



TOWN OF CUTLER BAY

Mayor Paul S. Vrooman
Vice Mayor Edward P. MacDougall
Councilmember Timothy J. Meerbott
Councilmember Ernest N. Sochin
Councilmember Peggy R. Bell

Town Attorney Mitchell Bierman
Town Attorney Chad Friedman
Town Clerk Erika Santamaria
Town Manager Steven Alexander

This meeting is open to the public. 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 Town Clerk at (305) 234-4262 for assistance no later than four days prior to the meeting.

TOWN COUNCIL MEETING AGENDA - REVISED

Wednesday, May 26, 2010, 7:00 p.m.
South Dade Regional Library
10750 SW 211th Street,
Cutler Bay, Florida 33189

1. CALL TO ORDER, ROLL CALL, and PLEDGE OF ALLEGIANCE
2. PROCLAMATIONS, AWARDS, PRESENTATIONS
3. APPROVAL OF MINUTES

A. Regular Council Meeting – April 28, 2010

TAB 1

4. REPORTS

A. TOWN MANAGER'S REPORT

B. TOWN ATTORNEY'S REPORT

C. BOARD/COMMITTEE REPORTS AND COUNCIL ANNOUNCEMENTS

5. CONSENT AGENDA

ANY ITEMS SHALL BE REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION OR SEPARATE VOTE IF REQUESTED OR PULLED BY A COUNCILMEMBER OR THE TOWN MANAGER.

A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA ESTABLISHING THE 2010 COMMUNITY-WIDE GARAGE SALE DATES PURSUANT TO ORDINANCE 10-02; AND PROVIDING FOR AN EFFECTIVE DATE. (BELL)

TAB 2

B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO CONTRACTS, AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH SYMBIONT SERVICE CORPORATION FOR THE INSTALLATION OF A GEOTHERMAL POOL HEATING SYSTEM AT CUTLER RIDGE POOL IN AN AMOUNT NOT TO EXCEED \$70,257.00; AND PROVIDING AN EFFECTIVE DATE.

TAB 3

C. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA URGING MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT TO CONDUCT A TRAFFIC STUDY OF THE CORRIDOR THAT CONSISTS OF SW 216TH ST BETWEEN SW 107TH AVE AND OLD CUTLER ROAD TO INCREASE THE SPEED LIMIT WITHIN THE AFOREMENTIONED CORRIDOR; AND PROVIDING FOR AN EFFECTIVE DATE. **(MEERBOTT)**

TAB 4

D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ESTABLISHING THE SOUTH DADE GREEN CORRIDOR DISTRICT; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE ANY AND ALL STEPS NECESSARY TO ESTABLISH THIS DISTRICT AS AUTHORIZED BY SECTION 163.08, FLORIDA STATUTES; FURTHER AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO NEGOTIATE AN INTERLOCAL AGREEMENT WITH OTHER LOCAL GOVERNMENTS TO PARTNER WITH THE TOWN IN THIS DISTRICT; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE. **(VROOMAN)**

ADD-ON

E. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE TD BANK, N.A., FINANCING TERMS, ATTACHED AS EXHIBIT "A," FOR THE FINANCING OF THE PURCHASE OF THE PROPERTY LOCATED AT 10720 CARIBBEAN BOULEVARD; AUTHORIZING THE TOWN MANAGER TO EXECUTE LOAN DOCUMENTS CONSISTENT WITH THESE FINANCING; WAIVING COMPETITIVE BIDDING DUE TO IMPRACTICABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ADD-ON

6. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)

ALL PERSONS ADDRESSING THE TOWN COUNCIL SHALL BE SWORN-IN PRIOR TO GIVING TESTIMONY AND MAY BE SUBJECT TO CROSS EXAMINATION. ALL PERSONS ADDRESSING THE TOWN COUNCIL SHALL STATE THEIR NAME AND ADDRESS FOR THE RECORD.

A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A HEIGHT VARIANCE FOR AN OUT PARCEL ON THE PROPERTY LOCATED AT 20505 SOUTH DIXIE HIGHWAY TO PERMIT A ONE STORY BUILDING WHERE A MINIMUM SIX STORIES IS REQUIRED; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 5

B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE FROM SECTION 33-284.86 (B)(1)(A) FOR AN OUT PARCEL ON THE PROPERTY LOCATED AT 20505

TAB 6

SOUTH DIXIE HIGHWAY TO PERMIT A BUILDING TO NOT BE DIRECTLY ACCESSIBLE FROM A STREET FRONTAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

- C. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE FROM SECTION 33-284.86 (B)(1)(B) FOR AN OUT PARCEL ON THE PROPERTY LOCATED AT 20505 SOUTH DIXIE HIGHWAY RELATING TO THE CLEAR GLAZED AREA OF THE FAÇADE OF THE BUILDING; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 7

7. ORDINANCES FOR FIRST READING (PUBLIC HEARING NOT REQUIRED)

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING GENERAL REGULATIONS AND PROCEDURES RELATING TO TOWN ADVISORY BOARDS; PROVIDING THAT THESE GENERAL REGULATIONS AND PROCEDURES SHALL APPLY TO ALL EXISTING BOARDS AS WELL AS THOSE BOARDS ESTABLISHED IN THE FUTURE; AND PROVIDING FOR AN EFFECTIVE DATE. **(VROOMAN)**

TAB 8

- B. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, REPEALING THE EXISTING CHAPTER 8B "EMERGENCY MANAGEMENT"; CREATING A NEW CHAPTER 8B ENTITLED "EMERGENCY MANAGEMENT" RELATING TO THE CREATION OF POLICIES AND PROCEDURES IN THE CASE OF TOWN EMERGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

TAB 9

8. ORDINANCES FOR FIRST READING OR RESOLUTIONS REQUIRING A PUBLIC HEARING

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, PROVIDING LIMITED APPROVAL OF THE ISSUANCE BY THE ALACHUA COUNTY HEALTH FACILITIES AUTHORITY (THE "AUTHORITY") OF ITS HEALTH FACILITIES REVENUE BONDS (EAST RIDGE RETIREMENT VILLAGE, INC. PROJECT) IN ONE OR MORE SERIES AND IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$60,000,000; THE PROCEEDS FROM THE SALE OF THE BONDS WILL BE USED PRINCIPALLY TO FINANCE AND REFINANCE CERTAIN CAPITAL IMPROVEMENTS FOR EAST RIDGE RETIREMENT VILLAGE, INC. LOCATED IN THE TOWN; AND PROVIDING AN EFFECTIVE DATE.

TAB 10

9. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED)

10. PUBLIC COMMENTS

THE PRESIDING OFFICER SHALL HAVE THE DISCRETION TO LIMIT THE LENGTH OF PUBLIC COMMENTS IN THE INTEREST OF TIME IN ORDER TO ALLOW ALL PERSONS WHO WISH TO SPEAK AN OPPORTUNITY TO DO SO.

11. MAYOR AND COUNCIL COMMENTS

12. OTHER BUSINESS

13. ADJOURNMENT

A. Council Meeting

Wednesday, June 16, 2010, at 7:00 p.m. at South Dade Regional Library,
10750 SW 211th ST

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN 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 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 TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

TAB 1

**TOWN OF CUTLER BAY
TOWN COUNCIL MEETING
MINUTES**

Wednesday, April 28, 2010, 7:00 p.m.
South Dade Regional Library
10710 SW 211th Street, Room 203
Cutler Bay, Florida 33189

1. CALL TO ORDER/ROLL CALL OF MEMBERS: The meeting was called to order by the mayor at 7:05 PM. Present were the following:

Councilmember Peggy R. Bell
Councilmember Timothy J. Meerbott
Councilmember Ernest N. Sochin
Vice Mayor Edward P. MacDougall
Mayor Paul S. Vrooman

Town Attorney Mitchell Bierman
Town Clerk Erika Santamaria
Town Manager Steven J. Alexander

Mayor Vrooman led the Pledge of Allegiance.

2. PROCLAMATIONS, AWARDS, PRESENTATIONS:

A. The mayor presented a Proclamation to Mr. Bill Pacetti for his community service and years of service at Publix Supermarkets.

B. The mayor presented a Proclamation to County Commissioner Dennis Moss for his public service. The Proclamation was accepted on behalf of the Commissioner by his Aide Ashley Roberson.

C. The mayor presented a Proclamation Mr. Bill Pacetti for his community service and years of service.

D. Councilmember Meerbott introduce Marilyn Horne of Gulfstream Elementary who proceeded to discuss the grant award from the Knight Foundation and Kaboom for a special needs playground.

3. APPROVAL OF MINUTES:

A. Vice Mayor MacDougall made a motion approving the minutes of the regular council meeting on March 17, 2010. The motion was seconded by Councilmember Bell and adopted by a 5-0 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

B. Vice Mayor MacDougall made a motion approving the minutes of the special council meeting on April 15, 2010. The motion was seconded by Councilmember Meerbott and adopted by a 5-0 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

4. REPORTS

A. TOWN MANAGER'S REPORT:

The town manager reported on the recent People's Transportation Plan (PTP) meeting that many municipalities participated in. He reported that the contract with Skanska, USA has been signed and that work on Lakes by the Bay Park improvements should commence promptly. He stated that the red light bill passed in Tallahassee and that the Town was permitted to go ahead and start implementing the new initiative.

B. TOWN ATTORNEY'S REPORT:

The town attorney requested for an executive session to inform the Town Council of a lawsuit that the Town was named in. The town attorney said that he would coordinate with the town clerk for a possible date and time.

C. BOARD AND COMMITTEE REPORTS, COUNCIL ANNOUNCEMENTS

Councilmember Sochin reported that the Charter High School Committee has met and is progressing positively. He provided a brief report on his recent trip to Tallahassee for the Dade Days event.

Mayor Vrooman described the Earth Day event at Cutler Ridge Park that took place on Saturday, April . The park is home to the Town's first community garden.

Vice Mayor MacDougall stated that the Army Corp of Engineers will initiate phase one at the Deering Estate. He urged the public to attend the important meeting that will be held soon.

5. CONSENT AGENDA:

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SELECTION OF ENVIROWASTE SERVICES GROUP INC (ESGI) TO PROVIDE CONTRACTING SERVICES FOR THE BEL AIRE SUB BASIN 8 PROJECT PURSUANT TO INVITATION TO BID #09-06; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH ESGI; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Meerbott pulled Item B, Councilmember Bell pulled Item C and, and Councilmember Sochin pulled Item D from the Consent Agenda for discussion.

Councilmember Meerbott made a motion to approve the Consent Agenda as amended with Items B, C, and D, pulled for discussion. The motion was seconded by Councilmember Bell and Resolution 10-20 was adopted by 5-0 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

The town clerk read the following resolution by title:

- B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING THE COMMUNITIES FOR A LIFETIME INITIATIVE AND URGING COMMUNITY LEADERS AND RESIDENTS TO WORK TOGETHER TO PLAN FOR THE MOST EFFECTIVE USE OF EXISTING FUNDING TO ACHIEVE THE COMMUNITIES FOR A LIFETIME GOALS AND BENEFITS; AND PROVIDING FOR AN EFFECTIVE DATE. (MEERBOTT)**

Councilmember Meerbott explained the importance of participating in the Communities for a Lifetime initiative.

Vice Mayor MacDougall made a motion to approve the resolution. The motion was seconded by Councilmember Bell and Resolution 10-21 was adopted by unanimous voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

The town clerk read the following add-on resolution by title:

- C. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA AMENDING RESOLUTION 07-41 TO ADD AN AT-LARGE COMMITTEE MEMBER; DESIGNATING THAT THE ADDITIONAL AT-LARGE COMMITTEE MEMBER SHALL BE COLLECTIVELY APPOINTED BY THE TOWN COUNCIL; AND PROVIDING AN EFFECTIVE DATE. (BELL)**

Councilmember Bell explained that there should be an at-large member on the committee and that Mr. John Sykes, who was present in the audience, has a particular interest in being a part of the committee.

Vice Mayor MacDougall made a motion to approve the resolution. The motion was seconded by Councilmember Sochin and Resolution 10-22 was adopted by unanimous voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

Councilmember Sochin made a motion to approve John Sykes as the Council appointed at-large member for the Charter High School Committee. The motion was seconded by Councilmember Bell and the motion was approved by unanimous voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

The town clerk read the following add-on resolution by title:

- D.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA PROHIBITING THE TOWN'S ISSUANCE OF HONORARY POLICE TYPE OR OTHER CRIMINAL JUSTICE AGENCY BADGES THAT ARE NOT DISPLAYED IN A CLOSED OR MOUNTED CASE AS A COLLECTION OR EXHIBIT; DIRECTING THE TOWN MANAGER TO ENSURE THAT ALL PREVIOUSLY ISSUED TOWN HONORARY POLICE TYPE OR OTHER CRIMINAL JUSTICE AGENCY BADGES ARE DISPLAYED IN A CLOSED OR MOUNTED CASE AS A COLLECTION OR EXHIBIT; DIRECTING THE TOWN MANAGER AND THE TOWN ATTORNEY TO DRAFT AN ORDINANCE TO ACCOMPLISH THE INTENT AND PURPOSE OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE. **(MACDOUGALL)**

Vice Mayor MacDougall explained his proposed resolution.

After some discussion, Vice Mayor MacDougall made a motion to approve the resolution. The motion was seconded by Councilmember Sochin and the resolution failed by 2-3 voice vote. The vote was as follows: Councilmember Sochin and Vice Mayor MacDougall voting Yes; Councilmembers Bell and Meerbott and Mayor Vrooman voting No. No further action was taken.

6. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)

ALL PERSONS ADDRESSING THE TOWN COUNCIL SHALL BE SWORN-IN PRIOR TO GIVING TESTIMONY AND MAY BE SUBJECT TO CROSS EXAMINATION. ALL PERSONS ADDRESSING THE TOWN COUNCIL SHALL STATE THEIR NAME AND ADDRESS FOR THE RECORD.

