATER MASTER PLAN; APPROVING THE SELECTION OF KIMLEY-HORN AND ASSOCIATES, INC., TO UPDATE THE VILLAGE'S STORMWATER MASTER PLAN; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH SAID COMPANY AND ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$84,500; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration) (Deferral from October 7, November 4, & December 2, 2019)*
- L. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; APPROVING THE PROPOSED MASTER PLAN COMPONENTS FOR LUDOVICI PARK ON AN ITEM BY ITEM BASIS FROM RECOMMENDATIONS LISTED HEREIN; PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration) (Deferral from October 7, November 4, & December 2, 2019)*
- M. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; APPROVING THE PROPOSED MASTER PLAN COMPONENTS FOR PERRINE WAYSIDE "DOG PARK" ON AN ITEM BY ITEM BASIS FROM RECOMMENDATIONS LISTED HEREIN; PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration) (Deferral from November 4 & December 2, 2019)*
- N. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO FORM A TRAFFIC TASK FORCE TO STUDY AND MAKE RECOMMENDATIONS TO RELIEVE TRAFFIC CONGESTION AND TRAFFIC PATTERNS IN THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from December 2, 2019)*

- O. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; APPROVING THE ANNUAL "PALMETTO BAY INDEPENDENCE DAY CELEBRATION" ON JULY 4TH, 2020; AUTHORIZING THE VILLAGE MANAGER TO ALLOCATE AND EXPEND UP TO \$42,500 NET FUNDING FOR EXPENSES RELATED TO THE ANNUAL EVENT; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration) (Deferral from December 2, 2019)*
- P. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REQUESTING ADMINISTRATION TO APPROACH MIAMI-DADE COUNTY TO COMPLETE THE BICYCLE NETWORK IN THE COMMUNITY; BRING BACK OPTIONS ON DESIGN AND FUNDING NO LATER THAN 90-DAYS FROM APPROVAL WITH OPTIONS ON HOW TO IMPLEMENT SAID BICYCLE NETWORK; NETWORK SHALL CONSIST OF EAST-WEST CONNECTIVITY ON SW 152ND STREET, SW 168TH STREET, SW 184TH STREET AND NORTH-SOUTH CONNECTIVITY ON SW 77TH AVENUE AND SW 87TH AVENUE; AUTHORIZING THE VILLAGE MANAGER TO BEGIN A DIALOGUE WITH MIAMI-DADE COUNTY, PROVIDE COST ESTIMATES TO THE VILLAGE COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9, September 23, October 7, November 4, & December 2, 2019)*
- Q. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING VILLAGE PARK FACILITIES; DIRECTING THE MANAGER TO RECOMMEND TO THE VILLAGE COUNCIL AN ARCHITECT WITH AN ASSOCIATED PROPOSED CONCEPT FOR DRAWING CONSTRUCTION PLANS TO REPLACE THE CORAL REEF PARK RECREATION BUILDING; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9, September 23, October 7, November 4, & December 2, 2019)*
- R. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING THE VILLAGE VETERANS' PARK; DIRECTING THE MANAGER TO RECOMMEND TO THE VILLAGE COUNCIL AN APPROPRIATE DESIGN PROFESSIONAL (ARCHITECT, PARK PLANNER, OR OTHER APPROPRIATE PROFESSIONAL) WITH AN ASSOCIATED PROPOSED CONCEPT FOR DRAWING DESIGN AND/OR CONSTRUCTION PLANS FOR THE VILLAGE VETERANS' PARK; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9, September 23, October 7, November 4, & December 2, 2019)*

- S. (Alternate A)
A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO A COMMUNITY CENTER ON VILLAGE-OWNED PROPERTY; DIRECTING THE MANAGER TO PREPARE A RECOMMENDED PLAN FOR THE DEVELOPMENT OF A COMMUNITY CENTER ON THE PROPERTY OWNED BY THE VILLAGE (FORMER SCHOOL SITE) IN THE DOWNTOWN URBAN VILLAGE (DUV) ZONING DISTRICT (EAST OF AND NEAR VILLAGE HALL); AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9, September 23, October 7, November 4, & December 2, 2019)*

(Alternate B)
A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SALE OF VILLAGE-OWNED PROPERTY; DIRECTING THE MANAGER TO DEVELOP A RECOMMENDED PLAN FOR THE SALE OF THE PROPERTY OWNED BY THE VILLAGE (FORMER SCHOOL SITE) IN THE DOWNTOWN URBAN VILLAGE (DUV) ZONING DISTRICT (EAST OF AND CLOSE TO VILLAGE HALL); AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer) (Deferral from September 9, September 23, October 7, November 4, & December 2, 2019)*

13. ORDINANCES FOR FIRST READING WITH PUBLIC COMMENT

The following Ordinances for First Reading with Public Comment were deferred to the Regular Council Meeting Agenda of February 3, 2020.

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO FUND BALANCE POLICY; IDENTIFYING THE FUND BALANCE LEVEL TO ENSURE UNINTERRUPTED OPERATIONS FOR THE VILLAGE GOVERNMENT; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. *(Sponsored by Administration) (Deferral from December 2, 2019)*
- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CAPITAL ASSET FUNDING POLICY; IDENTIFYING FUNDING FOR CAPITAL ASSETS/PROJECTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. *(Sponsored by Administration) (Deferral from December 2, 2019)*

14. OTHER BUSINESS

By the consensus of the Village Council, the January 21, 2020 Committee of the Whole Workshop was cancelled. The Council also reached a consensus not to add new agenda items to the Regular Council Meeting Agenda of February 3, 2020; Village Clerk was directed to place all unheard items of the January meeting agenda to the February meeting agenda.

15. COUNCIL COMMENTS: None.

16. NEXT MEETING AND ADJOURNMENT

Councilmember Fiore adjourned the meeting at approximately 11:30 p.m. the motion was seconded by Councilmember Matson. All voted in favor (4-0); Vice Mayor being absent. The motion passed.

The meeting was adjourned at approximately 11:30 p.m.

The minutes were approved on this ____ day of February 2020.

Karyn Cunningham, Mayor

Attest: _____
Missy Arocha, Village Clerk



MINUTES
SPECIAL VILLAGE COUNCIL MEETING
THURSDAY, JANUARY 23, 2020 – 7:00 PM

Village Hall Chambers, 9705 E. Hibiscus Street, Palmetto Bay, FL 33157

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

The meeting was called to order at approximately 7:01 p.m.

The following members of the Village Council were present during roll call:

Mayor Karyn Cunningham
Vice Mayor John DuBois
Councilmember Patrick
Councilmember David Singer
Councilmember Marsha Matson

The following Charter Officials were in attendance:

Village Attorney John C. Dellagloria
Interim Village Manager Edward Silva
Village Clerk Missy Arocha

A moment of silence was held in lieu of invocation.

The pledge of allegiance was led by Interim Village Manager Truitt.

Mayor Cunningham disposed the decorum statement.

- 2. REQUESTS, PETITIONS AND PUBLIC COMMENTS**

The following individuals addressed the Village Council during requests, petitions, and public comments:

- Bob Buzzelli (17140 SW 86th Avenue) – reported that a traffic light and/or a do not block the box at the intersection of SW 87th Avenue and SW 174th Street is not a solution for traffic; urged the Council to support the professional traffic engineers to study the intersection for a solution.
- Brandy Foxworthy (8601 SW 174th Street) – spoke in support of the traffic circle on SW 87th Avenue and SW 174th Street – asked the Council to rely on the traffic circles and urged the Council to not vote in favor of NO RIGHT TURNS signs.
- Gary Lawson (17202 SW 79th Place) – reported that traffic circles make traffic worse; traffic on SW 87th Avenue has worsened; not in favor of traffic circle at the intersection.
- Beatrice Herrmann (17251 SW 86th Avenue) – spoke in opposition of a traffic circle and reported that the diameter is too small to make a circle at the proposed location on SW 87th Avenue and SW 174th Street; the Village should pursue the stop signs for the area.
- Scott Scalier (16855 SW 84th Court) – concerned with the proposed circle; the current installed circles in the community have not helped the traffic issues.

3. RESOLUTIONS WITH PUBLIC COMMENT:

No one wished to be heard during Resolution with public comment.

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH MERCER GROUP FLORIDA, LLC TO PROVIDE PROFESSIONAL SERVICES TO RECRUIT CANDIDATES FOR THE POSITION OF VILLAGE MANAGER; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by the Village Council)*

Item 3A was moved by Vice Mayor DuBois. Seconded by Councilmember Fiore.

Attorney Dellagloria reported that he reviewed the professional services agreement with The Mercer Group and recommends the approval of the agreement.

Clerk Arocha reported that the agreement was in line with the proposal that was submitted; however, she recommended that the agreement include a clause that the proposed estimate be considered a set cost in order to avoid additional fees for the Village.

Attorney Dellagloria reported that he held conversations with Donna Higginbotham from The Mercer Group and that the price of \$17,750 is a set price. She agreed that the price is a guaranteed amount to the proposal.

Donna Higginbotham from The Mercer Group introduced herself and answered questions raised by the Council relating to the professional services agreement. She also provided an explanation on the proposed timeline for the solicitation of the permanent Village Manager and reported that the set price of \$17,750 is for the recruitment only and does not include the travel costs (flight/hotel) for the candidates from outside the area. She reported that the average cost per candidate is approximately \$600-\$700 per person.

No objections from the Village Council were made regarding the additional costs that would be incurred for travel accommodations for the candidates outside of the area of.

Mayor Cunningham reported that one of the components she would like to see in the proposed timeline for the selection of the Village Manager is a community meeting where members of the public are given the opportunity to meet the finalists. Ms. Higginbotham agreed and no objections from the Council were received on the Mayor's request regarding the community meeting component.

Ms. Higginbotham explained the next steps moving forward with the solicitation process and reported that she prepared a small document that illustrates the attributes that Council should consider for the next Manager. She provided copies of the document during the meeting.

Following no objections from the Council, Mayor Cunningham called the question in favor of the Resolution via a roll call vote:

- Vice Mayor DuBois - YES
- Mayor Cunningham - YES
- Councilmember Matson - YES
- Councilmember Fiore - YES
- Councilmember Singer - YES

All voted in favor (5-0). The Resolution passed unanimously.

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR AUDITING SERVICES FOR THE 2018-2019 FISCAL YEAR WITH THE FIRM OF MORRISON, BROWN, ARGIZ & FARRA, LLC ("MBAF"); AMENDING RESOLUTION NO. 2020-05; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by the Village Council)*

Item 3B was moved by Councilmember Singer. Seconded by Vice Mayor DuBois.

Attorney Dellagloria provided an explanation on the purpose and intent of the proposed Resolution and reported that the Resolution is in accordance with all legal Florida Statutes. He answered all questions raised by the Council on the matter.

Following no objections from the Council, Mayor Cunningham called the question in favor of the Resolution via a roll call vote:

- Councilmember Fiore - YES
- Councilmember Singer - YES
- Councilmember Matson - YES
- Vice Mayor DuBois - YES
- Mayor Cunningham - YES

All voted in favor (5-0). The Resolution passed unanimously.

4. VILLAGE COUNCIL DISCUSSION OF TRAFFIC CIRCLE ON SW 87TH AVENUE AND SW 174TH STREET

Attorney Dellagloria provided a recap of the mediation that was held between Miami Dade County representatives and the Village of Palmetto Bay that occurred on December 12, 2019 regarding the intersection of SW 87th Avenue and SW 174th Street. He reported that in speaking with the county, they confirmed that they would be willing to pay to continue their pledge to pay for the building of a traffic circle at the said location if the Village Council were to approve to move forward with the traffic circle. He also reported that the approval would initiate the beginning of a negotiation: design, timeline, and price of the traffic circle. The purpose of the discussion is for the Village Council to determine if the Village Manager and/or Village Attorney are authorized to begin speaking with county representatives regarding the matter so that next steps are determined.

Mayor Cunningham also provided a recap of the mediation that occurred between county representatives and the Village of Palmetto Bay, including the events and discussions that occurred with county representatives after the mediation.

Attorney Dellagloria reiterated that the county has a standing offer to build a traffic circle with the condition to remove the traffic signs that are located at the intersection; however, the signs are in place due to the stay issued by the court.

Mayor Cunningham reported that since the Village was opposed to accepting the traffic circle during the mediation, the county sent a letter proposing a “do not block the box” proposal.

Attorney Dellagloria reported that the Village is in litigation with the county over the issue and that the court entered a stay order on the traffic signs that are located at the intersection and that the county agreed to keep the traffic signs in place until the litigation is resolved.

Manager Truitt reported that county representatives offered no other alternatives to the issue except for the proposed traffic circle.

Council discussed ensued between the members of the Village Council, the Village Attorney, and Village Manager regarding the litigation between the county and the Village.

Vice Mayor DuBois spoke in support of proceeding with the litigation or until a resolution is reached and questioned if a formal proposal has been received from the county in writing. Councilmember Singer reported that he agreed with the Vice Mayor.

Attorney Dellagloria advised that no one has advised the judge to lift the stay order and/or to proceed with the litigation; hence, he sought Council direction on the matter.

Councilmember Singer spoke in opposition to a traffic circle at the designated intersection and reported that no information has been provided regarding the design of the circle (i.e., plans, timeline, scope, pricing).

Mayor Cunningham questioned the letter that was received on December 30th regarding the "do not block the box" and asked what the next steps are in the litigation.

Attorney Dellagloria reported that the stay order will remain in place until the litigation is complete and responded that no formal proposal in writing has been received by the county regarding their offer to pay for the circle.

Councilmember Matson reported that she would like to ensue further discussion on the proposal of the traffic circle with county representatives rather than just going straight to court.

Councilmember Fiore spoke in support of continuing discussion with county representatives and reported that a traffic circle is not a solution to the traffic issue at the intersection. He spoke in support of the 4-way stop sign.

Following Council discussion on the item, the Village Attorney and Village Manager were directed to continue discussions with county representatives, including providing an update/recap of the conversations ensued with the county at the next Regular Council Meeting scheduled for February 3, 2020.

5. **COUNCIL COMMENTS:** None.
 6. **NEXT MEETING AND ADJOURNMENT:** Councilmember Fiore ***motioned*** to adjourn the meeting at approximately 8:10 p.m. The motion was ***seconded*** by Councilmember Singer. All voted in favor (5-0). The motion passed unanimously.
-

The minutes were approved on this _____ day of February 2020.

Karyn Cunningham, Mayor

Attest: _____
Missy Arocha, Village Clerk

RESOLUTION NO. 2020-_____

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 \$11,520 FOR PERIOD ENDING NOVEMBER 30, 2019; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration)*

WHEREAS, the Village Council of the Village of Palmetto Bay engaged the law firm of Lehtinen Schultz Riedi Catalano Fuente, PLLC to provide Village Attorney legal services for the Village; and

WHEREAS, Lehtinen Schultz Riedi Catalano Fuente, PLLC, submitted its statements to the Village for legal services rendered, and costs advanced, for the period ending November 30, 2019, in the amount of \$11,520; and

WHEREAS, the amounts are reasonable and were necessarily incurred.

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

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

Section 2. Approval. The statements for attorneys' fees and costs received from Lehtinen Schultz Riedi Catalano Fuente, PLLC, in the total amount of \$11,520, copies of which are attached, are approved for payment.

Section 3. Effective Date. This Resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 3rd day of February 2020.

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Attest: _____
Missy Arocha
Village Clerk

Karyn Cunningham
Mayor

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

Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

- Council Member Patrick Fiore _____
- Council Member David Singer _____
- Council Member Marsha Matson _____
- Vice-Mayor John DuBois _____
- Mayor Karyn Cunningham _____

Lehtinen- Schultz, LLC
1111 Brickell Avenue, Suite 2200
Miami, Florida 33131

**Statement of
Legal Fees and Expenses**

November 2019

Village of Palmetto Bay, Florida

Lehtinen-Schultz LLC
1111 Brickell Avenue, Suite 2200
Miami, Florida 33131

November, 2019
Total Fees and Expenses

General.....	\$ 3,138
Litigation.....	\$ 8,382
Total fees and expenses due.....	\$ 11,520

DL/Dexter Lehtinen CR/Claudio Riedi BF/Bob de la Fuente; AH/Amanda Hand



Lehtinen Schultz PLLC
 1111 Brickell Avenue, Suite 2200
 Miami, FL 33131
 Phone: 305.760.8544

INVOICE

Invoice # 3515
 Date: 12/30/2019
 Due On: 01/29/2020

Village of Palmetto Bay
 Attn. Edward Silva, Village Manager
 9705 East Hibiscus Street
 Palmetto Bay, FL 33157

26401.001

Village of Palmetto Bay: General

Services

Type	Date	Attorney	Description	Quantity	Rate	Total
Legal Svc	11/04/2019	cr	Attend council meeting in place of Village Attorney; DOAH: review emails to be produced to OC; prepare list of active cases for new Village Attorney.	7.30	\$220.00	\$1,606.00
Legal Svc	11/09/2019	DL	Attend Palmetto Bay Special Council Meeting; prepare for meeting	1.30	\$220.00	\$286.00
Legal Svc	11/12/2019	cr	Yacht club by Luxcom: review emails to be produced; telephone call to/from mayor Cunningham concerning public records requests & compliance; calls with AH concerning same.	0.70	\$220.00	\$154.00
Legal Svc	11/15/2019	cr	General: Meeting with Mayor, John Dellagloria, Missy Arocha, re public records requests; Luxcom case: review documents produced by Village and by Luxcom.	3.10	\$220.00	\$682.00
Legal Svc	11/25/2019	cr	Review amended Petition; email to OC opposing Amendment; email to AH concerning discovery issues; emails and text messages to Mark Alvarez concerning deposition and concerning expert report. Send email to J.Dellagloria concerning Litigation matters.	1.30	\$220.00	\$286.00
Services Subtotal						\$3,014.00

Expenses

Type	Date	Attorney	Description	Quantity	Rate	Total
Expense	11/01/2019	DL	Westlaw Legal Research fees for October 2019; at cost.	1.00	\$69.24	\$69.24

Expense	11/01/2019	DL	Process Server - Service on Miami-Dade County, Mayor Carlos Gimenez , New complaint regarding stop sign.	1.00	\$55.00	\$55.00
					Expenses Subtotal	\$124.24

Time Keeper	Quantity	Rate	Total	
Dexter Lehtinen	1.3	\$220.00	\$286.00	
Claudio Riedi	12.4	\$220.00	\$2,728.00	
			Subtotal	\$3,138.24
			Total	\$3,138.24



Lehtinen Schultz PLLC
 1111 Brickell Avenue, Suite 2200
 Miami, FL 33131
 Phone: 305.760.8544

INVOICE

Invoice # 3516
 Date: 12/30/2019
 Due On: 01/29/2020

Village of Palmetto Bay
 Attn. Edward Silva, Village Manager
 9705 East Hibiscus Street
 Palmetto Bay, FL 33157

26401.013

Village of Palmetto Bay: Litigation

Type	Date	Attorney	Description	Quantity	Rate	Total
Legal Svc	11/04/2019	AH	Review emails for PRR production	1.00	\$220.00	\$220.00
Legal Svc	11/06/2019	AH	Yacht Club discovery responses	2.50	\$220.00	\$550.00
Legal Svc	11/07/2019	AH	Conv, with R. Soria, contact M. Alvarez, discovery responses, contact Clerk, conv, with County re: Ch. 164 and stay of suit, corr. with Machado re: PRR and produce documents to petitioners	5.50	\$220.00	\$1,210.00
Legal Svc	11/08/2019	AH	Conv. with M. Alvarez, resp. to discovery requests, corr. with County re: Ch. 164 meeting, conv. with Manager's office re: ROGS and Ch. 164 meeting, conv. with E. Machado re: emails	2.40	\$220.00	\$528.00
Legal Svc	11/11/2019	AH	Review emails for production	2.00	\$220.00	\$440.00
Legal Svc	11/12/2019	AH	Conv. with M. Alvarez re: experts, conv. with E. Machado re: hard drive, conv. and corr. with C. Riedi re: hard drive requests, corr. with opposing counsel re: discovery and witness lists	0.50	\$220.00	\$110.00
Legal Svc	11/13/2019	cr	Luxcom: email to opposing counsel; review documents produced; confer with AH concerning depositions; review request for public records of comp plan in VPB; confer with DWL concerning same.	1.30	\$220.00	\$286.00
Legal Svc	11/13/2019	AH	Corr. re: Ch. 164 meeting, conv. with DWL re: PRR and discovery requests	1.00	\$220.00	\$220.00
Legal Svc	11/15/2019	AH	Review and revise Order on stay and corr. re: same, corr. re: Ch. 164 meeting, draft and file mtn for traffic expert Khan to attend hearing by phone	0.50	\$220.00	\$110.00
Legal Svc	11/20/2019	cr	Luxcom DOAH: Review documents produced by Luxcom and documents produced by Village; confer with AH concerning same.	4.40	\$220.00	\$968.00

Legal Svc	11/20/2019	AH	Corr. re: discovery	0.10	\$220.00	\$22.00
Legal Svc	11/21/2019	cr	Review manager's emails for privilege; review documents produced by Village for use at hearing; confer with AH concerning various trial issues.	6.80	\$220.00	\$1,496.00
Legal Svc	11/21/2019	AH	Review AQH emails re: PRR	0.50	\$220.00	\$110.00
Legal Svc	11/21/2019	DL	Analyze legal issues re comprehensive plan amendment re: Luxcom (old FPL property)	1.10	\$220.00	\$242.00
Legal Svc	11/22/2019	cr	DOAH Suit: email to OC concerning failure to provide expert report; continued review of Village Documents.	0.70	\$220.00	\$154.00
Legal Svc	11/22/2019	AH	Corr. re: document production to Petitioner	0.30	\$220.00	\$66.00
Legal Svc	11/26/2019	cr	Luxcom Doah: Research and draft response to motion to amend pleadings; emails to/from DWL/AH; review amended pleadings; analyze expert report; email to Missy Arocha concerning public records requests; review subpoena to Petitioner's expert witness.	4.10	\$220.00	\$902.00
Legal Svc	11/26/2019	AH	Corr. re: Ch. 164 status, confirm depo dates, draft expert subpoena, corr. re: interagency stipulations, conv. re: witnesses, review motion to amend	2.00	\$220.00	\$440.00
Legal Svc	11/27/2019	cr	Luxcom: revise response in opposition to motion to amend; file same.	1.20	\$220.00	\$264.00
Legal Svc	11/27/2019	AH	Review response to Motion to amend and corr. re: same	0.20	\$220.00	\$44.00

Time Keeper	Quantity	Rate	Total
Amanda Hand	18.5	\$220.00	\$4,070.00
Dexter Lehtinen	1.1	\$220.00	\$242.00
Claudio Riedi	18.5	\$220.00	\$4,070.00
		Subtotal	\$8,382.00
		Total	\$8,382.00

RESOLUTION NO. 2020-____

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3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF
4 THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO
5 FLORIDA STATUTE 100.151; DIRECTING THE VILLAGE CLERK
6 TO COORDINATE A SPECIAL ELECTION WITH ONE OR MORE
7 OPEN PRECINCTS ON NOVEMBER 3, 2020 TOGETHER WITH
8 VILLAGE OF PALMETTO BAY GENERAL ELECTION FOR THE
9 CONSIDERATION OF CHARTER AMENDMENT QUESTIONS ON
10 THE BALLOT; AND PROVIDING FOR AN EFFECTIVE DATE.

11 *(Sponsored by Village Clerk Missy Arocha)*
12

13 **WHEREAS**, should a municipality have a scheduled election or
14 wish to conduct a special election along with the countywide 2020
15 Primary and General Elections, ballot deadlines must be followed in
16 order to allow sufficient time for ballot preparations and to meet State-
17 mandated deadlines to mail vote-by-mail ballots to overseas voters;
18 and
19

20 **WHEREAS**, pursuant to Resolution 2019-95 ("Exhibit A"), the
21 Village Council determined that amendments and or revisions to the
22 Village Charter were needed; and
23

24 **WHEREAS**, the Village of Palmetto Bay is considering a Special
25 Election for the consideration of charter amendment questions on the
26 Village of Palmetto Bay ballot; and
27

28 **WHEREAS**, per Florida Statute 100.151, the governing authority
29 of a municipality shall not call a special election until notice is given to
30 the supervisor of elections and his/her consent is obtained as to a
31 date and once approval is obtained from the supervisor of elections,
32 the Resolution to call a special election must be passed in order to
33 meet the 2020 ballot deadline.
34

35 **WHEREAS**, to comply with the State-mandated 2020 ballot
36 deadlines, the Village Council is desirous of calling a Special Election
37 for the consideration of charter amendment questions on the ballot
38 and seeks the approval of the Supervisor of Elections.
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1 **FINAL VOTE AT ADOPTION:**

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3 Council Member Patrick Fiore _____

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5 Council Member David Singer _____

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7 Council Member Marsha Matson _____

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9 Vice-Mayor John DuBois _____

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11 Mayor Karyn Cunningham _____

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RESOLUTION NO. 2019-95

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ARTICLE VI, SECTION 6.2 OF THE VILLAGE CHARTER, CHARTER REVISIONS; PROVIDING A DATE BY WHICH THE VILLAGE COUNCIL SHALL APPOINT MEMBERS TO THE CHARTER REVISION COMMISSION; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilmember Patrick Fiore)

WHEREAS, the Village Charter, Section 6.2 provides that at the first regular meeting in December 2015, and thereafter every fifth year, the Council shall appoint and fund a Charter Revision Commission (the "Commission"); and

WHEREAS, the Village Charter does not prohibit earlier appointments in order to ensure achievement of the commission's objectives; and

WHEREAS, the Commission shall consist of five electors, including one from each of the three Residential Areas in the Village; and

WHEREAS, the Mayor and, Vice Mayor shall make an at-large appointment and each Council District Person ("Councilmember") shall make an appointment from their respective Districts; and

WHEREAS, the Mayor shall appoint one person to the Commission who is the Vice-Mayor or Councilmember who is serving a second consecutive term, who shall serve as a non-voting Commission member. In the event a second term Vice Mayor or Councilmember is not serving, the Mayor may appoint a sitting Vice Mayor or Councilmember. The Mayor shall not be eligible for appointment to the Commission; and

WHEREAS, the Village Charter states that if the Commission determines an amendment or revision is needed, it shall submit same to the Council for consideration at the next regularly scheduled election by a deadline to be established by the Miami Dade Elections Department; and

41 **WHEREAS**, the next regularly scheduled election for the Village of
42 Palmetto Bay will be held in November of 2020; and

43
44 **WHEREAS**, the Commission shall commence its proceedings
45 within 45 calendar days after appointment by the Council.

46
47 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND**
48 **VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY,**
49 **FLORIDA, AS FOLLOWS:**

50
51 **Section 1.** The above recitals are true and correct and are
52 incorporated herein by this reference.

53
54 **Section 2.** The Village Council finds that allowing additional time
55 for the Charter Revision Commission to commence its review of the
56 Charter is beneficial to the Charter Revision Commission.

57
58 **Section 3.** The Village Council shall submit the name of their
59 appointments to the Village Clerk no later than August 30, 2019. After
60 August 30, 2019, the Village Clerk shall prepare a Resolution for the
61 regularly scheduled Council Meeting of September 9, 2019, in which the
62 Village Council shall follow Article VI, Section 6.2(B) that dictates that
63 five appointments must be made by each of the members of the Council
64 from their respective residential district and one at large appointment by
65 the Mayor and by the Vice Mayor, for a total of five members. In addition,
66 the Mayor shall appoint one person to the Commission who is the Vice
67 Mayor or Councilmember who is serving a second consecutive term,
68 who shall serve as a non-voting Commission member.

69
70 **Section 4.** Upon the Charter Revision Commission beginning
71 their proceedings, the Village Manager is directed to take appropriate
72 action to insure that all meetings of the Charter Revision Commission are
73 televised and live-streamed.

74
75 **Section 5.** This Resolution shall become effective upon adoption.

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77 **PASSED AND ADOPTED** this 1st day of July 2019.
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DocuSigned by:
Missy Arocha
Attest: _____
Missy Arocha
Village Clerk

DocuSigned by:
Karyn Cunningham
_____ Karyn Cunningham
Mayor

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

DocuSigned by:
Dexter W. Lehtinen
_____ Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

- Council Member Patrick Fiore YES
- Council Member David Singer YES
- Council Member Marsha Matson YES
- Vice-Mayor John DuBois YES
- Mayor Karyn Cunningham YES



To: Honorable Mayor and Village Council Date: February 3, 2020


From: Gregory H. Truitt,
Interim Village Manager

Re: 2020 Florida Inland Navigation
District Grant Approval

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 2020 FLORIDA INLAND NAVIGATION DISTRICT (FIND) WATERWAYS ASSISTANCE PROGRAM FOR THE CONSTRUCTION OF THE PIER AT THALATTA ESTATE PARK; AND PROVIDING AN EFFECTIVE DATE. (*Sponsored by Administration*)

BACKGROUND AND ANALYSIS:

The Village of Palmetto Bay is currently applying to and was previously awarded a grant under the Florida Inland Navigation District (FIND), Waterways Assistance Program. FIND provides grants for waterway-related projects such as channel dredging, channel markers, navigation signs or buoys, boat ramps, docking facilities, fishing & viewing piers, waterfront boardwalks, inlet management, environmental education, law enforcement equipment, boating safety programs, beach re-nourishment, dredge material management, environmental mitigation, and shoreline stabilization.

In 2016, the Village Council authorized staff to submit a grant application for the design, engineering and permitting of a viewing pier at Thalatta Estate under Resolution No. 2016-22. This phase 1 project was funded and accepted by Council under Resolution 2017-11.

The current application is for phase 2 construction of a viewing pier at Thalatta Estate. It is estimated that the pier will extend approximately 30 feet into the bay, on the northeast side of the property. The project also serves the purpose of stabilizing approximately 300 feet of shoreline. The

proposed activity is consistent with the developing Thalatta Estate Master Plan.

FISCAL/BUDGETARY IMPACT:

The Village is required to provide \$250,000 as an equal match to the project. The breakdown is provided below:

FIND Grant Award: \$250,000 (50%)
Village Match: \$250,000 (50%)
Total Project Cost: \$500,000

Funding will be made available, upon grant approval.

RECOMMENDATION:

Approval is recommended provided that the Village Council desires to move forward with the project.

1 Agreement for any assistance awarded under the attached
2 proposal.

3
4 b. That is in complete accord with the attached proposal and that
5 it will carry out the Program in the manner described in the
6 proposal and any plans and specifications attached thereto
7 unless prior approval for any change has been received from
8 the District.

9
10 c. That it has the ability and intention to finance its share of the
11 cost of the project and that the project will be operated and
12 maintained at the expense of said Village of Palmetto Bay for
13 public use.

14
15 d. That it will not discriminate against any person on the basis of
16 race, color or national origin in the use of any property or
17 facility acquired or developed pursuant to this proposal, and
18 shall comply with the terms and intent of the Title VI of the Civil
19 Rights Act of 1964, P.L. 88-352 (1964) and design and
20 construct all facilities to comply fully with statutes relating to
21 accessibility by persons with disabilities as well as other
22 federal, state and local laws, rules and requirements.

23
24 e. That it will maintain adequate financial records on the
25 proposed project to substantiate claims for reimbursement.

26
27 f. That it will make available to FIND if requested, a post-audit of
28 expenses incurred on the project prior to, or in conjunction
29 with, request for the final 10% of the funding agreed to by
30 FIND.

31
32 **Section 2.** This resolution shall take effect immediately upon its
33 adoption.

34
35
36 **PASSED and ADOPTED** this 3rd day of February, 2020.

1 Attest:

2

3

4

5 _____
Missy Arocha
6 Village Clerk

Karyn Cunningham
Mayor

7

8

9 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE**
10 **USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,**
11 **FLORIDA ONLY:**

12

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15 _____
John C. Dellagloria
16 Village Attorney

17

18

19 **FINAL VOTE AT ADOPTION:**

20

21 Council Member Patrick Fiore _____

22

23 Council Member David Singer _____

24

25 Council Member Marsha Matson _____

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27 Vice-Mayor John DuBois _____

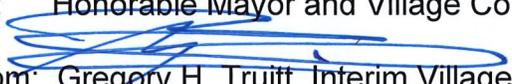
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29 Mayor Karyn Cunningham _____



To: Honorable Mayor and Village Council

Date: February 3, 2020

From:  Gregory H. Truitt, Interim Village Manager

Re: Proposed Donation to PTSA's
of Coral Reef Elementary School

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING PARKS AND RECREATION; AUTHORIZING THE DONATION OF A ONE-WEEK ENROLLEMENT IN THE 2020 CORAL REEF PARK SUMMER CAMP PROGRAM TO RESPECTIVE PTSA'S OF HOWARD DRIVE ELEMENTARY SCHOOL AND CORAL REEF ELEMENTARY SCHOOL, IN SUPPORT OF FORTHCOMING FUND-RAISING AUCTIONS; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Administration)

BACKGROUND AND ANALYSIS:

The Village is in receipt of request from Coral Reef Elementary School and Howard Drive Elementary School PTA representatives for donation to be offered for auction as a part of forthcoming fund-raising efforts. In our desire to support local public schools, it is suggested that a donation of a one-week enrollment in the 2020 Coral Reef Park Summer Camp Programs be offered to both PTAs' as mentioned above. The value of each donated enrollment would not exceed \$225 for a total not to exceed \$450.

FISCAL IMPACT:

The value of suggested donation would result in a revenue loss not to exceed \$450.

