



## VILLAGE OF PALMETTO BAY

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

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

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

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### AGENDA

#### COMMITTEE OF THE WHOLE WORKSHOP

#### TUESDAY, SEPTEMBER 21, 2021 - 7:00 PM

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

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1. **CALL TO ORDER, ROLL CALL, INVOCATION, PLEDGE OF ALLEGIANCE, AND DECORUM STATEMENT, IN THAT ORDER:** Any person making impertinent or slanderous remarks, or who becomes boisterous, while addressing the Council may be barred from further appearance before the Council by the Mayor, unless permission to continue or again address the Council is granted by a majority vote of the Council. Applauding speakers shall be discouraged. Heckling or verbal outbursts in support or opposition to a speaker, or his or her remarks, shall be prohibited. No signs or placards shall be allowed in the Council meeting. Persons exiting the Council meeting shall do so quietly. All cellular telephones and beepers are to be silenced during the meeting.
2. **PUBLIC COMMENTS**
3. **PRESENTATIONS**
  - A. NAMI, NATIONAL ALLIANCE ON MENTAL ILLNESS (*Sponsored by Mayor Karyn Cunningham*)
  - B. FLORIDA PACE FUNDING AGENCY AND FLORIDA RESILIENCY AND ENERGY DISTRICT (*Sponsored by Councilmember Steve Cody*)

#### **4. VILLAGE COUNCIL/ADMINISTRATION DISCUSSION ITEMS**

- A.** LEGISLATIVE AGENDA AND VILLAGE LEGISLATIVE APPROPRIATIONS (*Sponsored by Mayor Karyn Cunningham*)
- B.** POULTRY RESOLUTION (*Sponsored by Vice Mayor Leanne Tellam*)
- C.** DEERING ESTATE NEIGHBORHOOD COMMERCIAL (*Sponsored by Administration*)
- D.** FIU CLIMBS 17 SPOTS IN U.S. NEWS RANKINGS (*Sponsored by Councilmember Steve Cody*)
- E.** ANNUAL EVALUATIONS OF THE ATTORNEY AND MANAGER (*Sponsored by Councilmember Marsha Matson*)
- F.** VILLAGE ATTORNEY EVALUATION RESOLUTION (*Sponsored by Village Attorney John C. Dellagloria, Esq.*)
- G.** PALMETTO BAY FOUNDATION (*Sponsored by Mayor Karyn Cunningham*)

#### **4. NEXT COMMITTEE OF THE WHOLE WORKSHOP DATE**

- TUESDAY, OCTOBER 19, 2021

#### **5. ADJOURNMENT**

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

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

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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.

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**PUBLIC NOTICE:**  
INSTRUCTIONS  
FOR  
PUBLIC PARTICIPATION



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

**NOTICE IS HEREBY GIVEN** that on Tuesday, September 21, 2021, at 7:00 p.m. the Village of Palmetto Bay shall hold a Committee of the Whole Workshop at Village Hall Municipal Center, 9705 East Hibiscus Street, Palmetto Bay, FL 33157. ***No official action shall be taken by the Village Council during this Council Workshop.***

This meeting will be conducted using a teleconferencing platform and broadcast live. **Members of the public may attend the meeting at the physical meeting location and/or watch the virtual meeting via the Village's official Facebook page and/or our Granicus web stream on [www.palmettobay-fl.gov](http://www.palmettobay-fl.gov).** Facial coverings are required for admission to the meeting at the physical meeting location and must be worn throughout the entirety of the meeting in accordance with State and County Orders. Social distancing requirements set forth in State and County Orders must be adhered to.

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

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

**Public comments forum (Option 1):** Prior to the meeting, the public can submit a web form available at this address: <https://www.palmettobay-fl.gov/FormCenter/Public-Comments-Form-10/Public-Comments-Form-52>. **Form submissions received prior to the meeting will be read before the item is heard. Form submissions received after 6:30 p.m. will remain part of the record.**

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

**Please register to attend the session as follows:**

**<https://attendee.gotowebinar.com/rt/6658309682913582605>**

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

Any meeting may be opened and/or continued, under such circumstances, additional legal notice would not be provided. Any person may contact Village Hall at (305) 259-1234 for additional information and/or may express their views in writing addressed to the Village Council via email: [council@palmettobay-fl.gov](mailto:council@palmettobay-fl.gov). If a person decides to appeal any decision made by the Village Council, with respect to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105). In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation (or hearing impaired) to participate in this proceeding or to review any documents relative thereto should contact the Village for assistance at (305) 259-1234 no later than twelve (12) hours prior to the proceedings.

**Missy Arocha**  
**Village Clerk**

**[www.palmettobay-fl.gov](http://www.palmettobay-fl.gov)**



**DISCUSSION ITEM:**

**4F**

1                                   **COMMITTEE OF THE WHOLE WORKSHOP**  
2                                   **MONDAY, SEPTEMBER 21, 2021**

3  
4                                   **DISCUSSION ITEM: 4F**

5                                   *(Sponsored by Village Attorney John C. Dellagloria, Esq.)*  
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8                                   **RESOLUTION NO. 2021- \_\_**

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10                                  **A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF**  
11                                  **THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO**  
12                                  **ANNUAL EVALUATION FORMS; AMENDING RESOLUTION**  
13                                  **2019-75 TO INCLUDE THE VILLAGE ATTORNEY IN ADDITION**  
14                                  **TO THE MANAGER AND CLERK FOR AN ANNUAL**  
15                                  **EVALUATION; CREATING A FORM FOR USE BY**  
16                                  **COUNCILMEMBERS FOR EVALUATING THE VILLAGE**  
17                                  **ATTORNEY; AND PROVIDING AN EFFECTIVE DATE.**  
18                                  *(Sponsored by Mayor Karyn Cunningham)*  
19