The town clerk read the following add-on resolution by title:

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, GRANTING A WAIVER OF PLAT APPROVAL FOR 20001 S. DIXIE INC., LOCATED AT 20001 S. DIXIE HIGHWAY, AS LEGALLY DESCRIBED IN EXHIBIT "A," CONSISTING OF APPROXIMATELY 26,341 SQUARE FEET, AND PROVIDING FOR AN EFFECTIVE DATE.

David Hennis, Community Development Director, provided an oral presentation on the resolution and provided the staff recommendation of approval.

The mayor opened the public hearing. There were no speakers.

Councilmember Sochin made a motion to approve the resolution. The motion was seconded by Councilmember Meerbott and Resolution 10-23 was approved by unanimous voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

7. ORDINANCES FOR FIRST READING (PUBLIC HEARING NOT REQUIRED)

8. ORDINANCES FOR FIRST READING OR RESOLUTIONS REQUIRING A PUBLIC HEARING

9. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED):

The mayor took this Item out of sequence for discussion. The town clerk read the following ordinance by title:

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 26 OF THE TOWN CODE OF ORDINANCES ENTITLED, "PARK AND RECREATION DEPARTMENT RULES AND REGULATIONS"; REVISING RULES FOR TOWN PARKS; UPDATING PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (BELL)**

The mayor provided a brief background on the ordinance.

The mayor opened the public hearing. Dale Avick, 9440 Jamaica Drive, Louise Lockwood, 1101 East Ridge Village Drive, Jean Welsh, 18680 Southwest 89 Court, Ester Everett, 9001 Richmond Drive, Barbara Condon, 19641 Holiday Road, Terry Long, 8011 Southwest 189 Street, Barbara Sims, 19301 Southwest 87 Avenue, Joshua Loria, 10110 Martinique Drive, Bill Meiklejohn, 9311 Sterling Drive, Rhonda Buroker, 9275 Southwest 185 Terrace, Alex Sorenellas, 9750 Cutler Ridge Drive, Heather Duffy, 8930 Southwest 196 Drive, Matthew Whiting, 9750 Cutler Ridge Drive, Tom Condon, 19641 Holiday Road, Sue Loyzelle, 9275 Southwest 185 Terrace, addressed the Council.

After an extensive discussion, Councilmember Meerbott made a motion to approve the ordinance with the following amendments on second reading.

- Domestic animals must be on leash no longer than six feet with the exception for parks specifically designated as "off leash" parks.
- Dog leashes shall have attached to them containers with plastic bags or other receptacles for removing dog fecal droppings from the grounds of the parks.
- Removal of "animal control" within Rule 18 that states, "Exception is made for sworn security personnel and Police Officers ~~Metrozoo Employees~~ for the purpose of animal control and human safety."

The motion was seconded by Councilmember Sochin and Ordinance 10-05 passed with a 4-1 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, and Mayor Vrooman voting Yes; Vice Mayor MacDougall voting No.

The mayor recessed the meeting at 8:50 p.m. The mayor commenced the meeting at 9:05 p.m.

10. PUBLIC COMMENTS

THE PRESIDING OFFICER SHALL HAVE THE DISCRETION TO LIMIT THE LENGTH OF PUBLIC COMMENTS IN THE INTEREST OF TIME IN ORDER TO ALLOW ALL PERSONS WHO WISH TO SPEAK AN OPPORTUNITY TO DO SO.

The following individuals spoke: Bill Meiklejohn, 9311 Sterling Drive and Hector Fuentes, 20305 Old Cutler Road.

11. MAYOR AND COUNCIL COMMENTS:

Vice Mayor MacDougall inquired if the South Dade Municipal Transportation Coalition can help the County provide alternatives on how to allocate the People's Transportation Plan funds. He requested an update on the installation of school zone flashing lights at the three schools in Town that do not have them. He asked the manager for information of next year's projection on ad valorem and the purchase of the property and its financing.

Councilmember Bell reported on her recent trip to Tallahassee for the annual Dade Days event. She also asked that if the Town Council should take any action on the Palmer Trinity expansion issue in Palmetto Bay.

Councilmember Meerbott requested that the town clerk draft a resolution requesting the County Public Works Department consider conducting a traffic study for SW 216th ST between Old Cutler Road and SW 107th AVE to increase the speed limit within the corridor.

Mayor Vrooman reported that the green corridor initiative has cleared the House in Tallahassee and that the bill is promptly headed to the Senate for their approval.

12. OTHER BUSINESS: None at this time.

13. ADJOURNMENT

The next council meeting will be held on May 26, 2010 at South Dade Regional Library.

The meeting was officially adjourned at 10:45 P.M.

Respectfully submitted:

*Erika Gonzalez-Santamaria, CMC
Town Clerk*

*Adopted by the Town Council on
this 26th day of May, 2010.*

Paul S. Vrooman, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN 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 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 TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

TAB 2

RESOLUTION 10-_____

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL
OF THE TOWN OF CUTLER BAY, FLORIDA
ESTABLISHING THE 2010 COMMUNITY-WIDE GARAGE
SALE DATES PURSUANT TO ORDINANCE 10-02; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Town of Cutler Bay (the “Town”) desires to have community-wide garage sales within the Town; and

WHEREAS, Ordinance 10-02 adopted on January 20, 2010, provides that dates for the community-wide garage sales may be established by resolution; and

WHEREAS, the Town Council finds that this Resolution is in the best interest of the health, safety and welfare of the residents of the Town.

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

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

Section 2. Community-wide Garage Sale Dates. The Town Council have established the following dates for the community-wide garage sales:
a. October 16, 2010

Section 3. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this _____ day of _____, 2010.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____
Vice Mayor Edward P. MacDougall _____
Councilmember Peggy R. Bell _____
Councilmember Timothy J. Meerbott _____
Councilmember Ernest N. Sochin _____

TAB 3



Office of the Town Manager

Steven J. Alexander
Town Manager

MEMORANDUM

To: Honorable Mayor, Vice Mayor and Town Council

From: Steven J. Alexander, Town Manager

Date: May 26, 2010

Re: **INSTALLATION OF GEOTHERMAL POOL HEATING SYSTEM AT CUTLER RIDGE POOL**

REQUEST

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO CONTRACTS, AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH SYMBIONT SERVICE CORPORATION FOR THE INSTALLATION OF A GEOTHERMAL POOL HEATING SYSTEM AT CUTLER RIDGE POOL IN AN AMOUNT NOT TO EXCEED \$70,257.00; AND PROVIDING AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS

The gas pool heater that is installed at Cutler Ridge Pool has been out of service for the past several months. The Parks and Recreation Department has made numerous attempts at making repairs, including paying two different A/C and heating contractors approximately \$4,000.00 to work on the unit over the course of the past few months. Despite these efforts, the heater remains inoperable, and the Town has received another quote of \$5,400.00 for additional work to repair the heater, without any guarantee as to how long the repair would last. A second quotation has also been received for the installation of a new gas heater to replace the existing heater at a cost of \$16,550.00.

The Parks and Recreation Department has also solicited information from companies that provide alternatives to gas heating systems, including solar heating and geothermal heating. The following chart compares the cost of installing and operating the three different systems over a 10-year period (assuming similar amounts for each system for annual preventive maintenance costs).





System	Initial Cost	Annual Cost		10-yr Cost	Other Comments
		Gas	Elect.	Total	
Natural Gas	\$16,550	\$13,000	\$0	\$146,550	Least expensive up-front cost, and quickest to install. Approximate life of heater is about 10 years. No add'l. electric, pool circulation pump pushes water through heater.
Solar Heating	\$50,800	\$3,000	\$3,000 *	\$110,800	According to installer, solar will only heat pool to about 80 degrees, additional heating (preferred temp. is about 84 degrees) would need to come from a gas heater.
Geothermal Heating	\$70,257	\$0	\$3,000 *	\$100,257	Most expensive up-front cost and requires the longest installation time. Uses heating effects of ground water to transfer heat to pool water (water sources never mix). Can be reversed to allow for cooling of the pool during summer months (highly desirable for swim teams and lap swimmers). Approximate 20-year lifecycle.

*Estimated amount to run heat pumps and booster pumps.

Over the long term, a geothermal system would cost the least to install and operate, and would provide the added benefit of being able to cool the pool during the summer months. The initial cost would be off-set by annual savings on the cost of natural gas, and would be recaptured after about 5 ½ years (the cost of a geothermal system minus the cost of a gas heater divided by the difference between gas costs and electric costs). As the chart above indicates, at the end of 10 years, the Town will have saved approximately \$46,000 through the installation and use of a geothermal heating system.

The recommended vendor, Symbiont Service Corporation, has completed hundreds of installations throughout the state of Florida including local installations for the City of Miami, Miami Shores, Homestead, Key Biscayne and Miami-Dade County. As per the Town’s purchasing ordinance, the purchase would be made by accessing a bid awarded in March 2010 by the City of Daytona Beach for the installation of a geothermal heating system at that city’s Cypress Aquatic Center Pool. The vendor has agreed to split the payments in order to be able to install the equipment as quickly as possible. They will require 30% (\$21,000.00) to be paid upon acceptance of the proposal and the remaining 70% (\$49,257.00) to be paid on October 1, 2010 when the Town’s new fiscal year begins.

RECOMMENDATION

We recommend that the attached resolution be adopted, authorizing the Town Manager to enter into an agreement with Symbiont Service Corporation for the installation of a geothermal heating system at Cutler Ridge Pool.



RESOLUTION NO. 10-_____

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO CONTRACTS, AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH SYMBIONT SERVICE CORPORATION FOR THE INSTALLATION OF A GEOTHERMAL POOL HEATING SYSTEM AT CUTLER RIDGE POOL IN AN AMOUNT NOT TO EXCEED \$70,257.00; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Cutler Bay ("Town") hereby determines that an essential need exists for the procurement of a geothermal pool heating system at Cutler Ridge Pool and wishes to enter into an agreement for the installation of the system; and

WHEREAS, in accordance with the Town's purchasing Ordinance 06-22, the Town intends to utilize the prices submitted through the competitive bidding process as performed by the City of Daytona Beach (Bid Award #1410-0190), to procure the geothermal heating system at a competitive price as described by the specifications and price proposal attached as Exhibit "A" (the "Proposal"); and

WHEREAS, the Town Manager is seeking approval for the installation of the geothermal pool heating system at Cutler Ridge Pool in an amount not to exceed \$70,257.00, the price having been determined through the aforementioned competitive bidding process; and

WHEREAS, the Town Council desires to authorize the Town Manager, on behalf of the Town, to enter into an Agreement (the "Agreement"), for the amount and the equipment described herein, provided that the Town Attorney determines that the terms of the Agreement are legally sufficient; and

WHEREAS, the Town Council desires to authorize the Town Manager, on behalf of the Town, to negotiate and enter into an agreement to finance (the "Financing") the geothermal heating system described herein for the amount described herein, provided that the Town Attorney determines that the terms of the Financing are legally sufficient; and

WHEREAS, the Town Manager has determined in accordance with Section 3.10 of the Town Charter and the Town purchasing ordinance that there is a sufficient unencumbered budget appropriation within the 2009-2010 FY budget to pay for this Agreement, and the Town Manager has made a written recommendation to the Council for its approval; and

WHEREAS, the Town finds that this Resolution will promote the health, safety and welfare of the Town.

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

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

Section 2. Selection Approved. Pursuant to Section 4 of the Town of Cutler Bay Ordinance 06-22, the Town intends to contract with Symbiont Service Corporation, which was selected through the competitive bidding process as performed by the City of Daytona Beach (Bid Award # 1410-0190), to procure the installation at a competitive price as described by the specifications and price proposal attached as Exhibit "A" (the "Proposal").

Section 3. Town Manager Authorized. The Town Manager is hereby authorized to enter into an Agreement (the "Agreement") in an amount not to exceed \$70,257.00 for the geothermal heating system described in Exhibit "A", and to negotiate and enter into an agreement to finance (the "Financing") the installation described in the Exhibit "A", provided that the Agreement and Financing are subject to review for legal sufficiency by the Town Attorney.

Section 4. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this _____ day of _____, 2010.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.A.
Town Attorney

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____
Vice Mayor Edward P. MacDougall _____
Councilmember Peggy R. Bell _____
Councilmember Timothy J. Meerbott _____
Councilmember Ernest N. Sochin _____

SYMBIONT SERVICE CORP.

Proposal

Pool Heating
Air Conditioning
Electrical

(941) 474-9308
Fax (941) 473-9306
1-800-881-4328
4372 South Atlantic Road
Englewood, FL 34224
www.symbiontcorp.com

"One Company, One Call, Complete Comfort"

PROJECT SUBMITTED TO: Cuttler Ridge Municipal c/o Town of Cutler Bay 10720 Caribbean Blvd., Suite 105 Cutler Bay, Florida 33189 PHONE: 305-234-4262	JOB NAME: Cuttler Ridge Park 10100 SW 200th Street Miami, Florida 33167 PHONE:	DATE: 04/28/2010
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We hereby accept specifications and estimate for:

- 2 Symbiont Model PH-215-RV Geo-Thermal Pool Heat/Cool Units**
- Source Water: Well Water
- 2 4" x Aquifer Wells, including Well Permits**
- 1 90 GPM Pump Installation**
- Well water trenching, piping & backfill**
- 1 90 GPM Plate Heat Exchanger & Loop Pump**

Electric: Wire above equipment from existing meter, if adequate.

Complete* installation including controlling digital thermostat. **\$ 70,257.00**
 * Local permits additional as required.

Manufacturer's Limited Warranty:
 One year Symbiont Service Corp. all parts and labor on the installation.
 Five year manufacturer's all parts and labor on the Symbiont units.