Attachment (2):

- Letter from Coral Reef PTA requesting donation
- E-mail request for m Howard Drive Elementary PTA

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Missy Arocha
Village Clerk

Karyn Cunningham
Mayor

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

John Dellagloria
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore _____

Council Member David Singer _____

Council Member Marsha Matson _____

Vice-Mayor John DuBois _____

Mayor Karyn Cunningham _____



Dear Local Business,

On February 29, 2020 Coral Reef Elementary PTA will hold its annual fundraiser, **FunFair Carnival & Silent Auction**. FunFair is one of our largest events of year! The event attracts over 500 guests who enjoy family-friendly activities, carnival games, and our very popular Silent Auction.

The proceeds from this event are used to fund the amazing programs the PTA provides students. These include: Hands-on STEM lessons (this year all students will build a wind turbine and participate in a rocks and mineral exploration lesson in our outdoor classroom); Student Clubs (Book Club, Chess, Coding, German, Martial Arts, Run Club, Cooking & Healthy Eating, Music, and Yearbook); Values Matters which focuses on inclusion and kindness; Holocaust Survivors Program; and many more. PTA also uses these funds to support teachers through the purchase of classroom supplies, library books, reading programs, computers, security enhancements, campus improvements, scholarships, and much, much more.

We are currently collecting donations for the event, and we are asking for your help to make this year a success. By donating an item or gift certificate, you will be making a tax-deductible contribution that will help the PTA continue to enhance the educational experience for our students at Coral Reef Elementary.

In return, your business will be recognized in various ways including:

- Recognition in the school newsletter, Treasures from the Reef, which is distributed to the families of our 900 students and shared electronically
- Social media features, including Facebook, Instagram, and Twitter
- Recognition on our website, www.cre-pta.org
- Exposure on the online auction website, www.charityauctionstoday.com, which is open to the public and shared with community members and alumni

Additionally, your donation may be tax-deductible. Please consult with your tax advisor to see if you may use this as a tax-deduction. **Our tax ID number is 23-7066062**

To donate an item, complete the attached form, or go to www.donate.cre-pta.org and click "donate item". ***Note:** *online form doesn't work on mobile devices, only desktop a computer.*

For more information, or if you have any questions, please contact our silent auction chairperson, **Sasha Berdeguer at 305-424-7060 or sasha@sbblaw.net**.

On behalf of the PTA, teachers, administration, and students of Coral Reef Elementary, we thank you in advance for your kind consideration of this important fundraiser.

Sincerely,

Sasha Berdeguer, Esq.



7955 SW 152nd Street
Palmetto Bay, FL 33157
www.cre-pta.org





SILENT AUCTION DONATION FORM

February 29, 2020

You may also complete this form online at www.donate.cre.pta.org

Company _____ Contact Name _____
 Address _____ City _____ State & Zip _____
 E-mail _____ Phone _____
 Website _____
 Instagram _____ Twitter _____

Item(s)	Quantity	Value

Special Instructions or restrictions for item(s): _____

Would you like us to pick up your item? If so, when and where? _____

Please email, mail, or drop off your item along with this completed form by February 15, 2020 to:

Email: sasha@sbblaw.net

Address: Coral Reef Elementary PTA
 ATTN: Sasha Berdeguer
 7955 SW 152nd Street
 Palmetto Bay, FL 33157

Thank you for your generous donation! The PTA, along with the teachers, administration, and students, are grateful for your support. Check with your tax advisor to see if your donation is tax deductible (**tax ID# 23-7066062**). Your donation will become the property of Coral Reef Elementary School PTA and will be offered for sale at www.silentauction.cre-pta.org. The online auction close February 29, 2020 at 3:00 p.m. The deadline to submit donations is February 20, 2020.

Contact: Sasha Berdeguer at 305-424-7060 or sasha@sbblaw.net



7955 SW 152nd Street
 Palmetto Bay, FL 33157
www.cre-pta.org



Fanny Carmona

From: Jennifer Zika <jenn@fyistudio.com>
Sent: Saturday, January 25, 2020 12:41 AM
To: Fanny Carmona
Subject: Howard Drive Elementary Silent Auction

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Fanny:

I'm writing to you to see if Palmetto Bay would be willing to donate to our silent auction this year. Fun Fair is taking place on February 22nd. Thank you for your continued support and let me know if you have any questions.

Thank you!

Jennifer Zika
Howard Drive Elementary PTA



To: Honorable Mayor and Village Council

Date: February 3, 2020

From: Gregory H. Truitt, Interim Village Manager

Re: Support for Bryant McKinnie
& Friends Kickball Tournament

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING PARKS AND RECREATION; ALLOWING FOR THE USE OF THE VILLAGE LOGO; AND SPONSORING ONE KICKBALL TEAM FOR THE BRYANT MCKINNIE & FRIENDS TOURNAMENT BENEFITING THE CYSTIC FIBROSIS FOUNDATION; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration)*

BACKGROUND AND ANALYSIS:

The Cystic Fibrosis Foundation – Cure CF Miami is a local organization dedication to raising funds for the research and development of treatments for Cystic Fibrosis complications. Toward this effort, Cure CF Miami is conducting the Bryant McKinnie & Friends fundraising kickball tournament at Palmetto Bay Park. A maximum of forty teams (32 adults and 8 youth) teams are anticipated, which includes many current and retired professional athletes. The Village of Palmetto Bay would like to sponsor one team to enter this tournament at a cost not to exceed \$600. Overall, it's a fun day for all, and one that would bring much notoriety to the Village of Palmetto Bay.

FISCAL IMPACT:

It is estimated that the sponsoring of one team will not exceed \$600.

1
2 **Section 4.** This Resolution shall take effect immediately upon its
3 adoption.

4
5 **PASSED** and **ADOPTED** this ____ day of _____ 2020.

6
7 Attest:

8
9
10 _____
11 Missy Arocha
12 Village Clerk

Karyn Cunningham
Mayor

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14
15 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
16 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,
17 FLORIDA ONLY:

18
19
20 _____
21 John C. Dellagloria
22 Village Attorney

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24
25 **FINAL VOTE AT ADOPTION:**

26
27 Council Member Patrick Fiore _____

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29 Council Member David Singer _____

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31 Council Member Marsha Matson _____

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33 Vice-Mayor John DuBois _____

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35 Mayor Karyn Cunningham _____

December 30, 2019

To: Mayor and City Council
Village Clerk
Village Manager

From: John C. Dellagloria
Village Attorney



RE: Public Records Law
Ex-Parte Communications
Voting Conflicts
Meetings with Administration Staff
Agenda Items and Meetings

Owing to my review of Village laws and procedures that have come up since my appointment, I thought it best to send this memo to advise and point out the legal issues regarding the above-referenced matters.

I. Public Records Requests

I have reviewed the Village of Palmetto Bay's Public Record Request Policy and it is a good overall guide to the law. That said, there are two categories into which these requests fall. There are routine requests, typified by individuals coming in to the Building Department to view and get copies of permits. Presently, this entails the requester being told a written request must be filed, which is contrary to the law and our own policy. Then, the request goes from the Building Department to the Village Clerk who sends it to the Manager and by the time a release of the permit is approved, up to two weeks could pass, which is also violative of the law. In speaking to the Interim Manager, we agree that the policy needs to be reviewed to allow these routine, matter of fact requests to be complied with immediately, and without the illegal requirement to compel a written request. The second category is evinced by the Luxcom requests. Owing to the continuing and voluminous requests the Village to which must respond, and as the approval or denial of certain, non-routine requests is fraught with potential legal action, these public record requests should be copied to my office as well as to the Village Manager, with my office and the Manager's making the final decision as to the appropriate legal response. In time, the distinctions between these categories will become clear to the administrative staff.

II. Ex-Parte Communications and Conflicts of interest

1. The Village's Code of Ordinances has a procedure which allows for ex-parte communications. In order to comply with the law, attached is a copy of the procedures that must be followed. At subsequent Council meetings, I will inquire of the members to address the dictates of the code.

2. I have attached Form 8B, a state disclosure form which must be completed and attached to the minutes of the meeting where a councilperson has conflicted out of voting on an item. (the term recusal is not technically correct, a conflict must be declared and abstentions are not permitted pursuant to Florida Statute).

III. Meetings with Administrative Staff

The Village Charter, at Section 4.2 (B) addresses "Interference with Administration". The exact language states: "Except for the purpose of **inquiries and investigations made in good faith and in accordance with a resolution adopted by the Village Council**, the Council and any of its individual members shall **deal** with Village employees who are subject to the direction and supervision of the Village Manager solely through the Village Manager, and neither the Council nor its members shall give **orders** to any such employee either publicly or privately."

While I was a resident at the time the Village was created, I was not involved with the Charter nor its "legislative history" as to what the framers had in mind with this specific language. I also realize that the "inquiries and investigations" language can be interpreted and followed as a complete prohibition to **any** contact with staff outside of the Manager, as opposed to a literal reading which seems to prevent the Council from questioning or investigating some type of improper behavior of a staff member, and the Council being prevented from somehow "dealing" with some untoward motive. While the Charter clearly states that no Councilperson can "order" a staff member to do or not do something, it defies common sense that a duly elected representative of the public cannot ask a question of a staff member that in no way "orders or directs" action.

I do not intend to interpret this provision contrary to the current way of only going through the Manager, or lawsuits galore will pop up. I will however suggest that if the Council believes that ordinary communications about questions concerning agenda items or other routine matters is something the

Council wishes to consider, then, short of a Charter Amendment - which can be one of the issues the Charter Committee takes up- a way to comport with the Charter is this: pass a duly adopted Resolution of the Council that allows "inquiries" about routine matters that are in the purview of the powers of the Council, but keeping to the prohibition of giving orders. I can draft a Resolution but I don't think it is necessary as I know that the Interim Manger has advised staff that they can of course have contact with the council for routine inquires.

IV. Agenda

Resolution 2019-49 adopted this past March establishes time-lines for the preparation of agenda items. In speaking with the Village Clerk we are respectfully asking the Council to amend the time-line. Currently, the Council can submit items 12 days before the Council meeting. It is very difficult for insuring that all agenda items are ready considering that pursuant to the current time-line, our offices have only 3 days from the council members submitting items and the final agenda being prepared. As the request is to have the council submit items at least 15 days before the meeting, it will allow us to have almost a week to have the sponsor review the item, make any changes, and have it in final for the agenda. Of course, if a council member needs to add a last-minute item, that will be honored.

Sec. 2-106. - Ex parte communications.

(a) *Intention.* Pursuant to F.S. § 286.0115, this section is intended to eliminate the presumption of prejudice that may result from ex parte communications with village council and board members and to permit site visits, the receipt of expert opinions, and the reading of mail and other communications relating to applications for zoning and other land development orders, and appeals of administrative orders and code compliance citations.

(b) *Definitions.* As used in this section, the following terms shall be defined as follows:

Applicant means an individual, corporation or other authorized representative, including the village staff, that files an application or an appeal which initiates a quasi-judicial proceeding.

Application means an application for a site-specific rezoning, variance, special exception, conditional use permit or other request for land development approval, an appeal of an administrative order or a denial of an application, as authorized by the village's land development regulations, or an appeal of a code compliance citation.

Chair means the mayor, unless otherwise provided, and the chair person of any planning and zoning board, or code compliance board.

Member means a village councilmember and a member of any planning and zoning board, or code compliance board.

Public participant means a person who appears at any quasi-judicial hearing, including but not limited to a member of a homeowner's association, an officer or member of an environmental, homebuilding or development association, or a concerned citizen's organization, an official or employee of a governmental entity other than the village, a developer, a property owner, or an interested citizen, as well as any representative or attorney for any of the foregoing. A public participant does not include the applicant, a village official or village staff.

Quasi-judicial hearing means a public proceeding on an application for a zoning designation or map change, or any other land development permit, or an appeal from an administrative action on an application for a land development permit, substantial compliance determination, an appeal from a code compliance citation, or any other matter in which the village is required by law to give notice and an opportunity to be heard to parties and adversely affected persons, to investigate facts, and to make findings of fact and conclusions of law.

Site visit means an inspection of the real property by a council or board member that is the subject of an application for a quasi-judicial order, determination or appeal. The mere act of driving by a site in the regular course of driving to a particular location, such as to work or shopping, which is not undertaken for the purpose of inspecting the particular property is not a site visit for purposes of this chapter.

Village official means a member of the village council or any board that is authorized to make findings of fact, conclusions of law and to enter an order on any application or appeal that requires a quasi-judicial hearing.

Village staff means an employee or agent of the village.

- (c) *Ex parte communications between village officials, applicants and public participants* . If any person not otherwise prohibited by statute, charter, or ordinance communicates with any village official in any manner other than publicly at a quasi-judicial hearing regarding the merits of any matter on which action may be taken by the council or a board on which the village official is a member, the communication shall not create a presumption of prejudice provided that the following disclosure is made:
- (1) A village official shall disclose the name of the communicator, and the time, place and substance of the communication. The disclosure shall be made a part of the record before final action is taken on the matter.
 - (2) A village official may read a written communication from any person; provided, however, a written communication that relates to a quasi-judicial action pending before the official shall be made a part of the record before final action is taken on the matter.
 - (3) A village official may communicate with an expert witness, village staff member, or consultant, conduct an investigation, make site visits and receive expert opinions regarding quasi-judicial action pending before him or her, provided that the activities and the existence of the investigations, site visits, or expert opinions are disclosed and made a part of the record before final action is taken on the matter.
 - (4) Disclosure, either written or oral, made pursuant to subsections (c)(1), (2), and (3) of this section must be made before or during the public meeting at which a vote is taken and must be made a part of the record. Persons who have opinions contrary

to those expressed in the ex parte communication shall be given a reasonable opportunity to refute or respond to the communication.

(Ord. No. 02-03(03-01), § 1, 1-6-2003)

Sec. 2-107. - Quasi-judicial hearing procedures.

- (a) *Purpose* . It is the purpose of this section to provide a fair, open and impartial procedure for the conduct of quasi-judicial hearings by the village council, planning and zoning board, and code compliance board. Unless otherwise provided by law, quasi-judicial hearings shall be conducted substantially as provided in this section.
- (b) *Proceedings*.
 - (1) *Legal representation* . Applicants may be represented by legal counsel. The village council, the planning and zoning board, and the code compliance board may be advised by the village attorney, special counsel or other designated counsel (collectively referred to as "village attorney").
 - (2) *Participants at hearings* . All persons who testify on any application must sign in and be sworn by the presiding officer, clerk or counsel. All persons testifying subject themselves to cross examination. Each person who addresses the village council, planning and zoning board, or code compliance board, other than members of village staff, shall provide the following information: his, or her, name and address; state whether the person speaks on his, or her, own behalf, or on behalf of another person, association or entity (third party); if the person represents a third party, the person shall also identify the third party and whether the person is authorized to speak on its behalf and whether the view expressed by the speaker represents an established policy of the third party that has been approved by the principal or its governing body; and whether the person is, or will receive, compensation for appearing at the hearing, and whether the person or any immediate family member, or an entity in which he or she has a controlling interest, has a financial interest in the pending matter.
- (c) *Conduct of hearing* . All quasi-judicial hearings shall be recorded by mechanical means. A court reporter may be retained and paid for by any interested person to transcribe the proceedings. Any person may order and pay for a transcript of the proceedings. The court reporter shall identify himself or herself to the village attorney before the hearing. The order of hearing shall be as follows:
 - (1) The chair shall read a preliminary statement once at the beginning of the quasi-judicial public hearing agenda, announce the particular agenda item, and open the public hearing. The chair shall conduct the meeting, and all questions shall be asked through the chair;

- (2) The applicant, witnesses, village staff and all participants asking to speak shall be sworn at the time the matter is brought on for hearing. Attorneys shall not be sworn unless an attorney intends to testify to facts or to offer an expert opinion;
 - (3) The chair shall decide any parliamentary objections and objections to evidentiary matters with the advice of the village attorney;
 - (4) The village staff shall present its report, which shall be made part of the record;
 - (5) The applicant shall present its case;
 - (6) Participants in support of the application shall present their testimony and any evidence;
 - (7) Opponents shall have the right to cross examine individual speakers;
 - (8) Opposition shall present their testimony and evidence;
 - (9) The applicant shall have the right to cross examine individual speakers;
 - (10) Members may ask questions of a speaker at any time through the chair;
 - (11) Village staff shall be given time for rebuttal if requested. Village staff shall have the right to cross examine the applicant and others participants who present testimony and evidence and shall be subject to cross examination;
 - (12) The applicant shall be provided time for rebuttal if requested; and
 - (13) The chair shall close the public hearing. Members shall discuss the matter in public, make or accept proposed findings of fact and conclusions of law, and render a decision. No further presentations or testimony shall be permitted unless directed by the village attorney.
- (d) *Record of the hearing*. Following the final disposition of the application or appeal, all evidence admitted at the hearing, the application or appeal file, staff reports, the approved order and ex parte disclosures shall be maintained in a separate file which shall constitute the record on the matter. The record will be made available to the public for inspection upon request at any time during normal business hours.

(Ord. No. 02-03(03-01), § 1, 1-6-2003)

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
COUNTY	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, _____, hereby disclose that on _____, 20 ____ :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____ , by whom I am retained; or
- inured to the special gain or loss of _____ , which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

RESOLUTION NO. 2019-49

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A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGE COUNCIL PROCEDURES; ESTABLISHING A FORMAL PROCESS FOR THE PREPARATION OF MEETING AGENDAS FOR VILLAGE COUNCIL MEETINGS; IDENTIFYING A TIMELINE FOR THE SUBMISSION OF INFORMATION AND DOCUMENTS RELATED TO AGENDA ITEMS AND DEFINING THE ROLES OF COUNCILMEMBERS AND CHARTER OFFICERS IN THE AGENDA PROCESS; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Administration)

WHEREAS, the Village is committed to its transparency in government approach and the timely publishing of meeting agendas is important to that endeavor; and,

WHEREAS, to avoid any potential delays, Village staff developed a formal process that identifies information required for agenda items, provides a timeline for the submission of information and documents and defines the roles of Councilmembers and Charter Officers in the process; and,

WHEREAS, the proposed process was provided to the Village Council for review and comment and no changes were proffered; and,

WHEREAS, the Council desires to establish a policy to guide the agenda preparation process as provided below.

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

Section 1. The Village Council hereby establishes the following policy for the preparation of agenda items for Council meetings:

Note: The "day" noun utilized throughout the document shall refer to calendar days. The term "Council meetings" include Regular and Special Council meetings and Zoning Hearings, as applicable.

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a. Charter Officers Requirements:

- 10 Days Before Council Meeting:
Village Attorney meets with the Village Manager and the Village Clerk to finalize any require legal review of agenda items prepared by Administration and Council.
- 9 Days Before Council Meeting
Village Clerk finalizes the Agenda to be distributed to the Village Council no later than 8 days prior to the meeting.

b. Village Council Process:

- 12 Days Before Council Meeting:
Councilmembers submit agenda items to the Village Clerk and the Village Attorney. Village Clerk forwards items to the Village Manager as notification and/or for staff action as applicable.
- 10 Days Before Council Meeting:
Councilmembers submit optional cover memos for Council-sponsored agenda items to the Village Clerk. If the Council-sponsored items requires information or reports from Village staff, the item along with the request for staff report is sent to the Village Manager to allow sufficient time for research.
- 8 Days Before Council Meeting:
There shall be an exception to submit agenda items for emergency and urgent time sensitive items only, but would require an explicit approval from the parliamentarian.
- 7 Days Before Council Meeting:
Councilmembers may request the presence of a specific staff member to provide their expertise during a Special Council meeting and/or a Committee of the Whole meeting. In those instances, Council will make the request directly to the Village Manager 7 days in advance of the meeting.

d. Agenda Item Council Reports:

- Council reports should include a historical synopsis explaining how and under what circumstances the item is being brought before the Council for approval along with any relative cost and funding information and any other details necessary as determined by the sponsoring Council member.

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Section 2. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 18th day of March 2019.

Attest: DocuSigned by:
Missy Arocha

6EDC211E5E8C48C...
Missy Arocha
Village Clerk

DocuSigned by:
Karyn Cunningham

35B93CD2D9CB470...
Karyn Cunningham
Mayor

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

DocuSigned by:
Dexter W. Lehtinen

1B1D08E71321445
Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

- Council Member Patrick Fiore YES
- Council Member David Singer YES
- Council Member Marsha Matson YES
- Vice-Mayor John DuBois YES
- Mayor Karyn Cunningham YES

MINUTES OF THE CHARTER REVISION COMMISSION

**Tuesday, December 3, 2019 – 6:45 PM
9705 E. Hibiscus Street, Palmetto Bay, FL**

1. Call to Order: The meeting was called to order at approximately 6:45 pm.

The following members of the Charter Review Commission were present:

David Zisman

Mitchell Mandler

Shelley Stanczyk

Marc Levy

Vice Mayor John DuBois (serving as the non-voting Commission member)

The following staff members were present:

John Dellagloria, Village Attorney

Missy Arocha, Village Clerk

Greg Truitt, Interim Village Manager

Olga Cadaval, Deputy Manager

Also present:

Mayor Karyn Cunningham

Council Member Marsha Matson

Steve Kriesher, resident

2. The Village clerk confirmed that there was a quorum present.
3. Public Comments, including comments from Village Council, Village Manager, or staff:
 - a. Vice Mayor John Dubois introduced himself as a non-voting member.
 - b. Village Attorney John Dellagloria then made a presentation to the Commission and gave an overview of Chapter 119, Public Records and 286, Sunshine of the Florida Statutes to the Committee, specifically outlining the Commission Members' obligations under the Sunshine law.
 - c. Village Clerk Missy Arocha introduced herself and explained her role as Village Clerk. She then swore in the Commission Members.
 - d. Deputy Manager Olga Cadaval also introduced herself.
 - e. Mayor Cunningham spoke and welcomed the new Commission members. She also mentioned some of the issues facing Palmetto Bay today.

- f. Commissioner Marsh Matson also spoke, welcomed the new members and spoke about some of the issues facing Palmetto Bay today.
4. Approval of Meeting Minutes: *None to report as this is the first meeting.*
5. Old Business: *None to report as this is the first meeting.*
6. Discussion of Agenda Items:
 - a. Vice Mayor John Dubois explained the role and responsibility of Commission Chair and Secretary. He also spoke about the history of this Commissions and some of the challenges it faced it prior years. He also discussed how the Commission will make recommendations to the Village Council which then has the option to accept or reject the recommendations of the Commission. He also said that the Council could also make its own recommendations.
 - b. The Commission then took nominations for Chairperson. A motion was made to nominate David Zisman as Chair and the motion was seconded. The motion passed unanimously, and David Zisman was elected Chairperson.
 - c. A motion was made to elect Mark Levy as Secretary of the Commission, but he declined due to his travel schedule. A motion was made to elect Mitchell Mandler as Secretary and that motion was seconded by Shelley Stanczyk. The motion passed unanimously, and Mitchell Mandler was elected Secretary of the Commission.
 - d. There was a discussion regarding the review of resolution(s) 2019-95 and 2019-113 & Ordinance 2019-06. It was discussed that Roger Snyder had withdrawn his appointment by Councilmember David Singer and that David Singer would appoint a new person to serve.
 - e. Review of Village Charter - It was explained that he Charter Revision Commission was enacted by the Village Council pursuant to Resolution(s) 2019-95 and 2019-113 in accordance with Section 6.2 of the Village Charter.
 - f. There was discussion amongst Commission Members on how to proceed with the task of making recommendations to the Council. Chairperson David Zisman said that there were many items that had come up in the past. There was a discussion of current and past issues and items that could be considered by the Commission as a proposed Charter Amendment including neighborhood protection issues,

annexation of the east side of South Dixie Highway; the inclusion of height restrictions in the Charter and single member districts for voting.

7. Selection and list of proposed meeting dates for 2020:

There was discussion that the Commission needed to have its recommendations to the Village Council by May 2020. The Commission voted and agreed that the next meeting of the Charter Revision Commission would be held at 6:30pm on Tuesday, January 7th at 6:30pm at the Village Hall Municipal Center, 9705 East Hibiscus Street (1st Floor Conference Room). There was discussion about holding a second meeting date in January, but a specific date was not voted on. There was also discussion of meeting at least once a month there after, but no specific dates were selected.

8. New Business – This being the first meeting of the Charter Revision Committee, there was no new business.

9. Requests for assistance to Village Council and Village Manager – Mitchell Mandler asked that the Village Clerk provide him with sample copies of prior minutes of meetings from the Charter Revision Commission to help him prepare future minutes.

10. Selection and list of discussion items for next meeting:

It was ultimately agreed that each Council member would be invited to the next few Charter Revision Committee meetings to discuss topics they think should be considered by the Committee. It was discussed that two Council members would appear at the next January meeting with other Council members to follow. The decision of which Council members will be selected to appear at the next meeting of the Commission will be made by Chairperson David Zisman and he would invite those Council members to attend.

11. Adjournment – a Motion was made to Adjourn which was seconded and all were in favor. The meeting was adjourned.

Respectfully submitted:

Approved by the Charter Revision
Commission this ____ day of
December 2019.

Missy Arocha, Village Clerk

David Zisman, Chairperson

From: [Leslie Adler](#)
To: [Missy Arocha](#); [Fanny Carmona](#)
Subject: Beth Adler Nov 21 ,2019 minutes
Date: Tuesday, December 17, 2019 1:51:03 PM

Village of Palmetto Bay
Parks & Recreation and Community Outreach

Meeting Minutes
Thursday, November 21,2019, 7 pm
Village of palmetto Bay Municipal Center
9715 East hibiscus Street Palmetto Bay, Florida 33157

Attendance

Chris Olson- chairperson
Beth Adler- recording secretary
Leo
Beatriz Hermann
Sheila Frazier
Heidi Feder
David Greenwell
Fanny Carmona- Director of Parks and Recreation, staff liaison

1. Call to Order- 7:30 pm
2. No public comment
3. Approval of minutes-
Motion by Sheila , 2nd by Beatriz to move to approve October minutes at Dec meeting. Approved
4. Old Business
 - a. Committee members present and speak at Council meeting. After committee discussion, Chris suggested that committee members be present and speak at council meeting, when committee decisions are being made. Beatriz proposed motion, seconded by David. Approved.
 - b. Chris will present Heidi's Thalatta Park review at Dec 17 th meeting.
5. Discussion topics-
 - a. Wayside Dog Park- Chris explained that keeping items on master plan- page 13 of handout, allows there to be further discussion in the future about these items, by disallowing these items, eliminates future discussion of these items. There was much discussion about additional and diagonal parking, relocating parking to east side of park, day care owner volunteering her parking for overflow parking, after day care hours, dog grooming& concession stands, public bathroom. Committee voted on 11 items on page after much discussion.
Motions- Motion by David, seconded by Heidi. Items 1-4 and 8 approved. Motion approved
Motion by Heidi, seconded by Sheila, Eliminate #'s 6,10, and 11. Approved, with one dissenting vote by Beatriz on Item 6.
Motion by Sheila, seconded by Leo to approve item #7. Approved.
Motion by David, seconded by Leo. The #9 position, was defeated by committee.

The committee addressed and voted on all 11 items

b. Ludovici Park-

Motion By Beatriz, seconded by Leo to accept all 10 items. Approved by committee.

6. New Business-

Beatriz presented as a member of the community center task force. There is suppose to be a presentation to and vote on the council on the community center on Dec 2. There were varying opinions on our committee about how the land the community center is targeted for, should be used. The community center concept will be discussed at next committee meeting.

7. Adjournment - 9 pm

8. Next meeting- Tuesday, Dec. 17th, 7 pm,

Meeting Minutes
Tree Advisory Board Meeting - November 4, 2019

Village of Palmetto Bay

Members present: Fell, Clifford, Grossenbacher (Quorum)

Member notified of absence: Pybas

For Village: Dr. Matson, Dionysio Torres, Maria Pineda and Intern

For Parks Committee: S. Frazier

Minutes last meeting approved, no changes, 3-0

Comments: Frazier-Parks Committee has approved plans for smaller parks, with reservations-Ludovici, Thalatta, Dog Park. No tower, no boardwalk.

Dr. Matson-Budget. \$200,000 in budget, but dependent on Stormwater ordinance passing second reading tonight. \$50,000 for plantings. GIS on agenda tonight.

Torres-\$50,000 is normal expenditure.

New Business:

Presentation Director Maria Pineda: Resiliency (with handout)

Question: what is critical infrastructure? Policy 5.12.1 and 2-list of critical facilities

5.12.3 is shoreline stabilization strategies.

Clifford: (on map) What are these pins (stars)?

Pineda: include parks, Fire, Village-owned facilities

TAB: Why parks? Roads included? Undeveloped Fire Station property?
Roads needed to move about, Equipment storage, refuse storage areas are critical and need to be identified before problem occurs.

Shoreline: Grossenbacher- there are canal-like intrusions on or abutting the Luxcom property. They are 'highways' for salt and flooding, erosion could be a problem.

Fell- red mangroves could be planted to hold soil

Clifford- black mangroves are better, allow movement. Buttonwoods for higher ground.

Bioswale: Clifford-tree list contains 2 non-tree annuals. Discussion swales and bioswales. TAB likes idea.

Fell-there is Federal grant money available and unused to buy repeatedly-flooded properties.

Pineda- wants TAB to look at a property in the DUV

-VPB not yet a member of Compact Climate Change. (Mayors'

Climate Action Plan) Council needs action

TAB- uses of GIS database and LIDAR to plan for tree plantings based on soil water

TAB-Luxcom property modifications to any plans to help longevity homes and roads, stabilize shores.

TAB- salt water damage to sensitive trees can be in areas flooded by storm surge

Old Business: Tree Permitting Ordinance

Grossenbacher-ROWS need to be maintained in whatever plan or ordinance comes out.

Clifford- Limitations 30-100 (to Torres). A development ordinance, not a maintenance one. Excludes existing residences in first section. VPB needs a clear ordinance for who maintains ROW trees, then enforcement.

Clifford, Grossenbacher- Fees in the proposed ord. Miami Lakes much lower. Council will set anyway, needs only a reference to location schedule.

Grossenbacher- Balance between cost to Village to administer, lower cost to encourage compliance.

Clifford- explains source this code (mostly Miami Beach). Compares to South Miami, Miami Lakes.

Grossenbacher-Beach and Lakes are approved. South Miami still controversial.

Fell issues: Wants fruit trees allowed >25% pruning; why do we require an arborist?

TAB- residents allowed to kill (remove), but if trimming, arborist and 25%.

-maybe specimens and required trees only.

Fell-Why mitigation plantings limited to 30% of trees?

Clifford- studies show palms very limited in canopy benefit

TAB-perhaps limitation of palms should be based on canopy provision.

TAB-discussion prohibited list and where prohibited. Needs work and clear reference.

TAB- rules for trimming should be up front
-drastic trim should require a permit.

Motions: To support Stormwater Fee, passed 3-0, referred to Dr. Matson

Next meeting: 12/9 if possible

Agenda: Powerline prohibited tree removals (Grossenbacher)(new business)

Tree Ordinance (old business)

Adjourned 6:49

Submitted by: Chair Henry Clifford

RESOLUTION NO. 2020-___

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ARTICLE VI, SECTION 6.2 OF THE VILLAGE CHARTER, CHARTER REVISION; APPOINTING TIM SCHAFFER AS A MEMBER TO THE CHARTER REVISION COMMISSION; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer)*

WHEREAS, the Village Charter, Section 6.2 provides that at the first regular meeting in December 2015, and thereafter every fifth year, the Council shall appoint and fund a Charter Revision Commission (the "Commission"); and

WHEREAS, the Commission shall consist of five electors, including one from each of the three Residential Areas in the Village; and

WHEREAS, the Mayor and, Vice Mayor shall make an at-large appointment and each Council District Person ("Councilmember") shall make an appointment from their respective Districts; and

WHEREAS, the Mayor shall appoint one person to the Commission who is the Vice-Mayor or Councilmember who is serving a second consecutive term, who shall serve as a non-voting Commission member. In the event a second term Vice Mayor or Councilmember is not serving, the Mayor may appoint a sitting Vice Mayor or Councilmember. The Mayor shall not be eligible for appointment to the Commission; and

WHEREAS, the Commission shall commence its proceedings within 45 calendar days after appointment by the Council.

WHEREAS, and meetings of the Commission shall be held in the Council Chambers located at 9705 E. Hibiscus Street, Palmetto Bay; and

WHEREAS, Roger Snyder the appointee of Councilmember David Singer resigned from the Commission on November 2019 and the need to fill his vacancy on the Commission exists; and

41 **WHEREAS**, Councilmember David Singer is desirous in
42 appointing Tim Schaffer to the Commission to fill the existing vacancy
43 and Tim Schaffer has accepted; and
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45 **WHEREAS**, pursuant to the Village Charter, Tim Schaffer resides
46 in District 2 and will rightfully adhere to the duties and responsibilities of
47 the Commission without compensation.
48

49 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND**
50 **VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY,**
51 **FLORIDA, AS FOLLOWS:**
52

53 **Section 1.** The above recitals are true and correct and are
54 incorporated herein by this reference.
55

56 **Section 2.** The Village Council appoints Tim Schaffer to the
57 Commission.
58

59 **Section 3.** This Resolution shall become effective upon
60 adoption.
61

62 **PASSED AND ADOPTED** this 3rd day of February 2020.
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64

65 Attest: _____
66 **Missy Arocha**
67 **Village Clerk**
68

_____ **Karyn Cunningham**
Mayor

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70 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
71 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:
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76 _____
77 **John C. Dellagloria**
78 **Village Attorney**
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81 **FINAL VOTE AT ADOPTION:**
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83 Council Member Patrick Fiore _____
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85 Council Member David Singer _____
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87 Council Member Marsha Matson _____
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89 Vice-Mayor John DuBois _____
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91 Mayor Karyn Cunningham _____

RESOLUTION NO. 2020-_____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, EXTENDING FOR NINETY (90) DAYS THE SUNSET DATE OF THE NEIGHBORHOOD PROTECTION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilmember Marsha Matson)

WHEREAS, pursuant to Section 10.2 of the Code of Ordinances of the Village, the Neighborhood Protection Committee (Committee) is tasked with preserving the tranquility and safety of single-family neighborhoods from non-single family development regarding matters such as excessive noise, light intrusion, dust and other matters that effect the health and wellbeing of those neighborhoods; and

WHEREAS, the Committee is scheduled to sunset on February 10,2020; and

WHEREAS, in order for the Committee to conclude its' mission, the Council wishes to extend the Committee's service for ninety (90) days.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, THAT:

Section 1. The term of the Neighborhood Protection Committee is extended for ninety (90) days up to and including May 10, 2020.