20                                  **WHEREAS**, the Village Council has adopted a methodology for  
21                                  annual evaluations of the Village Manager and the Village Clerk; and  
22

23                                  **WHEREAS**, the evaluation methodology contemplates a written  
24                                  evaluation form to be adopted by the Village Council; and  
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26                                  **WHEREAS**, an evaluation form, attached as Exhibit “1” shall be  
27                                  used for the annual evaluation of the Village Attorney.  
28

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

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32                                  **Section 1.** The evaluation form, as attached Exhibit “1”, is  
33                                  adopted for use in the annual evaluation of the Village Attorney,  
34                                  provided however that the Council may use either this form or one  
35                                  prepared by a Councilmember.  
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37                                  **Section 2.** This Resolution is effective upon adoption.  
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39                                  **PASSED and ADOPTED** this 4<sup>th</sup> day of October, 2021.  
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Attest: \_\_\_\_\_  
Missy Arocha  
Village Clerk  
Karyn Cunningham  
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
John C. Dellagloria, Esq.  
Village Attorney

**FINAL VOTE AT ADOPTION:**

Mayor Karyn Cunningham \_\_\_\_\_  
Council Member Steven Cody \_\_\_\_\_  
Council Member Marsha Matson \_\_\_\_\_  
Vice-Mayor Leanne Tellam \_\_\_\_\_  
Council Member Patrick Fiore \_\_\_\_\_

VILLAGE ATTORNEY EVALUATION FORM

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Person Completing the Form

SECTION ONE: BEHAVIORS

**1. ELECTED BODY RELATIONS**

A. \_\_\_ Is the Village Attorney available for consultation and is responsive to Council direction?

Comments: \_\_\_\_\_  
\_\_\_\_\_

B. \_\_\_ Does the Village Attorney keep the Council informed of important developments and issues affecting the legal matters handled by the Attorney?

Comments: \_\_\_\_\_  
\_\_\_\_\_

C. \_\_\_ Does the Village Attorney maintain open lines of communication with the Council as a body and with individual members?

Comments: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_**Total Score** (30 points possible)

1 – Needs improvement; 3 – Marginally met expectations; 5 – Met expectations;  
7 – Exceeded expectations; 10 – Outstanding

**2. POLICY EXECUTION**

A. \_\_\_ Does the Village Attorney implement legal action in accordance with the intent of the elected body?

Comments: \_\_\_\_\_  
\_\_\_\_\_

B. \_\_\_ Does the Village Attorney enforce and carry out the laws of the Village?

Comments: \_\_\_\_\_  
\_\_\_\_\_



1  
2 C. \_\_\_ Does the Village Attorney present comprehensive factual information and  
3 analysis of issues for Council decisions?

4 Comments: \_\_\_\_\_  
5 \_\_\_\_\_

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7 D. \_\_\_ Does the Village Attorney have the respect and confidence of the Council,  
8 and the Administration?

9 Comments: \_\_\_\_\_  
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14 \_\_\_\_\_ **Total Score** (40 points possible)

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16 1 – Needs improvement; 3 – Marginally met expectations; 5 – Met expectations.  
17 7 – Exceeded expectations; 10 – Outstanding

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19 **3. COMMUNICATION**

20 A. \_\_\_ Does the Village Attorney provide monthly reports both written and oral  
21 concerning matters of importance at Council meetings?

22 Comments: \_\_\_\_\_  
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25 B. \_\_\_ Is the Village Attorney responsive to the residents who contact  
26 the Attorney regarding matters affecting the Village?

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29 C. \_\_\_ Does the Village Attorney provide adequate, timely information and provide  
30 follow-up to individual Council Members requests for information?

31 Comments: \_\_\_\_\_  
32 \_\_\_\_\_

33 \_\_\_\_\_ **Total Score** (30 points possible)

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35 1 – Needs improvement; 3 – Marginally met expectations; 5 – Met expectations.  
36 7 – Exceeded expectations; 10 – Outstanding

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39 **4. PERSONAL CHARACTERISTICS**

40 A. \_\_\_ IMAGINATION: Does the Village Attorney show originality in approaching  
41 problems, create effective solutions and is able to visualize the implications  
42 of various alternatives?

43 Comments: \_\_\_\_\_

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B. \_\_\_ ENERGY: Is the Village Attorney energetic and willing to spend the time necessary to perform the position?

Comments: \_\_\_\_\_  
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C. \_\_\_ JUDGMENT AND DECISIVENESS: Are the decisions made by the Village Attorney generally correct and does he exercise good judgment in making decisions?

Comments: \_\_\_\_\_  
\_\_\_\_\_

D. \_\_\_ INTEGRITY: Is the Village Attorney honest and forthright in his professional capacities and does he have a reputation in the community for honesty and integrity?

Comments: \_\_\_\_\_  
\_\_\_\_\_

E. \_\_\_ SELF-ASSURANCE: Is the Village Attorney self-assured of his professional expertise and does he take responsibility his own mistakes?

Comments: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ **Total Score** (50 points possible)

1 – Needs improvement; 3 – Marginally met expectations; 5 – Met expectations.  
7 – Exceeded expectations; 10 – Outstanding