Not responsible for any damage to private or public unmarked underground lines, or repairs of landscape, painted or finished surfaces. **USE OF CUSTOMERS - USE OF EQUIPMENT - USE OF OPERATORS**

We Propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of
Seventy thousand two hundred fifty-seven dollars and no/100 \$ 70,257.00
30% Deposit With Order - Balance due Oct 1, 2010 (after successful start-up)

Authorized Signature: Tony Ciolek Note: This proposal may be withdrawn by us if not accepted within 30 days.
 A late fee of 1.5% per month will be added to all invoices that are 30 days or more past due. Any variation from this agreement will be done only upon written order from the customer, approved by Symbiont Service Corp (SSC) and will be in addition to the contract price. Agreements made only with authorized SSC personnel will be recognized. All materials supplied by SSC shall remain the property of SSC until the contract and bills have been paid. The customer hereby gives permission to SSC to enter upon the premises and remove the material. All costs incurred as a result of non-payment will be paid by the customer. Privacy Policy information presented as described on cover page. Any suit arising from this contract may be instituted in any court of competent jurisdiction in Orange County.

Acceptance of Proposal The above prices, specifications and conditions are satisfactory and are hereby accepted. We are authorized to do the work as specified. Payment will be made as outlined above.

Signature: _____ Date of Acceptance: _____

Signature: _____ Date of Acceptance: _____

THE CITY OF DAYTONA BEACH
OFFICE OF THE PURCHASING AGENT

Post Office Box 2451
Daytona Beach, Florida 32115-2451

Phone (386) 671-8080
Fax (386) 671-8085

March 12, 2010

70073020000289736345

Ms. Sandy L. King
Symbiont Service
4372 North Access Road
Englewood, FL 34224

**RE: Cypress Aquatic Center Pool Geothermal Heating System
1410-0190**

Dear Ms. King,

On January 19th, bids for the subject project were opened and your company was determined to be the best bidder. We are forwarding two copies of the contract for your review and execution. Please have both copies of the contracts executed on page AG-4 (do not date the contracts on page AG-1) and return both copies to our office for further execution.

Your attention is directed to Section 32 of the General Conditions wherein the requirements of liability insurance coverage are outlined. Note that the Certificate of Insurance shall name The City of Daytona Beach as an additional insured. Be advised this project requires an insurance installation floater to be for either the entire project amount or to the full insurable extent. The insurance documents must provide effective dates and appropriate monetary levels of insurance.

Please append to each copy of the contract separate undated performance and payment bonds, each equal to 100% of the contract amounts and in accordance with the Instructions to Bidders, Item 12. The City Attorney's office will date the performance and payment bonds after the contracts are fully executed and dated so that the bonds do not pre-date the contracts.

The Bid Proposal requires submission of bonds and insurance within 15 consecutive calendar days after receipt of this written Notice of Award. Failure to submit the required instruments may result in forfeiture of bid security as liquidated damages as provided in the Bid Proposal.

As soon as practical after the contracts have been signed, a preconstruction conference will be scheduled with your company. If you have any questions pertaining to this contract, please contact Thomas Huger at 386-671-7990.

Sincerely,


Charles Jackson, Purchasing

Enclosures

Cc. Thomas Huger, Facilities & Construction Manager
Percy Williamson, Leisure Services Director

Existing Commercial Installations

BAY COUNTY

City of Panama City – Frank Brown Aquatic Center
Ocean Towers Beach Club, Panama City
Panama City Resort & Club

BREVARD COUNTY

City of Cocoa Beach (50M Pool)
City of Cocoa Beach (Baby Pool)
Driftwood Villas Condo, Cocoa Beach

BROWARD COUNTY

American Heritage School, Plantation
Baywood Village II, Coconut Creek
Breakers Condo, Pompano Beach
Calypso Cove, Margate
Cascades of Lauderhill
City of Cooper City Pool
City of Ft. Lauderdale –
 Hall of Fame Competition Pool
 Hall of Fame Dive Well
 Hall of Fame Training Pool
City of Hallandale - Bluesten Park Pool
City of Miramar - Miramar Aquatic Complex
City of Miramar - Miramar Regional Park
City of Plantation (Pool #1)
City of Plantation (Pool #2)
City of Pompano Beach
 Aquatic Center #1
 Aquatic Center #2
 Mitchell Moore Aquatic Center
City of Sunrise, Pool #1
City of Tamarac, Caporella Aquatic Center
Coral Ridge Towers Galt Apts., Ft. Lauderdale
Coral Ridge Towers North, Ft. Lauderdale
Coral Springs Aquatic Complex
 25 Meter Pool
 50 Meter Pool
 Cypress Hammock Activity
 Cypress Hammock Park
 Dive Well

Mullins Park #1
 Mullins Park #2
 Teaching Pool
Cypress Bend Condo IV, Pompano Beach
Deerfield Beach Middle School
Diamondhead Inc., Hillsboro Beach
Environ Condo (Pool #1), Lauderhill
Environ Condo (Pool #2), Lauderhill
Environ Cultural Center, Lauderhill
Faircrest 14, Tamarac
Granville, Tamarac
The Gate, Tamarac
Hyatt, The Hamilton, Plantation
Lake Mayan Apartments
Lakes at Parkland
Lakes of Carriage Hills, Lauderhill
Opal Towers, Hillsboro Beach
Oriole Golf & Tennis Club II, Margate
Overlook Condo, Hillsboro Beach
Palace of Weston, Weston
Palm Aire Condo #14, Rec 32, Pompano Beach
Paradise Gardens I, Margate
Park Place, Pembroke Pines
 Pool #1
 Pool #2
 Pool #3
 Pool #4
Pembroke Isles, Pembroke Pines
Pine Island Community Center, Town of Davie
Pompano Surf Club, Pompano Beach
Renaissance On The Ocean West, Hollywood
Renaissance On The Ocean East, Hollywood
Royal Park Gardens (Pool 1)
Royal Park Gardens (Pool 2)
Royal Park Gardens (Pool 3), Margate
Sea Monarch Condo, Pompano Beach
Sunrise Aquatic Civic Center
Tamarind Village, Coconut Creek
Water's Edge Towers, Deerfield Beach
Waterford Courtyards, Plantation
Wilton Station, Wilton Manor

CHARLOTTE COUNTY

Angler's Resort, Englewood
Burnt Store Colony, Punta Gorda
Castaways Condo, Englewood
Charlotte Bay Resort, Charlotte Harbor
Clubhouse Condo, Rotonda West
Eagle Point Homeowners, Inc., Punta Gorda
El Galeon, Englewood
El Galeon By The Sea, Englewood
Emerald Pointe Condo, Punta Gorda
Encore Super Park (Spa), Pt. Charlotte
Englewood Beach Villas
Fiddler's Green, Englewood
Fisherman's Village, Punta Gorda
Fountain Court, Punta Gorda
Gateway Point, Punta Gorda
Golden Tee Condo I, Englewood
Harbour Village Condo, Pt. Charlotte
Holiday Travel Park, Englewood
Indigo Isles MHP, Englewood
King's Gate Homes, Pt. Charlotte
Landings on Lemon Bay, Englewood
Lemon Bay Breezes Condo, Englewood
Lemon Bay Isles (Edgewater Club), Englewood
Lemon Bay Isles (Lakeside Club), Englewood
Lemon Bayview Villas, Englewood
Maple Leaf Estates, Pt. Charlotte
 Can Am Pool
 Charlotte Pool
 Children's Pool
 Queensway Pool
Oak Forrest (Pool #1), Pt. Charlotte
Oak Forrest (Pool #2), Pt. Charlotte
Oak Forrest (Pool #3), Pt. Charlotte
Oak Water Cove Condo, Englewood
Oaks III, Pt. Charlotte
Oaks IV, Pt. Charlotte
Oyster Creek G&CC, Englewood
Placida Harbour Island
Placida Harbour (Large Pool)
Placida Harbour (Small Pool)
Regency Condo, Punta Gorda
River Forest Village, Punta Gorda
Riverhouse, Rotonda West

CHARLOTTE COUNTY (cont'd)

Riverside Oaks, Punta Gorda
Riverwood, Pt. Charlotte
Activity Center
Willow Glen
Roll's Landing, Charlotte Harbor
Sanctuary of Cape Haze
Sandpiper Cove, Englewood
Sea Isles Condo, Punta Gorda
Tiki Condo, Englewood
Vizcaya Lakes, Pt. Charlotte
Windmill Village, Punta Gorda

COLLIER COUNTY

Aquarius, Marco Island
Bay Colony Beach Condo, Naples
Beach View Condo, Marco Island
Beachwalk by the Sea, Naples
Berkshire Lakes, Naples
Coach Homes
Colonies Pool #1
Colonies Pool #2
New Waterford
Partridge Pointe
Clubhouse
Blue Heron Condo, Naples
Bordeaux Club, Naples
Breezy Point Condo, Marco Island
Brighton @ Bay Colony, Naples
Camelot Condo, Marco Island
Canterbury Village I, Naples
Canterbury Village II, Naples
Carlton Lakes, Naples
Clubhouse
Cypress Pointe
Edgewater
Ibis Pointe
Jasmine Pointe
Lakeview
Lexington Court
Osprey Isles
Spoonbill
Catalina @ High Point, Naples
Champions at Lely Resort, Naples
Clermont @ Pelican Marsh, Naples
Cove Towers, Naples
Cypress Cove/Feather Sound,
Naples
Dela Park Place, Marco Island
Diamond Lake, Naples
Falling Waters Condo, Naples
Furse Lakes Club, Naples
Glen Eagle G&CC, Naples
Glenmoor Greens I, Naples
Golden Gate Comm. Park, Naples
Gulf Winds East, Naples
Harbour Lights, Naples
Kingwood Garden Condo, Naples

Lakeside of Naples
Clubhouse
Pool #2
LeCiel Park Tower, Naples
Longshore Lake, Naples
Madrid Club, Naples
Mariner Apts. Of Marco Island #1
Mariner Apts. Of Marco Island #2
Mediterra (Brendisi), Naples
Mediterra (Monterosso), Naples
Mystic Greens, Naples
Naples Sandpiper Bay Club
Large Pool
Small Pool
North Collier Regional Park
Activity Pool
Dive Pool
Family Pool
Slide Pool
Lazy River
Palomino Village, Naples
Pebblebrooke Lakes, Naples
Pelican Bay, Naples
Chateaumere Pool #1
Chateaumere Pool #2
Chateaumere Pool #3
Glencove
Hyde Park
Lugano Club
Montenero
Pointe
San Marino
St. Lucia
St. Pierre @ Waterpark
St. Thomas
St. Tropez
Valencia
Willowbrook
Port Au Villa, Naples
Provence of Naples
Royal Arms Extension, Naples
Royal Wood, Naples
Andover Square
Cranbrook Colony
Golf & Country Club
Sabal Lake, Naples
Sandcastle Condo, Marco Island
Sapphire Lakes (Pool #1), Naples
Sapphire Lakes (Pool #2), Naples
Sapphire Lakes (Pool #3), Naples
Sapphire Lakes (Pool #4), Naples
Savoy Owner's Assn, Naples
Seabreeze West, Marco Island
Seville at Pelican Marsh, Naples
Shipp's Landing I, Marco Island
Shipp's Landing II, Marco Island
Shipp's Landing III, Marco Island
Silver Lakes Clubhouse, Naples
Silver Lakes Recreation, Naples

Smokehouse Bay Club, Marco
Island
Smokehouse Bay Club Bayside,
Marco Island
Stonebridge Country Club, Naples
Surfside Club Condo, Marco Island
Tampico Condo, Marco Island
Tarpon Cove Community, Naples
Barbados Pool
Bimini Pool
Martinique Pool
Terra Verde @ Grey Oaks, Naples
Tradewinds, Marco Island
Twin Dolphin I Condo, Naples
Victoria Lakes, Naples
Villas at Greenwood Lake, Naples
Wedge Wood Club, Naples
Westgate @ Imperial, Naples
Pool #1
Pool #2
Pool #3
Wiggins Lakes I, Naples
Wiggins Lakes II, Naples
The Woodlands, Naples
Woodshire, Naples
YMCA of Collier County, Naples
Pool #1
Pool #2

YMCA of Marco Island

DESOTO COUNTY

Arcadia Peace River Campground
Cross Creek of Arcadia, LLC

FLAGLER COUNTY

La Grande Provence, Palm Coast

HARDEE COUNTY

Crystal Lake Village, Wauchula

HERNANDO COUNTY

Brookridge, Brooksville
Camper's Holiday, Brooksville
Country Club of the Pines,
Spring Hill
Timber Pines, Spring Hill
YMCA of Hernando County,
Spring Hill

HIGHLANDS COUNTY

Bluffs of Sebring, Sebring
Harder Hall Resort Club, Sebring
Kenilworth Lodge, Sebring
Woodhaven Estates, Sebring

HILLSBOROUGH COUNTY

Belleair Beachcomber
Berkeley Prep School, Tampa
Fountainview MHP, Tampa

HILLSBOROUGH COUNTY

(cont'd)

Kingswood MHC, Riverview
Lamplighter on the River MHP,
Tampa
Mira Bay Club, Apollo Beach
Riverside Club, Ruskin
Tampa Preparatory School
Villas on the Green, Riverview
Westchase Swim & Tennis Center,
Tampa
Winward Lakes MHP, Tampa
YMCA of New Tampa
YMCA Bob Sierra, Tampa

INDIAN RIVER COUNTY

Gifford Aquatic Center, Vero Beach
Grove Isle Condo, Vero Beach
Lakewood Village, Vero Beach
North County Regional Park,
Sebastian
Park Place, Sebastian
St. Edward's Upper School, Vero
Beach

LAKE COUNTY

Hawthorne Retirement Community,
Leesburg
Outdoor Resort, Clermont
Big Pool
Small Pool