Section 2. This Resolution shall take effect immediately upon its adoption.

PASSED and ADOPTED this 3rd day of February 2020.

Attest:

Missy Arocha Village Clerk

Karyn Cunningham Mayor

1 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
2 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLOR-
3 IDA ONLY:

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8 _____
9 **John C. Dellagloria**
10 **Village Attorney**

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12 **FINAL VOTE AT ADOPTION:**

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14 Council Member Patrick Fiore _____

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16 Council Member David Singer _____

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18 Council Member Marsha Matson _____

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20 Vice-Mayor John DuBois _____

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22 Mayor Karyn Cunningham _____

RESOLUTION NO 2020- _____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, DIRECTING THE VILLAGE MANAGER TO CONTINUE THE EFFORTS TO ACHIEVE A LOWER COMMUNITY RATING SYSTEM PROGRAM (CRS) FOR THE BENEFIT OF THE RESIDENTS OF PALMETTO BAY; REQUESTING THAT THE CONTINUANCE OF THE PROGRAM ACHIEVE THE LOWEST POSSIBLE RATING; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham)*

WHEREAS, the Village of Palmetto Bay has been a National Flood Insurance Program (NIFP) participant in good standing since February 2, 2005, and seeks to improve its flood resiliency by participating in the Community Rating System (CRS); and

WHEREAS, the Village Council is interested in lowering the CRS rating in order to increase the resident’s savings in property flood insurance; and

WHEREAS, the Village of Palmetto Bay is determined to be compliant with the Florida Division of Emergency Management by virtue of a Community Assistance Visit that was closed on May 5, 2016; and

WHEREAS, it is the intent of the Mayor and Village Council to continue the efforts of lowering the Village’s CRS rating and strive to exceed the minimum NFIP requirements set forth in Parts 59, 60, and 65 of the National Flood Insurance Program 2017 Regulations (Title 44 of the Code of Federal Regulations); and by implementing the Florida’s unified minimum CRS credits of the new 2017 handbook, will act to adopt additional measures that may improve its CRS rating; and

WHEREAS, the Village Council and Administration will now continue their efforts to lower the existing rating of CRS “class 8” to a lower rating class; and

WHEREAS, the Village Council is directing the Village Manager to work with department directors collectively in order to achieve a lower rating.

1 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF**
2 **PALMETTO BAY, FLORIDA, THAT:**

3
4 **Section 1. Effective Date** This Resolution shall become effective
5 and executed as directed upon approval.

6
7 **PASSED and ADOPTED** this 3rd day of February 2020.

8
9 Attest:

10
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12 _____
13 **Missy Arocha**
14 **Village Clerk**

_____ **Karyn Cunningham**
Mayor

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17 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR
18 THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO
19 BAY, FLORIDA ONLY:

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22 _____
23 **John C. Dellagloria**
24 **Village Attorney**

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27 **FINAL VOTE AT ADOPTION:**

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29 Council Member David Singer _____

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31 Council Member Patrick Fiore _____

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33 Council Member Marsha Matson _____

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35 Vice-Mayor John DuBois _____

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37 Mayor Karyn Cunningham _____

RESOLUTION NO. 2020-_____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING THE PREPARATION OF THE VILLAGE COUNCIL AGENDA; PROVIDING THAT ANY AGENDA ITEM THAT HAS BEEN CONTINUED TWICE SHALL BE PLACED AS THE FIRST ITEM TO BE HEARD UNDER ITS RESPECTIVE SECTION OF THE AGENDA; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer and Councilmember Marsha Matson)*

WHEREAS, agendas for Village Council meetings have items that on many occasions are not heard due to the number of agenda items and the time limitations of meetings imposed by the Village Charter; and

WHEREAS, some items have been continued for future Council meetings four times or more; and

WHEREAS, these recurring continuances have the effect of delaying items of importance to the sponsors and the public; and

WHEREAS, the Council wishes to address this matter as provided herein.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, THAT:

Section 1. The Village Clerk is hereby authorized to place any item that has been continued on at least two occasions to be placed as the first item to be heard under the respective section of the agenda.

Section 2. By way of example, a Resolution continued at least twice shall be the first item under Tab 10; an Ordinance continued at least twice shall be placed first under Tab 12, etc.

Section 3. Nothing herein shall limit the ability of the Council to amend the placement of items to be heard as deemed necessary at the Council meeting.

1 **Section 4.** This Resolution shall take effect immediately upon its
2 adoption.

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4 **PASSED** and **ADOPTED** this 3rd day of February 2020.

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6 Attest:

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9 _____
10 **Missy Arocha**
11 **Village Clerk**

_____ **Karyn Cunningham**
Mayor

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15 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
16 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLOR-
17 IDA ONLY:

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21 _____
22 **John C. Dellagloria**
23 **Village Attorney**

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26 **FINAL VOTE AT ADOPTION:**

27
28 Council Member Patrick Fiore _____

29
30 Council Member David Singer _____

31
32 Council Member Marsha Matson _____

33
34 Vice-Mayor John DuBois _____

35
36 Mayor Karyn Cunningham _____

RESOLUTION NO. 2020-____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE PARKS AND RECREATION AND COMMUNITY OUTREACH COMMITTEE; APPOINTING MAYOR KARYN CUNNINGHAM AS THE COUNCIL LIAISON TO THE PARKS AND RECREATION AND COMMUNITY OUTREACH COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham)*

WHEREAS, pursuant to Section 2-55 of the Village’s Code of Ordinances, the mission of the Parks and Recreation and Community Outreach Committee is to provide recommendations to the Village Council in matters of village parks and recreation levels of service and to provide recommendations to the Village Council in matters of community engagement and public awareness; and

WHEREAS, the Village Council shall appoint a non-voting Council Liaison to each board or committee while the Mayor shall be the non-voting honorary liaison to each board or committee; and

WHEREAS, there is a need to appoint a non-voting Council Liaison to the Parks and Recreation and Community Outreach Committee; and

WHEREAS, the Council Liaison is the intermediary between the Council and the Committee; and

WHEREAS, the Council Liaison should regularly attend his or her assigned committee meeting to strengthen the relationship between it and the Council.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, THAT:

Section 1. All the above “whereas” clauses are true and correct.

Section 2. The need exists to appoint a Council Liaison to the Parks and Recreation and Community Outreach, and the Village Council is desirous in appointing Mayor Karyn Cunningham as the

1 Council Liaison, effective immediately.

2
3 **Section 3.** This Resolution shall be effective upon adoption.

4
5 **PASSED** and **ADOPTED** this 3rd day of February 2020.

6
7
8 Attest: _____
9 **Missy Arocha** **Karyn Cunningham**
10 **Village Clerk** **Mayor**

11
12 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
13 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,
14 FLORIDA ONLY:

15
16
17
18 _____
19 **John C. Dellagloria**
20 **Village Attorney**

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23 **FINAL VOTE AT ADOPTION:**

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26 Council Member Patrick Fiore _____
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28 Council Member David Singer _____
29
30 Council Member Marsha Matson _____
31
32 Vice-Mayor John DuBois _____
33
34 Mayor Karyn Cunningham _____

RESOLUTION NO. 2020-_____

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3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF
4 THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AD-
5 VISORY BOARDS AND COMMITTEES; ESTABLISHING A COM-
6 MITTEE FOR THE SELECTION OF THE PERMANENT VILLAGE
7 MANAGER; DIRECTING THE COMMITTEE TO REVIEW THE FI-
8 NALISTS AND MAKING A RECOMMENDATION TO THE VILLAGE
9 COUNCIL; THE COMMITTEE SHALL SUNSET IMMEDIATELY
10 FOLLOWING THE RECOMMENDATION MADE TO THE VILLAGE
11 COUNCIL, AND PROVIDING AN EFFECTIVE DATE. (*Sponsored by*
12 *Mayor Karyn Cunningham*)
13

14 **WHEREAS**, the Village Council adopted Resolution 2019-162,
15 which authorized the retention of a professional executive search firm
16 (“firm”) to solicit applicants for the position of permanent Village Man-
17 ager; and
18

19 **WHEREAS**, in order to select the individual for the position of Vil-
20 lage Manager, the Village Council wishes to establish a committee to
21 make recommendations to the Village Council regarding the applicants
22 chosen by the firm; and
23

24 **WHEREAS**, the Village Council hereby establishes the Commit-
25 tee and its composition.
26

27 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF**
28 **PALMETTO BAY, FLORIDA, THAT:**
29

30 **Section 1.** There is hereby established a “Village Manger Selec-
31 tion Committee” for the purpose of making recommendations to the Vil-
32 lage Council for the selection of a permanent Village Manager.
33

34 **Section 2.** The Committee shall be comprised of five (5) individ-
35 uals, with each Councilmember choosing a Committee Member.
36

37 **Section 3.** The Village Clerk and Village Attorney shall serve as
38 ex-officio members solely to assist the Committee as needed.
39

40 **Section 4.** The Committee will sunset immediately upon sending
41 its recommendations to the Council.

RESOLUTION NO. 2020-_____

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3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
4 VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE
5 MIAMI-DADE COUNTY TRANSIT ONE-HALF (1/2) CENT SALES
6 TAX FOR TRANSIT; DIRECTING THE VILLAGE ATTORNEY TO
7 FILE A MOTION FOR THE VILLAGE TO INTERVENE AS PLAINTIFF
8 IN THE EXISTING LAWSUIT CHALLENGING THE ILLEGAL
9 DIVERSION OF REVENUE RAISED BY THE VOTER-APPROVED
10 TRANSIT ONE-HALF (1/2) CENT SALES TAX; AND PROVIDING AN
11 EFFECTIVE DATE. (*Sponsored by Councilmember David Singer*)
12

13 WHEREAS, the voters of Miami-Dade County approved a local
14 option one-half (1/2) cent sales tax for the purpose of rapid transit,
15 including but not limited to rapid transit in south Miami-Dade County,
16 under the terms and conditions specified in the referendum; and
17

18 WHEREAS, Miami-Dade County has failed to meet the terms and
19 conditions specified in the referendum, on which the voters relied in
20 their approval of the local option sales tax, and instead the County has
21 diverted such sales tax revenues to operating costs not permitted under
22 the terms and conditions of the referendum; and
23

24 WHEREAS, the illegal diversion of transit sales tax revenue has
25 resulted in a lack of rapid transit services in south Miami-Dade County
26 in general and in the vicinity of the Village of Palmetto Bay; and
27

28 WHEREAS, a lawsuit has been filed against Miami-Dade County
29 (Defendant) challenging the improper use of the sales tax revenue, and
30 a comprehensive motion to dismiss the lawsuit by the Defendant
31 County has been dismissed (*Lago v. Miami-Dade County*, Case No.
32 2018-27285 CA 31 (11th Judicial Circuit, Florida); and
33

34 WHEREAS, the Village of Palmetto Bay has legal standing to
35 engage in litigation on behalf of its residents, because its residents are
36 substantially injured by the diversion of the transit sales tax revenue, in
37 that the lack of rapid transit serving south Miami-Dade contributes to
38 serious traffic congestion, impairing travel by Village residents; and
39

1 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
2 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,
3 FLORIDA ONLY:

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7 **John C. Dellagloria**
8 **Village Attorney**

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11 **FINAL VOTE AT ADOPTION:**

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- 13 Council Member Patrick Fiore _____
- 15 Council Member David Singer _____
- 17 Council Member Marsha Matson _____
- 19 Vice-Mayor John DuBois _____
- 21 Mayor Karyn Cunningham _____

RESOLUTION NO. 2020-_____

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A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, WITH ATTACHMENT(S), SUPPORTING _____ CONCEPT OF THE BETTER BUS PROJECT REDESIGN OF COUNTY BUS NETWORK; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham)*

WHEREAS, Transit Alliance is a non-profit advocacy organization that has produced extensive research on the Miami-Dade County bus network and municipal trolleys; and,

WHEREAS, Transit Alliance produced two reports which analyze the existing bus system and outline the choices for the new bus network; and,

WHEREAS, Transit Alliance gathered community and stakeholder input to develop two network concepts: one focused on ridership and the second focused on coverage; and,

WHEREAS, the _____ concept provides for the greatest increase in access to jobs and frequent transit for the residents of the Village of Palmetto Bay.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, THAT:

Section 1. The Village Council of the Village Council hereby supports the _____ concept.

Section 2. This Resolution shall be effective upon adoption.

PASSED and ADOPTED this 3rd day of February 2020.

1 Attest:

2

3

4

5

6 Missy Arocha
7 Village Clerk

Karyn Cunningham
Mayor

8

9

10 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
11 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,
12 FLORIDA ONLY:

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14

15

16

17 John C. Dellagloria
18 Village Attorney

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22 FINAL VOTE AT ADOPTION:

23

24 Council Member Patrick Fiore _____

25

26 Council Member David Singer _____

27

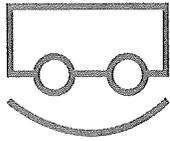
28 Council Member Marsha Matson _____

29

30 Vice-Mayor John DuBois _____

31

32 Mayor Karyn Cunningham _____



Better Bus Project

Subject

Summary of Better Bus Project Network Concepts for Palmetto Bay

Better Bus Project

A bus system redesign is a collaborative planning effort to decide where today's bus service should go (and how frequently), starting from a clean slate. The biggest outcome of the project will be a new bus network that's more useful for more people – concentrating frequent service, building better connections, and creating a stronger network.

The Better Bus Project is being led by Transit Alliance Miami in partnership with Miami-Dade County. It is the first advocacy-led and community-driven bus system redesign in the country. The project includes the County bus system and trolley systems in the City of Miami, Miami Beach and Coral Gables.

Context

The County bus system has lost over 25 million boardings in the past five years, one of the steepest declines in ridership in the country. The growth in municipal trolley ridership only accounts for 15% of the decline¹. When considering transit ridership, one must consider the entire system as a whole. The system is still experiencing a net loss of riders despite gains in some municipal systems.

The County currently only operates five frequent bus routes, defined as a bus arriving every 15 minutes throughout the day. Several routes are extremely circuitous, while both County and Municipal services duplicate each other.

The project is cost-neutral, and assumes the same operating budget for both systems.

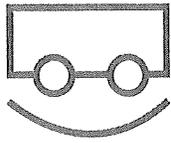
More information about our existing network can be found in the Choices Report at: www.betterbus.miami/choices

There is also a robust community engagement process for the project, that can be found at: www.betterbus.miami/connect

Concepts

The project has released two network concepts. These concepts aren't proposals. They are different ways of thinking about how we could design our new bus network, depending on the goals that we deem most important. These concepts were designed in collaboration with City staff.

¹ Better Bus Project Choices Report, p. 5



Better Bus Project

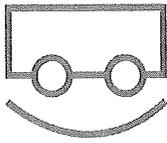
If our goal was to increase ridership, we would provide extremely useful service (every 15 minutes or less) in the places where we have the most jobs and most people, and less service everywhere else.

If our goal was to spread out our service across the region, regardless of the ridership outcome, we would be seeking coverage. We would have less frequent routes, but our service would be spread further across the County.

The two network concepts alongside the existing network demonstrate these goals and a few other key choices as the County its residents, businesses, and leaders decide how they want to design the bus system. The key questions are

- How Much Change? Both the Coverage and Ridership Concepts would change the network significantly to increase the freedom and access people have by transit. The trade-off is that many people are used to the service as it is, and will complain if we change anything.
- Whether and how to change trolley services? Both the Coverage and Ridership Concepts assume that the City of Miami and Miami Beach would change their trolley networks to maximize job access overall. The trade-off is that Trolley routes are the result of a community-driven process and are controlled by cities, and they have different fares and vehicles. This means changing both trolleys and the county network requires more coordinating and effort on the part of everyone.
- How far apart should bus stops be? Both the Coverage and Ridership Concepts assume that bus stops should be about every 1,000 to 1,300 feet apart on most high ridership routes. This allows riders to get where they are going faster. The downside is that some people have physical limitations on walking and some places are unpleasant to walk in, especially in summer.
- Ridership or Coverage? The Coverage Concept changes the network to maximize job access, widen stop spacing, and redesign trolley services but ensures that everyone who is within $\frac{1}{4}$ of transit today is still near a stop. The Ridership Concept changes the network even more, but shifting service away from low density areas and increasing frequency in the denest and busiest places in the county.

The Existing Network spends about 70% of its resources on Ridership goals and about 30% on Coverage goals and duplication. The Coverage Concept spends about 80% of its resources on Ridership Goals and about 20% on coverage goals, as most of the duplication has been removed. The Ridership Concept spends about 90% of its resources on Ridership goals and the remaining 10% on Coverage goals. The engagement process is centered around answering the key questions above and finding out where, in the spectrum these concepts represent, the community would like their future bus system to be ahead of designing the final network plan later this year.



Better Bus Project

In the included network maps, routes are color-coded by frequency (see the legend in the top left), with red lines being the most frequent (a bus arriving every 15 minutes throughout the day).

Taking a Position

By Palmetto Bay taking a position on the network concepts, it aids County Commissioners in taking their position on the two concepts ahead of designing a final network plan.

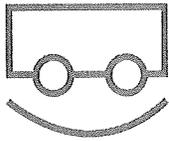
Outcomes

As elected officials, it is far more important to focus on the outcomes of the redesigned network rather than every new twist and turn in the redesigned routes. We have measured very specific outcomes to help guide your decision, and have included some below.

We use job access as a proxy to measure a person's access to services and opportunities. Even if someone isn't traveling to a job on transit, they are generally traveling to somewhere that has jobs (for example, the grocery store, which has employees, and therefore jobs).

The outcomes for the average resident in Miami-Dade County are:

- The Coverage Concept:
 - Increases by 33% the number of jobs reachable by transit in 45 minutes for the average resident.
 - Increases the number of jobs that the average person in poverty could reach in an hour by 32,000, a 28% increase.
 - Increases the percent of residents near high frequency service from 10% to 18
 - Maintains the overall number of people near any transit service at the current level of about 60%.
- The Ridership Concept:
 - Increases by 51% the number of jobs reachable by transit in 45 minutes for the average resident.
 - Increases the number of jobs that the average person in poverty could reach in an hour by 50,000, a 44% increase.
 - Increases the percent of residents near high frequency service from 10% to 28%
 - Reduces the percent of people near any transit service from 60% to 48%.



Better Bus Project

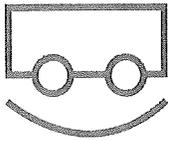
Route 31 operates on the busway from Dadeland South to Cutler Bay and comes every 30 minutes at midday on weekdays, as indicated by the blue line on the map above . It serves an average of 25 boardings an hour every weekday and serves an average of 1,119 boardings a day on weekdays.

Route 38 operates on the busway from Dadeland South to Florida City and comes every 20 minutes at midday on weekdays, as indicated by the purple line on the map above. It serves an average of 30 boardings an hour every weekday and serves an average of 6,551 boardings a day on weekdays.

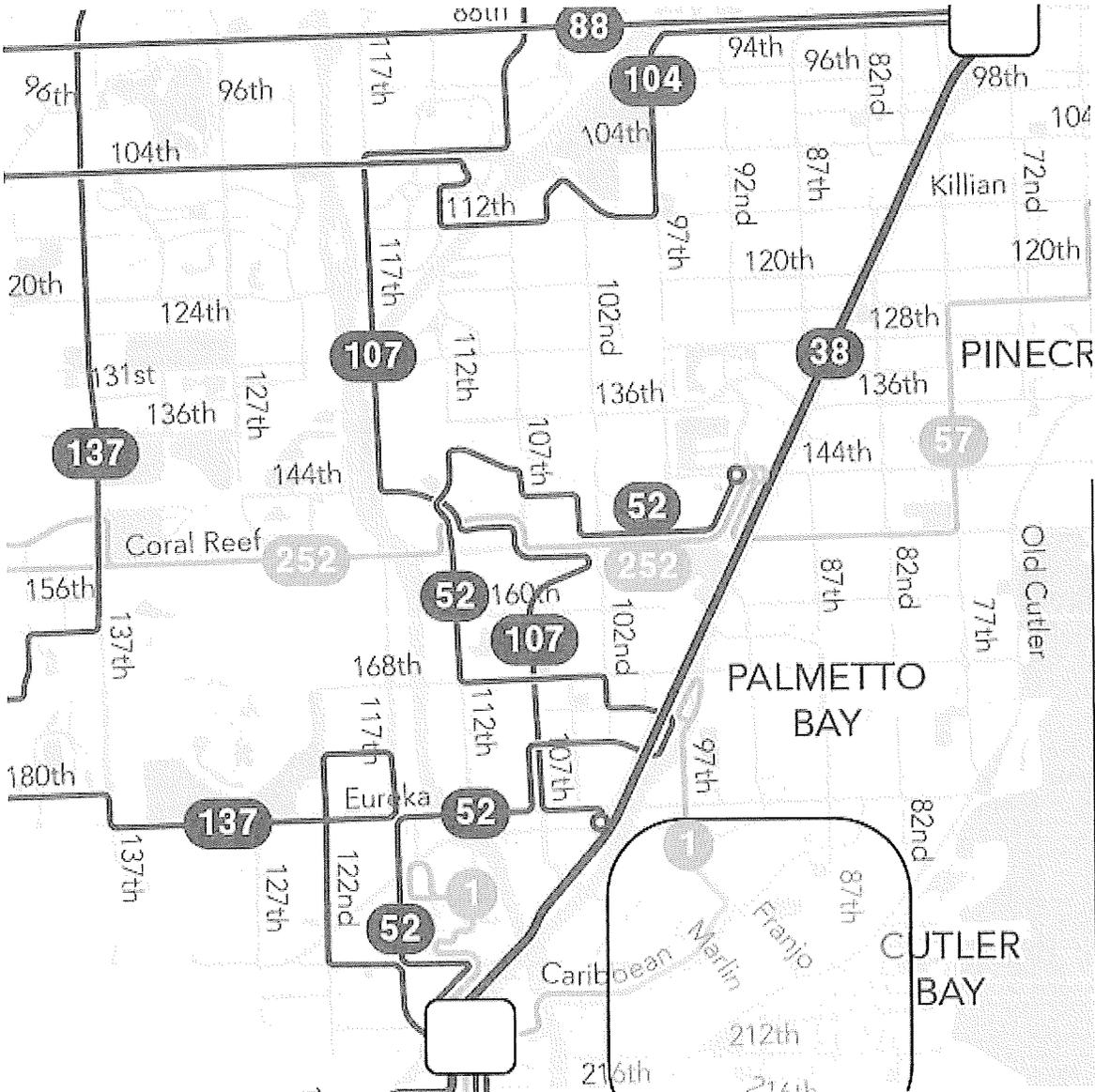
Route 1 operates every 40 minutes and serves an average of 13 boardings an hour every weekday and 319 boardings a day on weekdays. Route 1 heading north starts at SW 114 Avenue & Quail Roost Drive and ends at SW 165 Street & US 1.

Route 57 operates every 60 minutes and serves an average of 11 boardings an hour every weekday and 428 boardings a day on weekdays. Route 57 heading north starts at Jackson South Hospital, connects to South Miami Metrorail, and ends at Miami Airport Station.

Coverage Concept



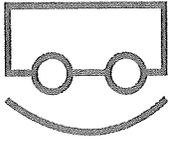
Better Bus Project



Route 38 is combined with Route 31 and will operate more frequently at a 15 minute frequency throughout the day from Dadeland South Metrorail to Florida City.

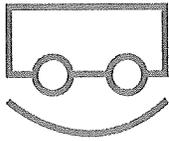
Route 1 would be reduced to a 60 minute frequency running on the same streets and patterns as today.

Route 57 would remain at a 60 minute frequency running on the same streets and patterns as today.



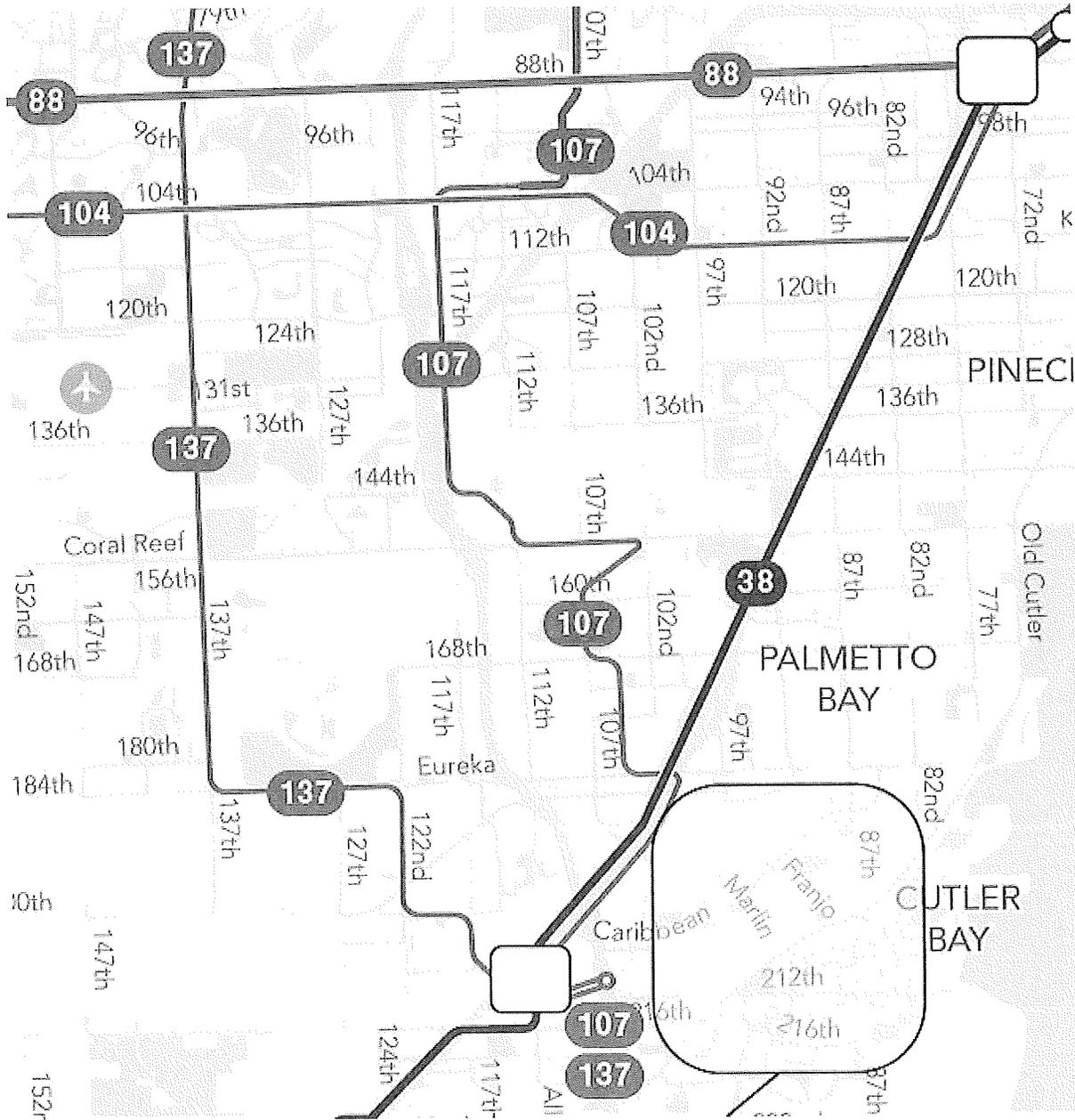
Better Bus Project

In this concept, the average resident in Palmetto Bay can access 19% more jobs in 60 minutes on transit (compared to the existing network) due to increases in frequency on the busway and services that connect to it.

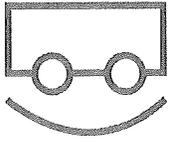


Better Bus Project

Ridership Concept



The combined Route 38 will operate more frequently every 10 minutes throughout the day from Dadeland South Metrorail to Florida City.

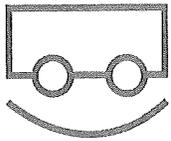


Better Bus Project

In this concept, we invest in the most frequent service on the routes that carry the most riders. Therefore, resources from Route 1 and Route 57 are invested in operating more frequent service on the busway as those routes has an average of 13 boardings per hour, which is below the systemwide average 21 boardings an hour, and far below the productivity of Routes 31 or 38 at which get 25 and 30 boardings per hour, respectively.

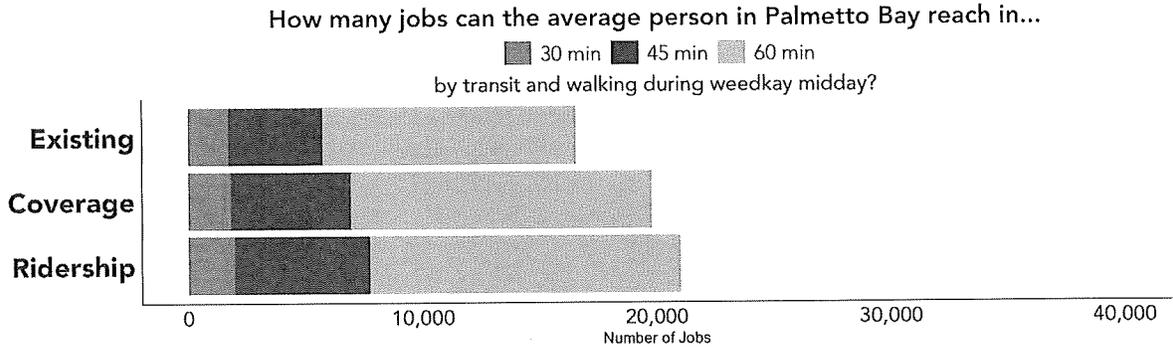
In this concept, the average resident in Palmetto Bay can access 27% more jobs in 60 minutes on transit (compared to the existing network) due to further increases in frequency on the busway and services that connect to it.

Palmetto Bay's local services can continue to provide local service that would connect to more frequent regional connections in the Ridership concept.

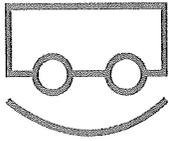


Better Bus Project

The charts below shows how job access outcome changes between the concepts for the average resident in Palmetto Bay.



The isochrones below visualizes the physical changes in freedom between the existing network and the two concepts. The legend in the top right will help you understand them, and the specific.

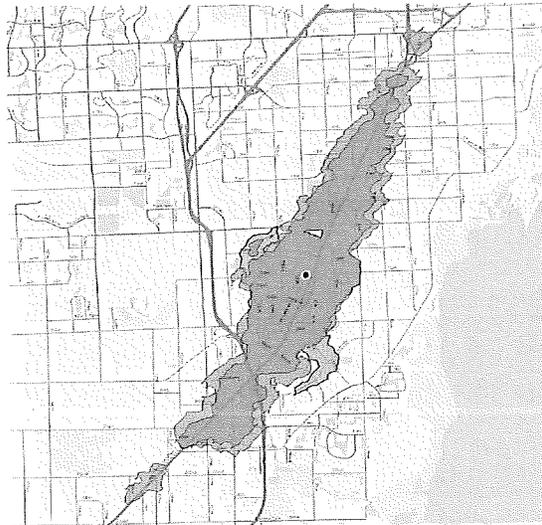


Better Bus Project

How far can I travel in 45 minutes from Busway and 168th at noon?

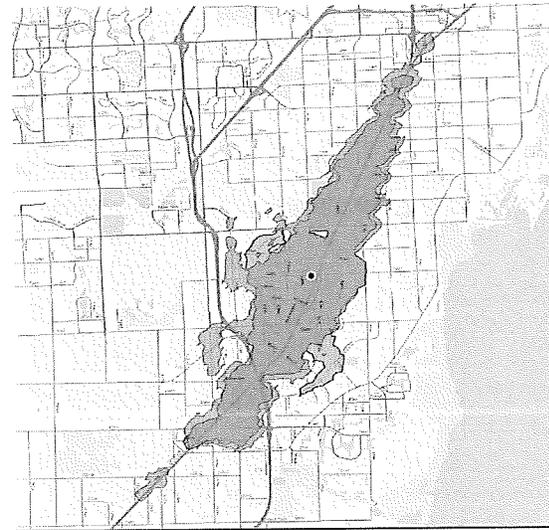


Ridership Concept



Change in jobs reachable	+8,640	+45%
Change in residents reachable	+9,705	+20%

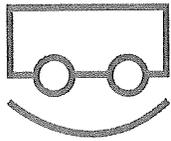
Coverage Concept



Change in jobs reachable	+6,355	+30%
Change in residents reachable	+11,020	+20%

The trade-off of the increased frequency, which improves the overall access to jobs, is that there are fewer routes, so some people are a longer walk to service, or are too far from service to reasonably walk to a route. We can see the effect of this by looking at how many people or jobs are within a 1/2 mile and 1/4 mile of service in the charts that follow.

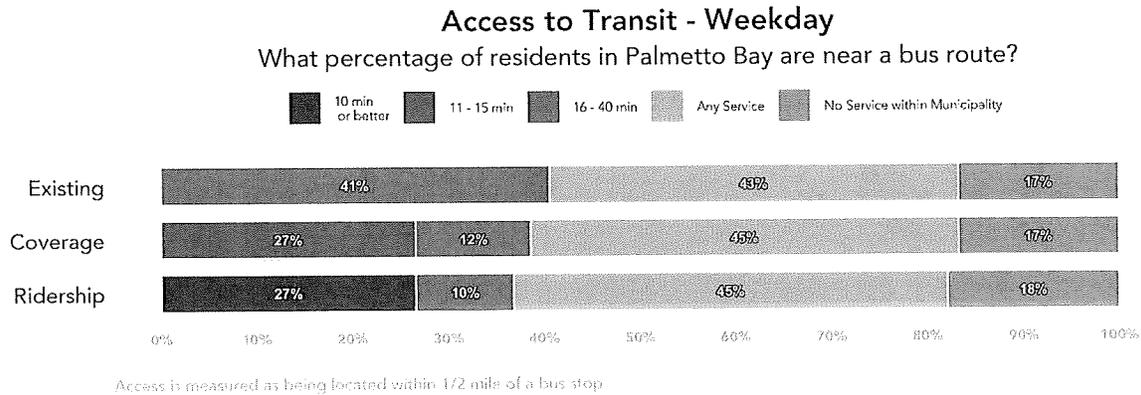
The calculations above and below do include the IBus Route A but do not take into account the peak-only IBus Route B or the Freebee express services as they are not available at midday. However, it is worth considering them when deciding between the two concepts as they both increase the access to regional transit services during peak periods.



Better Bus Project

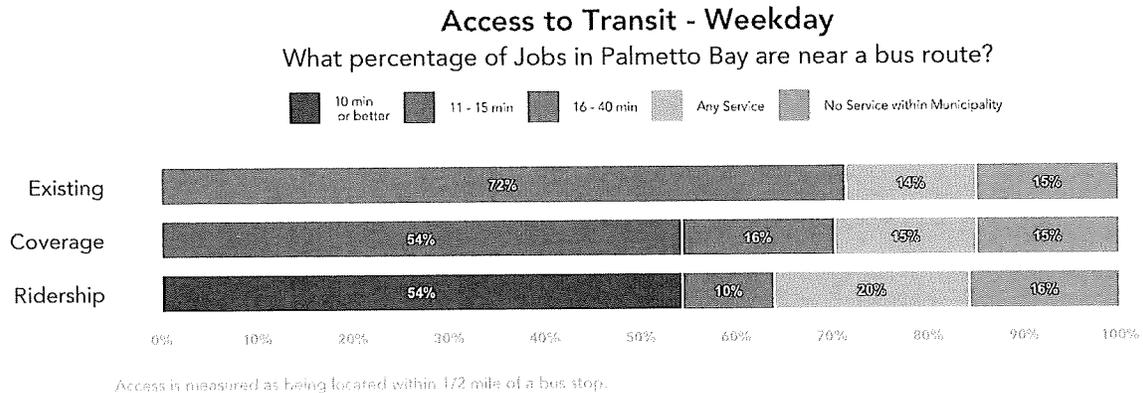
Residents within 1/2 mile of service

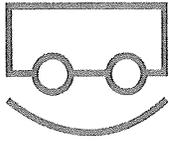
The chart below shows that in the Existing Network, about 84% of residents in Palmetto Bay are within 1/2 a mile of transit today, but none are near a frequent route (something coming every 15 minutes or better at midday). In the Coverage Concept the percent of residents within 1/2 a mile of any service remains to 84% but now 39% are near a frequent route. In the Ridership Concept, while 42% of residents are within 1/2 a mile of some transit, 27% of residents are near a bus coming every 10 minutes.



Jobs within 1/2 mile of service

The chart below shows that in the Existing Network, about 86% of jobs in Palmetto Bay are within 1/2 a mile of transit today, but none are near a frequent route (something coming every 15 minutes or better at midday). In the Coverage Concept the percent of jobs within 1/2 a mile of service is 85%, but now 70% are within 1/2 a mile of a frequent route. In the Ridership Concept, while 84% of jobs are within 1/2 a mile of some transit, 54% of jobs are within 1/2 a mile of a bus coming every 10 minutes.





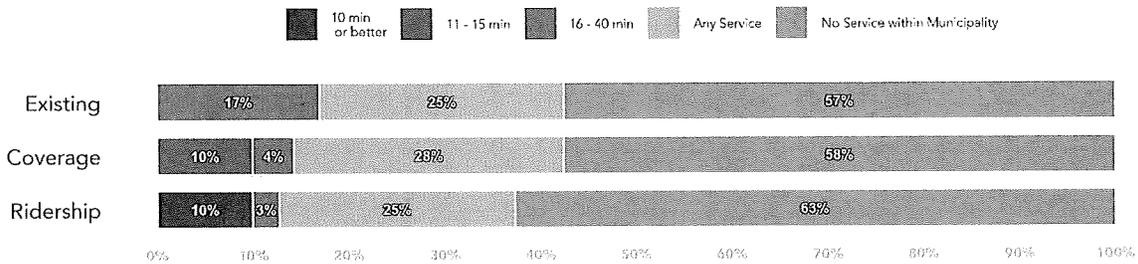
Better Bus Project

Jobs and Residents within 1/4 mile of service

The charts below also measure access to transit for jobs and residents, but **within a 1/4 mile** instead of a 1/2 mile. The outcomes are largely similar, with the largest increase in access to frequent service in the Ridership concept.

Access to Transit - Weekday

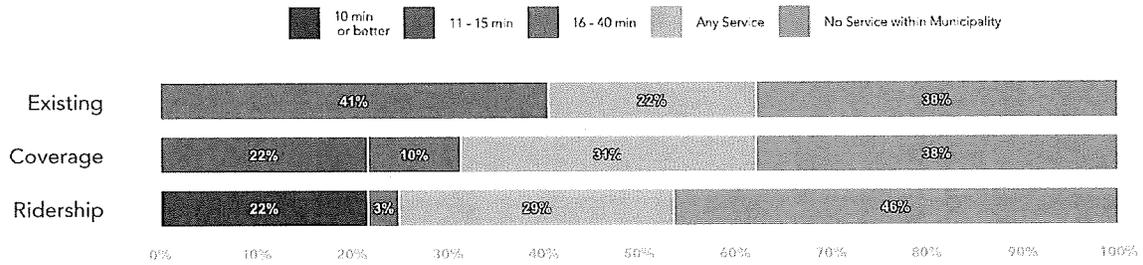
What percentage of residents in Palmetto Bay are near a bus route?



Access is measured as being located within 1/4 mile of a bus stop.

Access to Transit - Weekday

What percentage of Jobs in Palmetto Bay are near a bus route?



Access is measured as being located within 1/4 mile of a bus stop.



To: Honorable Mayor and Village Council

Date: October 7, 2019

From: Edward Silva, Village Manager

Re: Stormwater Master Plan Update

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE STORMWATER MASTER PLAN; APPROVING THE SELECTION OF KIMLEY-HORN AND ASSOCIATES, INC., TO UPDATE THE VILLAGE'S STORMWATER MASTER PLAN; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH SAID COMPANY AND ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$84,500; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Administration)

BACKGROUND AND ANALYSIS:

In February 2004, as per Resolution No. 04-21, the Village of Palmetto Bay contracted Kimley-Horn and Associates, Inc., for the development of a Stormwater Master Plan (SWMP). The SWMP was completed and accepted in December 2004 as part of Resolution No. 04-22. The SWMP included a Capital Improvement Plan (CIP) that identified seventeen priority stormwater improvement projects (basins) throughout the Village of Palmetto Bay based on observed flooding, flood complaints, roadway conditions, traffic volumes, and hydraulic analysis.

In 2012, as per Resolution No. 2012-83, the Village of Palmetto Bay authorized Kimley-Horn to complete an update to the 2004 SWMP. This first update was completed basically 7 years after the original SWMP. Recently, there has been increased awareness regarding the possible effects of sea level rise. In addition, 7 years have transpired since the first update was completed and there have been several stormwater projects and localized drainage improvement projects completed during that period that have enhanced and improved the Village's stormwater system; we are recommending that the SWMP be updated again.

Kimley-Horn has intimate knowledge as to the drainage improvements completed within the village, as they have completed several recent stormwater projects, namely the design and contract administration & inspection for Sub-Basin 59/60 constructed during 2018-2019, and the design for Sub-Basin 61.

FISCAL/BUDGETARY IMPACT:

Funding is available and budgeted for this item under "Stormwater" in an amount not to exceed \$84,500 in Fiscal Year 2019-2020.

RECOMMENDATION:

Approval is recommended.

Attachments:

- (1) Attachment A: Kimley Horn Stormwater Master Plan Update Proposal

1 Services requested a proposal from said company to update the
2 SWMP; and

3
4 **WHEREAS**, having completed the original SWMP in 2004, along
5 with an update in 2012 and implementing four of the Village's
6 stormwater capital improvement projects, Kimley-Horn and Associates,
7 Inc. has extensive information and local knowledge that will be used to
8 minimize data collection activities for the SWMP update.

9
10 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE**
11 **OF PALMETTO BAY, FLORIDA, THAT:**

12
13 **Section 1.** The Village Council hereby approves the selection of
14 Kimley-Horn and Associates, Inc. to update the Village's Stormwater
15 Master Plan.

16
17 **Section 2.** The Village Manager is authorized to enter into an
18 agreement with said company, in substantial form and content to the
19 attached Exhibit A, and to issue a purchase order in an amount not to
20 exceed \$84,500.

21
22 **Section 3.** This Resolution shall become effective upon adoption.

23
24
25 **PASSED and ADOPTED** this 3rd day of February 2020.

26
27
28 Attest:

29
30
31 _____
32 **Missy Arocha**
33 **Village Clerk**

34
35
36 _____
37 **Karyn Cunningham**
38 **Mayor**

1 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE**
2 **USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,**
3 **FLORIDA ONLY:**

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6 _____
7 **John C. Dellagloria**
8 **Village Attorney**

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11 **FINAL VOTE AT ADOPTION:**

- 12
13 Council Member Patrick Fiore _____
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15 Council Member David Singer _____
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17 Council Member Marsha Matson _____
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19 Vice-Mayor John DuBois _____
20
21 Mayor Karyn Cunningham _____

EXHIBIT "A"

PROJECT AGREEMENT

Between

VILLAGE OF PALMETTO BAY, FLORIDA

And

Kimley-Horn and Associates, Inc.

for

Work Authorization No. 19-XX

2020 Stormwater Master Plan Update

PROJECT AGREEMENT

Between

THE VILLAGE OF PALMETTO BAY, FLORIDA

And

Kimley-Horn and Associates, Inc.

For

Work Authorization No. 19-XX

2020 Stormwater Master Plan Update

Pursuant to the provisions contained in the "continuing services agreement" between the VILLAGE OF PALMETTO BAY, FLORIDA, 9705 East Hibiscus Street, Palmetto Bay, Florida 33157 (the "VILLAGE") and Kimley-Horn and Associates, Inc., ("CONSULTANT" or "ENGINEER") dated June 20, 2013, this project agreement authorizes the CONSULTANT to provide the services as set forth below:

The VILLAGE and CONSULTANT agree as follows:

SECTION 1. SCOPE OF SERVICES

1.1 The CONSULTANT shall provide engineering services to the VILLAGE for the project as described in the "Project Description" attached as Exhibit "1."

1.2 The "Scope of Services and Project Schedule" and tasks to be provided by the CONSULTANT for this project are those services and tasks as listed in Exhibit "2."

1.3 The VILLAGE may request changes that would increase, decrease, or otherwise modify the Scope of Services. The changes must be contained in a written change order executed by the parties in accordance with the provisions of the continuing services agreement, prior to any deviation from the terms of the project agreement, including the initiation of any extra work.

SECTION 2. DELIVERABLES

As part of the Scope of Services and Project Schedule, the CONSULTANT shall provide to the VILLAGE the following Deliverables:

See Scope of Services in Attachments Exhibit "2".

SECTION 3. TERM/TIME OF PERFORMANCE/DAMAGE

3.1 **Term.** This project agreement shall commence on the date this instrument is fully executed by all parties and shall continue in full force and effect until the project is completed, unless otherwise terminated pursuant to section 6 or other applicable provisions of this project agreement. The VILLAGE manager, in his sole discretion, may extend the term of this agreement through written notification to the CONSULTANT. The extension shall not exceed 30 days. No further extensions of this agreement shall be effective unless authorized by the VILLAGE council.

3.2 **Commencement.** The CONSULTANT's services under this project agreement and the time frames applicable to this project agreement shall commence upon the date provided in a written Notification of Commencement ("Commencement Date") provided to the CONSULTANT from the VILLAGE. The CONSULTANT shall not incur any expenses or obligations for payment to third parties prior to the issuance of the Notification of Commencement. CONSULTANT must receive written notice from the VILLAGE manager or his designee prior to the beginning the performance of services.

3.3 **Contract Time.** Upon receipt of the Notification of Commencement, the CONSULTANT shall commence services to the VILLAGE on the Commencement Date, and shall continuously perform services to the VILLAGE, without interruption, in accordance with the time frames set forth in the "Project Schedule," a copy of which is attached and incorporated into this agreement as Exhibit "2". The number of calendar days from the Commencement Date, through the date set forth in the Project Schedule for completion of the project or the date of actual completion of the project, whichever shall last occur, shall constitute the Contract Time.

3.4 **Liquidated Damages.** Unless otherwise excused by the VILLAGE in writing, in the event that the CONSULTANT fails to meet the contract time for completion of services as determined by the Project Schedule, the CONSULTANT shall pay to the VILLAGE the sum of dollars identified below per day for each and every calendar day unexcused delay beyond the completion date, plus approved time extensions, until completion of the project: \$0 per day. The CONSULTANT may claim extension if the factors involved are not under their direct control.

Any sums due and payable hereunder by the CONSULTANT shall be payable, not as a penalty, but as liquidated damages representing and estimate at or before the time of executing this agreement. When the VILLAGE reasonably believes that completion will be inexcusably delayed, the VILLAGE shall be entitled, but not required, to withhold from any amounts otherwise due the CONSULTANT an amount then believed by the VILLAGE to be adequate to recover liquidated damages applicable to the delays. If and when the CONSULTANT overcomes the delay in achieving completion, or any part thereof, for which the VILLAGE has withheld payment, the VILLAGE shall promptly release to the CONSULTANT those funds withheld, but no longer applicable, as liquidated damages.

3.5 All limitations of time set forth in this agreement are of the essence.

SECTION 4. AMOUNT, BASIS AND METHOD OF COMPENSATION

4.1 **Lump Sum Compensation.** VILLAGE agrees to pay CONSULTANT as compensation for performance of all services described in Exhibit "2" a Lump Sum amount of \$84,500.00.

4.2 **Reimbursable Expenses.** The following expenses are reimbursable at their actual cost: travel and accommodations, long distance telephone calls, facsimile, courier services, mileage (at a rate approved by the VILLAGE), photo and reproduction services. All document reproductions are also reimbursable, at a rate approved by the VILLAGE.

SECTION 5. BILLING AND PAYMENTS TO THE CONSULTANT

5.1 Invoices

5.1.1 **Lump Sum Compensation and Reimbursable Expenses.** CONSULTANT shall submit invoices which are identified by the specific project number on a monthly basis in a timely manner. These invoices shall identify the nature of the work performed, the phase of work, and the estimated percent of work accomplished in accordance with the Payment Schedule set forth in Exhibit "3", to this project agreement. Invoices for each phase shall not exceed amounts allocated to each phase of the Project plus reimbursable expenses accrued during each phase. The statement shall show a summary of fees with accrual of the total and credits for portions previously paid by the VILLAGE. The VILLAGE shall pay CONSULTANT within 30 days of approval by the VILLAGE manager of any invoices submitted by CONSULTANT to the VILLAGE.

5.2 **Disputed Invoices.** In the event that all or a portion of an invoice submitted to the VILLAGE for payment to the CONSULTANT is disputed, or additional backup documentation is required, the VILLAGE shall notify the CONSULTANT within 15 working days of receipt of the invoice of the objection, modification or additional documentation request. The CONSULTANT shall provide the VILLAGE with additional backup documentation within five working days of the date of the VILLAGE's notice. The VILLAGE may request additional information, including but not limited to, all invoices, time records, expense records, accounting records, and payment records of the CONSULTANT. The VILLAGE, at its sole discretion, may pay to the CONSULTANT the undisputed portion of the invoice. The parties shall endeavor to resolve the dispute in a mutually agreeable fashion.

5.3 **Suspension of Payment.** In the event that the VILLAGE becomes credibly informed that any representations of the CONSULTANT, provided pursuant to subparagraph 5.1, are wholly or partially inaccurate, or in the event that the CONSULTANT is not in compliance with any term or condition of this project agreement, the VILLAGE may withhold payment of sums then or in the future otherwise due to the CONSULTANT until the inaccuracy,

or other breach of project agreement, and the cause thereof, is corrected to the VILLAGE's reasonable satisfaction.

5.4 **Retainage.** The VILLAGE reserves the right to withhold retainage in the amount of 10 percent of any payment due to the CONSULTANT until the project is completed. Said retainage may be withheld at the sole discretion of the VILLAGE manager and as security for the successful completion of the CONSULTANT's duties and responsibilities under the project agreement.

5.5 **Final Payment.** Submission of the CONSULTANT's invoice for final payment and reimbursement shall constitute the CONSULTANT's representation to the VILLAGE that, upon receipt from the VILLAGE of the amount invoiced, all obligations of the CONSULTANT to others, including its CONSULTANT's, incurred in connection with the project, shall be paid in full. The CONSULTANT shall deliver to the VILLAGE all documents requested by the VILLAGE evidencing payments to any and all subconsultant's, and all final specifications, plans, or other documents as dictated in the Scope of Services and Deliverable. Acceptance of final payment shall constitute a waiver of any and all claims against the VILLAGE by the CONSULTANT.

SECTION 6. TERMINATION/SUSPENSION

6.1 **For Cause.** This project agreement may be terminated by either party upon five calendar days written notice to the other party should the other party fail substantially to perform in accordance with its material terms through no fault of the party initiating the termination. In the event that CONSULTANT abandons this project agreement or causes it to be terminated by the VILLAGE, the CONSULTANT shall indemnify the VILLAGE against any costs incurred in replacing CONSULTANT for this project agreement. In the event that the CONSULTANT is terminated by the VILLAGE for cause and it is subsequently determined by a court of competent jurisdiction that the termination was without cause, the termination shall thereupon be deemed a termination for convenience under section 6.2 of this project agreement and the provision of section 6.2 shall apply.

6.2 **For Convenience.** This project agreement may be terminated by the VILLAGE for convenience upon 14 days' written notice to the CONSULTANT. In the event of termination, the CONSULTANT shall incur no further obligations in connection with the project and shall, to the extent possible, terminate any outstanding subconsultant's obligations. The CONSULTANT shall be compensated for all services performed to the satisfaction of the VILLAGE and for reimbursable expenses incurred prior to the date of termination. The CONSULTANT shall promptly submit its invoice for final payment and reimbursement and the invoice shall comply with the provisions of paragraph 5.1 of this project agreement. Under no circumstances shall the VILLAGE make any payment to the CONSULTANT for services which have not been performed.

6.3 **Assignment upon Termination.** Upon termination of this project agreement, a copy of all of the CONSULTANT's work product shall become the property of the VILLAGE and the CONSULTANT shall, within 10 working days of receipt of written direction from the VILLAGE, transfer to either the VILLAGE or its authorized designee, a copy of all work product in its possession, including but not limited to designs, specifications, drawings, studies, reports and all other documents and data in the possession of the CONSULTANT pertaining to this project agreement. Further, upon the VILLAGE's request, the CONSULTANT shall assign its rights, title and interest under any subconsultant's agreements to the VILLAGE.

6.4 **Suspension for Convenience.** The VILLAGE shall have the right at any time to direct the CONSULTANT to suspend its performance, or any designated part thereof, for any reason whatsoever or without reason, for a cumulative period of up to 30 calendar days. If the suspension is directed by the VILLAGE, the CONSULTANT shall immediately comply with same. In the event the VILLAGE directs a suspension of performance as provided for herein through no fault of the CONSULTANT, the VILLAGE shall pay to the CONSULTANT its reasonable costs, actually incurred and paid, of demobilization and remobilization, as full compensation for the suspension.

SECTION 7. INCORPORATION OF TERMS AND CONDITIONS OF CONTINUING SERVICE AGREEMENT

7.1 This project agreement incorporates the terms and conditions set forth in the continuing services agreement dated June 11, 2010 between the parties as though fully set forth herein. In the event that any terms or conditions of this project agreement conflict with the continuing services agreement, the provisions of this specific project agreement shall prevail and apply.

[THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK.]

ATTEST:

VILLAGE OF PALMETTO BAY

VILLAGE Clerk

By: _____
Edward Silva, VILLAGE Manager

Date: _____

APPROVED AS TO FORM:

VILLAGE Attorney

ATTEST:

Kimley-Horn and Associates, Inc.

By: _____
Gary R. Ratay, P.E.
Vice President

Date: _____

WITNESSES:

Print Name: _____

Print Name: _____

Exhibit "1"

Project Description

The VILLAGE was incorporated in September 2002 and a Stormwater Master Plan (SWMP) was completed in December 2004. The SWMP included a Capital Improvement Plan (CIP) that addressed seventeen priority stormwater improvement projects (basins) throughout the VILLAGE based on observed flooding, flood complaints, roadway conditions, traffic volumes, and hydraulic analysis.

In December 2014, the original SWMP was updated because the original SWMP was over 7 years old and there had been several stormwater projects and localized drainage improvements that had enhanced and improved the VILLAGE's stormwater system. In addition, there had been changes in the construction industry that were reviewed and incorporated into the budgets for the stormwater program. That prior SWMP update is now 5 years old. In order to evaluate the stormwater program since that update as well as address and assess additional areas of the VILLAGE for stormwater programming and priorities, it is recommended that the VILLAGE perform a new update to their current SWMP. This second SWMP update will incorporate conceptual sea level rise impacts associated with the proposed priority basin stormwater improvements.

Having completed the prior SWMP documents as well as implementing several of the VILLAGE's stormwater capital improvement projects, the CONSULTANT has extensive information and local knowledge that will be used to minimize data collection efforts and to better serve the VILLAGE during this SWMP Update.

Exhibit "2"

Scope of Services and Project Schedule

Task 1 - Project Initiation/Meetings

The purpose of this task is to initiate the project including identifying project protocols and establishing the necessary coordination between the CONSULTANT and VILLAGE staff. The CONSULTANT will conduct a project Kick-off meeting after receiving notice to proceed from the VILLAGE. At this meeting, information will be reviewed about previous storm water management efforts and experiences, particularly those relative to ongoing flooding and pavement deterioration within the VILLAGE. The meeting will address the project schedule, coordination requirements, project goals, and project objectives.

Up to two (2) coordination meetings may be required between the VILLAGE and the CONSULTANT as discussed throughout the scope of services.

Deliverables:

- Kickoff meeting and coordination meetings

Task 2 - Data Collection

The CONSULTANT will collect and evaluate information contained in the current SWMP, readily available information that has been prepared since completion of the current SWMP, limited field data collection, and additional information that may include:

1. NPDES Permit information and data (from Miami-Dade County and the VILLAGE)
2. VILLAGE ordinances, regulations or guidelines for stormwater management (from VILLAGE)
3. Stormwater system Geographical Information System (GIS) coverage (from VILLAGE)
4. Design and record drawings of completed stormwater capital projects and localized drainage improvements (from VILLAGE)
5. Citizen complaint reports/Public Works Department Work Orders (from VILLAGE)
6. Records of stormwater management problem areas (from VILLAGE)

The CONSULTANT will prepare a brief memorandum summarizing the data collected to support the development of this Stormwater Master Plan Update. This memorandum will also include an initial update to the stormwater drainage deficiency map and identification of additional data needs, if any, to complete the Plan. This task does not include physically collecting field data such as topographic surveys or geotechnical testing. Mapping protocol will be consistent with the current SWMP (CAD only).

Deliverables:

- Data Collection memorandum

Task 3 - Stormwater Master Plan Update

The result of this task is to develop a Stormwater Master Plan Update that utilizes the services performed and information collected in Tasks 1 and 2. This task will be conducted in the following three sub-tasks.

- 3.1 Existing Problems/Needs Assessment
- 3.2 Hydrologic/Hydraulic Modeling
- 3.3 Summary of Needed Improvements/Capital Improvements Plan (CIP)

3.1 Existing Problems/ Needs Assessment

The CONSULTANT will meet with the VILLAGE Staff to review stormwater complaints, identify the locations of stormwater problem areas and collect information relative to problem nature, and severity. In addition, the CONSULTANT will visit the VILLAGE during major storm events (rainfall lasting more than one-hour) that occur during the data collection and existing problems/needs assessment phases. The purpose of the visits will be to identify additional stormwater problem areas (locations where roadway flooding extends across an entire travel lane or where buildings appear to be in danger of flooding). Once these areas have been identified, the drainage deficiency map will be modified depicting the stormwater problem areas remaining as they relate to the current stormwater master plan and the additional stormwater problem areas identified as part of this assessment. This exhibit will be provided to the VILLAGE for review.

Once the exhibit depicting stormwater problem areas has been created, the CONSULTANT will meet with the VILLAGE to identify up to eight (8) Priority Sub-basins for Hydrologic/Hydraulic modeling. The selection of the Priority Sub-basins will be based on the Sub-basin boundaries defined in the previous Stormwater Master Plan and the severity of stormwater problems within each Sub-basin. The exhibit will also indicate stormwater improvements that have been completed since the previous SWMP.

3.2 Hydrologic/Hydraulic Modeling

The CONSULTANT will develop a hydrologic/hydraulic (H/H) stormwater model to evaluate the Priority Sub-basins. All stormwater facilities within a Priority Sub-basin may not be included in the model if they are not required to evaluate the area. The CONSULTANT will develop hydrologic and hydraulic stormwater models for the selected Sub-basins using SFWMD Cascade or another model acceptable to the VILLAGE. Typical data required for these models include:

- Stage/Storage relationships
- Time of Concentration

- Soils Infiltration/Storage
- Impervious Areas
- Curve Number/Runoff Coefficient
- Stormwater Facility Information
- Rainfall Data
- Flow Data
- Conceptual Sea Level Rise Impacts

The design level of service goal for each Priority Sub-basin will be based on recommendations contained in the original Stormwater Master Plan. The CONSULTANT will execute the model for the following storm events:

- 5-year/ 24-hour
- 10-year/ 24-hour
- 25-year/ 72-hour
- 100-year/ 72-hour

Model input and results of existing condition model will be reviewed with VILLAGE prior to proceeding with modeling of alternative solutions. Utilizing the H/H model the CONSULTANT will evaluate solutions for each of the selected Priority Sub-basins. The recommended improvements may include both structural and nonstructural controls to address the stormwater management problems identified.

In addition to storm water management, the CONSULTANT will utilize a spreadsheet model to estimate storm water quality or pollutant load reductions for total suspended solids, total phosphorus, and total nitrogen based on existing load use and proposed water quality improvements.

3.3 Summary of Needed Improvements/Capital Improvements Plan (CIP)

Utilizing the results of the above outlined tasks, the CONSULTANT will summarize the improvements that are needed to upgrade the level of service for the VILLAGE's stormwater system. This task will be summarized in a prioritized manner and will address the opinion of probable cost associated with each improvement.

The VILLAGE's CIP will be presented in a spreadsheet format. Each project will be outlined with a description and corresponding budget. A brief summary of each project including anticipated pollutant load reduction will be included as part of the CIP. The CIP will include updated budgets for projects included in the previous SWMP as well as budgets for improvements to meet level of service goals in the Priority Sub-basins identified in this SWMP Update, and Operation and Maintenance costs for the VILLAGE's storm water system. This scope of work does not include evaluation of the stormwater utility management report, review of the current stormwater utility rate, additional data for project funding, MS4, or CRS

compliance. Those evaluations or supporting documentation can be provide for specific basins as an additional service.

Upon completion of the above noted sub tasks, the CONSULTANT will prepare and distribute two (2) draft copies of the Stormwater Master Plan Update to the VILLAGE. The CONSULTANT will meet with the VILLAGE staff to present the contents of the report.

The CONSULTANT will incorporate comments from the VILLAGE staff and submit 10 copies of the final Stormwater Master Plan Update.

Deliverables:

- Two Draft Reports
- Ten Final Reports

Project Schedule

The CONSULTANT will provide our services as expeditiously as possible and will commence work within ten calendar days following receipt of a notice to proceed. Completion of the SWMP Update will require 7 months. The following is an anticipated breakdown of the schedule:

- Task 1 – 30 days after notice to proceed
- Task 2 – 90 days
- Task 3 – 90 days

The above schedule is subject to change based on VILLAGE review time and the requirement of storm events to occur for site observation.

Exhibit "3"

Payment Schedule

The CONSULTANT will complete this scope of services for the lump sum amount of **\$84,500.00**.

Task	Description	Labor Fee
1	Project Initiation/Meetings.....	\$7,500.00
2	Stormwater Data Collection.....	\$17,500.00
3	Stormwater Master Plan Update	\$59,500.00
	LUMP SUM FEE	\$84,500.00



ITEM 10J

To: Honorable Mayor and Village Council

Date: October 7, 2019

From: Edward Silva, Village Manager

Re: Proposed Master Plan
Components for Ludovici Park

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; APPROVING THE PROPOSED MASTER PLAN COMPONENTS FOR LUDOVICI PARK ON AN ITEM BY ITEM BASIS FROM RECOMMENDATIONS LISTED HEREIN; PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration)*

BACKGROUND AND ANALYSIS:

Following a series of public meeting and the offering of input by Village of Palmetto Bay citizenry regarding proposed revisions to the existing Ludovici Park Master Plan, a summary identifying recommendations was compiled for subsequent reviews and approvals. Pursuant to a comprehensive presentation of the all components and/or items recommended for the newly proposed Ludovici Park Master Plan, the Village Council direct the Manager to schedule a final review and consideration for approval, on an item by item basis, for finalization of the subject Master Plan components for Ludovici Park.

FISCAL/BUDGETARY IMPACT:

Pursuant to approval of the final Parks Master Plan incorporating all park facilities, funding will be based on annual budget appropriations as projects are approved for placement on respective Capital Improvement Programs.

RECOMMENDATION:

Approval is recommended.

1 **Section 1.** The Village Council hereby approves the following
2 improvements to be incorporated into the 2019 Ludovici Park Master
3 Plan:

- 4 a. _____
- 5 b. _____
- 6 c. _____
- 7 d. _____
- 8 e. _____
- 9 f. _____
- 10 g. _____
- 11 h. _____
- 12 i. _____
- 13 j. _____

14
15 **Section 2.** This resolution shall take effect immediately upon its
16 adoption.

17
18
19 **PASSED and ADOPTED** this 3rd day of February 2020.

20
21
22 Attest:

23
24 _____
25 **Missy Arocha**
26 **Village Clerk**

24 _____
25 **Karyn Cunningham**
26 **Mayor**

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29 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE**
30 **USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,**
31 **FLORIDA ONLY:**

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35 _____
36 **John C. Dellagloria**
37 **Village Attorney**

1 **FINAL VOTE AT ADOPTION:**

2

3 Council Member Patrick Fiore _____

4

5 Council Member David Singer _____

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7 Council Member Marsha Matson _____

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9 Vice-Mayor John DuBois _____

10

11 Mayor Karyn Cunningham _____

Ludovici Park Proposed Master Plan 2019

Ludovici Park 17641 Old Cutler Rd

(DRAFT)

- Proposed Improvements**
1. Add ADA Bathroom on 2nd Floor.
 2. Fix Elevator
 3. Add Reading Benches & Lights under Tree Canopy
 4. Community Chalk Board
 5. Life Size Chess
 6. Planter Wall Barrier on North Property line
 7. Plaza
 8. Educational Walking Path
 9. Lookout Tower
 10. Illuminated Crosswalk





ITEM 10K

To: Honorable Mayor and Village Council

Date: November 4, 2019

From: Edward Silva, Village Manager

Re: Proposed Master Plan
Components for Perrine Wayside "Dog
Park"

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; APPROVING THE PROPOSED MASTER PLAN COMPONENTS FOR PERRINE WAYSIDE "DOG PARK" ON AN ITEM BY ITEM BASIS FROM RECOMMENDATIONS LISTED HEREIN; PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration)*

BACKGROUND AND ANALYSIS:

Following a series of public meeting and the offering of input by Village of Palmetto Bay citizenry regarding proposed revisions to the existing Perrine Wayside "Dog Park" Master Plan, a summary identifying recommendations was compiled for subsequent reviews and approvals. Pursuant to a comprehensive presentation of the all components and/or items recommended for the newly proposed Perrine Wayside "Dog Park" Master Plan, the Village Council direct the Manager to schedule a final review and consideration for approval, on an item by item basis, for finalization of the subject Master Plan components for Perrine Wayside "Dog Park".

FISCAL/BUDGETARY IMPACT:

Pursuant to approval of the final Parks Master Plan incorporating all park facilities, funding will be based on annual budget appropriations as projects are approved for placement on respective Capital Improvement Programs.

RECOMMENDATION:

Approval is recommended.

- i. Gazebo at Waters edge
- j. Agility Courses
- k. Cypress Trees in Water

Section 2. This Resolution shall take effect immediately upon its adoption.

PASSED and ADOPTED this 3rd day of February 2020.