LEE COUNTY

Beach Club Apts. (Spa), Ft. Myers
Bonita Bay, Bonita Springs
Bayview I
Bayview II
Lost Lake
Waterford I
Waterford II
Bonita Beach Club, Bonita Springs
Bonita Resort & Club, Bonita
Springs
The Brooks, Bonita Springs
Copperleaf Golf & CC
Wisteria Pointe
The Caper Beach Club, Ft. Myers
Beach
Caribbean Beach Club, Ft. Myers
Beach
Clipper Bay, Cape Coral
Crystal Lakes Condo, Ft. Myers
Cypress Bend RV Resort, Estero
Cypress Cove @ Wildcat Run,
Estero
Cypress Island, Bonita Springs
Eagle Ridge (The Pines), Ft. Myers
Eagle Ridge Lakes, Ft. Myers
Large Pool
Small Pool
Eagle Ridge Lakes (Spa), Ft. Myers
Fairway Woods I, Ft. Myers

Florida Gulf Coast University

50M Pool
Dive Well
Glen Manor Condo, Bonita Springs
Phase I
Phase II
Grand Isle Towers I & II (Spa),
Punta Gorda
Gulf Harbor Condo, Bonita Springs
Gulf Harbour Yacht & CC
Grande Cay
River's Edge/Longpond
Harbour Pointe Condo, Ft. Myers
Beach
Horizon Village, North Ft. Myers
The Landings, Ft. Myers
Ariel
Clipper Cove
Flagship Village
Harbortown
Longboat Village
Steamboat Bend
Steamboat Bend East
Sunset Cove
Sunset Harbor
Lehigh Resort Club
Lighthouse Resort & Club, Sanibel
Island
Mariner's Boathouse, Ft. Myers
Beach
Meadow at Parker Lakes, Ft. Myers
Microtel Inn & Suites, Lehigh Acres
Oakmont Village, Ft. Myers
Oakwood Commons Reserve,
Bonita Springs
Riverwoods Plantation, Estero
Sand Caper, Ft. Myers
Sanibel Beach Club, Sanibel Island
Sanibel Beach Club II, Sanibel
Island
Sawgrass Pointe, Bonita Springs
Schooner Bay Condo, Ft. Myers
Sea Isles Condo, Bonita Springs
Seascape of Little Hickory Island,
Bonita Springs
Silver Sands of Bonita, Bonita
Springs
Sorrento at the Colony, Bonita
Springs
Tamarind Cay, Ft. Myers
Turtle Pointe @ West Bay, Estero
Waterford Village/Devonshire
Lakes, Ft. Myers
Water's Edge of Lee, Ft. Myers
Waterside I & II, Ft. Myers Beach
Windward Passage Resort,
Ft. Myers Beach
Woodsmoke Camping Resort,
Ft. Myers Beach

LEON COUNTY

FSU Aquatic Center, Tallahassee

MANATEE COUNTY

Anna Maria Island Club, Bradenton

Bay Hollow, Bradenton

Bayshore On The Lakes #1,
Bradenton
Bradenton Country Club
Bradenton Yacht Club
Chateau Village, Bradenton
Colony Cove, Ellenton
Conquistador Bay Club, Bradenton
Courtyard Homes, Bradenton
Cove Pointe, Cortez
DeSoto Square Villas, Bradenton
El Conquistador Rec, Bradenton
Estuaries Greens, Palmetto
43 West Condo, Bradenton
Fairway Gardens II, Bradenton
Gold Tree Co-Op, Bradenton
Golf Lake Mobile Estates,
Bradenton
Gulfplace Condo, Holmes Beach
Hampton Green, University Park
Highland Lakes, Bradenton
Horseshoe Cove RV Resort,
Bradenton
Lakebridge (Front Pool), Bradenton
Lakebridge (Back Pool), Bradenton
Lakeside South, Bradenton
Mariners Cove I, Cortez
Mariners Cove II, Cortez
Martinique North, Holmes Beach
Meadowcroft South, Bradenton
Morton Village #2, Bradenton
Mt. Vernon Condo, Bradenton
Oakwood Villas, Bradenton
Palma Sola Harbour I, Bradenton
Palma Sola Harbour II, Bradenton
Perico Bay, Bradenton
Clubhouse
Edgewater Cove I & II
Edgewater Cove III & IV
Perico Island
Perico Villages
Roseate Court
Shoreline 1, 2, 3
Shoreline 4, 5, 6
Spoonbill Courtyard
Waterside Lane
Perico Island, Bradenton
Pinebrook Condo, Bradenton
Pinebrook Ironwood, Bradenton
Piney Point MHP, Palmetto
Ridgewood Meadows, Ellenton
Ridgewood Oaks, Ellenton
Runaway Bay, Bradenton
Shadowbrook MHP, Ellenton
Shorewalk I, Bradenton
Shorewalk II, Bradenton
Smuggler's Cove, Bradenton
Spring Lakes, Bradenton
North Pool
South Pool
Summer Sands (Spa), Bradenton
Sunbow Bay North, Holmes Beach
Sun Key Village, Palmetto
Tidy Island Condo, Bradenton
Terra Ceia Bay (Golf/Tennis Club),

MANATEE COUNTY (cont'd)

Palmetto
Terraces of Tara Commons,
Bradenton

Tree Lakes Resort, Palmetto

Vista Del Lago, Bradenton

Water's Edge, Holmes Beach

Westwinds MHP, Bradenton

Wild Oak Bay, Bradenton

Bayside Terraces

1, 2, 3 Pool #1

1, 2, 3 Pool #2

Terraces 2 (Spa)

Terraces 4

Villas IV North

Villas IV South

Vista IV & V

MARION COUNTY

Ocala Palms, Ocala

MARTIN COUNTY

Green Turtle Cove, Jensen Beach

Islandia East (North Pool), Jensen
Beach

Islandia East (South Pool), Jensen
Beach

Pine Ridge @ Martin Downs,
Palm City

Jupiter Island Club, Hobe Sound
Exercise Pool
Main Pool

MIAMI-DADE COUNTY

Bristol Towers, Miami

City of Miami

Grapeland Water Park

Hadley Park (Lg Pool)

Hadley Park (Sm Pool)

Jose Marti Park

Shenandoah Park

Dade County Parks & Rec.,

Tamiami Park Pool, Miami

Icon Brickell, Miami

Miami Shores Aquatic Center

Roby George Park, Homestead

Santa Maria on Brickel, Miami

Victory Park, Miami

Village of Key Biscayne

W Hotel, Miami Beach

Yacht Harbour, Coconut Grove

YMCA of Homestead, Homestead

MONROE COUNTY

Cabana Club, Key Colony Beach

Hawk's Nest Condo, Marathon

Jacobs Aquatic Center, Key Largo

Moon Bay Condo, Key Largo

OKEECHOBEE COUNTY

Okeechobee Park Sports Complex

ORANGE COUNTY

City of Orlando Pool (Englewood)

Country Club of Orlando

Ft. Gatlin Rec. Complex, Orlando

Orlando Sunshine Resort, Orlando

Phillips Bay Condo, Orlando

University of Central Florida

OSCEOLA COUNTY

Harmony Swim Club, Harmony

PALM BEACH COUNTY

3360 South Condo, Palm Beach

Admiral's Cove (Spyglass), Jupiter

Admiral's Cove (Waterside), Jupiter

Ambassador I, Palm Beach

Ambassador II, Palm Beach

American Heritage School, Delray
Beach

Applegate HOA, Boynton Beach

Aspen Glen, Boynton Beach

Bay Reach Condo, Palm Beach
Gardens

Beach Point Condo, Palm Beach

Bent Tree Villas East, Boynton
Beach

Bent Tree Villas West, Boynton
Beach

Boca Landings, Boca Raton

Boca Raton Bath & Tennis Club

Boca West, Boca Raton

Arbor Lake

Courtside

Quail Hollow

Sabal Lake

Village of Peppertree II

Briar Bay, West Palm Beach

Bridgeview Condo, Delray Beach

Buttonwood West, Greenacres

City of Boca Raton (Meadow Park)

City of Boca Raton Swim Club

City of Delray Beach (Pompey Park)

Clearbrook, Delray Beach

Colony Cabana Club, Delray Beach

Coral Lakes, Boynton Bch

Indoor Pool

Outdoor Pool

Country Lake, Delray Beach

The Cove, Palm Beach

Cresthaven Condo, West Palm
Beach

Dalton Place, Highland Beach

Delray Villas Rec. Center

Dorchester of Palm Beach

Fairway Park Condo, Boynton Beach

Gardens in the Grove, Boca Raton

Golden Lakes Village, W Palm Bch

Green Lake Condo, Boynton Beach

The Greens, Lake Worth

The Grove at Boynton Beach

Gulfstream Manor, Gulfstream

High Point of Delray West Sec. 1

High Point of Delray West Sec. 3

Hillsboro Landings II, Deerfield
Beach

Huntington Lakes, Delray Beach
Section 1

Section 5

Huntington Pointe, Delray Beach
East

Main Indoor

Main Outdoor

North

West

Hyatt, Casa Del Mar, Boca Raton

Indian Spring Country Club,
Boynton Beach

Isles at Wellington

Jonathan's Landing, Jupiter

Baytowne

Cape Pointe

Crosswinds

Riverwind

Trader's Crossing

Waterbend

Windrift

Jupiter Bay Condo (East Pool)

Jupiter Bay Condo (West Pool)

Jupiter Ocean Grande

Landings East, North Palm Beach

Lake Lytal Park, West Palm Beach

Lakes at the Bluffs, Jupiter

Lexington Club, Delray Beach

Majestic Isles, Boynton Beach

Mission Bay, Boca Raton

North County Aquatic, Jupiter

Oak Harbour, (Pool #1), Juno Beach

Oak Harbour, (Pool #2), Juno Beach

Oaks East, Palm Beach Gardens

Ocean Crest, Jupiter

Ocean Trail Condo II, Jupiter

Palm Club West II, West Palm Beach

Palm Isles, Boynton Beach

PGA Patio Homes,

Palm Beach Gardens

Phoenix Towers, Singer Island

Pine Ridge North II Condo, West

Palm Beach

Pines of Boca Barwood, Boca Raton

Pines of Delray East, Delray Beach

North Pool

South Pool

Pinetree Village, Boynton Beach

Placide Condo, Boca Raton

Prosperity Harbor, North Palm
Beach

Rainberry Bay, Delray Beach

Clubhouse

Theater

Reaches Condo, Riviera Beach

Sea Oats, Juno Beach

PALM BEACH COUNTY(cont'd)

St. Andrews High School, Boca Raton
Sugar Sands Condo, Riviera Beach
Sun Terrace @ The Oaks, Palm Beach Gardens
The Greens at Boca Golf & Tennis Club, Boca Raton
Townhomes of Jupiter Harbour, Jupiter
Two North Breakers Row, Palm Beach
Valencia Lakes, Boynton Beach
Villa Nova Condo, Highland Beach
Village of Peppertree III, Boca Raton
Village of Wellington
Wellington Federation in Century Village, West Palm Beach
Wilson Park, Boynton Beach
Woodhaven Condo, Delray Beach
East Pool
West Pool
YMCA of Boca Raton
YMCA of Boynton Beach
Lap Pool
Therapy Pool
YMCA of Palm Beach County

PASCO COUNTY

Beacon Square, Holiday
Callente Resort Beach Bar Pool, Land O' Lakes
Colony Cove MHP, New Port Richey
Forest Lakes Estates, Zephyrhills
Big Pool
Small Pool
Gulf Island Beach & Tennis Club, Hudson
Timber Greens, New Port Richey
Traveler's Rest, Dade City
YMCA Gills Family, New Port Richey

PINELLAS COUNTY

Angler's Cove, Redington Shores
Asbury Arms, St. Petersburg
Bahia Del Mar 1, St. Petersburg
Bahia Del Mar 2, St. Petersburg
Bahia Del Mar 3, St. Petersburg
Bahia Del Mar 4, St. Petersburg
Bahia Del Mar 7, St. Petersburg
Bahia Vista 2, St. Petersburg
Bay Mariner Condo, Indian Shores
Bay Meadows Apartments, Clearwater
Bayshore II Condo, Belleair
Beacon Square, Holiday
Bermuda Bay Beach Condo, St. Petersburg
Back Pool
Clubhouse Pool

Boca Ciega MHP, Largo
Boca Sands, St. Petersburg
Briar Creek I, Safety Harbor
Bridgeton North, St. Petersburg
Caribay Condo, Clearwater
Carlouel Yacht Club, Clearwater
Large Pool
Small Pool
Casa Del Mar I, St. Petersburg
Casa Del Mar II, St. Petersburg
Casa Del Mar III, St. Petersburg
Casa Del Mar IV, St. Petersburg
Ciega Village, Pinellas Park
City of Largo (SW Rec Complex)
Clearwater Point Beach
Clearwater Point Marina
Clearwater Point Sallmaster
Club Bahia at Bahia Vista, St. Pete
Club Chalet MHP, St. Petersburg
Cordova Greens 1, 2, 3, Seminole
Country Park MHP, Clearwater
Countryside CC, Clearwater
Cove on the Gulf, Tierra Verde
Deer Hollow @ East Lake, Tarpon Springs
Diamond Isle Condo, Clearwater
Dolphin Reef Condo, Indian Rocks
Edgewater Arms, Dunedin
Fairway Village (19th Hole), Largo
Fairway Village (Clubhouse), Largo
Feather Cove, Clearwater
Federation of Boca Ciega Pointe, St. Petersburg
Federation of Sea Towers #1
Federation of Sea Towers #2, St. Petersburg
Florencia Condo, St. Petersburg
Golden Shores Condo, Indian Shores
Harbor Oaks Place, Clearwater
Harbour Club, Belleair Bluffs
Highland Lakes, Palm Harbor
Holiday Island, Tierra Verde
Holiday Villas II, Indian Shores
Imperial Point, Largo
Isla Key Condo, St. Petersburg
Island Walk I, Clearwater
Key Capri, Treasure Island
Lake Seminole Resort North, Largo
La Puerta Del Sol, St. Petersburg
Landmark Towers I, Clearwater
Landmark Towers II, Clearwater
Lido Condo, St. Petersburg Beach
Long Bayou Condo, St. Petersburg
Mainlands of Tamarac Unit 6, Pinellas Park
Moorings of Maximo, St. Pete
Ovation Condo, St. Petersburg
Palma Del Mar #1, St. Petersburg