Attest:

Missy Arocha
Village Clerk

Karyn Cunningham
Mayor

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

John C. Dellagloria
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore _____

Council Member David Singer _____

Council Member Marsha Matson _____

Vice-Mayor John DuBois _____

Mayor Karyn Cunningham _____

RESOLUTION NO. 2020-_____

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A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO FORM A TRAFFIC TASK FORCE TO STUDY AND MAKE RECOMMENDATIONS TO RELIEVE TRAFFIC CONGESTION AND TRAFFIC PATTERNS IN THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilmember David Singer)

WHEREAS, there has been long-standing concerns regarding increased traffic congestion in neighborhood streets throughout the Village; and

WHEREAS, neighborhood residents have on many occasions brought these issues to the Village Council; and

WHEREAS, while the Village Council and administration has attempted to work with Miami-Dade County and has considered various solutions, it will be beneficial to address these issues with and get recommendations from a task force; and

WHEREAS, a task force comprised of individuals with professional traffic credentials along with neighborhood residents could provide recommendations beneficial to future solutions to the congestion concerns.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, THAT:

Section 1. The Village Manager is hereby authorized to form a task force comprised of neighborhood residents and individuals with traffic expertise to study and make recommendations to the Village Council.

Section 2. The task force shall be comprised of 7 members, two members from each district and one member who will be considered an at-large resident. All members will be appointed by the Village Manager.

Section 3. The task force shall sunset one (1) year from the effective date of this resolution.

1 **Section 4.** This Resolution shall take effect immediately upon its
2 adoption.

3
4 **PASSED** and **ADOPTED** this 3rd day of February 2020.

5
6 Attest:

7
8
9
10 _____
11 **Missy Arocha**
12 **Village Clerk**

13 _____
14 **Karyn Cunningham**
15 **Mayor**

16 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
17 AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA
18 ONLY:

19
20 _____
21 **John C. Dellagloria**
22 **Village Attorney**

23
24
25 **FINAL VOTE AT ADOPTION:**

- 26 Council Member Patrick Fiore _____
- 27 Council Member David Singer _____
- 28 Council Member Marsha Matson _____
- 29 Vice-Mayor John DuBois _____
- 30 Mayor Karyn Cunningham _____



ITEM 10M

To: Honorable Mayor and Village Council

Date: December 2, 2019

From: Edward Silva, Village Manager

Re: Independence Day Celebration

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS; APPROVING THE ANNUAL "PALMETTO BAY INDEPENDENCE DAY CELEBRATION" ON JULY 4, 2020; AUTHORIZING THE VILLAGE MANAGER TO ALLOCATE AND EXPEND UP TO \$42,500 NET FUNDING FOR EXPENSES RELATED TO THE ANNUAL EVENT; AND PROVIDING AN EFFECTIVE DATE.
(Sponsored by Administration)

BACKGROUND AND ANALYSIS:

The Fourth of July, also known as Independence Day, represents one of the most important historic events in American history. This significant national holiday is proudly celebrated in small and large cities alike all throughout the United States.

In recognition of this important occasion, a new tradition was started. In 2014 our village hosted our first "Palmetto Bay Independence Day Celebration", featuring activities and entertainment for all ages, and the traditional fireworks display at the conclusion of the evening. Last year this event hosted an estimated 8,000 in attendance and nicely complemented the existing special events programming in Palmetto Bay.

Our residents have been extremely supportive of and thoroughly enjoy our community events, as evidenced in their growing popularity and attendance. Residents have expressed an interest in more community events which create an opportunity for them to mingle and share with their neighbors and fellow residents. The Palmetto Bay Independence Day Celebration provides a venue that will serve that purpose as we celebrate the birth of our country.

FISCAL IMPACT:

The estimated cost for the event is \$42,500 net. This item is funded under the Special Events Budget Adopted for FY 2019-2020 and via Resolution No. 2019-119. Potential sponsorship opportunities may also be available.

Re: Independence Day Celebration 2020
Page 2 of 2

Attachment:

- 2019 Independence Day Celebration Budget as reference

1 **Section 1.** The Village Manager is authorized to proceed with the
2 planning of the annual "Palmetto Bay Independence Day Celebration"
3 scheduled for July 4th, 2020.
4

5 **Section 2.** The Village Manager is authorized to allocate an
6 amount not to exceed \$42,500 net funding to cover the costs
7 associated with the event.
8

9 **Section 3.** This Resolution shall become effective immediately.
10

11 **PASSED and ADOPTED** this 3rd day of February 2020.
12

13 Attest:
14

15
16 _____
17 **Missy Arocha**
18 **Village Clerk**

16 _____
17 **Karyn Cunningham**
18 **Mayor**

19
20 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE**
21 **USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,**
22 **FLORIDA ONLY:**
23

24
25 _____
26 **John C. Dellagloria, Esq.**
27 **Village Attorney**
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30 **FINAL VOTE AT ADOPTION:**
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32 Council Member Patrick Fiore _____

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34 Council Member David Singer _____

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36 Council Member Marsha Matson _____

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38 Vice-Mayor John DuBois _____

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40 Mayor Kary Cunningham _____

Independence Day Celebration- Budget Report 2019

Independence Day Celebration- Budget Report 2019			
TOTAL CASH REVENUE	\$	2,450.00	Total Revenue (Inc. product) \$ 3,550.00
TOTAL CASH SPONSORSHIP	\$	41,500.00	
OPERATING EXPENSES	\$	83,202.69	
STAFF EXPENSES	\$	2,675.74	
TOTAL GROSS BUDEGT	\$	85,878.43	
TOTAL SPONSORSHIP & REVENUES	\$	43,950.00	
TOTAL NET	\$	41,928.43	
TOTAL Cost Recovery %		51.18%	Estimated Attendance 7,500
REVENUE-SPONSORSHIP/TICKET SALES			
Type-Cash, In-kind, Product, Tickets	Description	Quantity	TOTAL
Sponsorship	*South Motors	Red Level-Check #030381	\$ 5,000.00
Sponsorship	*The Collection	Red Level-Check #112795	\$ 5,000.00
Sponsorship	*Doral Automotive Group	Blue Level-check #10693	\$ 1,000.00
Sponsorship	*Christ Fellowship	Blue Level-Check-#10476	\$ 1,000.00
Sponsorship	Corradino Group	White Level-Check #119736	\$ 3,500.00
Sponsorship	*Palmetto Station-FCI	Blue Level-#1637	\$ 1,000.00
Sponsorship	Florida Power & Light	Blue Level-Check #5000571679	\$ 1,000.00
Sponsorship	*The Estate Companies-	Blue Level-check-#001252	\$ 1,000.00
Sponsorship	Westminster Christian	Blue Level-check #23783	\$ 1,000.00
Sponsorship	Town of Culter Bay	Check-#8864	\$ 4,000.00
Sponsorship	*Miami Acura	Blue Level-check #24993	\$ 1,000.00
Sponsorship	Sunstate Bank	Sparkler Level-check #24652	\$ 500.00
Sponsorship	Marlin Engineerring	Blue Level-check #26574	\$ 1,000.00
Sponsorship	SACYR Construction	White Level- check #1351	\$ 2,500.00
Sponsorship	*New Leaf Chiropractic	Sparkler Level-check #1778	\$ 500.00
Sponsorship	*Gerdsrealty	Sparkler Level -Credit Card	\$ 500.00
Sponsorship	Lehtinen Schultz Attorneys	Sparkler Level-check #2672	\$ 500.00
Pending	Commissioner Daniela Levine Cava	Red Level-	\$ 5,000.00
Sponsorship	*Preferred Claim Solutions	Sparkler Level -Check 3862	\$ 500.00
Sponsorship	Shag Dixie, LLC-Bob Gallahar	Blue Level-check# 1015	\$ 1,000.00
Grant	MDC Cultural Grant	MDC Cultural GRANT	\$ 5,000.00
Prospects			
Sponsorship		2016 Collected-\$21,250	\$ -
Sponsorship		2017 Collected-\$24,342	\$ -
Sponsorship		2018 Collected-\$35,716	\$ -
		Total Cash Sponsors	\$ 41,500.00
In-Kind Sponsorship	Progressive	20 Yard Dumpster	\$ 550.00
In-Kind Sponsorship	Town of Cutler Bay	(5) Park Staff; (5) Pd Officers- 2 on Segways	\$ 3,000.00
		Total In-Kind Sponsorship	\$ 3,550.00

REVENUE-FOOD/MERCAHNDISE VENDORS

Food Vendor	Credit Card	Kona Ice	\$ 200.00
Food Vendor	Credit Card	Candy Bistro	\$ 200.00
Food Vendor	Credit Card	Frankie's Pizza	\$ 200.00
Food Vendor	Credit Card	Crepemaker	\$ 200.00
Food Vendor	Credit Card	Food Junkies Food Truck	\$ 200.00
Food Vendor	Credit Card	Che Grill	\$ 200.00
Food Vendor	Credit Card	Sports Grill	\$ 200.00
Food Vendor	Credit Card	Whip n' Dip Ice Cream	\$ 200.00
Food Vendor	Check	Yoko's Japanese Restaurant	\$ 200.00
Food Vendor	Credit Card	Light 8 Grill	\$ 200.00
Food Vendor	Credit Card	Asain Fusion	\$ 200.00
Food Vendor	Credit Card	Pig Floyd	\$ 200.00
Total Food Vendors			\$ 2,400.00
Non-Food Vendors	Credit Card	Lauras Creations	\$ 25.00
Non-Food Vendors	Credit Card	My Tobacconist Smoke Shop	\$ 25.00
Artist	Samantha Zaitman	Anthem Singer	\$ -
Artist	School of Rock	Band	\$ -
Call to Artist	Bubble Guy	Bubbles	\$ -
Call to Artist	Wrapped in Wishes	Mixed Media	\$ -
Call to Artist	Patricia Keller	Mixed Media	\$ -
Call to Artist	Kamenes Creations	Mixed Media	\$ -
Total Non-Food Vendors			\$ 50.00
TOTAL CASH REVENUES			\$ 2,450.00

EVENT EXPENSES

PO/Invoices Submitted & Notes	Vendor	Description	Amount
I-4-4	Cutler Stew	(4) member band	\$ 1,400.00
I-6-21-19	Micheal Biamonte	Emcee	\$ 650.00
PO-	YML Portable Toilets	(2) Comfort Restroom Tailer	\$ 1,800.00
I-7-11-19	YML Portable Toilets	Overflow Fee & Repair to damaged Pedal	\$ 700.00
Communications Budget	White Neon Media	Videography & Photography (\$2,350)	\$ -
Q-6-5-19	Mulching Solutions	35cy of playgorund mulch	\$ 1,728.00
		Mulch for Franjo Rd(vendor area)	\$ 299.99
		AD Marilyn Corerra July 4th Booklet (\$500)	\$ 500.00
	JJ Catering	Sponsor Reception Food for 100 guests (1,200 + \$300)	\$ 1,500.00
	BJ's	Sodas, Water & Wine for Sponsor Recption/Staff	\$ 191.01
	Publix	Juices	\$ 11.77
	Jimmy Johns	Sandwiches for Staff	\$ 171.18

Q-6/27: I-7/6/19	SFM Security	(15) Security Guards 4:30-11:0pm (7.5 hrs)/(1) Supevisor , (1) Overnight & (1) July 2nd for fireworks	\$ 3,056.75
Q-6-13	The Nose.com	(2) Caricatures @\$150/hr for 3 hrs	\$ 900.00
Inv#30859437-002/30859437-001	Herc Rentals	(13) Light Towers w/ estimated gas	\$ 1,911.40
ailed for Quote 5/7; Q-6-20; I-7/	Miami Dade Fire Rescue	Fire Wacth; 1 cap, a FF & Rescue Cart from Station #50	\$ 949.80
Q-6/17	Road Safe	Barricades, etc.	\$ 6,300.00
Pending Final Invoice	Road Safe	MOT	\$ 150.00
Pending Final Invoice	Road Safe	Additonal 75 barricdes for Nicaklaus	\$ 1,000.00
Q-5/10	Road Safe	(30) Water Barriers	\$ 1,530.00
	Road Safe	(2) VMS Boards	\$ 640.00
Q-6/4/19	Bev & Jen's Face, Body & Balloon Art	Two (2) Glitter Tattoo Artist, Four (4) Face Painters for 4 hours	\$ 2,050.00
Q-6-19: I-6-27	Game Runner	(2) Game Trucks for 5 hrs	\$ 1,175.00
I-6-25	Awrads Trophy World	Jade Crystal Award-Shelley Stanczyk	\$ 67.95
Q-6/ /19	Solo Printing/Postage	6.25x8 Postcard Mailer to 10,493 residents (Mail, Printing (\$1,090) & Postage (\$1,626.42)) + 300 to Village Hall (10,793)	\$ 2,900.00
I-6/14	Happy Party Events	Sponsor Reception Lounge Furniiture; Bar	\$ 725.99
Q-6-27	Fast Signs	(2) 3'x5' baners for bottom of stage for Top Sponsor-Comissioner Cava & Cutler Bay	\$ 213.16
I-5/18	Christina's Party Rental	(15) Picnic Benches, (15) Umbrellas, (30) Sand Bags; 200 chairs	\$ 2,476.00
I-7/18	Christina's Party Rental	Additonal 10 benches w/umbrellas & Sand Baga	\$ 1,565.00
PO-	Light Fx Pros	15 Minute Fireworks sync to Music & Shoot at (3) points	\$ 17,500.00
	Light Fx Pros	Showmobile Stage	\$ 3,750.00
PO-	Light Fx Pros	Sound & Lighting	\$ 5,000.00
I-6-25	Light Fx Pros	Laser Show	\$ 2,500.00
	Pintney Bowes Machine	412 Letters to Business/Residents (\$0.50 each) in 1,075 ft radius	\$ 206.00
Q-6/11	Rent -A-Bartender	One (1) Bartender, 5-10pm	\$ 450.00

Q-6-13; I-6-26	Sun Flower Entertainment	(2) LED Robots w/CO2 guns & (2) LED Dancers for pictures & show (1 hour); (2) Patriotic Stiltwalkers making balloons (1.5 hrs)	\$ 2,000.00
Quote 6-5; I-7-11	United Site Serves	(30) Regular	\$ 1,575.00
I-6-27	Christina's Party rental	(2) ADA Toilets	\$ 415.00
Q-6-12; I 6-24	Reliable Two Way Communications	14 @ Ways Radios with Ear Pieces (Parks, pd, Security & Fireworks)	\$ 249.70
Q-5/22	VOPB Police Department	5 officers & 2 Detectives (\$7,451.20)	\$ -
PO-	The Event Depot	(14) Rides & Inflatables	\$ 12,993.99
EVENT TOTAL:			\$ 83,202.69
Approved Net by Reso.			\$ 50,000.00
Running Budget w/Sponsor \$			\$ 93,950.00

STAFF EXPENSE

Staff Name	Hourly rate	# of hours	TOTAL
FULL TIME/HOURLY ADMIN STAFF			
Admin Staff	Hourly Rate	# of hrs worked	Total
Fanny Carmona	\$ -	18	\$ -
Kirk Hearin	\$ -	15	\$ -
Melissa Saledo	\$ 22.00	16.5	\$ 363.00
Luis Tejeda-Supervisor	\$ -	15	\$ -
Saylin Paez	\$ -	18	\$ -
Nick Perez-Cubas	\$ -	14.5	\$ -
Amanda Wheeler	\$ 20.76	14.5	\$ 301.02
Thalatta Estate			
Ivette Calafell	\$ 10.76		\$ -
Rosa Sanchez	\$ 11.41		\$ -
Alessia Bencomo	\$ 15.50	7.5	\$ 116.25
Jorge Cardenas	\$ 12.24	5	\$ 61.20
James Laurent	\$ 16.27		\$ -
Palmetto Bay Park			
Michael Marrero	\$ 10.76	9.5	\$ 102.22
Mathew Mosqueda	\$ 10.76	7.5	\$ 80.70
Jorge Hernandez	\$ 12.24	7	\$ 85.68
Noah Hamel	\$ 10.76	7.5	\$ 80.70
Lis Garcia	\$ 11.65	7.5	\$ 87.38
JD Dalrymple	\$ 13.59		\$ -
Coral Reef Park			
Laritzzy Gonzalez	\$ 11.08	7.5	\$ 83.10
Carlos Espinosa	\$ 11.08	7.5	\$ 83.10
Anaeli	\$ 11.08		\$ -
James Conley	\$ 11.08	7.0	\$ 77.56

Angel Muniz	\$	11.08	7.5	\$	83.10
Jacob Woodfall	\$	15.35		\$	-
Carlos Cintra	\$	13.18		\$	-
DD	\$	11.08	7.5	\$	83.10



ITEM 10N

To: Honorable Mayor and Village Council

Date: September 9, 2019

From: Edward Silva/ Village Manager

Re: Palmetto Bay's Bike Network Plan

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REQUESTING ADMINISTRATION TO APPROACH MIAMI-DADE COUNTY TO COMPLETE THE BICYCLE NETWORK IN THE COMMUNITY; BRING BACK OPTIONS ON DESIGN AND FUNDING NO LATER THAN 90-DAYS FROM APPROVAL WITH OPTIONS ON HOW TO IMPLEMENT SAID BICYCLE NETWORK; NETWORK SHALL CONSIST OF EAST-WEST CONNECTIVITY ON SW 152ND STREET, SW 168TH STREET, SW 184TH STREET AND NORTH-SOUTH CONNECTIVITY ON SW 77TH AVENUE AND SW 87TH AVENUE; AUTHORIZING THE VILLAGE MANAGER TO BEGIN A DIALOGUE WITH MIAMI-DADE COUNTY, PROVIDE COST ESTIMATES TO THE VILLAGE COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Councilmember David Singer)

BACKGROUND AND ANALYSIS:

Due to the influx of density and number of vehicles of cars on the road, Miami Dade county has stated intention to increase non-motorized trips and reduce the numbers of motorized users by providing a bicycle network system throughout Dade County. The Village of Palmetto administration is seeking council approval to approach Miami Dade County in order to collaborate and study the possibility of incorporating a Village Bicycle network system to provide a secondary, safe means of transportation and a secondary option or residents. Upon resolution approval, the Village Manager will begin dialogue with Miami Dade county, bring forth cost estimates, design options and funding sources for the Village's Bike Network Plan.

FISCAL IMPACT:

The resolution being proposed has no immediate impact. Administration will provide estimates to Village Council for approval.

RECOMMENDATION:

Approval is recommended.

1 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE**
2 **OF PALMETTO BAY, FLORIDA, THAT:**

3
4 **Section 1. Effective Date.**

5
6 This Resolution shall become effective and executed as directed
7 upon approval.

8
9 **PASSED** and **ADOPTED** this 3rd day of February 2020.

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13 Attest: _____
14 **Missy Arocha** **Karyn Cunningham**
15 **Village Clerk** **Mayor**
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17
18 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
19 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,
20 FLORIDA ONLY:

21
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24 _____
25 **John C. Dellagloria**
26 **Village Attorney**

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29 **FINAL VOTE AT ADOPTION:**

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31 Council Member David Singer _____
32
33 Council Member Patrick Fiore _____
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35 Council Member Marsha Matson _____
36
37 Vice-Mayor John DuBois _____
38
39 Mayor Karyn Cunningham _____

RESOLUTION NO. 2020-_____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING VILLAGE PARK FACILITIES; DIRECTING THE MANAGER TO RECOMMEND TO THE VILLAGE COUNCIL AN ARCHITECT WITH AN ASSOCIATED PROPOSED CONCEPT FOR DRAWING CONSTRUCTION PLANS TO REPLACE THE CORAL REEF PARK RECREATION BUILDING; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilmember David Singer)

WHEREAS, the recreation room at Coral Reef Park was unusable for a lengthy period and has now been demolished; and

WHEREAS, a replacement recreation building is essential for the full use of Coral Reef Park by the public.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, THAT:

Section 1. (1) The Village Manager is hereby directed to proceed through the appropriate Request for Proposal (RFP) procedure in order to recommend to the Village Council, as soon as practical, an architect with an associated proposed concept for drawing construction plans to replace the Coral Reef Park recreation building.

Section 2. This Resolution shall take effect immediately upon its adoption.

PASSED and ADOPTED this 3rd day of February 2020.

Attest:

Missy Arocha Village Clerk

Karyn Cunningham Mayor

1 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
2 AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA
3 ONLY:

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John C. Dellagloria
Village Attorney

FINAL VOTE AT ADOPTION:

- Council Member Patrick Fiore _____
- Council Member David Singer _____
- Council Member Marsha Matson _____
- Vice-Mayor John DuBois _____
- Mayor Karyn Cunningham _____

RESOLUTION NO. 2020-_____

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A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING THE VILLAGE VETERANS PARK; DIRECTING THE MANAGER TO RECOMMEND TO THE VILLAGE COUNCIL AN APPROPRIATE DESIGN PROFESSIONAL (ARCHITECT, PARK PLANNER, OR OTHER APPROPRIATE PROFESSIONAL) WITH AN ASSOCIATED PROPOSED CONCEPT FOR DRAWING DESIGN AND/OR CONSTRUCTION PLANS FOR THE VILLAGE VETERANS PARK; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilmember David Singer)

WHEREAS, the establishment of the Veterans Park has been a long-term goal of the Village; and

WHEREAS, whereas the location, size, and boundaries of the Veterans Park have been established; and

WHEREAS, there are no impediments to undertaking the next step in design of the Veterans Park.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, THAT:

Section 1. The Village Manager is hereby directed to proceed through the appropriate Request for Proposal (RFP) procedure in order to recommend to the Village Council, as soon as practical, an appropriate design professional (architect, park planner, or other appropriate professional) with an associated proposed concept for drawing design and/or construction plans for the Village Veterans Park. The Council will consider the recommendation and act thereupon as the Council deems appropriate.

Section 2. This Resolution shall take effect immediately upon its adoption.

PASSED and ADOPTED this 3rd day of February 2020.

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Attest:

Missy Arocha
Village Clerk

Karyn Cunningham
Mayor

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

John C. Dellagloria
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore _____
Council Member David Singer _____
Council Member Marsha Matson _____
Vice-Mayor John DuBois _____
Mayor Karyn Cunningham _____

RESOLUTION NO. 2020-_____

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3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
4 VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO A
5 COMMUNITY CENTER ON VILLAGE-OWNED PROPERTY;
6 DIRECTING THE MANAGER TO PREPARE A RECOMMENDED
7 PLAN FOR THE DEVELOPMENT OF A COMMUNITY CENTER ON
8 THE PROPERTY OWNED BY THE VILLAGE (FORMER SCHOOL
9 SITE) IN THE DOWNTOWN URBAN VILLAGE (DUV) ZONING
10 DISTRICT (EAST OF AND NEAR VILLAGE HALL); AND PROVIDING
11 FOR AN EFFECTIVE DATE. (*Sponsored by Councilmember David*
12 *Singer*)

13
14 **WHEREAS**, the land which the Village owns, east of and close to
15 Village Hall (former school site) is currently unused for any productive
16 purpose; and,

17
18 **WHEREAS**, the property could be used for a community center,
19 which would be of substantial benefit to the residents of the Village.

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21 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND**
22 **VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY,**
23 **FLORIDA, AS FOLLOWS:**

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25 **Section 1.** The Village Manager is directed to prepare, as soon
26 as practical, a recommended plan for the development of a community
27 center on the property owned by the Village in the Downtown Urban
28 Village (DUV) zoning district (former school site, east of and near
29 Village Hall). The Council will consider the recommendation and act
30 thereupon as the Council deems appropriate.

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32 **Section 2.** This Resolution shall take effect immediately upon
33 approval.

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35 **PASSED and ADOPTED** this 3rd day of February 2020.

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38 Attest: _____

39 **Missy Arocha**
40 **Village Clerk**

Karyn Cunningham
Mayor

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

John C. Dellagloria
Village Attorney

FINAL VOTE AT ADOPTION:

- Mayor Karyn Cunningham _____
- Council Member David Singer _____
- Council Member Patrick Fiore _____
- Vice-Mayor John DuBois _____
- Council Member Marsh Matson _____

RESOLUTION NO. 2020-_____

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A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SALE OF VILLAGE-OWNED PROPERTY; DIRECTING THE MANAGER TO DEVELOP A RECOMMENDED PLAN FOR THE SALE OF THE PROPERTY OWNED BY THE VILLAGE (FORMER SCHOOL SITE) IN THE DOWNTOWN URBAN VILLAGE (DUV) ZONING DISTRICT (EAST OF AND CLOSE TO VILLAGE HALL); AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer)*

WHEREAS, the land which the Village owns, east of and close to Village Hall (former school site) is currently unused for any productive purpose; and,

WHEREAS, the Village has no plans for the productive use of the property.

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

Section 1. The Manager is directed to prepare, as soon as practical, to develop a recommended plan for the sale of the property owned by the Village in the Downtown Urban Village (DUV) zoning district (former school site, east of and near Village Hall). The Village Council will consider the recommendation and act thereupon as the Council deems appropriate.

Section 2. This Resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 3rd day of February 2020.

Attest: _____
Missy Arocha
Village Clerk

Karyn Cunningham
Mayor

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

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7 **John C. Dellagloria**
8 **Village Attorney**

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11 **FINAL VOTE AT ADOPTION:**

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Mayor Karyn Cunningham _____
Council Member David Singer _____
Council Member Patrick Fiore _____
Vice-Mayor John DuBois _____
Council Member Marsh Matson _____



To: Honorable Mayor and Village Council

Date: February 3, 2020

From: Greg H. Truitt, Interim Village Manager

Re: Downtown Zoning in Progress

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY FLORIDA ESTABLISHING, PURSUANT TO SECTION 30-30.10 OF THE VILLAGE CODE OF ORDINANCES, ZONING-IN PROGRESS REGARDING THE FOLLOWING: PROVIDING FOR A NEW DOWNTOWN ZONING CODE MAP AS PER ATTACHMENT "A"; PROVIDING FOR MAXIMUM RESIDENTIAL DENSITY OF FIFTY-FOUR (54) RESIDENTIAL UNITS PER GROSS ACRE FOR THE DOWNTOWN GENERAL (DG1) SECTOR; FORTY-THREE (43) RESIDENTIAL UNITS PER GROSS ACRE FOR THE DOWNTOWN GENERAL (DG2) SECTOR; THIRTY-TWO (32) RESIDENTIAL UNITS PER GROSS ACRE FOR THE DOWNTOWN VILLAGE (DV) SECTOR; AND TWENTY FOUR (24) RESIDENTIAL UNITS PER GROSS ACRE FOR THE NEIGHBORHOOD VILLAGE (NV) SECTOR AND THE URBAN VILLAGE (UV) SECTOR; PROVIDING FOR MAXIMUM BUILDING HEIGHT OF FIVE (5) STORIES FOR "RESIDENTIAL-ONLY" BUILDINGS, SEVEN (7) STORIES FOR "MIXED-USE" BUILDINGS AND (8) STORIES FOR "ALL- COMMERCIAL" BUILDINGS IN THE DOWNTOWN GENERAL (DG1) SECTOR; FIVE (5) STORIES FOR THE DOWNTOWN GENERAL (DG2) SECTOR, FOUR (4) STORIES FOR "RESIDENTIAL-ONLY" BUILDINGS AND FIVE (5) STORIES IF "MIXED-USE" FOR THE DOWNTOWN VILLAGE (DV) SECTOR; THREE (3) STORIES FOR THE NEIGHBORHOOD VILLAGE (NV) AND THE URBAN VILLAGE (UV) SECTORS; AMENDING THE SECTOR BOUNDARIES IN THE DUV TO CHANGE FROM DUV TO SINGLE FAMILY RESIDENTIAL DISTRICT (R-1), FOR THE SOUTH EASTERN PORTION OF THE (DUV) PERIMETER FROM SW 97TH AVENUE TO SW 95TH COURT WEST TO EAST DIRECTION, AND SW 181ST STREET TO SW 184TH STREET FOR THE NORTH TO SOUTH DIRECTION; PROVIDING FOR AMENDING THE (DUV) PARKING REQUIREMENTS AS PER ATTACHMENT "B"; PROVIDING FOR THE DURATION OF ZONING-IN PROGRESS, AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Village Administration)

BACKGROUND AND ANALYSIS:

Due to concern regarding traffic, parking and compatibility impacts of development in Palmetto Bay's downtown area, residents and Members of Council have expressed a need to reevaluate the existing Downtown Urban Code (DUV). A series of Council workshops were established to review the existing DUV code with attention to permissible density, building height and parking requirements, remapping sectors within the DUV Zoning District, remapping the boundary of the overall DUV Zoning District, applicability and revising bonus and incentive allowances. Eleven workshops were held by the Village Council to discuss these and other issues pertaining to DUV development controls. The results from the DUV workshops were compiled and developed into a new Downtown Code. The proposed revision of the DUV zoning code necessitates changes to the Village Comprehensive Plan policy and Future Land Use Map to maintain State-required consistency between the Comprehensive Plan and

zoning code. The council has further requested reduction of the Comprehensive Plan policy cap for residential development units in the Downtown Area.

Pursuant to the Village's Municipal Code of Ordinances Section 30-30.10 *Zoning in Progress*, the Village administration requests to put in place a Zoning in Progress (ZIP) for Palmetto Bay's downtown area, based on the need to further revise the existing code in order to assure compatibility with Village needs and consistency with the proposed amendment of the Village Comprehensive Plan. The administration proposes a resolution of the Village Council to declare a Zoning in Progress. The resolution shall be for a period of 120 calendar days, unless an extension not exceeding 60 days is ordered. This ZIP will begin concurrently with the first reading for the new Downtown Code.

After approval of the ZIP resolution by the Village Council and if the new proposed Downtown Code has not yet been adopted, the Council may determine a moratorium is needed. During the ZIP, applications shall continue to be processed; however, no development orders shall be issued.

FISCAL IMPACT:

Fiscal impact will be expected due to the delay of development with associated construction impact fees, permitting fees, and delayed Village portion of ad-valorem property taxes.