Palma Del Mar #2, St. Petersburg
Palma Del Mar #3, St. Petersburg
Pasadena Cove, South Pasadena
Parkshore Plaza Condo, St. Petersburg
Pierce 100 Condo, Clearwater
Pine Ridge @ Lake Tarpon Village
Pine Ridge @ Palm Harbor
Point Brittany #1, St. Petersburg
Point Brittany #2, St. Petersburg
Prelude 80, Clearwater
Redington Towers Beach Club
Sailboat Key, South Pasadena
Sandpearl Condo, Clearwater
Sandpearl Hotel, Clearwater
Sanseair Condo, St. Petersburg
Seascape Waterfront Condo, Tarpon Springs
Seminole Garden Apartments
Sereno Del Sol, Belleair Beach
Seville Condo, Clearwater
Shores of Long Bayou, St. Pete
Shores of Madeira, Madeira Beach
Sky Harbor Estates, Clearwater
Sky Harbour Condo, St. Petersburg
South Beach IV, Clearwater
South Garden 6 & 8, Belleair
Southbay Condo, Clearwater
Sunset Palms, Pinellas Park
Sunset Watch, St. Petersburg
Sunwatch on Island Estates, Clearwater
Surfside Tower, Madeira Beach
Tamarac By The Gulf, Seminole
Tampa Bay Turners Gymnastics, St. Petersburg
Three Palms Point, St. Pete Beach
Treasure Island Tennis & Yacht Club
Treasure Sands, Treasure Island
Vinoy Place Condo, St. Petersburg
Phase 2
Phase 3
Village at Tierra Verde #1
Village at Tierra Verde #2
Village at Tierra Verde #3
Vista Bay Condo, Indian Shores
Vista De Oro, St. Petersburg
Vista Verde East, St. Petersburg
Vista Verde West, St. Petersburg
West Shore Village, St. Petersburg
Westwinds MHP I, Dunedin
Westwinds MHP II, Dunedin
Winding Wood, Clearwater
Winston Park NE, St. Petersburg
300/400
600/500
700/800/900
YMCA Jim & Heather Gills, St. Petersburg
YMCA Greater Ridgecrest, Largo
YMCA N. Pinellas, Palm Harbor
YMCA of Palm Harbor

POLK COUNTY

Admiral's Inn Best Western, Winter Haven
Brandy Chase, Winter Haven
Colonnades, Lakeland
Heatherwood Village, Lakeland
Lake Henry Estates, Haines City
Royal Oaks MHP, Dundee

SARASOTA COUNTY

Admiral's Walk, Sarasota
Alameda Isles, Englewood
Auburn Lake Condo, Venice
Bahia Vista Estates, Sarasota
Bayport Beach & Tennis, Longboat Key
Beachcomber Apts., Venice
Bird Bay, Venice
Botanica on Palmer Ranch, Sarasota
Bridle Oaks, Venice
Camelot East, Sarasota
Camelot Lakes, Sarasota
Auditorium
Clubhouse
Capri West Condo, Venice
Casa Del Sol, Sarasota
Cedars West, Longboat Key
Circlewoods, Venice
Clubhouse
Section 7
Crestwood Villas, Sarasota
Englewood Golf Condo Villas
Fairways Clubhouse, Venice
Fairways of Capri Condo, Venice
Forest Lakes Village, Sarasota
Four Winds Beach Resort, Longboat Key
Foxwood Condo, Englewood
Gasparilla Condo, Englewood
Gateway Lakes, Sarasota
Glen Oaks Ridge, Sarasota
Glenridge Palmer Ranch, Sarasota
Golf Vista, Venice
Golfview of Capri, Venice
Gondola Park, Venice
Harbor Cove MHP, North Port
Large Pool
Small Pool
Harbor Isles, North Port
Harbor Lights, Venice
Hidden Lake Village, Sarasota
Holiday Park (Phase I), North Port

Holiday Park (Phase II), North Port
Hourglass Lakes, Venice
Inlets Condo, Nokomis
Island Shores, Venice
Jacaranda CC Villas, Venice
Japanese Gardens, Venice
King's Gate Club (Spa), Nokomis
L'Elegance on Lido Bch, Sarasota
La Casa MHP, North Port
Clubhouse Pool
Small Pool
Lake Arrowhead, Sarasota
Lake Tippecanoe, Sarasota
Lakeridge Falls, Sarasota
Lakes of Capri, Venice
Lakeshore Village, Sarasota
Lakeside Plantation, North Port
The Landings, Sarasota
Carriagehouse
Eagles Point
Racquet Club
Treehouse
Laurel Oak Country Club, Sarasota
Lazy River MHP, North Port
Manasota Beach Gdns, Englewood
The Meadows, Sarasota
Papillon Condo
Mission Lakes (Pool #1), Venice
Mission Lakes (Pool #2), Venice
Mission Lakes (Pool #3), Venice
Oak Forest of Sarasota, Englewood
Oakhurst Condo, Sarasota
One Watergate, Sarasota
Palm Terrace MHP, Sarasota
Palm Villas, Venice
Park Forest, Englewood
Patios of Chestnut Creek, Venice
Pine Hollow, Englewood
Pine Run I, Osprey
Pinebrook Lake Club, Venice
Plantation, Venice
Farmington Vistas
Myrtle Trace
Villas of Somerset
Westchester Gardens
Polynesian Village, Englewood
Regent Place, Longboat Key
Sandalwood Park, Venice
Sarabande, Sarasota
Sarasota Boys & Girls Club
Sarasota Lakes RV Park
Sea Villa Apartments, Venice

Serendipity Racquet Club, Sarasota
Southwinds MHP, Sarasota
Southwood (Block 1), Venice
Southwood (Block 2), Venice
Southwood (Block 3), Venice
Southwood (Block 4), Venice
Southwood (Block 5), Venice
Strathmore Riverside Villas, Sarasota
Summer Green North, Venice
Summer Green South, Venice
Sunrise Cove Condo Pool 1, Sarasota
Tangerine Woods, Englewood
Timberwoods Villas, Sarasota
Venice Golf & Country Club
Venice Isles MHP I
Venice Isles MHP II
Villa D'Este, Sarasota
Village Walk, Sarasota
Lap Pool
Main Pool
Villas of Sabal Trace, North Port
Vineyards of Silver Oak, Sarasota
Waterford, Venice
Ashley Place
Colony Place
Sports Club
Turnberry Place
Westchester Gardens, Venice
Whispering Sands, Sarasota
Clubhouse
Tower
Windward Bay, Longboat Key
Woodlake, Venice
YMCA of Englewood
YMCA of Sarasota
YMCA of South County, Venice

SEMINOLE COUNTY

Interlachen CC, Winter Park
Trinity Prep School, Winter Park

ST. LUCIE COUNTY

Harbour Isle East, Ft. Pierce
Lakewood Park, Ft. Pierce
Ocean Village, Ft. Pierce
Open Space Pool, Ft. Pierce
Pt. St. Lucie Pool, Ft. Pierce

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TAB 4

RESOLUTION NO. 10-_____

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA URGING THE MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT TO CONDUCT A TRAFFIC STUDY OF THE CORRIDOR THAT CONSISTS OF SW 216TH ST BETWEEN SW 107TH AVE AND OLD CUTLER ROAD EVALUATING THE SPEED LIMIT WITHIN THE AFOREMENTIONED CORRIDOR; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Cutler Bay (the “Town”) is concerned that the current speed limit in the corridor of SW 216th Street between SW 107th Avenue and Old Cutler Road (the “Corridor”) is unnecessarily low and that the existing roadway can support traffic at greater speeds; and

WHEREAS, the Town believes that there should be thorough evaluation of that Corridor be conducted that would specifically consider increasing the speed limit of said roadway; and

WHEREAS, the Town requests that the Miami-Dade Public Works Department (“Public Works”) conduct a traffic study in order to determine whether a speed limit increase is both possible and necessary in order to improve roadway traffic flow; and

WHEREAS, the Town finds that this Resolution will promote the health, safety and welfare of the Town.

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

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

Section 2. Request for Traffic Study. The Town hereby requests that the Miami-Dade County Public Works Department conduct a traffic study of that portion of SW 216th Street between SW 107th Avenue and Old Cutler Road to determine whether the speed limit can be increased on that portion of roadway.

Section 3. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this ____ day of _____, 2010.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman	_____
Vice Mayor Edward P. MacDougall	_____
Councilmember Peggy R. Bell	_____
Councilmember Timothy J. Meerbott	_____
Councilmember Ernest N. Sochin	_____

ADD-ON

RESOLUTION NO. 10-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ESTABLISHING THE SOUTH DADE GREEN CORRIDOR DISTRICT; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE ANY AND ALL STEPS NECESSARY TO ESTABLISH THIS DISTRICT AS AUTHORIZED BY SECTION 163.08, FLORIDA STATUTES; FURTHER AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO NEGOTIATE AN INTERLOCAL AGREEMENT WITH OTHER LOCAL GOVERNMENTS TO PARTNER WITH THE TOWN IN THIS DISTRICT; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town is an established leader in energy conservation and sustainability and is the first and currently the only Certified Silver Florida Green Building Council Local Government in Miami-Dade County; and

WHEREAS, through the initiating efforts of the Town, the Florida Legislature passed House Bill 7179 (the “Bill”) that allows local governments to create a program to provide upfront financing for renewable energy improvements; and

WHEREAS, this Bill also provides the legal authority for one or more local governments to enter into a partnership for the purpose of providing financing for renewable energy improvements; and

WHEREAS, the Town Council desires to establish the South Dade Green Corridor District (the “District”) along with other local governments which may subsequently join the District in order to provide for the upfront financing of renewable energy improvements for residents within the District; and

WHEREAS, the Town Council hereby directs the Town Manager and Town Attorney to take any and all steps necessary to establish this District; and

WHEREAS, the Town Council hereby further directs the Town Manager and Town Attorney to negotiate an interlocal agreement with other local governments that may want to join the District; and

WHEREAS, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

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

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

Section 2. District Established. The Town Council hereby establishes the District, as authorized by Section 163.08, Florida Statutes, for the purpose of providing upfront financing for renewable energy improvements.

Section 3. Town Manager and Attorney Authorization. The Town Manager and Town Attorney are hereby authorized to take any and all steps necessary to establish the District. The Town Manager and Attorney are further authorized to negotiate an interlocal agreement with other local governments that may want to join the District.

Section 4. Transmittal. The Town Clerk is hereby directed to transmit this Resolution to all mayors and city managers of local governments within Miami-Dade County.

Section 5. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this _____ day of _____, 2010.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____

Vice Mayor Edward P. MacDougall _____

Councilmember Peggy R. Bell _____

Councilmember Timothy J. Meerbott _____

Councilmember Ernest N. Sochin _____

ADD-ON

RESOLUTION NO. 10-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE TD BANK, N.A., FINANCING TERMS, ATTACHED AS EXHIBIT "A," FOR THE FINANCING OF THE PURCHASE OF THE PROPERTY LOCATED AT 10720 CARIBBEAN BOULEVARD; AUTHORIZING THE TOWN MANAGER TO EXECUTE LOAN DOCUMENTS CONSISTENT WITH THESE FINANCING; WAIVING COMPETITIVE BIDDING DUE TO IMPRACTICABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on April 15, 2010, the Town Council approved an agreement with Pinnacle Investment Properties, Inc. for the purchase of property located at 10720 Caribbean Boulevard (the "Property"); and

WHEREAS, the Town staff has evaluated different methods of financing the purchase of the Property and has decided that obtaining a conventional loan, as opposed to issuing bonds, is the most cost effective way to finance the purchase; and

WHEREAS, due to the short due diligence period required by the seller, the Town Manager has provided a written recommendation to the Town Council recommending that the competitive bidding requirements of Section 3.10 of the Town Charter be waived for the selection of a financial institution to finance the purchase due to impracticability; and

WHEREAS, due to the time restraints provided above and the written recommendation of the Town Manager, the Town Council hereby waives the competitive bidding requirements of Section 3.10 of the Town Charter due to impracticability and selects TD Bank, N.A. as the financial institution to finance the purchase of the Property; and

WHEREAS, TD Banks, N.A, has provided the Town with financing terms for the purchase of the Property, a copy of which is attached as Exhibit "A;"

WHEREAS, after review, the Town Council hereby approves the financing terms, and authorizes the Town Manager to execute loan documents, in substantially accordance with these terms; and

WHEREAS, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

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

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

Section 2. Waiver of Competitive Bidding. The Town Council hereby waives the competitive bidding requirements of Section 3.10 of the Town Charter due to impracticability and selects TD Bank, N.A. as the financial institution to finance the purchase of the Property.

Section 3. Town Council Approval. The Town Council hereby approves the TD Bank, N.A. financing terms, a copy of which is attached as Exhibit "A."

Section 4. Town Manager Authorization. The Town Manager is hereby authorized to execute loan documents in substantially accordance with the financing terms, a copy of which is attached as Exhibit "A."