1 RESOLUTION NO. 2020- ____

2
3 A RESOLUTION OF THE MAYOR AND COUNCIL OF THE VILLAGE
4 OF PALMETTO BAY FLORIDA ESTABLISHING, PURSUANT TO
5 SECTION 30-30.10 OF THE VILLAGE CODE OF ORDINANCES,
6 ZONING-IN PROGRESS REGARDING THE FOLLOWING:
7 PROVIDING FOR A NEW DOWNTOWN ZONING CODE MAP AS PER
8 ATTACHMENT "A"; PROVIDING FOR MAXIMUM RESIDENTIAL
9 DENSITY OF FIFTY-FOUR (54) RESIDENTIAL UNITS PER GROSS
10 ACRE FOR THE DOWNTOWN GENERAL (DG1) SECTOR; FORTY-
11 THREE (43) RESIDENTIAL UNITS PER GROSS ACRE FOR THE
12 DOWNTOWN GENERAL (DG2) SECTOR; THIRTY-TWO (32)
13 RESIDENTIAL UNITS PER GROSS ACRE FOR THE DOWNTOWN
14 VILLAGE (DV) SECTOR; AND TWENTY FOUR (24) RESIDENTIAL
15 UNITS PER GROSS ACRE FOR THE NEIGHBORHOOD VILLAGE
16 (NV) SECTOR AND THE URBAN VILLAGE (UV) SECTOR;
17 PROVIDING FOR MAXIMUM BUILDING HEIGHT OF FIVE (5)
18 STORIES FOR "RESIDENTIAL-ONLY" BUILDINGS, SEVEN (7)
19 STORIES FOR "MIXED-USE" BUILDINGS AND (8) STORIES FOR
20 "ALL- COMMERCIAL" BUILDINGS IN THE DOWNTOWN GENERAL
21 (DG1) SECTOR; FIVE (5) STORIES FOR THE DOWNTOWN
22 GENERAL (DG2) SECTOR, FOUR (4) STORIES FOR "RESIDENTIAL-
23 ONLY" BUILDINGS AND FIVE (5) STORIES IF "MIXED-USE" FOR
24 THE DOWNTOWN VILLAGE (DV) SECTOR; THREE (3) STORIES
25 FOR THE NEIGHBORHOOD VILLAGE (NV) AND THE URBAN
26 VILLAGE (UV) SECTORS; AMENDING THE SECTOR BOUNDARIES
27 IN THE DUV TO CHANGE FROM DUV TO SINGLE FAMILY
28 RESIDENTIAL DISTRICT (R-1), FOR THE SOUTH EASTERN
29 PORTION OF THE (DUV) PERIMETER FROM SW 97TH AVENUE TO
30 SW 95TH COURT WEST TO EAST DIRECTION, AND SW 181ST
31 STREET TO SW 184TH STREET FOR THE NORTH TO SOUTH
32 DIRECTION; PROVIDING FOR AMENDING THE (DUV) PARKING
33 REQUIREMENTS AS PER ATTACHMENT "B"; PROVIDING FOR
34 THE DURATION OF ZONING-IN PROGRESS, AND PROVIDING FOR
35 AN EFFECTIVE DATE. *(Sponsored by Village Administration)*

36
37
38 WHEREAS, on January 27, 2020, the Village Council, pursuant to
39 Ordinance No. _____, adopted on first reading zoning amendments
40 regarding height and density regulations in the Downtown Urban Village

1 (DUV) Zoning District, the Neighborhood Village District, and the Urban
2 Village District, as well as a Sector Boundary amendment and an
3 amendment to the DUV parking requirements, all as described above and
4 in the Ordinance and Exhibits attached; and
5

6 **WHEREAS**, the Village Manager, in conjunction with the planning
7 and zoning director filed a request and a staff report showing the need
8 for a resolution of the Village Council to declare Zoning-in-Progress; and
9

10
11 **WHEREAS**, pursuant to Section 30-30-10 (b) (1), the Village
12 Council has reviewed the request and staff report and has confirmed the
13 need to enact a Zoning-in-Progress Resolution.; and
14

15 **WHEREAS**, pursuant to Section 30-30.10 (b)(2), the Council has
16 made preliminary findings establishing the need for the Resolution.
17

18 **NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE OF**
19 **PALMETTO BAY, FLORIDA THAT:**
20

21 **Section 1.** The above recitals are true and correct and are
22 incorporated as if set forth in full.
23

24 **Section 2.** The Council finds that (i) the zoning amendments
25 approved on first reading of Ordinance _____ clearly demonstrates the
26 need for greater development compatibility in the Village's vital
27 Downtown Urban Village (DUV); (ii) that traffic congestion throughout the
28 Village's neighborhood districts requires amendments to the current
29 code; and (iii) that numerous Council workshops have identified the need
30 for density, height and parking amendments to improve the quality of life
31 for the Village residents.
32

33 **Section 3.** In order to effectuate the vision contemplated by the
34 amendments to both the Zoning Code by Ordinance 2020-_____, and to
35 the Comprehensive Plan approved by Ordinance 2020-_____, both
36 adopted on January 27th, 2020, the Village Council hereby approves this
37 Resolution and establishes Zoning-in-Progress regarding the following:
38

39 **PROVIDING FOR A NEW DOWNTOWN ZONING CODE**
40 **MAP AS PER ATTACHMENT "A"; PROVIDING FOR**

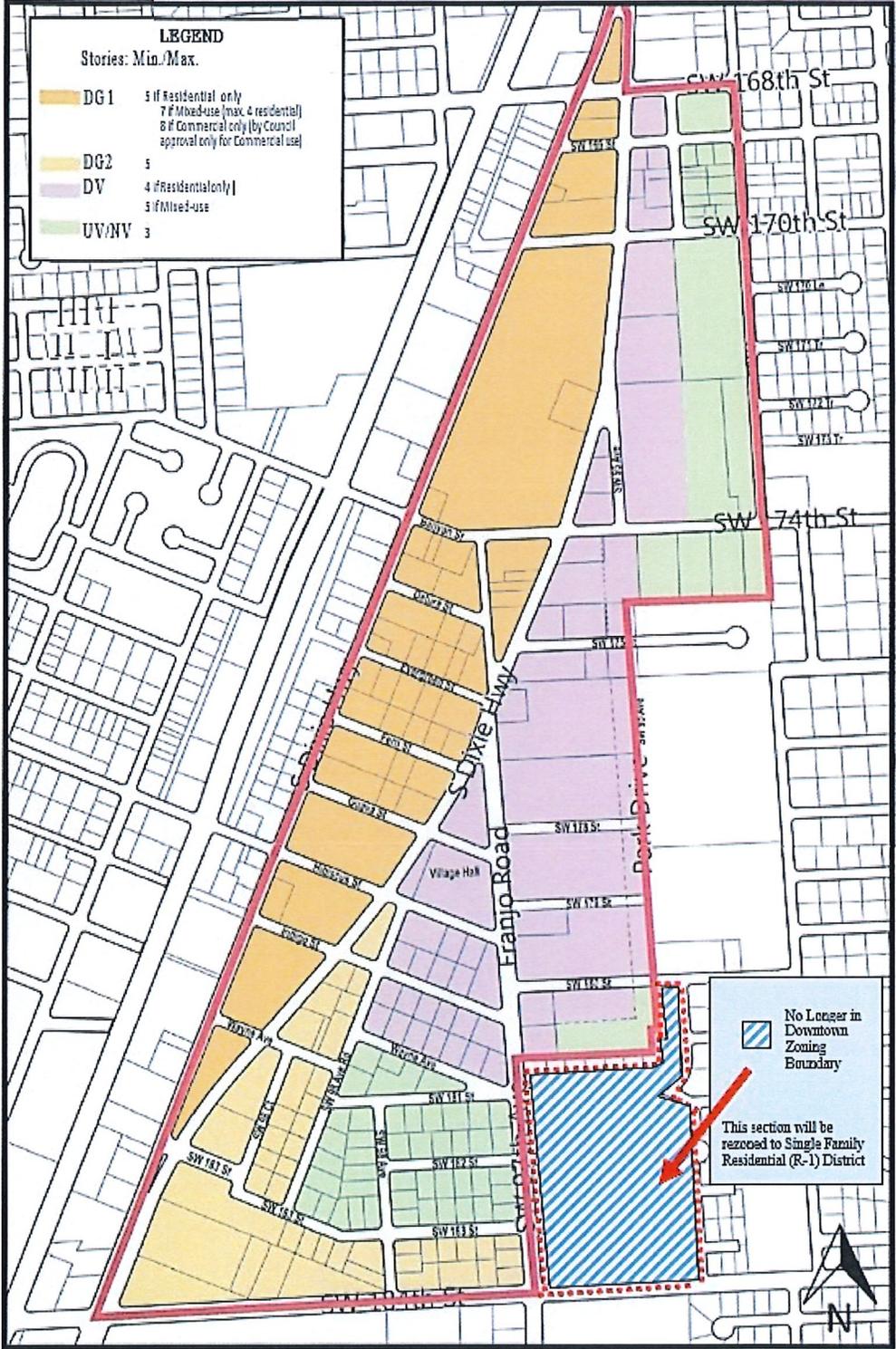
1 MAXIMUM RESIDENTIAL DENSITY OF FIFTY-FOUR (54)
2 RESIDENTIAL UNITS PER GROSS ACRE FOR THE
3 DOWNTOWN GENERAL (DG1) SECTOR; FORTY-THREE
4 (43) RESIDENTIAL UNITS PER GROSS ACRE FOR THE
5 DOWNTOWN GENERAL (DG2) SECTOR; THIRTY-TWO
6 (32) RESIDENTIAL UNITS PER GROSS ACRE FOR THE
7 DOWNTOWN VILLAGE (DV) SECTOR; AND TWENTY
8 FOUR (24) RESIDENTIAL UNITS PER GROSS ACRE FOR
9 THE NEIGHBORHOOD VILLAGE (NV) SECTOR AND THE
10 URBAN VILLAGE (UV) SECTOR; PROVIDING FOR
11 MAXIMUM BUILDING HEIGHT OF FIVE (5) STORIES FOR
12 "RESIDENTIAL-ONLY" BUILDINGS, SEVEN (7) STORIES
13 FOR "MIXED-USE" BUILDINGS AND (8) STORIES FOR
14 "ALL- COMMERCIAL" BUILDINGS IN THE DOWNTOWN
15 GENERAL (DG1) SECTOR; FIVE (5) STORIES FOR THE
16 DOWNTOWN GENERAL (DG2) SECTOR, FOUR (4)
17 STORIES FOR "RESIDENTIAL-ONLY" BUILDINGS AND
18 FIVE (5) STORIES IF "MIXED-USE" FOR THE
19 DOWNTOWN VILLAGE (DV) SECTOR; THREE (3)
20 STORIES FOR THE NEIGHBORHOOD VILLAGE (NV) AND
21 THE URBAN VILLAGE (UV) SECTORS; AMENDING THE
22 SECTOR BOUNDARIES IN THE DUV TO CHANGE FROM
23 DUV TO SINGLE FAMILY RESIDENTIAL DISTRICT (R-1),
24 FOR THE SOUTH EASTERN PORTION OF THE (DUV)
25 PERIMETER FROM SW 97TH AVENUE TO SW 95TH
26 COURT WEST TO EAST DIRECTION, AND SW 181ST
27 STREET TO SW 184TH STREET FOR THE NORTH TO
28 SOUTH DIRECTION; PROVIDING FOR AMENDING THE
29 (DUV) PARKING REQUIREMENTS AS PER ATTACHMENT
30 "B"; PROVIDING FOR THE DURATION OF ZONING-IN
31 PROGRESS, AND PROVIDING FOR AN EFFECTIVE
32 DATE.

33
34 **Section 4.** This Zoning-in-Progress Resolution shall be for a
35 period not to exceed the first regularly_scheduled Village Council meeting
36 **One Hundred Twenty (120) Days** from the effective date of this
37 Resolution.

38
39 **Section 5.** The Village Council may extend the time by an
40 additional sixty (60)

1
2
3
4

ATTACHMENT A PROPOSED ZONING MAP



5

1
2
3

ATTACHMENT B PARKING

Recommendations for Downtown Code Residential	Single Family/ Townhouse	Multi Family/ Apartment/ Condos	Other Dwelling Units
Base Parking Requirements	2	1.5 Studio 750 sf or less 2 (1+) Bedroom 1 guest per 9 units	Hotel 1 per rm Group homes 1 per rm
Mixed Use Reduction	no	no	no
Transit Reduction Applicability	no	no	no
Parking Location	On site only, no street parking	On site only, no street parking	off-street & on adjacent street

4

PARKING SPACES per GROSS AREA (sq. ft.)	Retail Goods < 10,000 s.f.	Retail Goods > 10,000 s.f.	Super market	Food & Drink (full service)	Food & Drink (fast service)	Personal Services	Retail Office
Recommendations for Downtown Code Residential							
Base Parking Requirements	350	350	250	50	75	250	425
Mixed Use Reduction	No	No	No	No	No	No	No
Transit Reduction Applicable	No	No	No	No	No	No	No
Parking Location	off-street, on- street, off-site	off-street, on- street, off-site	off-street, on- street	off-street, on- street, off-site	off-street, on- street, off-site	off-street, on- street, off-site	off-street, on- street, off-site

5

ORDINANCE NO. 2020-_____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CHAPTER 15 OF THE VILLAGE OF PALMETTO BAY’S CODE OF ORDINANCES ENTITLED “ENVIRONMENT”, BY ADDING SECTION 15-2 STYLED “BIRD REFUGE”; ESTABLISHING THE VILLAGE AS A BIRD REFUGE; PROVIDING FOR DEFINITIONS, PROVIDING FOR REGISTRATION, PENALTIES, AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilmember David Singer and Co-Sponsored by Marsha Matson)

WHEREAS, Bird Refuges are natural areas that advocate the conservation of various species of birds and their natural habitats while promoting rehabilitation and survival; and

WHEREAS, a bird protection area provides a safe place for all species of birds; and

WHEREAS, there has been the loss of three billion birds in the United States and in Canada since 1970; and

WHEREAS, after a reported incident in the Village that may have involved the inhumane treatment of birds, the Council desires to establish the Village as a “Bird Refuge”; and

WHEREAS, to implement this objective, the Council wishes to establish rules and regulations for the protection and preservation of birds in our “Village of Parks”.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, THAT:

Section 1. That Section 15 of the Village of Palmetto Bay’s Code of Ordinances entitled “Environment” is amended by the addition of Section 15-2 styled “Bird Refuge”.

Section 2. That Section 15-2 shall read as follows:

“Section 15-2 - Bird Refuge

(i)The Village of Palmetto Bay shall be known as a bird refuge for

1 the protection and conservation of all species of birds.

2 (ii) The entire area within the boundaries known as the corporate
3 limits of the Village of Palmetto Bay is hereby designated as a "Bird
4 Refuge".

5 (iii) "Bird" shall be defined as "a warm-blooded, egg laying verte-
6 brate of the class Aves, distinguished by the possession of feathers,
7 wings, a beak and, typically, being able to fly.

8 (iv) These species include not only chickens, ducks and pea-
9 cocks, but all species of birds, even if a specie does not have a natural
10 habitat within the borders of the Village.

11 (v) No person shall molest, harm, frighten, kill, net, trap, snare,
12 hunt, chase, shoot, throw or propel by any means missiles at any bird
13 roaming free in the Village nor shall any person remove or possess the
14 nest or eggs of a bird.

15 This provision is not intended to affect:

16 (a) Birds raised in captivity for human consumption.

17 (b) Individuals or entities duly licensed by the State of Florida to
18 humanly euthanize Muscovy ducks.

19 (c) The removal and live transport by Miami-Dade Animal Control
20 of ducks, chickens, or other fowl from any Village park upon numerous
21 complaints made to the Parks Director that nuisance or aggressive be-
22 havior is being exhibited.

23 (vi) The Village shall require all individuals who possess a valid,
24 government issued permit or license permitting the capturing, caging or
25 transport of any bird species to register with the Village Clerk and pro-
26 vide copies of all documentation to be kept on file with the Village.

27 (vii) Any person, firm or entity knowingly violating any provision of
28 this Section 15-2 for which another penalty is not specifically provided
29 for under the laws of the State shall, upon conviction of an act prohibited
30 by this Section 15-2, be subject to a fine not exceeding One Hundred
31 Dollars (\$100) for each and every offense.

32
33 **Section 3.** The provisions of this Ordinance are independent from
34 and in addition to Section 828.12 of the Florida Statutes entitled "Cruelty
35 to Animals".

36
37 **Section 4.** This Ordinance shall become effective upon second
38 reading.

1 **PASSED** and **ADOPTED** on First Reading this 6th day of January
2 2020.

3
4 **VOTE AT FIRST READING:**

- 5
- 6 Council Member David Singer YES
- 7
- 8 Council Member Marsha Matson YES
- 9
- 10 Council Member Patrick Fiore YES
- 11
- 12 Vice-Mayor John DuBois YES
- 13
- 14 Mayor Karyn Cunningham YES

15
16
17
18 **PASSED** and **ADOPTED** on Second Reading this _____ day
19 of _____, 2020.

20
21
22 **FINAL VOTE AT SECOND READING AND ADOPTION:**

- 23
- 24 Council Member David Singer _____
- 25
- 26 Council Member Marsha Matson _____
- 27
- 28 Council Member Patrick Fiore _____
- 29
- 30 Vice-Mayor John DuBois _____
- 31
- 32 Mayor Karyn Cunningham _____

33
34
35 **Attest:**

36
37
38 _____
39 **Missy Arocha**
40 **Village Clerk**

_____ **Karyn Cunningham**
Mayor

1 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
2 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLOR-
3 IDA ONLY:

4

5

6

7

8

John C. Dellagloria
9 **Village Attorney**



ITEM 13A

To: Honorable Mayor and Village Council

Date: January 6, 2020

From: Village Manager Edward Silva

Re: General Fund Balance Policy

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO FUND BALANCE POLICY; IDENTIFYING THE FUND BALANCE LEVEL TO ENSURE UNINTERRUPTED OPERATIONS FOR THE VILLAGE GOVERNMENT; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. (*Sponsored by Administration*)

BACKGROUND AND ANALYSIS:

The Village of Palmetto Bay has been able to maintain a comfortable fund balance for emergencies and to support operations to date. Past Council and Administration had informally set aside \$2,500,000 for emergencies. The Village had a formal study performed by the Government Finance Officers Association to identify the Villages fund balance needs based upon the Villages particular risks.

The proposed Fund Balance Policy establishes a benchmark that maintains operations and covers emergencies should the occasion arise. The policy also covers when and how the funds are used and replenished.

FISCAL IMPACT:

No fiscal impact.

RECOMMEDATION:

Approval is recommended.

ATTACHMENTS:

Fund Balance policy

1 **PASSED** and **ADOPTED** this ____ day of _____, 2019.

2
3 First Reading: _____

4 Second Reading: _____

5
6
7 **Attest:**

8
9
10 _____
11 Missy Arocha
12 Village Clerk

Caryn Cunningham
Mayor

13
14
15 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE**
16 **USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,**
17 **FLORIDA ONLY:**

18
19
20 _____
21 **John C. Dellagloria**
22 **Village Attorney**

23
24
25 **FINAL VOTE AT ADOPTION:**

26
27 Council Member Patrick Fiore _____

28
29 Council Member David Singer _____

30
31 Council Member Marsha Matson _____

32
33 Vice-Mayor John DuBois _____

34
35 Mayor Karyn Cunningham _____



FUND BALANCE / NET ASSET POLICY

I. Purpose

The Village hereby establishes and will maintain reservations of fund Balances, as defined herein, in accordance with Governmental Accounting Standards Board Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. Fund Balances shall be composed of non-spendable, restricted, committed, assigned and unassigned amounts.

The Village hereby establishes a fund balance / net assets policy tailored to the needs of the Village to insure against unanticipated events that would adversely affect the financial condition of the Village and jeopardize the continuation of necessary public services. This policy will ensure the Village maintains adequate fund balance / net assets and reserves in the Village's various operating funds to provide the capacity to: (1) provide sufficient cash flow for daily financial needs, (2) secure and maintain investment grade bond ratings, (3) offset significant economic downturns and revenue shortfalls, and (4) provide funds for unforeseen expenditures related to emergencies.

II. Definitions of Fund Balance/Net Assets

Fund Balance of Governmental Funds:

Fund Balance - As defined by the *Governmental Accounting, Auditing and Financial Reporting* of the Government Finance Officers Association, fund balance is "The difference between assets and liabilities reported in a governmental fund."

Non-Spendable Fund Balance – Amounts that are (a) not in spendable form or (b) legally or contractually required to be maintained intact. "Not in spendable form" includes items that are not expected to be converted to cash (such as inventories and prepaid amounts) and items such as long-term amount of loans and notes receivable, as well as property acquired for resale. The corpus (or principal) of a permanent fund is an example of an amount that is legally or contractually required to be maintained intact.

Restricted Fund Balance – Amounts that can be spent only for specific purposes stipulated by (a) external resource providers (such as creditors, grantors, or contributors), or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.

Committed Fund Balance – Amounts that can be used only for the specific purposes determined by a formal action (ordinance or resolution) of the Village Council, the Village’s highest level of decision making authority. Commitments may be changed or lifted only by the Village Council taking the same formal action (ordinance or resolution) that imposed the constraint originally. Resources accumulated pursuant to stabilization arrangements sometimes are reported in this category.

Assigned Fund Balance – Consists of amounts that the Village intends to use for specific purposes that are neither restricted nor committed; the intent shall be expressed by the management of the Village.

Unassigned Fund Balance – Unassigned fund balance is the residual classification for the general fund. This classification represents fund balance that has not been assigned to other funds and that has not been restricted, committed, or assigned to specific purposes within the general fund. Unassigned fund balance may also include negative balances for any governmental fund if expenditures exceed amounts restricted, committed, or assigned for those specific purposes.

Net Assets of Proprietary Funds:

(NOTE: The Village does not have any fund under this category at this time)

Restricted Fund Balance – Amounts that can be spent only for specific purposes stipulated by (a) external resource providers (such as creditors, grantors, or contributors), or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.

Unrestricted Net Assets – The residual balance of net assets after the elimination of the amounts invested in capital assets net of related debt and the restricted net assets.

III. SPENDING ORDER OF FUND BALANCE

The Village uses restricted amounts to be spent first when both restricted (Non-Spendable Fund Balance and Restricted Fund Balance) and unrestricted fund balances (Committed Fund balance, Assigned Fund Balance and Unassigned Fund Balance) are available unless there are legal documents/contracts that prohibit doing this, such as grant agreements requiring dollar for dollar spending. Additionally, the Village would first use committed fund balance, followed by assigned fund balance and then unassigned fund balance when expenditures are incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used.

IV. POLICY

The Village will maintain reservations of unassigned fund balance in the General Fund. The Village shall retain the minimum requirement for each fund listed below.

A. General Fund There shall be a reserve balance in its unassigned fund balance for the following categories and amounts:

Declared Emergencies	\$650,000
Community Growth	\$500,000
Litigation Reserves	\$350,000
Revenue Volatility	\$1,000,000
Asset Repairs or Replacement	\$2,200,000
Operating Cash Flow	Two (2) months of prior year Expenditure Budget

The reserve shall be in addition to all other categories of fund balance which include Non-Spendable, Restricted, Committed and Assigned. In any fiscal year where the Village is unable to fund the reserve balance of Unassigned fund balance as required in this section, the Village shall not budget any amount of unappropriated fund balance for the purpose of balancing the budget.

- V. Utilization of Surplus Reserves** In the event that the unassigned fund balance of the General Fund exceed the amounts set forth above, the excess may be utilized for any lawful purpose. Nevertheless, it is recommended that priority be given to utilizing the excess within the fund in which it was generated. It may also be used for one-time costs including the establishment of or increase in legitimate restrictions, commitments or assignments of fund balance or restrictions of net assets.
- VI. Replenishment of Reserve Deficits** If, at the end of any fiscal year, the actual amount of unassigned fund balance or unrestricted net assets falls below the required fund levels set forth herein, the Village Manager shall prepare and submit a plan for expenditure or expense reductions and / or revenue increases to the Village Council. As a part of the annual budget review, the Village Council shall review and, if necessary, amend the plan submitted by the Village Manager for restoring the amounts of unassigned fund balance or unrestricted net assets to the required levels.
- VII. Annual Review** Compliance with the provisions of this policy shall be reviewed as a part of the annual budget adoption process.



A Risk-Based Analysis of General Fund Reserve Requirements for the Village of Palmetto Bay

GFOA Reserve Analysis for the Village of Palmetto Bay

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GFOA Reserve Analysis for the Village of Palmetto Bay

Executive Summary

Reserves are the cornerstone of financial flexibility. Reserves provide a government with options for responding to unexpected issues and a buffer against shocks and other forms of risk. Managing reserves, however, can be a challenge. The main question is how much money to maintain in reserve—how much is enough and when does it become too much? This is a sensitive question, since money held in reserves is money taken away from constituents, and it could be argued that excessive reserves should be returned to citizens.

The Village of Palmetto Bay (the “Village”) has been considering this question and has engaged the Government Finance Officers Association (GFOA) to analyze its General Fund reserve requirements based on an assessment of the Village’s risks compelling it to require a reserve. This report is intended to inform the policy the Village might adopt on how much fund balance to retain in the General Fund as a reserve against risk.

The GFOA analyzed a variety of distinct risk factors to judge its implications for the Village’s reserve strategy. Analyzing risks and, consequently, sizing a reserve requires estimating highly uncertain events, like natural disasters and economic downturns. To guide the analysis, GFOA used the “Triple-A” approach to assessing uncertainty:

- **Accept.** First we must accept that we are subject to uncertainty, including events that we have not even imagined.
- **Assess.** Next, we must assess the potential impact of the uncertainty. Historical reference cases are a useful baseline.
- **Augment.** The range of uncertainty we really face will almost always be greater than we assess it to be, so we should augment that range. Historical reference cases provide a baseline, but that baseline may not be adequate to account for all future possibilities.

After analyzing the risks using the Triple-A approach, GFOA stepped back from the individual risk factors to consider how the risk analysis leads to a coherent overall strategy for managing risks through financial reserves.

Below is a summary of the risk factors that influenced GFOA’s recommendation, with the more detailed analysis available in Section 3 of the report. Following the risk factor summary is a brief description of how GFOA arrived to an overall recommendation for reserves.

Primary Risk Factor – Extreme Events and Public Safety. Located along the Florida coast, Palmetto Bay is subject to the risk of hurricanes. While the Village has never been directly hit by a hurricane and is heavily insured, it is a plausible risk and the non-reimbursable cost of damages are a concern. The GFOA gathered data points on damages incurred by other Florida municipalities that were directly hit by a hurricane. Accounting for the uncertainty of hurricanes in general, a reserve of \$552,000 was determined to cover non-reimbursable cost related should the Village be directly hit by a hurricane.

Primary Risk Factor – Capital Repairs and Replacement. An analysis of Palmetto Bay’s assets revealed that 11.59 miles of its roads and two other capital assets have a high risk for failure. Based on the

GFOA Reserve Analysis for the Village of Palmetto Bay

number of the Village's capital assets and a projected life of 30 years, we determined a reserve for roads and other capital assets. For the roads, we applied the Triple-A approach in order to account for the uncertainty of premature failure and double the total replacement value to \$1.0 million. For the other capital assets, a one-time reserve of \$320,000 is sufficient to capture the replacement needs of the two high-risk assets.

While there is not a specific reserve needed for buildings since none were identified as being in critical condition, the Village's should consider an asset management sinking fund for maintenance and capital repairs for its assets. The policy describes one way to determine an amount for asset maintenance is to reserve 2 percent of the current replacement value. In this case Palmetto Bay has approximately \$51.0 million in assets, which equates to \$1.0 million for a sinking maintenance and capital repairs fund.

Primary Risk Factor – Growth of the Community. A proposed development in Palmetto Bay is estimated to add 5,270 new residents to the Village as well as new commercial development. With population growth, municipalities are concerned about the lag time between when revenues are received from the new development and when residents move. To estimate current cost of services, we calculated cost per resident and applied that to the projected population. For revenues, we evaluated the revenues received per applicable unit of measurement, e.g. property tax per housing unit, property tax per commercial square foot, utility tax per new resident, etc. Factoring the uncertainty associated with community growth, such as macroeconomic factors that may impact a development, the Village should be prepared to cover approximately \$476,000 in costs that will need to be incurred to service the new development before the revenues from the new development becomes available to the Village.

Second Risk Factor – Revenue Volatility. GFOA's analysis shows that Palmetto Bay's General Fund revenues can be fairly volatile. An analysis of the past history and application of the Triple-A approach show that it would be prudent for the Village to be prepared to address a potential 10.6 percent decline General Fund revenues or \$1.45 million.

Secondary Risk Factor – Legal Claims. The Village does not have great vulnerability to unexpected expenditures spikes for operations, though lawsuits are always a possibility. Florida municipalities have a limited liability for damages for a maximum \$200,000 under state statute. Applying this maximum liability, the Village should reserve an amount of \$200,000 for such purposes.

Recommendations. As outlined below, there are implied reserve amounts¹ for each risk, but in determining the final reserve target, we cannot merely sum up the figures in the table below. We must consider the issues of risk "interdependency" or the relationship between different risk factors and the probability of the risk occurring.

If there is a great deal of dependency between the risks, then when one risk occurs it is highly likely that the others will as well. For these risks, it is wise to hold reserves in the full amount of implied reserve for each dependent risk factor. However, if there is some degree of independence, then it is highly unlikely

¹ Targets have been rounded to nearest "whole" numbers for ease of use in policy making. Also, see the main body of the report for a discussion of the independence of the risk factors and the implication for sizing the reserve.

GFOA Reserve Analysis for the Village of Palmetto Bay

that the independent risks will occur at one time so holding the full implied reserve amount for each independent risk might be excessive. The Village's major risk dependency is between public safety risks and capital repairs and replacement. When risks are likely to occur, it is wise to hold full implied reserve amount. When risks have a low probability of occurring and are independent of one another, then it is possible to hold less than the implied reserve amount. As such, the Village may not want to hold full reserves to cover both capital repairs and replacement and revenue volatility.

In determining its reserve target, Palmetto Bay should consider two factors that are relevant to sizing a reserve:

- **Government size:** As a smaller municipality, Palmetto Bay will generally have more vulnerability to risk because it has a less diverse tax base and less diverse resources to draw upon than a much larger municipality. This suggests a reserve at the higher end of the range suggested by GFOA.
- **Borrowing capacity:** The Village does not have significant debt or large capital needs in the future. This suggests that the Village has financial flexibility should it need access to capital as it does have the capability to assume more risk with lesser reserves.

Ultimately, Palmetto Bay will need to assess its appetite for risk. If the Village is more risk averse, then it could reserve the total of the implied reserve amount of \$4.0 million or approximately 29 percent of General Fund revenues. If the Village has a larger appetite for risk, it could reserve \$2.6 million or 19 percent of its General Fund revenues. This amount does not include the implied risk for both capital repairs and replacement and revenue volatility, but the mid-point for the individual risk factors. The \$1.0 million for a sinking maintenance and replacement fund is included in both the risk averse and less risk averse columns as it is a known liability and not a matter of risk.

Specific Risk to General Fund	Risk Averse Amount	Less Risk Averse Amount
Extreme events and public safety: hurricanes	\$552,000	\$552,000
Community growth	\$476,000	\$476,000
Capital repairs and replacement	\$1.3 million	\$1.4 million
Revenue volatility	\$1.5 million	
Expenditure volatility: lawsuit	\$200,000	\$200,000
TOTAL	\$4.0 million	\$2.6 million
Percent of General Fund 2013 Revenues	29%	19%
Additional Reserve		
Maintenance of capital assets	\$1.0 million	\$1.0 million
GRAND TOTAL	\$5.0 million	\$3.6 million

GFOA Reserve Analysis for the Village of Palmetto Bay

Section 1 - Introduction

Reserves are the cornerstone of financial flexibility. Reserves provide a government with options to respond to unexpected issues and afford a buffer against shocks and other forms of risk. Managing reserves, though, can be a challenge. Foremost, is the question of how much money to maintain in reserve? How much is enough and when does a reserve become too much? This can be a sensitive question because money held in reserve is money taken from constituents and the argument could be made that excessive reserves should be returned to citizens in the form of lower taxes or additional services.

The Village of Palmetto Bay (the "Village") has been considering this question recently, especially in light of its vulnerability to hurricanes as well as other risks that municipal governments must often manage. The Village engaged the Government Finance Officers Association (GFOA) to help produce an answer. GFOA is a non-profit association of over 17,000 state and local government finance professionals and elected officials from across North America. A key part of GFOA's mission is to promote best practices in good public finance, including reserve policies.

GFOA's approach to reserves does not suppose "one-size-fits-all." GFOA's "Best Practice" on general fund reserves recommends, *at a minimum*, that general-purpose governments, regardless of size, maintain unrestricted fund balance in their general fund of no less than two months of regular general fund operating revenues or regular general fund operating expenditures (i.e., reserves equal to about 16 percent of revenues).² However, this 16 percent is only intended as a baseline, and it needs to be adjusted according to local conditions. To make the adjustment, GFOA worked with the Village to conduct an analysis of the risks that influence the need for reserves as a hedge against uncertainty and loss.

A "risk" is defined as the probability and magnitude of a loss, disaster, or other undesirable event.³ The GFOA's framework of risk assessment is based on the risk management cycle: identify risks; assess risks; identify risk mitigation approaches; assess expected risk reduction; and select and implement mitigation method. The framework focuses primarily on risk retention, or using reserves, to manage risk. However, the framework also encourages the Village to think about how other risk management methods might alleviate the need to retain risk by building up larger fund balances. In other words, can the Village manage its risks in some other way besides holding a reserve? Hence, a thorough examination of the risk factors should not only help lead to customized reserve target size, but also improve the Village's understanding of the risks it faces and its overall financial risk profile.

As first step to this project, GFOA conducted a basic review of the risk factors that generally influence the amount of reserves a municipal government should hold.⁴ This review enabled the Village and GFOA

² GFOA Best Practice. "Appropriate Level of Unrestricted Fund Balance in the General Fund." GFOA. 2009.

³ Definition of risk taken from: Douglas W. Hubbard. *The Failure of Risk Management: Why It's Broken and How to Fix It*. John Wiley and Sons, Inc. Hoboken, New Jersey. 2009.

⁴ The risk factors and basic review method were developed and published in the GFOA publication: Shayne C. Kavanagh. *Financial Policies*. (Government Finance Officers Association: Chicago, IL) 2012.

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to classify factors as primary risks or as secondary risks. Exhibit 1.1 lists how the risk factors were classified.

Exhibit 1.1 – Categorization of Risk Factors that Influence Reserve Levels for Palmetto Bay	
Primary Risk Factor	
Vulnerability to Extreme Events and Public Safety Concerns (particularly hurricanes)	
Capital Repairs and Replacement	
Growth of the Community	
Secondary Risk Factors	
Revenue Volatility	Expenditure Volatility
Dependency of other funds on the General Fund	Liquidity / Cash Flow
Leverage	

The rest of this report is composed of the following sections;

- **The Approach to Uncertainty.** Risks are, by definition, uncertain events. This section describes the “Triple-A” approach to analyzing and planning for uncertain events. The Triple-A approach was used to analyze the risk factors described in Exhibit 1.1.
- **Primary risk factor analysis.** This section analyzes the risk posed by revenue volatility and sales taxes and transit occupancy taxes in particular. This section also addresses risks the Village faces from earthquakes and the reserves needed to be able to respond effectively.
- **Secondary risk factor analysis.** This section review secondary risk factors that have less weighty implications for the Village’s general fund reserve strategy.
- **Final recommendation.** This final section of the report presents the conclusion of the analysis. It addresses a target reserve level for the Village’s general fund and provides other suggestions to improve the financial health of the Village as well as to support a sustainable reserve strategy.

Section 2 - The Approach to Uncertainty

Risks are inherently uncertain. The accomplished forecasting scientist, Spyros Makridakis, has suggested a “Triple-A” approach for dealing with highly uncertain phenomena.⁵

1. **Accept.** First we must accept that we are subject to uncertainty. For example, Palmetto Bay’s location on the Florida coast makes it vulnerable to extreme events. We must accept that this may place great uncertainty on how the Village’s population and infrastructure could be affected.
2. **Assess.** Next, we must assess the potential impact of the uncertainty. Past history can provide a useful reference point. To illustrate, Section 4 of the report reviews the Village’s General Fund revenues in the past ten years to identify volatility.
3. **Augment.** The range of uncertainty we actually face will almost always be greater than what we assess it to be, so we should augment that range. For example, we will later see, in Section 3, losses incurred by Floridian municipalities from hurricanes reflect great variation regardless of

⁵ See: Spyros Makridakis, Robin Hogarth, and Anil Gaba. *Dance with Chance: Making Luck Work for You*. (Oneworld Publications: Oxford, England). 2009.

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magnitude. As a rule of thumb, Makridakis suggests doubling your range of uncertainty if you have little historical data to rely on or multiplying it by 1.5 if you have more.

We will refer to the Triple-A approach and its guidelines throughout the analysis.

Section 3 - Analysis of the Village's Primary Risks

This section presents the analysis of the Village's primary risks – public safety concerns arising from hurricanes, capital repairs and replacement, and growth of the community. Sub-section "A" will address hurricanes, "B" will address capital repairs and replacement, "C" will address growth of the community.

A. Hurricanes

Municipalities have insurance policies to safeguard against the risk of extreme events. Palmetto Bay has insurance coverage through the Florida League of Cities, Inc., who estimated if all the buildings in the Village, including contents and properties in the open, were completely totaled, then it would cover approximately 95.2 percent of the total damages and the Village's deductible would be for the remaining 4.8 percent. If the Federal Emergency Management Agency (FEMA) declares an event a disaster, then municipalities see reimbursement of about 75 percent of their costs through FEMA.

Past hurricanes have significantly impacted Miami-Dade County, resulting in FEMA declaring the County a disaster area. Located within Miami-Dade County, FEMA's disaster declaration also extends to Palmetto Bay. The most recent FEMA disaster declarations occurred in 2005 when Hurricane Katrina and Hurricane Wilma caused damages to the County. For both hurricanes the Village was not directly hit, though sustained minor damages, requiring minimal clean up and repair at an estimated \$100,000. While the Village has an agreement with Miami-Dade County for rescue and clean-up efforts related to such events, it opted to respond to these events itself instead.

In order to calculate a reserve amount, it is important to consider the worst case scenario in which Palmetto Bay is directly hit by a hurricane.⁶ Since Palmetto Bay has only indirectly been hit by hurricanes, GFOA identified Florida municipalities, including those that bordered the coast like Palmetto Bay, which were directly in the path of hurricanes and identified estimated cost of damages using FEMA data from 1998 and 2012.⁷ The municipalities include those bordering the coast and where the hurricanes made landfall. Exhibit 3.1 lists the municipalities, hurricane name, category of the hurricane at the time of the impact, and the estimated cost of damages in 2014 dollars. As the exhibit shows, the estimated damages vary regardless of hurricane category.⁸ For example, Hurricane Jeanne hit the City of

⁶ It should be noted that locations areas outside of the eye of the storm can incur greater damages than those in a storm's direct path. One example includes Hurricane Ivan and the City of Pensacola, FL. Located 35 miles west of the eye of the storm Pensacola suffered an estimated \$63.6 million in damages.

⁷ FEMA Public Assistance Funded Projects Summary provides information on "Federal disaster grant assistance for debris removal, emergency protective measures, and the repair, replacement, or restoration of disaster-damaged, publicly owned facilities and the facilities of certain Private Non-Profit (PNP) organizations." Federal Emergency Management Agency, "FEMA Public Assistance Funded Projects Summary," <http://www.fema.gov/media-library/assets/documents/28344>, updated May 5, 2014.

⁸ No Category 5 storm made landfall in Florida between 1998 and 2012.

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Lakeland as a Category 1 storm, the lowest category for hurricanes. However, of the 20 instances sampled, it had the greatest impact at an estimated \$24.0 million. Meanwhile, when Hurricane Charley hit the Town of Lake Hamilton as a Category 4 storm the resulting damage had an estimated cost of \$134,000.

Exhibit 3.1 Sample of Florida Municipalities Directly Impacted by Hurricanes and Estimated Losses (in 2014 dollars)

Municipality	Hurricane	Category	Estimated Actual Loss
City of Lakeland	Jeanne	1	\$24,042,801
City of Port Saint Lucie	Jeanne	3	\$17,163,702
City of Pensacola	Dennis	3	\$16,344,937
Village of Wellington	Wilma	2	\$14,269,521
City of Port Saint Lucie	Frances	2	\$13,772,188
City of Punta Gorda	Charley	4	\$13,411,100
City of Palm Beach Gardens	Wilma	2	\$5,217,827
City of Hialeah	Katrina	1	\$3,214,388
Town of Jupiter	Wilma	2	\$2,920,255
City of Stuart	Jeanne	3	\$2,851,633
City of Stuart	Frances	2	\$2,777,797
City of Marco Island	Wilma	3	\$1,887,984
Town of Sewall's Point	Frances	2	\$1,840,090
City of Fort Meade	Charley	4	\$1,302,498
City of Hallandale Beach	Katrina	1	\$627,745
City of Avon Park	Jeanne	2	\$519,594
City of Miami Gardens	Katrina	1	\$305,326
City of Bowling Green	Charley	4	\$254,189
Town of Lake Hamilton	Charley	4	\$133,812
City of Frostproof	Frances	1	\$32,719

To account for how geographic size and population might impact losses, we determined the population density based on the population one year prior to the hurricane in case the storm caused displacement. Because Palmetto Bay's geographic size is 8.8 square miles, population density is an important consideration should a hurricane directly hit the Village. With a density of 2,766 residents per square mile, a small storm could have drastic consequences for Palmetto Bay. We also reviewed the cost of damages per capita and the cost of damages per square mile of land in order to identify an appropriate variable to use in estimating potential losses.

As reflected in Exhibit 3.2, the municipalities range from a density of 476 residents per square mile to 12,165 residents per square mile. Of note, Miami Gardens, Hallandale Beach, and Hialeah are the densest municipalities in the sample set and are outliers. In terms of cost of hurricane damages, loss per capita ranged from \$3 for a Category 1 storm to \$904 for a Category 2 storm. Loss per square mile of land ranged from over \$15,000 for a Category 1 storm to \$1.5 million for a Category 2 storm. When analyzing the average loss per capita and average loss per square mile by hurricane category, the

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average loss does not escalate with the magnitude of the hurricane as shown in Exhibit 3.3. Thus, even factoring in population and geographic size in this sample set, we find negligible correlation between storm category and estimated cost of damages, though loss per capita had a slightly stronger relationship to storm category but still insignificant. One possibility is some municipalities took preventive measures, such as constructing and designing facilities to better withstand strong winds and storms, thus lessening the cost of hurricane damage. Another possibility is that there are other variables to consider when estimating potential losses. Researchers at Florida State University reviewed hurricane information from 1900 through 2007 and found that a hurricane's central pressure at landfall was a better predictor of potential losses than hurricane size and/or intensity.⁹

Exhibit 3.2 Sample of Florida Municipalities Directly Impacted by Hurricanes and Estimated Losses Per Capita and Per Square Mile of Land (in 2014 dollars)

Municipality	Hurricane	Category	Density (Pop/Sq. Mi.)	Loss Per Capita	Loss Per Sq. Mi. (Land)
Town of Lake Hamilton	Charley	4	476	\$94	\$44,604
City of Palm Beach Gardens	Wilma	2	769	\$123	\$94,697
City of Port Saint Lucie	Frances	2	889	\$134	\$118,828
City of Port Saint Lucie	Jeanne	3	889	\$167	\$148,091
City of Punta Gorda	Charley	4	1,106	\$808	\$894,073
City of Fort Meade	Charley	4	1,141	\$228	\$260,500
City of Frostproof	Frances	1	1,173	\$11	\$13,088
City of Lakeland	Jeanne	1	1,290	\$271	\$349,510
City of Marco Island	Wilma	3	1,469	\$121	\$178,112
Village of Wellington	Wilma	2	1,594	\$288	\$459,566
Town of Sewall's Point	Frances	2	1,696	\$904	\$1,533,409
City of Avon Park	Jeanne	2	1,854	\$60	\$111,982
City of Bowling Green	Charley	4	2,064	\$88	\$181,564
Town of Jupiter	Wilma	2	2,304	\$63	\$146,013
City of Stuart	Frances	2	2,425	\$182	\$440,920
City of Stuart	Jeanne	3	2,425	\$187	\$452,640
City of Pensacola	Dennis	3	2,483	\$290	\$720,041
City of Miami Gardens	Katrina	1	5,271	\$3	\$15,266
City of Hallandale Beach	Katrina	1	8,362	\$18	\$149,108
City of Hialeah	Katrina	1	12,165	\$14	\$167,416

⁹ Jill Malmstadt, Kelsey Scheitlin, and James Elsner, "Florida Hurricanes and Damage Costs," *Southeastern Geographer* 2 (2009): 108-131.

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Exhibit 3.3 Average Loss Per Capita and Average Loss Per Square Mile of Land by Hurricane Category (in 2014 dollars)

Category	Average Loss Per Capita	Average Loss Per Sq. Mi. (Land)
1	\$63	\$138,878
2	\$251	\$415,059
3	\$191	\$374,721
4	\$305	\$345,185
Overall	\$203	\$323,971

To estimate potential losses from a hurricane directly hitting Palmetto Bay, we applied per capita loss to Palmetto Bay's population. As mentioned previously a storm's magnitude is a predictor of potential losses, though not as strong as central pressure, and loss per capita had a stronger correlation to storm category than average loss per square mile. To avoid the outliers skewing the mean, we use the mean per capita loss of the remaining 17 sample events, excluding Miami Gardens, Hallandale Beach, and Hialeah, listed in Exhibit 3.2 of \$236 and multiply it by Palmetto Bay's population in 2013, 24,339. The resulting estimated cost of damages should the Village be directly hit by a hurricane is \$5.8 million.

Because the Village's insurance provider would pay vendors directly for disaster-related clean-up efforts and the Village can participate in a FEMA program to mitigate cash flow delays associated with reimbursement, Palmetto Bay's reserve for hurricanes should account for the non-reimbursable portion of estimated damages. As mentioned earlier in this subsection, the Village's deductible is 4.8 percent of total damages should Palmetto Bay and its contents and properties be totaled. Thus, it is estimated that Palmetto Bay is responsible for over \$276,000 should a hurricane directly hit the Village.

Because hurricanes are unpredictable events, when applying the Triple-A approach to this analysis we use a multiplier of 2.0 to determine a reserve amount for non-reimbursable cost to the Village should it be hit by a hurricane. This results in an implied reserve amount of \$552,000.

Implied Reserve Components for Public Safety and Extreme Events

- A reserve in the amount of \$552,000 for non-reimbursable cost should Palmetto Bay be directly hit by a hurricane.

B. Capital Repair and Replacement

Healthy infrastructure makes for an economically vital community. However, worn infrastructure poses a potential risk of untimely failure. General fund reserves may be needed to repair or replace an asset that fails unexpectedly and the Village often funds capital repairs and purchases from reserves. Palmetto Bay is concerned about its roads, buildings, and other assets, including sports fields, parking lots, trails, and playground equipment.

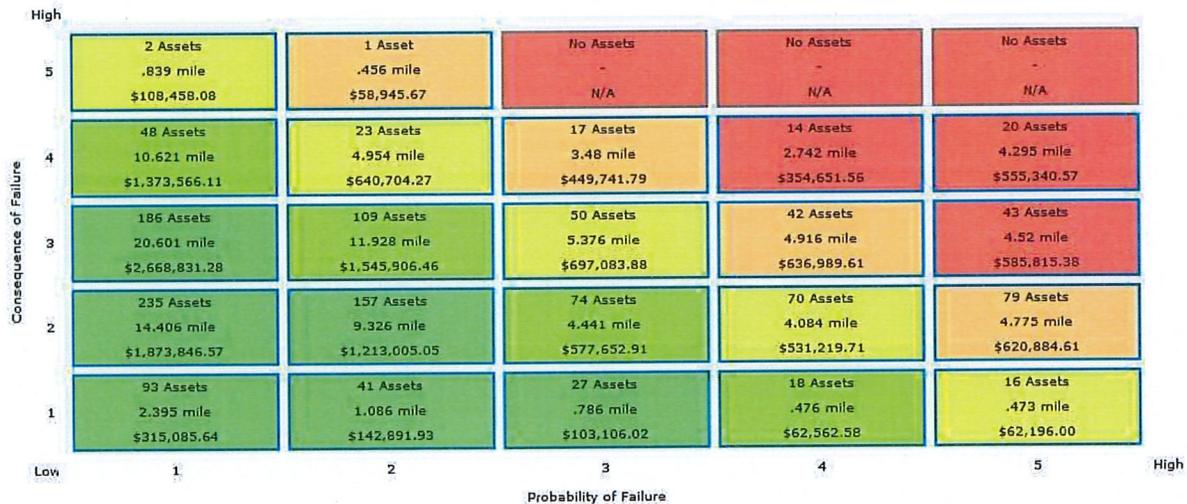
In determining a reserve amount for the assets, we reviewed the risk profile of the Village's roads, buildings, and other assets. Risk is defined as the product of probability of failure and consequences of failure. Failure for roads is defined as an older section of the road network as well as a more costly

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section because of its longer length, while failure for buildings means that it is not safe and likely needs to be closed to the public. Failure for capital assets, which mostly relates to parks, relates to service issues, for example a baseball diamond could not be used or lights or a scoreboard were not working. Probability is based on the in-service date of individual assets and a projected useful life of 30 years. Consequence is based on cost—the higher the replacement cost, the higher the consequence to the Village if the asset were to fail.¹⁰ Exhibit 3.4 is a risk profile of the Village’s road network. As shown in the exhibit, the Village has 11.59 miles of road identified as having a high risk rating (miles of roads in the red area, which have a total score of between 8 and 10, when the scores from each axis are added together). These 11.59 miles of roads have an estimated replacement value of \$1,495,807 or \$129,060 per mile.

A reserve for all 11.59 miles of roads may not be necessary. Based on the Village’s 118 miles of road and a projected useful life of 30 years, approximately four miles of road will need to be replaced annually if they all last their full life. Using the Triple-A approach of doubling our expectation for uncertainty, preparing for premature failure may be prudent. As such, we estimate a reserve to replace eight miles of road, equating to approximately \$1.0 million.

Exhibit 3.4 Risk Profile of Roads

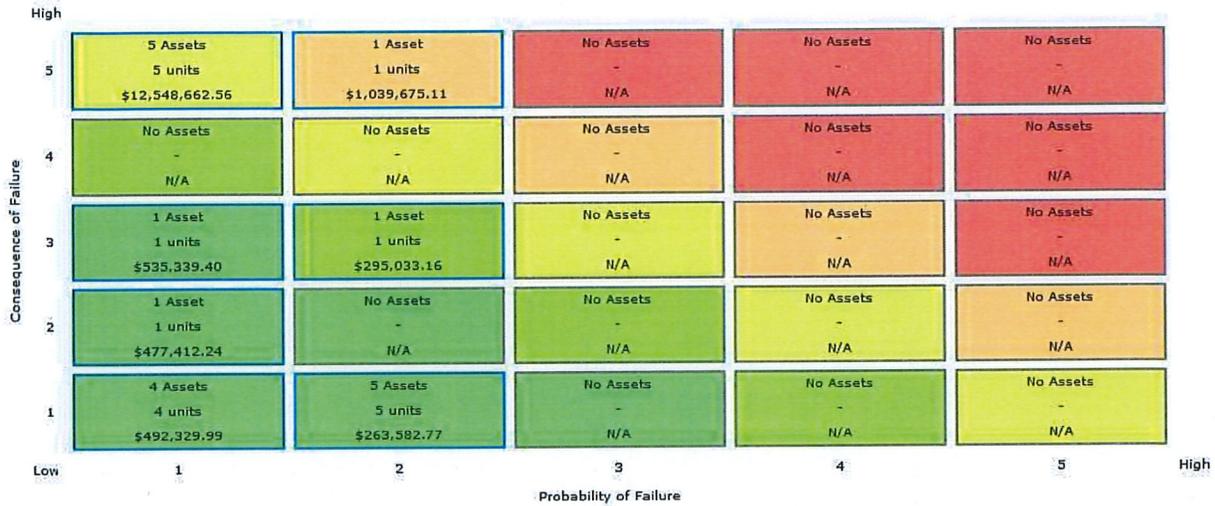


Buildings and other capital assets, which includes sports fields, parking lots, trails, and playground equipment, are other asset categories of concern for the Village. Exhibits 3.5 and 3.6 are the risk profiles of the Village’s buildings and other capital assets, respectively. As the exhibits show, assets in these two categories are at a lower risk of failure than the Village’s roads. Of the Village’s 18 buildings none are identified as having a high risk rating as reflected in Exhibit 3.5. This is attributed to the relatively young age of the buildings, which averaged 6.5 years.

¹⁰ Note that further analysis could be conducted with Village staff to refine asset replacement costs and in-service dates as well to review the risk rating to incorporate more factors into the consequence.

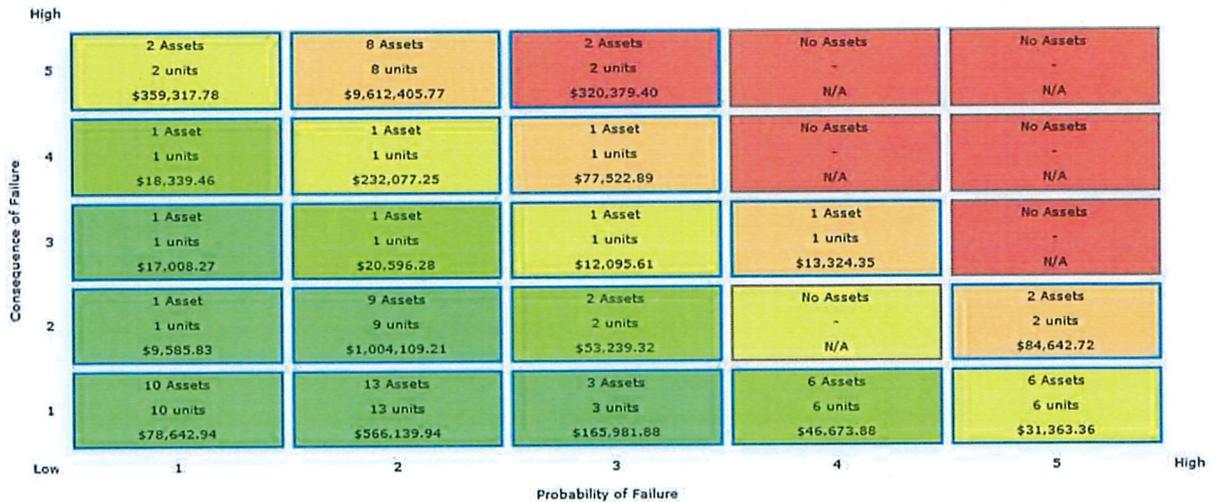
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Exhibit 3.5 Risk Profile of Buildings



For the other capital assets, only two of the 71 assets have a high-risk rating. However, eight assets, with a replacement value of over \$9.6 million or 76 percent of the Village’s other capital portfolio, have a risk score of 7, the sum of the consequence of failure and probability of failure axes. These assets will likely require maintenance and repair in the future. For the purposes of our reserve analysis, the two high-risk assets are the primary focus. These two assets have a combined replacement value of \$320,000 or roughly \$160,000 each. To determine a reserve for these critical assets, we calculate how many other capital assets the Village would need to repair/maintain annually in other for them to last their entire useful life. Based on Palmetto Bay’s 71 other capital assets and a projected useful life of 30 years, approximately two assets will need to be replaced annually. With only two assets in this category identified as high-risk, a one-time reserve for \$320,000 is sufficient.

Exhibit 3.6 Risk Profile of Other Capital



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A specific General Fund reserve amount is not recommended for buildings because the Village does not have any high-risk assets in this category. However, the Village could establish a sinking maintenance and replacement fund outside of the General Fund reserve. This would help fund the non-current liability for the future maintenance and replacement obligations for buildings. Many municipalities throughout the United States find themselves with sizable unfunded asset maintenance and replacement needs. Palmetto Bay could avoid this unfortunate situation by developing a sinking fund for maintenance and replacement. Such a fund would be especially useful for assets with foreseeable but not immediate needs, such as those assets with a risk score of 7. One method to determine an amount to reserve for a sinking maintenance and replacement fund is to calculate 2 percent of the current replacement value, which at present is approximately \$51.0 million. Thus, Palmetto Bay could reserve \$1.0 million in a sinking maintenance and replacement fund. In Section 5, GFOA has recommended a policy to establish a sinking fund for asset maintenance and replacement, which would represent a strategic approach to capital financing. This policy can guide the structuring of the maintenance and replacement fund.

Implied Reserve Components for Capital Repair and Replacement

- A reserve in the amount of \$1.3 million for capital repairs and replacement for assets in critical condition, which have a higher probability of failure. Specifically, \$1.0 million for roads and a one-time reserve of \$320,000 for other capital assets.
- The Village should develop an asset management policy to help guide maintenance and replacement funding. The Village could also establish a \$1.0 million sinking fund to finance foreseeable capital repairs. Both the asset management policy and sinking fund are separate of the General Fund reserve.

C. Growth of the Community

The Village of Palmetto Bay recently approved a downtown economic redevelopment that is estimated to add residents and businesses to the Village. For this redevelopment, Palmetto Bay engaged Lambert Advisory to conduct a market and economic study of the downtown area. The study shows the residential portion of the redevelopment to commence first, followed by commercial activity one year later. The concern with community growth is there is a lag time between when residents move into the area and when the municipality collects revenue, including property taxes, from new residents and businesses. Thus, it is important for the Village to estimate the incremental net costs associated with the population growth.

According to Lambert Advisory, under a higher population growth scenario the Village's population will increase by 5,270 new residents over a 10-year period. This is based on Palmetto Bay and the downtown area capturing more than its fair share of residential demand based upon the Village's strong school district, successful implementation of the Downtown Master Plan and continued improvement in the surrounding area. The current estimated cost to the Village to provide services per resident is \$451.14 as derived from Palmetto Bay's 2013 General Fund operating expenditure, \$11.0 million, and its population, 24,339. In the first year of the redevelopment, the Village's population will increase by an estimated 527 residents, resulting in nearly \$277,000 in services. New residents and businesses can also

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generate revenue for the Village as well. In some instances a community's growth and demand for services may outpace the revenue it receives from the new development. Thus, we review the long-term revenue and expenditures of the Village's downtown redevelopment. The downtown economic redevelopment includes residential, commercial, and retail uses. The following assumptions were utilized to determine the estimated revenue the redevelopment could generate:

- Residential: The Village's average household size is 3.1 persons per household according to Lambert Advisory. A growth of 527 residents annually would result in approximately 170 new housing units annually.
- Office: Lambert Advisory estimated a low and a high range for the Village's office space demand. The low range is 135,000 square feet over five years and the higher range is 270,000 square feet over five years.
- Retail: Lambert Advisory estimated 101,464 square feet of retail space could be supported by the Village over the next five years, ranging from 19,000 square feet to nearly 24,000 square feet annually.¹¹

Using information on the average residential assessed value and number of housing units of Palmetto Bay, we determined the property tax per housing unit is \$578.96. With 170 new units added annually, the Village is estimated to receive an increase of over \$98,000 in residential property taxes annually. For commercial property tax revenue, Lambert Advisory provided a low and high range of commercial demand for the Village of approximately 33,000 square feet and 52,000 square feet, respectively, in the first year of commercial operations. The Village receives roughly \$1.28 in commercial property tax revenue per square foot, thus the redevelopment is estimated to generate \$59,000 to \$93,000 in commercial property tax revenue to Palmetto Bay after the first year of commercial operations. After both residential and commercial uses are active in Year 2 of the redevelopment, the Village is estimated to receive on the lower end \$256,000 and on the higher end \$452,000 in property tax revenues from the growth associated with the redevelopment.

Aside from property taxes, the growth in the community can result in other forms of revenue. The Village is planning to impose development charges of \$7,500 per unit with the re-write of its downtown codes. This equates to nearly \$1.3 million annually over the 10-year redevelopment. Utility taxes, communication tax, intergovernmental revenue, and fees from licenses and permits will also result from the redevelopment. Using Palmetto Bay's 2013 General Fund revenue from these four sources, we derived the revenue per capita for each of the four sources and applied it to the population growth. Exhibit 3.7 below summarizes the calculations and estimates annual revenue and expenditures over an 11-year period. Please note that the revenues reflect the one year lag from billing to collection. For example, 170 new housing units are built in the first year but the Village will not receive residential property taxes until the following year.

As shown in the exhibit, the cost for the demand for services from the new residents is not estimated to outpace revenues derived from the redevelopment beyond the first year. In the second year of the

¹¹ The retail space excludes the 10 percent non-retail space included in Lambert Advisory's study.

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redevelopment, Palmetto Bay is estimated to net \$1.0 million through the residential uses alone. In the third year of the development after commercial uses have commenced, the Village is estimated to collect net revenues between \$1.1 and \$1.3 million. Thus, the Village should be concerned about the incremental cost associated with the first year of the population growth when new residents will require approximately \$238,000 in services. To estimate an amount the Village should set aside in reserves for we apply the Triple-A approach. Accounting for the uncertainty associated with community growth, including macroeconomic factors, we multiply this figure by 2.0. To meet the needs of the incremental net cost associated with population growth, the Village should reserve \$476,000.

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Exhibit 3.7 11-Year Estimated General Fund Revenues and Expenditures of the Downtown Redevelopment

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11
Revenues											
Property Tax Revenue	-	98,423	255,593	418,822	577,075	790,587	892,807	991,229	1,069,652	1,188,075	1,286,498
Total Property Tax Revenue - Low	-	98,423	452,439	714,090	970,766	1,338,729	1,483,343	1,680,189	1,877,035	2,073,880	2,270,726
Total Property Tax Revenue - High	-	98,423	196,846	295,268	393,691	548,142	590,537	686,960	787,383	885,805	984,228
Residential Property Tax Revenue	170	340	510	680	947	1,020	1,190	1,360	1,530	1,700	-
New Residential Units	-	-	58,748	123,553	183,384	242,444	302,270	302,270	302,270	302,270	302,270
Commercial Property Tax Revenue - Low	-	-	93,262	192,581	286,925	380,500	474,839	474,839	474,839	474,839	474,839
Commercial Property Tax Revenue - High	-	-	45,958	96,655	143,460	189,663	236,464	236,464	236,464	236,464	236,464
Total Commercial SF - Low	-	-	72,958	150,655	224,460	297,663	371,464	371,464	371,464	371,464	371,464
Total Commercial SF - High	-	-	27,000	54,000	81,000	108,000	135,000	135,000	135,000	135,000	135,000
Office Space - Low (135,000 SF)	-	-	54,000	108,000	162,000	216,000	270,000	270,000	270,000	270,000	270,000
Office Space - High (270,000 SF)	-	-	18,958	42,655	62,460	81,663	101,464	101,464	101,464	101,464	101,464
Retail Space (SF)	-	-	18,958	42,655	62,460	81,663	101,464	101,464	101,464	101,464	101,464
Total Development Fees	-	1,275,000	1,275,000	1,275,000	1,275,000	1,275,000	1,275,000	1,275,000	1,275,000	1,275,000	1,275,000
Utility Taxes	-	47,388	94,776	142,164	189,552	263,916	284,327	331,715	379,103	426,491	473,879
Communication Tax	-	28,372	56,744	85,115	113,487	158,010	170,231	198,602	226,974	255,346	283,718
Intergovernmental Revenue	-	44,087	88,175	132,262	176,349	245,533	284,524	308,611	352,698	396,785	440,873
Licenses and Permits	-	5,238	10,477	15,715	20,954	29,174	31,430	36,669	41,907	47,146	52,384
Total Revenues - Low	\$0	\$1,498,508	\$1,780,764	\$2,069,078	\$2,352,416	\$2,762,220	\$2,918,319	\$3,141,827	\$3,365,335	\$3,588,843	\$3,812,351
Total Revenues - High	\$0	\$1,498,508	\$1,977,610	\$2,364,346	\$2,746,108	\$3,310,362	\$3,508,856	\$3,830,787	\$4,152,718	\$4,474,649	\$4,796,580
Expenditures											
Total Cost of Service	237,751	475,502	713,252	951,003	1,324,096	1,426,605	1,664,255	1,902,006	2,139,757	2,377,508	2,377,508
Total Households	170	340	510	680	947	1,020	1,190	1,360	1,530	1,700	1,700
Population Growth (@ 5.270)	527	1,054	1,581	2,108	2,935	3,162	3,689	4,216	4,743	5,270	5,270
Total Expenditures	\$237,751	\$475,502	\$713,252	\$951,003	\$1,324,096	\$1,426,605	\$1,664,255	\$1,902,006	\$2,139,757	\$2,377,508	\$2,377,508
Net Revenue (Loss)											
Net Revenue (Loss) - Low	(\$237,751)	\$1,023,007	\$1,067,512	\$1,118,075	\$1,028,320	\$1,335,715	\$1,254,063	\$1,239,821	\$1,225,578	\$1,211,335	\$1,434,844
Net Revenue (Loss) - High	(\$237,751)	\$1,023,007	\$1,264,357	\$1,413,343	\$1,422,012	\$1,883,657	\$1,844,600	\$1,928,780	\$2,012,861	\$2,097,141	\$2,419,072

Implied Reserve Components for Growth in the Community

- A reserve in the amount of \$476,000 to meet estimated net cost related to the initial population growth for the first year.

GFOA Reserve Analysis for the Village of Palmetto Bay

Section 4 - Secondary Risk Factor Analysis

This section overviews risk factors that have implications for the Village’s general fund reserve strategy, but are less complex or of lower magnitude than the primary risk factors of vulnerability to extreme events and public safety concerns, capital repairs and replacement, and community growth.

Exhibit 1.1 – Categorization of Risk Factors that Influence Reserve Levels for Palmetto Bay	
Primary Risk Factor	
Vulnerability to Extreme Events and Public Safety Concerns (particularly hurricanes)	
Capital Repairs and Replacement	
Community Growth	
Secondary Risk Factors	
Revenue Volatility	Expenditure Volatility
Dependency of other funds on the General Fund	Liquidity / Cash Flow
Leverage	

Revenue Volatility

Exhibit 4.1 shows the actual revenues for the Village’s major revenue categories for the General, Transportation, and Nonmajor Governmental Funds. In 2012 the Village reclassified certain General Fund revenues, intergovernmental and licenses and permits, to the Transportation and Nonmajor Nongovernmental Revenue Funds, respectively. To more accurately capture the volatility of the General Fund revenues, we analyzed Transportation and Nonmajor Nongovernmental Revenue Funds as well. Exhibit 4.2 shows the year-to-year percent changes for each General Fund revenue category as well as totals for the funds. As the exhibits show the Village’s total General Fund revenues have increased annually between 2004 and 2008, but begin to decline annually in 2009 through 2012. As mentioned earlier, this is due to the reclassification of General Fund revenues. For the total of the three funds, the ten-year trend shows revenues increasing annually from 2005 through 2008 before declining annually between 2009 and 2011 and steadily rebounding in 2012 and 2013. Exhibit 4.2 indicates that the Village experiences some revenue volatility. Since 2004 revenues from the three funds have increased as much as 16.4 percent year-over-year and decreased by as much as 5.5 percent. However, it is important to note that 2004 poses to be an outlier when compared to the other nine years. This may be the case since the Village was incorporated two years prior in 2002 and may have experienced some transition into a more normal state. Excluding 2004, the revenue portfolio for the three funds has a year-over-year range of 14.3 percentage points.