Section 5. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this _____ day of _____, 2010.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____

Vice Mayor Edward P. MacDougall _____

Councilmember Peggy R. Bell _____

Councilmember Timothy J. Meerbott _____

Councilmember Ernest N. Sochin _____

“Exhibit A”

Item Pending

TAB 5



Community Development Department

David Hennis, AICP
Community Development Director

MEMORANDUM

To: Steven J. Alexander, Town Manager

From: David Hennis, Community Development Director

Date: May 13, 2010

Re: Non-Use Variance as to Minimum Height
Application V-2010-009

Southland Mall Properties, LLC, is requesting a non-use height variance from the Urban Center District Regulations for the property located at 20505 South Dixie Highway. The variance seeks relief from Code Section 3.D., of Ordinance 06-06, Building Heights Plan, which requires a minimum of 6-stories for property within the Urban Center District. The applicant intends to construct a one-story building necessitating a variance of 5 stories from code requirements. The property is an outparcel within the Southland Mall property, generally located along the northeast corner of the mall entrance along South Dixie Highway and just south of Caribbean Boulevard. The site is presently an underutilized parking area.

Section 33-311 of the Code of Ordinances requires the following Town Council findings regarding non-use variances.

- a. *The non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community.*

Staff Evaluation

The request is not generally consistent with the intent and purpose of zoning, subdivision and the Charrette for the area. Modifying height from the required minimum 6-stories to 1-story will diminish the ability of the site to fulfill density, building placement and site design standards adopted following Charrette parameters and aimed at converting the area into a main street town center where buildings front open space and existing streets with height and mixed-use density to achieve a compact urban form. Limiting height to 1-story does inhibit the creation of a pedestrian friendly compact urban environment so critical to achieving design tenets of the Charrette.





- b. *The non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community.*

Staff Evaluation

The request will not have an adverse impact on the environment of the Town.

RECOMMENDATION

Staff recommends denial of the request to vary the height allowed for the site from 6-stories to 1-story.



RESOLUTION NO. 10-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A HEIGHT VARIANCE FOR AN OUT PARCEL ON THE PROPERTY LOCATED AT 20505 SOUTH DIXIE HIGHWAY TO PERMIT A ONE STORY BUILDING WHERE A MINIMUM SIX STORIES IS REQUIRED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Southland Mall Properties, LLC. (the “Applicant”) has submitted application number V-2010-009, pursuant to Section 33-311(A)(4)(b) of the Town of Cutler Bay (the “Town”) Code of Ordinances (the “Town Code”), to vary Ordinance 06-06 of the Town Code relating to height, to permit one (1) story where six (6) stories are required for a building proposed on an out parcel on property located at 20505 S. Dixie Highway; and

WHEREAS, staff recommended denial of the requested variance, in its report dated May 13, 2010; and

WHEREAS, public notice was provided in accordance with law; and

WHEREAS, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

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

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

Section 2. **Approval of Variance.** The Town Council hereby approves the request by the Applicant, to vary the provisions Ordinance 06-06 of the Town Code relating to height, to permit one (1) story where six (6) stories are required for a building proposed on an out parcel on property located at 20505 S. Dixie Highway.

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

PASSED and ADOPTED this _____ day of _____, 2010.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

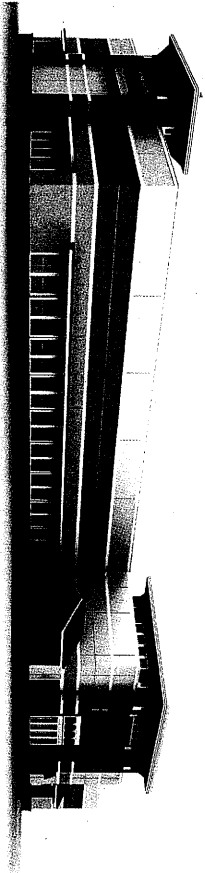
APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

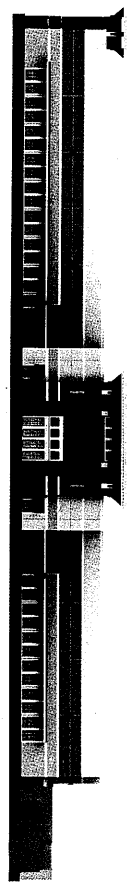
Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

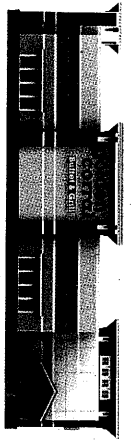
Mayor Paul S. Vrooman	_____
Vice Mayor Edward P. MacDougall	_____
Councilmember Peggy R. Bell	_____
Councilmember Timothy J. Meerbott	_____
Councilmember Ernest N. Sochin	_____



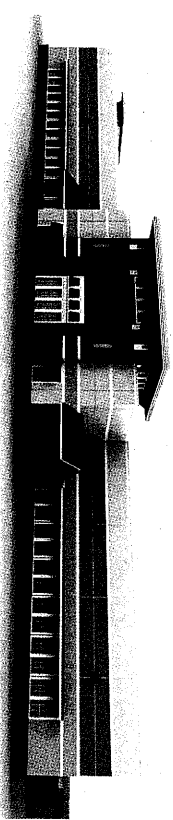
PERSPECTIVE FROM SOUTH WEST PARKING LOT (FRONT CORNER)



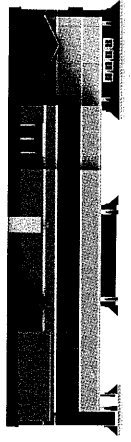
VIEW FROM MALL



VIEW FROM ENTRANCE TO MALL



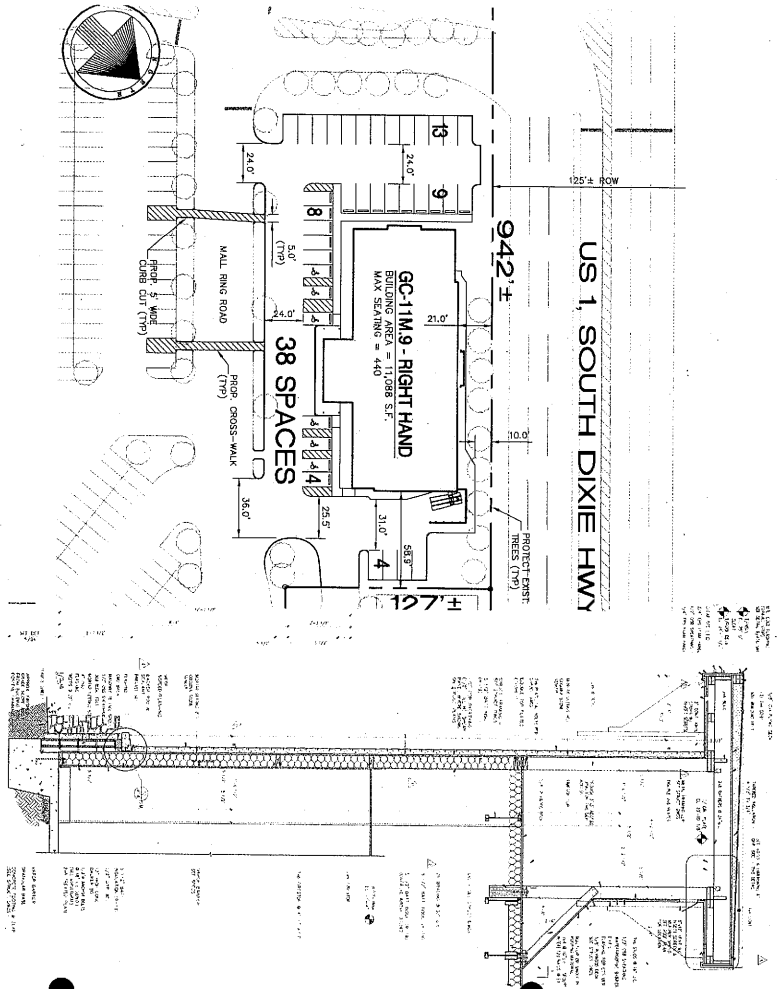
VIEW FROM US 1, SOUTH DIXIE HWY



VIEW FROM BANK



PERSPECTIVE FROM US 1, SOUTH DIXIE HWY (REAR)



PROPOSED ELEVATIONS FOR GOLDEN CORRAL @ CUTLER BAY, FL

	GOLDEN CORRAL LOCATION: Southland Mall US 1, South Dixie Hwy DRAWING: Proposed Elevations	THESE STRUCTURE DESIGN DOCUMENTS AND SPECIFICATIONS ARE PREPARED AND CONTROLLED BY GOLDEN CORRAL CORPORATION. ANY CHANGES TO THESE DOCUMENTS SHALL BE MADE BY GOLDEN CORRAL CORPORATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.	
	PROJECT DATE: 8/30/20 DRAWN BY: JSP CHECKED BY: GRL SCALE: 1/8" = 1'-0"	GOLDEN CORRAL CORPORATION 5151 GLENWOOD AVENUE RALEIGH, NC 27612 PHONE: (919) 781-8952	REVISIONS:

Proposed Golden Corral Restaurant



TAB 6



Community Development Department

David Hennis, AICP
Community Development Director

MEMORANDUM

To: Steven J. Alexander, Town Manager

From: David Hennis, Community Development Director

Date: May 13, 2010

Re: Non-Use Variance as to Building Entrance
Application V-2010-009

Southland Mall Properties, LLC, is requesting a non-use building variance from the Urban Center District Regulations for the property located at 20505 South Dixie Highway. The variance seeks relief from Code Section 33-284.86 B.1.a, General Requirements for Buildings, which require a storefront to be directly accessible from a street or open space and not a parking lot within the Urban Center District. The applicant intends to construct a building with its front entrance facing the mall parking lot and its rear facing South Dixie Highway. The property is an outparcel within the Southland Mall property, generally located along the northeast corner of the mall entrance along South Dixie Highway and just south of Caribbean Boulevard. The site is presently an underutilized parking area.

Section 33-311 of the Code of Ordinances requires the following Town Council findings regarding non-use variances.

- a. *The non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community.*

Staff Evaluation

The request is inconsistent with the intent and purpose of zoning, subdivision and the Charrette for the area. Modifying building placement standards by having the building front a parking lot and not an open space or US-1 directly contradicts and defeats town planning, zoning, and Charrette standards adopted and supported by the community to effect a change in design for the community. The solution offered diminishes the ability of the site to fulfill building placement and site design standards aimed at converting the area into a main street town center where buildings front open space and streets. Allowing the building to face the



parking lot inhibits the creation of a pedestrian friendly environment so critical to achieving design tenets of the Charrette.

- b. The non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community.*

Staff Evaluation

The request is not generally incompatible with the Charrette and surrounding land uses; however it will be detrimental to the Town due to incompatibility with adopted building, siting, and design considerations. The solution is a sprawl design as opposed to a pedestrian friendly, main street/town center approach.

RECOMMENDATION

Staff recommends denial of the request to vary building placement standards and allow the storefront on a non-street or open space location.



RESOLUTION NO. 10-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE FROM SECTION 33-284.86 (B)(1)(A) FOR AN OUT PARCEL ON THE PROPERTY LOCATED AT 20505 SOUTH DIXIE HIGHWAY TO PERMIT A BUILDING TO NOT BE DIRECTLY ACCESSIBLE FROM A STREET FRONTAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Southland Mall Properties, LLC. (the “Applicant”) has submitted application number V-2010-009, pursuant to Section 33-311(A)(4)(b) of the Town of Cutler Bay (the “Town”) Code of Ordinances (the “Town Code”), to vary Section 33-284.86(B)(1)(a) of the Town Code to permit a building to not be directly accessible from a street frontage, which is proposed on an out parcel on property located at 20505 S. Dixie Highway; and

WHEREAS, staff recommended denial of the requested variance, in its report dated May 13, 2010; and

WHEREAS, public notice was provided in accordance with law; and

WHEREAS, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

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

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

Section 2. **Approval of Variance.** The Town Council hereby approves the request by the Applicant, to vary the provisions of Section 33-284.86(B)(1)(a) of the Town Code to permit a building to not be directly accessible from a street frontage, which is proposed on an out parcel on property located at 20505 S. Dixie Highway.