GFOA Reserve Analysis for the Village of Palmetto Bay

Exhibit 4.1 Historical Revenue Yields in the General, Transportation, and Nonmajor Governmental Funds (2004-2013)

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Real and personal property taxes	4,465,261	4,883,257	5,455,327	6,073,012	6,692,181	6,574,981	5,879,429	5,559,345	5,446,837	5,528,940
Utility and communication service taxes	1,623,539	1,674,087	1,741,781	1,809,609	1,904,671	1,903,636	2,058,896	2,052,017	2,093,849	2,188,566
Communication service tax	795,085	1,059,858	910,766	932,032	1,169,070	1,336,528	1,469,338	1,515,934	1,375,239	1,310,324
Franchise fees	800,967	828,052	837,003	1,169,359	1,371,130	1,308,472	1,345,736	960,331	1,101,516	1,016,281
Intergovernmental	2,525,667	3,129,705	3,011,956	2,854,386	2,698,468	2,438,119	2,367,925	2,722,512	1,928,858	2,036,129
Licenses and permits	674,435	895,229	1,060,608	915,151	948,423	916,567	1,076,930	992,107	231,515	241,931
Impact fees	40,281	1,772	22,382	-	-	-	-	-	-	-
Fines and forfeitures	117,850	151,388	208,917	196,038	300,551	241,620	401,157	328,385	269,662	306,074
Charges for services	58,899	80,713	85,011	178,217	297,343	376,785	527,409	554,600	773,020	841,724
Interest	76,923	207,249	304,489	412,596	289,116	223,469	86,783	92,605	120,104	113,431
Miscellaneous	4,018	244,377	82,174	20,594	137,703	29,024	86,913	81,847	155,236	121,261
Total General Fund	\$11,182,925	\$13,155,687	\$13,720,424	\$14,560,994	\$15,808,656	\$15,349,201	\$15,300,516	\$14,859,683	\$13,495,836	\$13,704,661
Transportation Fund		\$888,805	\$963,085	\$956,827	\$937,862	\$862,203	\$875,814	\$936,544	\$1,501,014	\$1,509,912
Nonmajor Governmental Funds		\$899,016	\$6	\$456,979	\$628,986	\$608,666	\$610,557	\$71,283	\$926,460	\$988,719
TOTAL	\$12,081,941	\$14,059,992	\$14,683,515	\$15,974,800	\$17,376,504	\$16,820,070	\$16,786,887	\$15,867,510	\$15,923,310	\$16,203,292

Exhibit 4.2 Year-over-Year Percentage Changes in General, Transportation, and Nonmajor Governmental Funds (2004-2013)

	2005	2006	2007	2008	2009	2010	2011	2012	2013
Real and personal property taxes	9.4%	11.7%	11.3%	10.2%	-1.8%	-10.6%	-5.4%	-2.0%	1.5%
Utility and communication service taxes	3.1%	4.0%	3.9%	5.3%	-0.1%	8.2%	-0.3%	2.0%	4.5%
Communication service tax	33.3%	-14.1%	2.3%	25.4%	14.3%	9.9%	3.2%	-9.3%	-4.7%
Franchise fees	3.4%	1.1%	39.7%	17.3%	-4.6%	2.8%	-28.6%	14.7%	-7.7%
Intergovernmental	23.9%	-3.8%	-5.2%	-5.5%	-9.6%	-2.9%	15.0%	-29.2%	5.6%
Licenses and permits	32.7%	18.5%	-13.7%	3.6%	-3.4%	17.5%	-7.9%	-76.7%	4.5%
Impact fees	-85.6%	1163.1%	-	-	-	-	-	-	-
Fines and forfeitures	28.5%	38.0%	-6.2%	53.3%	-19.6%	66.0%	-18.1%	-17.9%	13.5%
Charges for services	37.0%	5.3%	109.6%	66.8%	26.7%	40.0%	5.2%	39.4%	8.9%
Interest	169.4%	46.9%	35.5%	-29.9%	-22.7%	-61.2%	6.7%	29.7%	-5.6%
Miscellaneous	5982.1%	-66.4%	-74.9%	568.7%	-78.9%	199.5%	-5.8%	89.7%	-21.9%
Total General Fund	17.6%	4.3%	6.1%	8.6%	-2.9%	-0.3%	-2.9%	-9.2%	1.5%
Transportation Fund	-	8.4%	-0.6%	-2.0%	-8.1%	1.6%	6.9%	60.3%	0.6%
Nonmajor Governmental Funds	-88.3%	-100.0%	7616216.7%	37.6%	-3.2%	0.3%	-88.3%	1199.7%	6.7%
TOTAL	16.4%	4.4%	8.8%	8.8%	-3.2%	-0.2%	-5.5%	0.4%	1.8%

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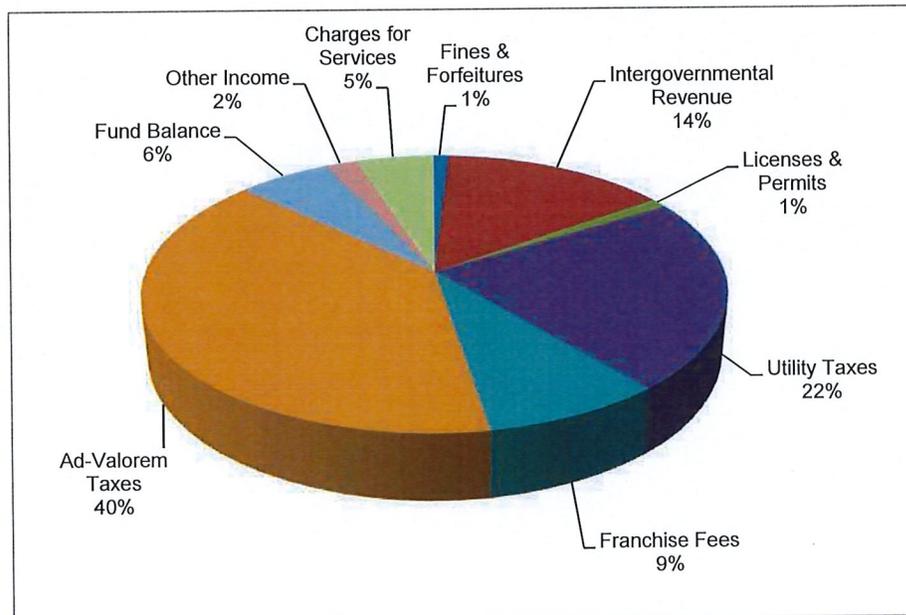
Another consideration is the volatility of the Nonmajor Governmental Funds. Currently, it consists of six separate non-major funds, though the number of funds within the Nonmajor Governmental Funds has varied over the ten-year period. Thus, we compare the year-over-year change of the revenue portfolio with and without the Nonmajor Governmental Funds as shown in Exhibit 4.3.

Exhibit 4.3 Year-over-Year Percentage Changes in General and Transportation Funds and General, Transportation, Nonmajor Governmental Funds (2004-2013)

	2005	2006	2007	2008	2009	2010	2011	2012	2013
General and Transportation Funds	25.6%	4.5%	5.7%	7.9%	-3.2%	-0.2%	-2.3%	-5.1%	1.5%
General, Nonmajor Governmental, and Transportation Funds	16.4%	4.4%	8.8%	8.8%	-3.2%	-0.2%	-5.5%	0.4%	1.8%

The revenue portfolio of the General and Transportation Funds is volatile, with a year-over-year range of 13.0 percentage points between 2005 and 2013, excluding 2004 because of the possible transition during that period. The largest annual decline experienced for the total of the General and Transportation Funds was 5.1 percent in 2012, compared to 5.5 percent for the total of the three funds. For the purposes of recommending a reserve, we take the mid-point of the two, 5.3 percent, to provide a reasonable reference point for the upper limit of downside risk the Village faces in its General Fund revenues.

Exhibit 4.4 Palmetto Bay General Fund Revenues (2013-2014)



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In considering the Triple-A approach to managing uncertainty, we consider the General Fund revenue sources. Exhibit 4.4 shows the General Fund revenue sources and their respective percentage to total General Fund revenues. What is important to note from the exhibit is significant portion that is received, not collected, by Palmetto Bay. For these revenue sources, the Village has little to no capacity to control these revenue streams, such as by setting their rates. The prime example is ad-valorem taxes, which comprise 40 percent of the Village's General Fund revenues. Florida statute imposes the maximum millage rate for municipalities.¹² Other examples include intergovernmental revenues, which are provided from the State of Florida and utility taxes and franchise fees, which are from Miami-Dade County. These three sources amount to 47 percent of its General Fund revenues. Because a majority of its General Fund revenues come from outside entities, when applying the Triple-A approach, we use the higher multiplier of 2.0. This means the worst downturn the Village should plan for in its General Fund revenues would be a decline of 10.6 percent.

Municipalities sometimes have a certain amount of contingency built into their budget such that should they experience a decrease in revenues it would respond by reducing its budget and not rely on reserves to cover the entire amount of the reduction. Through discussions with Palmetto Bay, no budget reductions are considered at this time. As such, the Village should reserve \$1.5 million to hedge against instability in its General Fund revenues.

Implied Reserve Component for Revenue Volatility

- A reserve of \$1.5 million for General Fund revenues volatility based on a plausible decline in revenues of 8.0 percent.

Expenditure Volatility

The Village does not have great vulnerability to unexpected expenditures spikes for operations. Lawsuits are always a possibility. Under Florida Statutes,¹³ municipalities have a limited liability for damages for a maximum \$200,000. Applying this maximum liability, the Village should reserve an amount of \$200,000 for such purposes.

Implied Reserve Component for Expenditure Volatility

- A reserve of \$200,000 for expenditure volatility (particularly lawsuits).

Dependency of Other Funds on the General Fund

The Village's general fund does not provide significant subsidies or transfers to other funds. Neither does the Village operate its own utilities, so there is no risk of the General Fund being called upon to support these operations in a crisis. Hence, no special reserve is needed.

Implied Reserve Component for Dependency of Other Funds on General Fund

- No reserve for subsidies or transfers to other funds is needed.

¹² Fla. Stat. § 200.065 (2014).

¹³ Fla. Stat. § 768.28 (2013).

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Leverage

Outstanding debt. The Village has approximately \$20.5 million in debt associated with governmental activities. This includes revenue bonds to construct a library building and Village Hall, promissory note to manufacture and install street signs throughout the Village, and related liabilities to Miami-Dade County for the Village's share of the County's Public Service Tax Bonds for the Quality Neighborhood Improvement Program and Stormwater Utility Revenue Bonds.

The Village has a rating of AA as assigned by Fitch Ratings. A rating of AA+ by Fitch Ratings is roughly equivalent to an Aa rating by Moody's Investors Services. Exhibit 4.1 below compares the Village's financial indicators with medians of similar sized cities by credit rating as reported in Moody's Investors Services "2011 US Local Government Medians" report. As the exhibit shows, the Village's level of direct net debt, which includes non-self-supporting portion of general obligation bonds, sales and special tax bonds, general fund lease obligations, bond anticipation notes, and capital leases, compared to its full value, or estimated full market value of taxable property within its boundaries, is only 0.70 percent, lower than the median recorded for similar sized Aa-rated cities and comparable to the median for Aaa-rated cities.

Exhibit 4.5 also shows "overall" debt, which is the Village's direct debt plus the debt of overlapping jurisdictions. The rationale for this measure is the burden on the community from a dollar of local government debt is the same, whether it comes from a municipality, school district, library district, etc. The Village's overall debt burden is 1.18 percent of full value, far lower than the medians recorded across all five ratings.

Exhibit 4.5 – Comparison of Palmetto Bay's Financial Indicators to Cities with Less Than 50,000 Population by Credit Rating from Moody's Medians

	<i>Palmetto Bay</i>	Aaa	Aa	A	Baa	Ba
Population 2010 Census	23,410	23,348	16,941	7,839	5,791	17,353
Direct Net Debt as % of Full Value	0.70%	0.61%	0.96%	1.44%	1.69%	2.99%
Overall Debt Burden (Overall Net Debt as % Full Value)	1.18%	2.14%	2.71%	4.32%	4.40%	5.93%
Total Full Value (000)	\$2,357,490	\$5,418,323	\$1,866,036	\$515,717	\$220,668	\$1,187,118
Full Value Per Capita	\$100,704	\$160,428	\$83,520	\$46,905	\$34,864	\$67,115

Pension and OPEB liabilities. The Village provides retirement benefits for full-time employees through a defined contribution plan. For participating employees Palmetto Bay contributes 6 percent of employee's gross salary. As of fiscal year-end September 30, 2013, the Village contributed \$263,278 in its defined contribution plan and it is fully-funded.

The Village provides optional post-employment healthcare, dental, and life insurance coverage to regular employees and elected officials who retire from active services. Palmetto Bay's current policy is to fund the plan on a "pay-as-you-go" basis. According to its most recent actuarial evaluation as of fiscal year-end 2012, there were only three participants. The Village's annual required contribution for OPEB was \$25,000, with a net obligation of \$15,000.

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Implied Reserve Components for Leverage

- No reserve for outstanding debt or pension or OPEB liabilities is needed.
- The Village does not have an especially high amount of debt when compared to other similar-sized municipalities.
- The Village's participation in a defined contribution plan, fully funding of the plan, and nominal OPEB obligations do not warrant a reserve.

Liquidity

The Village does not experience cash flow problems as result of timing differences between its receivables and payables. Thus, a special reserve for working capital appears unnecessary.

Implied Reserve Component for Liquidity

- No reserve for working capital is needed.

Section 5 – Recommendations

This section provides GFOA's recommendations to Palmetto Bay based on the analysis presented in this paper. Sub-section "A" reviews the risk factors that were analyzed independently in Section 3 and Section 4, and considers issues relative to analyzing the risk factors as a whole. Sub-section "B" addresses the primary purpose of this report: to recommend a reserve target for Palmetto Bay. Sub-section "C" introduces ideas for formal policies the Village may wish to adopt to support the its reserve strategy. Sub-section "C" summarizes GFOA's recommendations.

A. Review of Risk Factors and Holistic Analysis

This section establishes the recommended reserve target for Palmetto Bay. We will start with a brief overview of the risk factors that have implications for the Village's reserves in Exhibit 5.1.

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Exhibit 5.1 – Risk Factor Overview

Specific Risk to General Fund	Risk Averse Amount	Less Risk Averse Amount
Extreme events and public safety: hurricanes	\$552,000	\$552,000
Community growth	\$476,000	\$476,000
Capital repairs and replacement	\$1.3 million	\$1.4 million
Revenue volatility	\$1.5 million	
Expenditure volatility: lawsuit	\$200,000	\$200,000
TOTAL	\$4.0 million	\$2.6 million
Percent of General Fund 2013 Revenues	29%	19%
Additional Reserve		
Maintenance of capital assets	\$1.0 million	\$1.0
GRAND TOTAL	\$5.0 million	\$3.6 million

However, determining a final reserve target is not as straightforward as summing the numbers in the risk averse amount column of Exhibit 5.1. There are two issues we must consider before arriving at a final target:

- Risk interdependency and
- Risk's probability of occurring.

The column on the right accounts for these issues to determine a less risk averse amount. We will explain how we arrived to these figures below.

Risk interdependency. Risk interdependency refers to the relationship between the different risk factors. To illustrate, if two risks are highly dependent, then there is a strong likelihood that both will occur at the same time. If two risks are independent there is no particular reason they should occur at the same time. The major risk dependency is between public safety risks and capital repairs and replacement because a hurricane directly hitting Palmetto Bay could require immediate capital repair and replacement needs. There might also be some dependency between public safety risks and revenue as a major hurricane could destroy properties that provide the Village's property tax revenues. Expenditure volatility associated with potential lawsuits appears to be an independent risk because the occurrence of this risk has little to do with the occurrence of other risks.

Where risks are highly dependent it is wise to hold reserves for the full amount of implied reserve amount for each dependent risk factor because if one happens it is likely the other one will happen. Where risks are independent and the risks have a low probability of occurring it may not be necessary to hold the full amount of implied reserves for each risk because one shared reserve for multiple risk factors that is less than the total implied reserve amounts of the individuals risks will probably be sufficient to protect the Village.

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Risk's probability of occurring. Some risks have a low probability of occurring, but have extreme consequences if they occur. A hurricane is the leading example of this. Some risks are almost certain to occur, but the consequences are not necessarily so severe. General revenue volatility is certain to occur and the impact to the Village in the past has been manageable. When risks are likely to occur, it is wise to hold full implied reserve amount. When risks have a low probability of occurring it is possible to hold less than the implied reserve amount if the low probability risks are independent of each other. The odds that these risks occur at the same time are very small so the Village could elect to not hold reserves large enough to cover all low probability risks.

B. Recommended Reserve Target for Palmetto Bay

This section addresses a recommended range of reserves for Palmetto. First we synthesize the risk analysis into a recommended range of reserves. Then we discuss how the recommendation fits with Village's existing reserve strategy.

Reserve Amount Derived from Risk Analysis

If we consider the risks to have high degree of dependency the Village should reserve close to \$4.0million, which is about 29 percent of the General Fund revenues in order to cover the risks addressed in this report. This represents a more "risk averse" approach to reserves. As mentioned in the preceding subsection, there are some dependencies between the risks but they are not all completely dependent. Therefore taking the total of all of the implied reserve, \$4.0 million, as the Village's final reserve target may result in Palmetto Bay holding too much in reserve, but would provide the highest level of protection for the Village – the Village have the lowest odds of being caught short. Palmetto Bay could also hold some amount less than \$4.0 million and probably cover itself sufficiently. A way to determine this amount is by looking at the risk factors. Focusing on the two largest risks, capital repairs and replacement and revenue volatility, there seems to be little dependency between the two. A capital maintenance project such as one to repave roads does not impact the Village's General Fund revenue and vice versa. Additionally, as discussed in Section 4, the Village has capacity to leverage debt should it need an alternative strategy to finance capital repairs. Because there is little dependency between capital repairs and replacement and revenue volatility and the Village's flexibility in issuing debt, it can reserve an amount less than the \$4.0 million total of all risk. Using the mid-point of the implied reserve amounts for capital repairs and replacement and revenue volatility, the Village could decide to adopt a final reserve target that is \$1.4 million less – or about \$2.6 million. A reserve of \$2.6 million equates to approximately 19 percent of General Fund revenues.

Hence, the Village should choose a reserve target for its General Fund between \$2.6 million and \$4.0 million to cover the risks addressed in this analysis. This equates to a reserve equal to about 19 percent and 29 percent of the Village's General Fund revenues, respectively.

To help the Village make a more informed consideration of this range of possibilities, Exhibit 5.2 provides a table of General Fund balances as a percent of General Fund revenues for Florida municipalities that are comparable to Palmetto Bay in terms of population and proximity to the coast. A couple of notes should be made about Exhibit 5.2 in order for the reader to fully understand its meaning. First, "fund balance" is an accounting term that describes the difference between the assets

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and liabilities in the General Fund. “Reserves” (which are the main topic of GFOA’s analysis for Palmetto Bay) are the portion of fund balance that is set aside, by village council policy, as a hedge against risk. Hence, not all “fund balance” is necessarily available as a reserve. The right-hand section of Exhibit 5.2 shows how much each municipality holds in fund balances as a percent of general revenue. Each of three columns in this section examines fund balances from a different perspective on the relationship between fund balances and risk mitigation.

The first column shows “unrestricted” fund balance. This is an accounting term that includes fund balances that do not have constraints placed on their use by an outside entity (e.g., a bond covenant might restrict the use of some portion of fund balance to debt service) and that are spendable (e.g., do not represent inventory or other non-liquid assets). “Unrestricted” fund balances may still have constraints placed upon their use, but these constraints would be created by the municipal government itself. One common constraint is to dedicate some portion of fund balance to hedging against the types of risks described in this report. However, other constraints have nothing to do with this kind of risk mitigation - to illustrate, a common self-imposed constraint is putting aside fund balance to pay for a special capital project. While such a constraint *could* be removed and, thus, the entirety of monies in the “unrestricted” category made available for risk mitigation, it is not the intent of the municipality to do so.

The second column shows the amount of fund balance that is available for risk mitigation after fund balances that have self-imposed restrictions that are not germane to risk mitigation are removed from consideration. This leaves self-imposed restrictions that are germane to risk mitigation as well as fund balance that does not have any restrictions placed upon it at all, so could easily be used for responding to emergency events if needed.

The third category includes only those fund balances that have been specifically identified by the municipality as intended for creating a risk mitigating reserve. The financial statements of four municipalities, including Palmetto Bay, did not specifically identify any fund balance as a risk mitigating reserve so are labeled with “NA.” It should be noted that since the analysis in Exhibit 5.2 is based only upon the information included in each municipality’s comprehensive annual financial report (CAFR), it is possible that the amount dedicated to risk mitigation could be somewhat higher for some of the municipalities as a legislative policy document might call for maintaining a given amount in fund balances as a reserve without creating an accounting restriction that would show up in the financial report. This is the case for Palmetto Bay which in its budget notes that it has approximately \$2.8 committed for declared emergencies established by Council resolution. This is also true for the Town of Miami Lakes and City of Edgewater. Miami Lakes’ reserve policy ordinance requires that, when possible, it maintain 15 percent of budgeted general fund expenditures on hand as a reserve. Edgewater’s Charter includes a requirement to maintain reserves between 15 and 25 percent of its general fund appropriations, excluding operating transfers, a range which is in line with GFOA’s recommendation for Palmetto Bay. In addition, the Village Council for the Village of Pinecrest, located directly to the north of Palmetto Bay, allocates additional unassigned fund balance during the budget process for possible emergencies due to its location in a hurricane zone. For Cutler Bay, located directly to the south of Palmetto Bay, it maintains several reserves “for contingencies and emergency situations, as well as for

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the impact of revenue reforms on the stability of the Town's operating budget and for other items such as grant matches." While its CAFR documents that it dedicates \$2.0 million in its assigned fund balance for potential build-out and operational issues related to the Cutler Bay Town Center, its budget details an additional \$7.3 million from its unassigned fund balance for reserves dedicated to emergency contingency for extreme events, revenue stabilization related to revenue volatility, grant match related to expenditure volatility, insurance to cover claim deductibles, and tax equalization for potential cash flow issues. That said the figures in Exhibit 5.2 are probably inclusive of most of the funds these municipalities have dedicated to risk mitigation.

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Exhibit 5.2 – Fund Balance as a Percent of General Fund Revenues for Comparable Florida Municipalities

Municipality	Population	Fund Balances as Percent of General Fund Revenue		
		Unrestricted	Available for Risk Mitigation	Dedicated to Risk Mitigation
Palmetto Bay	23,447	95%	94%	NA
Cooper City	32,345	28%	26%	NA
Cutler Bay	42,035	109%	79%	11%
Edgewater	20,737	30%	25%	NA
Miami Lakes	30,057	27%	27%	NA
Pinecrest	11,015	43%	42%	16%
Temple Terrace	25,029	20%	17%	5%
Average	26,381	50%	44%	11%
Median	25,029	30%	27%	11%

Unsurprisingly, the averages at the bottom of the table decline as one reads from left to right, as the scope of fund balance included declines.

For Palmetto Bay’s purposes, the figures in the second and third columns are most relevant. These figures tell us that Palmetto Bay has a significant portion of unrestricted fund balances relative to its General Fund revenues, 94 percent, that could be used for risk mitigation. The comparable municipalities averaged 44 percent in this category.

In terms of fund balances dedicated to risk mitigation, only three peer municipalities noted in their CAFRs a fund balance specifically for risk mitigation. As discussed earlier, a legislative policy may not be captured in financial reporting, which is the case of the Village. While the Village’s financial report shows that it does not dedicate specific fund balances for risk mitigation, we know Palmetto Bay sets aside 20 percent of General Fund revenues for emergencies, as established by Council resolution. Comparatively, when including the \$7.3 million in additional reserves described in its budget, Cutler Bay sets aside 52 percent of its General Fund revenues for risk mitigation, far more than any other peer municipality listed. The exhibit also tells us that the GFOA recommendation of a reserve equal to between 19 and 29 percent of the Village’s General Fund revenues is in line with its northern neighbor Pinecrest who sets aside 16 percent of its General Fund revenue also for possible emergencies, such as hurricanes. It is also not out of line with the median of reserves available for risk mitigation for all peer municipalities.

As a final input into considering the range of reserve targets, the Village should consider two factors that are relevant to sizing a reserve:

- **Government size:** As a smaller municipality, Palmetto Bay will generally have more vulnerability to risk because it has a less diverse tax base and less diverse resources to draw upon than a

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much larger municipality. This suggests a reserve at the higher end of the range suggested by GFOA.

- **Borrowing capacity:** The Village does not have significant debt or large capital needs in the future. This suggests that the Village has financial flexibility should it need access to capital as it does have the capability to assume more risk with lesser reserves.

In conclusion, to zero in on a final reserve target GFOA recommends that the Palmetto Bay's Village Council and staff have a conversation about their risk appetite. A low risk appetite should suggest that a reserve closer to 29 percent for the General Fund would be safer for the Village. If the Village has a higher risk appetite it would adopt a reserve target closer to 19 percent. The Village could also adopt a target between these two poles. In short, there is no one "correct" answer as the final target is a product of the Village's willingness to assume risk. The \$1.0 million for a sinking maintenance and replacement fund is included in both the risk averse and less risk averse columns as it is a known liability and not a matter of risk.

Relation to the Village's Existing Reserve Strategy

The Village's existing reserve strategy includes an emergency reserve, intended for unanticipated emergencies as declared by Council resolution. GFOA applauds the Village for this practice of explicitly recognizing the purposes of the reserves. This provides for greater transparency on why the Village holds reserves. GFOA also recommends retaining this categorization going forward. Palmetto Bay currently holds \$2.8 million, which falls within GFOA's recommended reserve target range.

C. Policies to Support the General Fund Reserve Strategy

This section presents ideas for formal policies that Palmetto Bay may wish to adopt that would support the Village's reserve strategy.

General Fund Reserve Policy

The Village should adopt a formal general fund reserve policy. A policy would accomplish the following:

- Memorialize the final reserve target in a document that receives formal council approval.
- Officially establish the intent of the Village to maintain the target level of reserves.
- Describe the acceptable uses of reserves. This prevents the reserves from being used inappropriately and, thus, degrading the Village's risk mitigation capabilities.
- Describe who is authorized to use the reserves.
- Provide guidance on how to replenish reserves back to target levels, when necessary.

Asset Management Policy

An asset management policy will help support the Village's reserve strategy because maintenance of capital assets is a major draw on the Village's resources. A policy will help the Village improve upon its already strong capital planning practices and standardize its approach to asset maintenance and replacement.

GFOA Reserve Analysis for the Village of Palmetto Bay

D. Conclusion

GFOA commends Palmetto Bay for evaluating its General Fund reserve level in light of the risks the Village faces. The GFOA analysis of the Village's risks has suggested items for the Village Council and staff to consider in determining how large a reserve to maintain. GFOA recommends that Palmetto Bay establish a reserve target for its General Fund of between \$2.6 million and \$4.0 million or 19 percent and 29 percent of its General Fund revenues, respectively. We also recommend the Village consider adopting an asset management policy, including \$1.0 million maintenance and capital repairs sinking fund to help finance foreseeable asset repair needs.



To: Honorable Mayor and Village Council

Date: January 6, 2020

From: Village Manager Edward Silva

Re: Capital Asset Funding Policy

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CAPITAL ASSET FUNDING POLICY; IDENTIFYING FUNDING FOR CAPITAL ASSETS/PROJECTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. (*Sponsored by Administration*)

BACKGROUND AND ANALYSIS:

The Village of Palmetto Bay currently allocates funding annually for repairs, replacement or purchase of assets.

The proposed Capital Asset/Project Funding Policy establishes a mechanism to continually fund a capital assets fund for repairs, replacement and purchase of assets as needed and not only if allocated within the budget.

FISCAL IMPACT:

No fiscal impact as this is only a funding mechanism.

RECOMMEDATION:

Approval is recommended.

ATTACHMENTS:

Capital Asset/Project Funding Policy.

1 Attest:

2

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4

5 Missy Arocha
6 Village Clerk

Karyn Cunningham
Mayor

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

12

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14

John C. Dellagloria
15 Village Attorney

16

17

18

FINAL VOTE AT ADOPTION:

19

20

Council Member Patrick Fiore _____

21

22

Council Member David Singer _____

23

24

Council Member Marsha Matson _____

25

26

Vice-Mayor John DuBois _____

27

28

Mayor Karyn Cunningham _____

29

CAPITAL ASSET/PROJECT FUNDING POLICY

I. Purpose

The Village hereby establishes the General Fund Capital Assets/Projects Fund, for the purpose of accumulating funds to purchase, replace or repair the Village’s capital assets.

II. Definitions

Capital Assets:

Capital assets, which include land, buildings, furniture and equipment and infrastructure assets (e.g., roads, sidewalks, and similar items), are reported in the government-wide financial statements. Capital assets are defined by the Village as assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of one year. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at their acquisition value (the price that would be paid to acquire an asset with equivalent service potential in an orderly market transaction at the acquisition date).

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are expensed as incurred. Major outlays for capital assets and improvements are capitalized as projects are constructed.

The Village maintains a \$750,000 threshold for capitalizing easements and a \$250,000 threshold for capitalizing software.

Capital assets are depreciated using the straight-line method over the following estimated useful lives:

Assets	Years
Furniture and equipment	5-20
Vehicles	7
Buildings	30
Leasehold improvements	10
Infrastructure	30
Software	5

Major Improvement:

A major replacement/improvement to an asset is an expenditure of more than \$5,000 and extends the life of an asset by more than one year.

Major Repair:

A major repair is an expenditure due to damage of more than \$5,000 but does not extend the life of an asset.

III. POLICY

To fund the General Fund Capital Assets Fund 60% of the prior year's operating surplus will be allocated from the General Fund unreserved fund balances and transferred to the Capital Asset/Project Fund.

The Capital Assets/Projects ending fund balance shall not exceed \$5,000,000.

Only with a super majority vote of the Village Council can unallocated funds be returned to the General Fund.

ORDINANCE 2020-_____

1
2
3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
4 VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PRIVATE
5 DEVELOPMENT PROJECTS; AMENDING SECTION 30-30.2(D) OF
6 THE VILLAGE'S ZONING CODE BY ESTABLISHING THAT ALL NEW
7 APPLICATIONS FOR DEVELOPMENT SHALL ONLY BE ACCEPTED
8 BETWEEN APRIL 15TH AND NOVEMBER 30TH OF EACH YEAR;
9 REQUIRING THAT A POTENTIAL DEVELOPER MAKES A
10 PRESENTATION AT A MEETING BEFORE THE GENERAL PUBLIC
11 REGARDING A PROPOSED DEVELOPMENT PROJECT FOR THE
12 PURPOSE OF DISCUSSING THE PROJECT PARAMETERS AND
13 CHARACTERISTICS AND TO RESPOND TO QUESTIONS AND
14 INQUIRIES FROM THE RESIDENTS; PROVIDING THAT A MEETING
15 SHALL BE HELD AT LEAST TWO WEEKS PRIOR TO COUNCIL
16 DELIBERATIONS ON A PROPOSED PROJECT; PROVIDING THAT
17 ALL RELEVANT QUESTIONS BY RESIDENTS MAY BE ASKED AT
18 THE MEETING; PROVIDING FOR FACILITATION OF THE MEETING
19 BY THE VILLAGE PUBLIC INFORMATION OFFICER; REQUIRING
20 ANSWERS TO BE GIVEN BY STAFF AND THE DEVELOPER
21 RELEVANT TO THE PROPOSED PROJECT; REQUIRING AT LEAST
22 7-DAYS PUBLIC NOTICE FOR THE MEETING; REQUIRING THAT A
23 MEETING TAKES PLACE ON THE EVENING OF A REGULAR
24 SEMESTER SCHOOL DAY OF THE MIAMI-DADE PUBLIC SCHOOLS;
25 REPEALING RESOLUTION 2018-14; AND PROVIDING FOR
26 SEVERABILITY AND AN EFFECTIVE DATE. *(Sponsored by*
27 *Councilmember Marsha Matson)*

28
29 **WHEREAS**, the Village Council prides itself on transparency and
30 open government; and

31
32 **WHEREAS**, new development in the Village has a great impact on
33 the quality of life of the residents of the Village; and

34
35 **WHEREAS**, it is appropriate for developers to present to the
36 general public information available on their proposed project, inclusive
37 of responding to questions and inquiries from the residents; and

38
39 **WHEREAS**, the scheduling of the presentations in advance of
40 Council considerations will allow sufficient time for residents to address

1 any and all questions and concerns to the potential developer, which also
2 reduces the amount of time to be dedicated to project discussions during
3 a Council meeting where time is more limited; and
4

5 **WHEREAS**, the presentations should be meaningful in the scope
6 of information presented, in the time allowed and required for the
7 presentation, in the time for when the presentations are scheduled, and
8 with sufficient advance notice given for such presentation; and
9

10 **WHEREAS**, such presentations being part of the application review
11 process, they shall not take place during such periods when there are
12 development moratoria or Zoning in Progress Ordinances in effect for the
13 properties to be developed.
14

15 **NOW THEREFORE. BE IT RESOLVED BY THE VILLAGE OF**
16 **PALMETTO BAY, FLORIDA, THAT:**
17

18 **Section 1.** Resolution 2018-14 is repealed in its entirety.
19

20 **Section 2.** Section 30-30.2(d) of the zoning code of Ordinances is
21 added as follows:

22 Section 30-30.2(d): applications for development after
23 the effective date of this Ordinance shall only be accepted by the Village
24 between April 15th and November 30th of each year.
25

26 **Section 3. Presentations required.** Private developers of
27 residential and/or commercial projects which are greater than 5 units and
28 which shall require Council approval to develop, shall make a
29 presentation to the general public no later than two (2) weeks prior to
30 Council deliberations. At which time, traffic studies, plans, architectural
31 presentations and any and all other pertinent information by
32 professionals working on the project shall be presented to the public for
33 public discussion, inquiries and questions.
34

35 **Section 4. Notice.** Developers shall schedule the presentations
36 with the Village Clerk and notice of the meeting shall be placed on the
37 official website of the Village of Palmetto Bay at least seven (7) calendar
38 days prior to the meeting.
39

1 **Section 5. Meeting procedure.** The meeting for such
2 presentation shall take place on the evening of a regular semester school
3 day of the Miami-Dade County Public Schools. The meeting shall
4 allocate equal time to the developer and the public, for a minimum of
5 fifteen (15) minutes for the presentation of the developer, and fifteen (15)
6 minutes for questions by the public, whereby the developer and any
7 Village staff present will attempt to answer all relevant questions from the
8 public to the best of their ability. The said meeting shall be facilitated by
9 the Village's Public Information Officer.

10
11 **Section 6. Effective Date.** This Resolution shall become effective
12 upon adoption.

13
14 **PASSED AND ADOPTED** this 3rd day of February 2020.

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18 Attest:

19 _____
20 **Missy Arocha**
21 **Village Clerk**

22 _____
23 **Karyn Cunningham**
24 **Mayor**

25
26 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
27 AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

28 _____
29 **John C. Dellagloria**
30 **Village Attorney**

31 **VOTE ON FIRST READING**

32
33 Mayor Karyn Cunningham _____

34 Vice-Mayor DuBois _____

35 Council Member Singer _____

36 Council Member Matson _____

1 Council Member Fiore _____

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4 **VOTE ON SECOND READING AND FINAL VOTE AT ADOPTION:**

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6 Mayor Karyn Cunningham _____

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8 Vice Mayor John Dubois _____

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10 Council Member David Singer _____

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12 Council Member Patrick Fiore _____

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14 Council Member Marsha Matson _____

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ATTACHMENT A

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To: Honorable Mayor and Village Council Date: August 28, 2019

From: Councilmember Masha Matson Re: Developer
Community

Presentations

PURPOSE OF THE PROPOSED ACTION:

The purpose of this Amendment to Resolution 2018-14 is to clarify the procedures to be followed for the Developer Presentations required by Resolution 2018-14.

MAJOR POINTS/REASONS FOR THE PROPOSED ACTION:

It appears that some of the presentations have been ineffective due to insufficient notice, short time period, inopportune time during vacations when fewer residents attend, and restrictions on questions. The existing Resolution does not clarify when and how the developer presentation has to occur, except that it has to occur at least 2 weeks prior to Council consideration. The proposed additions will strengthen Resolution 2018-14, and the developer presentation will become more meaningful and informative for the public.

The additions make it clear that the presentation should be on the evening of a regular semester public school day, which avoids the perception that matters are considered when many residents are absent.

PRELIMINARY ESTIMATE OF THE COST OF IMPLEMENTATION

None, as the Resolution simply amends an existing Resolution with specific notice and procedural guidelines.

SOURCE OF FUNDS TO PAY SUCH COSTS:

Not applicable.