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

PASSED and ADOPTED this _____ day of _____, 2010.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

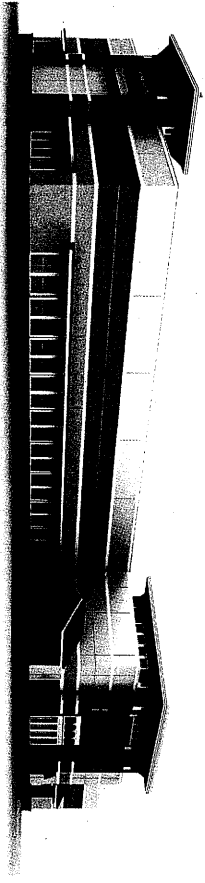
Mayor Paul S. Vrooman _____

Vice Mayor Edward P. MacDougall _____

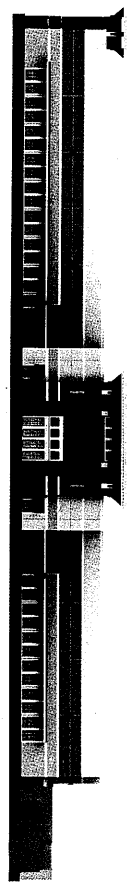
Councilmember Peggy R. Bell _____

Councilmember Timothy J. Meerbott _____

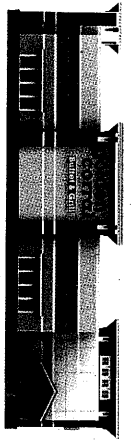
Councilmember Ernest N. Sochin _____



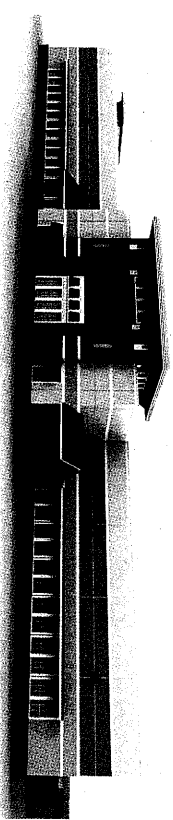
PERSPECTIVE FROM SOUTH WEST PARKING LOT (FRONT CORNER)



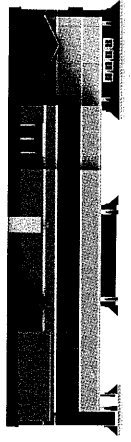
VIEW FROM MALL



VIEW FROM ENTRANCE TO MALL



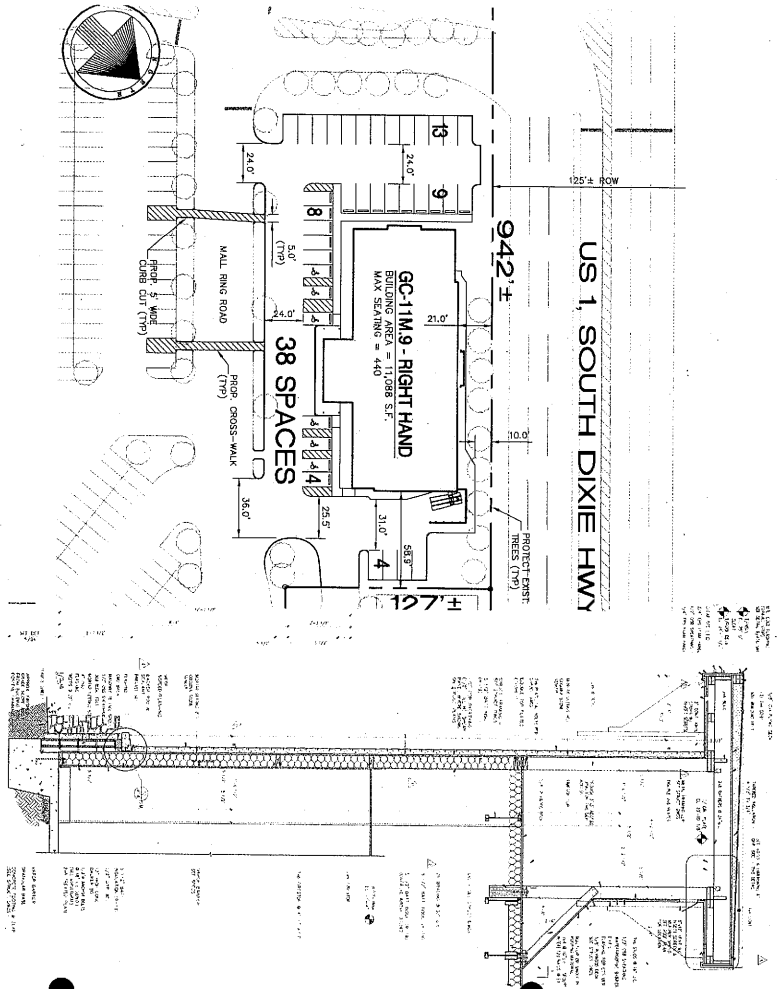
VIEW FROM US 1, SOUTH DIXIE HWY



VIEW FROM BANK



PERSPECTIVE FROM US 1, SOUTH DIXIE HWY (REAR)



PROPOSED ELEVATIONS FOR GOLDEN CORRAL @ CUTLER BAY, FL

	GOLDEN CORRAL LOCATION: Southland Mall US 1, South Dixie Hwy DRAWING: Proposed Elevations	THESE STRUCTURAL DRAWING DOCUMENTS AND SPECIFICATIONS ARE OWNED AND CONTROLLED BY GOLDEN CORRAL CORPORATION. NO PART OF THESE DOCUMENTS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF GOLDEN CORRAL CORPORATION. ANY VIOLATION OF THESE TERMS OF USE SHALL BE SUBJECT TO PENALTIES TO CRIMINAL AND CIVIL PENALTIES AND DAMAGES.	INRD national restaurant designers ARCHITECTS & ENGINEERS
	PROJECT DATE: 8/30/20 DRAWN BY: JSP CHECKED BY: GRL SHEET NO.:	GOLDEN CORRAL CORPORATION 5151 GLENWOOD AVENUE RALEIGH, NC 27612 PHONE: (919) 781-8952	REVISIONS:

Proposed Golden Corral Restaurant



TAB 7



Community Development Department

David Hennis, AICP
Community Development Director

MEMORANDUM

To: Steven J. Alexander, Town Manager

From: David Hennis, Community Development Director

Date: May 13, 2010

Re: Non-Use Variance as to Storefront Transparent Clear Glazed Area
Application V-2010-009

Southland Mall Properties, LLC, is requesting a non-use building variance from the Urban Center District Regulations for the property located at 20505 South Dixie Highway. The variance seeks relief from Code Section 33-284.86 B.1.b, General Requirements for Buildings, which require a storefront to have a transparent clear glazed area of not less than 70 percent of the facade area within the Urban Center District. The applicant intends to construct a building with a transparent clear glazed area facing the mall parking lot of 18 percent and on the portion facing South Dixie Highway of 6 percent. The property is an outparcel within the Southland Mall property, generally located along the northeast corner of the mall entrance along South Dixie Highway and just south of Caribbean Boulevard. The site is presently an underutilized parking area.

Section 33-311 of the Code of Ordinances requires the following Town Council findings regarding non-use variances.

- a. *The non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community.*

Staff Evaluation

The request is inconsistent with the intent and purpose of zoning, subdivision and the Charrette for the area. Modifying building placement standards by having the building front with a transparent clear glazed area of 18 or 6 percent directly contradicts and defeats town planning, zoning, and Charrette standards adopted and supported by the community to effect a change in design for the community. The solution offered diminishes the ability of the site to fulfill building placement and site design standards aimed at converting the area into a pedestrian oriented



main street town center. Allowing the building to have substantial non-transparent walls inhibits the creation of a pedestrian friendly environment so critical to achieving design tenets of the Charrette.

- b. *The non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community.*

Staff Evaluation

The request is not generally incompatible with the Charrette and surrounding land uses; however it will be detrimental to the Town due to incompatibility with adopted building, siting, and design considerations. The solution is a sprawl design as opposed to a pedestrian friendly, main street town center approach.

RECOMMENDATION

Staff recommends denial of the request to vary building transparent clear glazed area standards by allowing the storefront to be virtually non-transparent.



RESOLUTION NO. 10-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE FROM SECTION 33-284.86 (B)(1)(B) FOR AN OUT PARCEL ON THE PROPERTY LOCATED AT 20505 SOUTH DIXIE HIGHWAY RELATING TO THE CLEAR GLAZED AREA OF THE FAÇADE OF THE BUILDING; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Southland Mall Properties, LLC. (the “Applicant”) has submitted application number V-2010-009, pursuant to Section 33-311(A)(4)(b) of the Town of Cutler Bay (the “Town”) Code of Ordinances (the “Town Code”), to vary Section 33-284.86(B)(1)(b) of the Town Code to permit a transparent clear glazed area facing the Southland Mall parking lot of 18 percent and on the portion of the building facing South Dixie Highway of 6 percent where 70 percent is required, for a building located on an out parcel on property located at 20505 S. Dixie Highway; and

WHEREAS, staff recommended denial of the requested variance, in its report dated May 13, 2010; and

WHEREAS, public notice was provided in accordance with law; and

WHEREAS, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

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

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

Section 2. **Approval of Variance.** The Town Council hereby approves the request by the Applicant, to vary the provisions of Section 33-284.86(B)(1)(b) of the Town Code to permit a transparent clear glazed area facing the Southland Mall parking lot of 18 percent and on the portion of the building facing South Dixie Highway of 6 percent for a building proposed on an out parcel on property located at 20505 S. Dixie Highway.

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

PASSED and ADOPTED this _____ day of _____, 2010.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

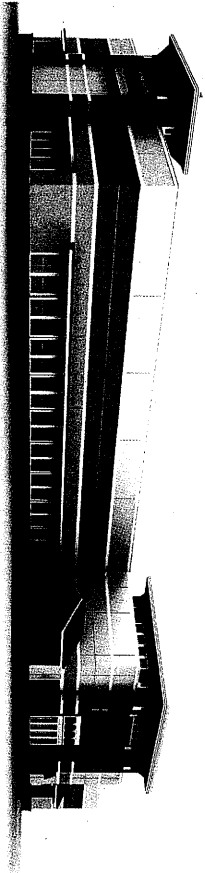
APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

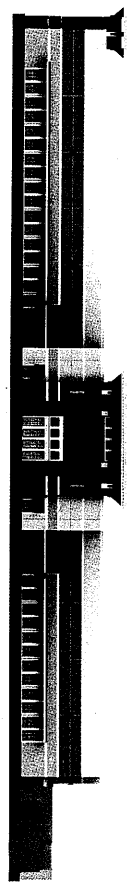
Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

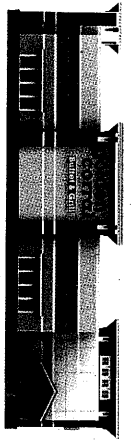
Mayor Paul S. Vrooman	_____
Vice Mayor Edward P. MacDougall	_____
Councilmember Peggy R. Bell	_____
Councilmember Timothy J. Meerbott	_____
Councilmember Ernest N. Sochin	_____



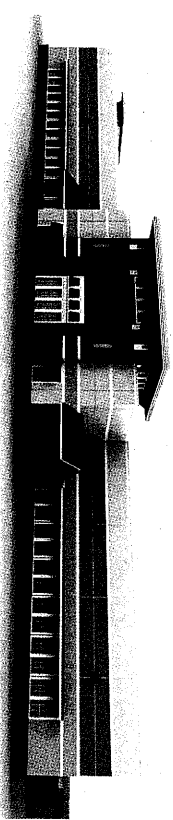
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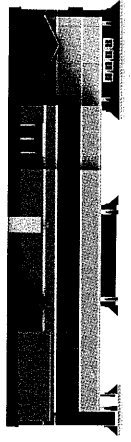
VIEW FROM MALL



VIEW FROM ENTRANCE TO MALL



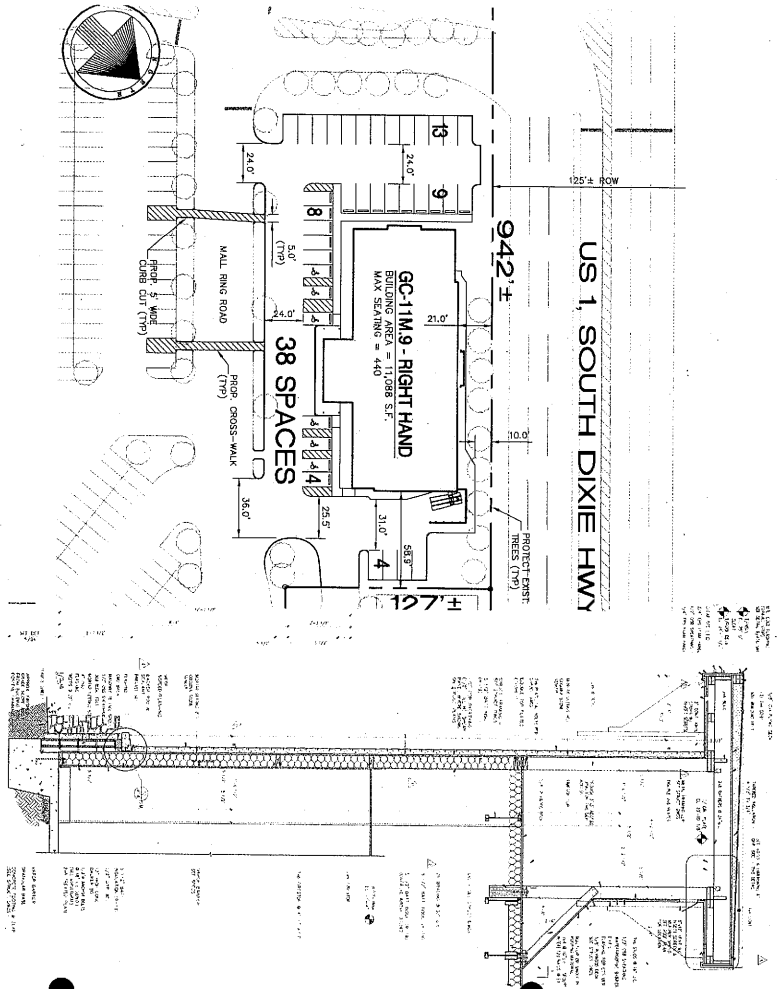
VIEW FROM US 1, SOUTH DIXIE HWY



VIEW FROM BANK



PERSPECTIVE FROM US 1, SOUTH DIXIE HWY (REAR)



PROPOSED ELEVATIONS FOR GOLDEN CORRAL @ CUTLER BAY, FL

	GOLDEN CORRAL LOCATION: Southland Mall US 1, South Dixie Hwy DRAWING: Proposed Elevations	THESE STRUCTURE ELEVATION DRAWINGS AND SPECIFICATIONS ARE OWNED AND CONTROLLED BY GOLDEN CORRAL CORPORATION. NO PART OF THESE DRAWINGS OR SPECIFICATIONS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF GOLDEN CORRAL CORPORATION. GOLDEN CORRAL CORPORATION SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION AND SPECIFICATIONS PROVIDED HEREIN. GOLDEN CORRAL CORPORATION SHALL NOT BE RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THESE DRAWINGS AND SPECIFICATIONS.	
	GOLDEN CORRAL CORPORATION 5151 GLENWOOD AVENUE RALEIGH, NC 27612 PHONE: (919) 781-8952	PROJECT DATE: _____ DRAWN BY: _____ CHECKED BY: _____ SCALE: _____	REVISIONS: _____ _____ _____

Proposed Golden Corral Restaurant



TAB 8

ORDINANCE NO. 10- _____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING GENERAL REGULATIONS AND PROCEDURES RELATING TO TOWN ADVISORY BOARDS; PROVIDING THAT THESE GENERAL REGULATIONS AND PROCEDURES SHALL APPLY TO ALL EXISTING BOARDS AS WELL AS THOSE BOARDS ESTABLISHED IN THE FUTURE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 3.9 of the Town Charter provides that the Town Council may establish Town advisory boards or committees (“boards”) as well as procedures and regulations governing such boards; and

WHEREAS, although the Town Council has established several boards, the Town Council has yet to establish general regulations and procedures governing the operation and selection of such boards; and

WHEREAS, the Town Council desires to create certain general regulations governing all existing boards as well as those boards established subsequent to the adoption of this Ordinance; and

WHEREAS, the Town Council finds that this Ordinance is in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY AS FOLLOWS:

Section 1. Findings. The foregoing “Whereas” clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Creation of Town Advisory Board Ordinance. The Town Council of the Town of Cutler Bay hereby creates the Town Advisory Board Ordinance as follows¹:

(a) **Establishment of Boards.** Pursuant to Section 3.9 of the Town Charter, the Town Council shall establish such advisory boards, committees, task forces, and bodies (the “boards”) as it may deem advisable. All boards so established shall report their findings to the Town Council. Unless otherwise provided by law, all boards shall serve at the pleasure of the Town Council. Appointees may be removed from his or her appointive position upon: (i) the written notice of the Town Council member that sponsored the appointee; or (ii) by subsequent motion

¹ Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text, **shaded** text reflects changes made from First Reading.

of any member of the Town Council and upon vote of removal by a supermajority of the members of the Town Council.

(b) **Appointment to Boards.** The Town Council shall determine how many board members shall serve on a board. If a board has at least five board members, each Town Council member shall have the right to appoint an individual to the board. If a board has more or less than five members, the Town Council shall determine the method in which the board members will be selected. No Council member shall hold any appointive office on any board. However, Town Council members may serve as an ex officio, non-voting member or council liaison to the board if approved by the Town Council. No citizen may serve on more than two boards simultaneously. The Town Council shall determine the term of the board members serving on a board. However, in no case may the term of a Town Council member's board appointee extend beyond the Town Council member's term of office. Upon newly elected or reelected Town Council member(s) taking office, he or she shall have the right to appoint board members to all seats vacated by the expiration of the previous Town Council member's term.

(c) **Board Terms.** When establishing a board, the Town Council shall establish a definitive term and goal for the board. The board shall be automatically dissolved upon the expiration of the term or upon delivery of the board's final report to the Town Council, whichever occurs first. In its sole discretion the Town Council may extend the term of the board.

(d) **Board Qualifications.** The Town Manager shall provide relevant background information related to prospective board appointees. This information shall be provided prior to the meeting in which appointment of the prospective board appointees are being considered. The background information may include, but are not limited to, a resume, a list of qualifications, a statement by the prospective appointee and/or any other relevant information. Furthermore, all prospective appointees shall make themselves available to the Town Council for the meeting in which their appointments are being considered.

(e) **Board Reports.** Unless otherwise provided by the Town Council, board reports which are presented to the Council shall include the following components:

(1) *Name.* The name of the board making the report, a listing of officers, an attendance table including members and any other person(s) who attended the meetings, all agendas, minutes, staff reports, and any other documents that were reviewed by the board. This information may be compiled in a separate document.

(2) *Methodology.* The report shall include a description of the way in which the board undertook its charge.

(3) *Facts found.* The report shall include the facts uncovered or information obtained.

(4) *Recommendations.* The report shall include the recommendations of the board, preferably in a form suitable for framing of a motion for the Town Council to consider.

(5) *Signatures.* All members of the board who concur with the report must sign the report. The chair may sign the report only if a majority of the members of the board approve the report and authorize the Chairman to sign. Those members who do not concur with the report shall be listed as dissenting members. The dissenting members may submit their own report(s) in the same format as presented above.

(f) **Notice of Meetings and Agendas.** At least 48 hours notice shall be given to the public and board members of board meetings. The public shall be notified of board meetings by a posting at Town Hall by the Town Clerk. The Town Council, Town Attorney, and the Town Manager shall be provided notice of the meeting by email from the Town Clerk. The public notice shall advise of the potential for attendance of one or more Town Council members at the meeting of the board. The Town Clerk shall notify board members of board meetings by telephone or mail or fax or email or hand delivery. A written agenda shall be prepared and distributed by the Town Clerk for each board meeting. Special board meetings may be called by the Chairman or by a majority of the board members. All board proceedings shall comply with F.S. § 286.011(the "Sunshine Law"). Written minutes shall be promptly prepared and kept of all board meetings and shall be submitted to the Town Clerk who shall be responsible for the preservation of such minutes.

(g) **Board Absences.** Unless otherwise provided by the Town Council, members of boards who are absent from three regularly scheduled meetings of the board in any one calendar year shall be automatically removed from the board. Each board shall determine which meetings are considered as the "regularly scheduled meetings". Board members who are removed through this process may be reappointed by the Town Council.

(h) **Board Discipline.** A board has no power to discipline its members for improper conduct related to its proceedings. Any such incident of misconduct shall be reported to the Town Manager. This shall not diminish the authority of the board Chairman to maintain order at meetings.

(i) **Quorum.** Unless otherwise provided by the Town Council, a majority of the board members shall constitute a quorum. No business shall be conducted unless a quorum is present, other than by a committee of the whole process which may be invoked when a quorum fails to attend a regular meeting. Any vote by the committee of the whole shall be preliminary and non-binding and shall be subject to subsequent ratification by a quorum of the board at a duly held meeting.

(j) **Board Rules of Procedure.** A board may adopt rules of procedure governing its conduct which do not conflict with either the fundamental parliamentary procedures of Roberts Rules of Order or with this section. Each board shall appoint a Chairperson, Vice Chairperson and Secretary who may engage in discussions, make motions and vote on items before the board in the same manner as other board members. This section shall prevail over any conflicting provision of Roberts Rules of Order.

(k) **Applicability.** The provisions of this Ordinance shall apply to all existing boards as well as all boards established subsequent to the adoption of this Ordinance.

Section 3. Severability. If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

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

Section 5. Inclusion in the Code. It is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Town of Cutler Bay; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this _____ day of _____, 2010.

PASSED AND ADOPTED on second reading this _____ day of _____, 2010.

PAUL S. VROOMAN
Mayor

Attest:

ERIKA GONZALEZ SANTAMARIA, CMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE, P.L.
Town Attorney

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____

Vice Mayor Edward P. MacDougall _____

Councilmember Peggy R. Bell _____

Councilmember Timothy J. Meerbott _____

Councilmember Ernest N. Sochin _____

TAB 9

ORDINANCE NO. 10-___

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, REPEALING THE EXISTING CHAPTER 8B “EMERGENCY MANAGEMENT”; CREATING A NEW CHAPTER 8B ENTITLED “EMERGENCY MANAGEMENT” RELATING TO THE CREATION OF POLICIES AND PROCEDURES IN THE CASE OF TOWN EMERGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Hurricane Andrew devastated this community seventeen years ago and the dangerous conditions posed by the storm both during and afterwards gravely threatened the health and safety of those in our community; and

WHEREAS, Hurricane Frances, Hurricane Charley, and Hurricane Ivan all came ashore in other parts of Florida within the past several years, destroying communities and severely inhibiting their ability to function afterwards; and

WHEREAS, most recently Hurricane Wilma struck Miami-Dade County with surprising force just three years ago, disrupting the orderly conduct of government and society at-large; and

WHEREAS, the Town may face future emergencies due to tropical storms, hurricanes, or other weather related events; and

WHEREAS, the Town may face other emergencies due to civil unrest, strike, national disaster, terrorism, or other events affecting the health, welfare and property of the Town, its residents and businesses; and

WHEREAS, upon incorporation the Town adopted the emergency procedures of Miami-Dade County, Florida, established under Chapter 8B, as the Town’s process for dealing with emergency situations; and

WHEREAS, the Mayor and Town Council of the Town of Cutler Bay seek to create a new Chapter 8B of the Town’s code of ordinances creating a policy and a process for emergency management in preparation for potential public emergency situations that affect life, health, property or the public peace, which policy and process is tailored to meet the specific needs of the Town; and

WHEREAS, the Town Charter, at Article IV, Section 4.4, entitled “Emergency Ordinances” entitles the Council to adopt emergency ordinances, other than ordinances that would provide for the levy of taxes, grant, renew or extend any municipal franchise; set service

or user charges for any municipal services; or authorize the borrowing of money except as provided under the charter; and

WHEREAS, the Town finds that this Ordinance will promote the health, safety and welfare of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY AS FOLLOWS¹:

Section 1. Findings. The foregoing “Whereas” clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Amendment to Chapter 8B of the Town Code. The Town Council of the Town of Cutler Bay hereby repeals Chapter 8B “Emergency Management” of the Town Code of Ordinances in its entirety and instead substitutes as follows:

8B-1.1 Definitions.

For the purposes of this chapter, the following definitions shall be effective:

Average retail price shall mean the price at retail for merchandise, goods or services at which similar merchandise, goods or services were being sold immediately preceding a declaration of public emergency.

Emergency shall mean a condition which threatens or adversely affects the public health, safety, property, public peace, general welfare or security and which is or threatens to be beyond the control of those public and private agencies normally responsible for the management of such a condition, resulting from an act of imminent threatened act of war, riot, terrorism, mob or other acts of violence, from conflagration, explosion, hazardous materials incident or release, from a weather event such as a flood, hurricane or tornado, from a disruption in utility systems, or from any other cause, reason, condition or circumstance.

Town Manager shall mean the Town Manager designated in accordance with Section 3.1 of the Town Charter or the acting Town Manager designated in accordance with section 3.4 of the Town Charter, and who has the powers delineated in section 3.3 and 3.4 of the Town charter.

8B-1.2 Applicability of provisions.

All officers, employees, contractors, vendors, boards, commissions, authorities and other agencies of the Town are subject to the provisions of this chapter.

¹ Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text, **shaded** text reflects changes made from First Reading.

8B-1.3 Emergency management structure.

(a) The Town Manager shall perform the function of director of emergency management and shall implement, manage and report on all actions authorized and taken under the provisions of this chapter.

(b) The Town Manager or the Town Manager's designee shall plan for the coordination of those actions necessary for the creation and maintenance of an effective emergency response capability to prepare for and manage emergency conditions.

8B-1.4 Powers, duties and responsibilities.

The Town Manager, when acting as the director of emergency management, shall have the following powers, duties and responsibilities:

(1) To declare a state of emergency pursuant to section 8B-1.5 and to promptly file with the Town Council a certificate showing such emergency and the necessity for such action.

(2) To direct the creation, revision and the exercise of emergency response plans consistent with state and county emergency plans for the mitigation of, preparation for, response to, and recovery from emergencies, and to exercise all powers permitted by chapter 252, Florida Statutes.

(3) To recommend a budget to the Town Council from the creation and maintenance of an emergency response capability as provided in this chapter.

(4) To issue emergency regulations necessary for the protection of life and property, establishment of public order, and control of adverse conditions affecting public welfare resulting from an emergency.

(5) To plan for and develop an emergency operations control center to include equipment, manning and operational procedures necessary to the management and control of emergency conditions, as well as procurement of necessary goods and services.

(6) To develop and manage the Town's emergency awareness public information program.

(7) To apply for public assistance or other disaster relief funding.

(8) To coordinate emergency management efforts with his/her counterparts in municipalities across county, Miami-Dade County, State of Florida and nation.

(9) To award contracts and expend necessary Town funds for emergency relief and provide for the Town Council an itemized account of all expenditures. Further, this ordinance shall constitute Town Council consent and approval of the Town Manager's

contractual and purchasing authority hereunder as required pursuant to Section 3.10 of the Town Charter. The Town Council may, by resolution, establish procedures which apply to this paragraph (9).

8B-1.5 Declaration of a state of emergency.

(a) The Town Manager shall have the sole authority to declare a state of emergency hereunder.

(b) Any declaration of a state of emergency and all emergency regulations activated under the provisions of this article and any emergency expenditures made hereunder pursuant to subsection 8B-1.4(9) shall be confirmed by the Town Council by resolution no later than at the next regular meeting, unless the nature of the emergency renders a meeting of the Town Council impossible. Confirmation of the emergency declaration shall disclose the reasons for actions proposed and taken to manage the emergency, and other pertinent data relating to the emergency requiring the declaration.

(c) Emergency ordinances, which may be enacted after the fact, authorized under Section 4.4 of the Town Charter and by this chapter may include, but are not limited to, the following subjects:

(1) Evacuation;

(2) Curfews, declaration of areas off limits;

(3) Suspension or regulation of the sale of, or offer to sell, with or without consideration, alcoholic beverages, ammunition, firearms, explosives, or combustibles;

(4) Prohibiting the sale of merchandise, goods or services at more than the average retail price;

(5) Water use restrictions;

(6) Suspension of local building regulations;

(7) Regulating the use of and rationing of fuel, ice, bottled water, and other essentials;

(8) Emergency appropriations procedures in compliance with section 4.4(5) of the Town charter.

(d) A declaration of a state of emergency shall activate the emergency plans applicable to the Town. A declaration of a state of emergency shall automatically invoke the emergency measures of section 870.044, Florida Statutes, if the emergency relates to overt acts of violence or the imminent threat of such violence.

(e) A state of emergency, when declared, shall continue in effect from day-to-day until declared to be terminated by the Town Manager or Town Council in accordance with section 8B-16.

(f) Upon the declaration of a state of emergency, the Town Manager shall post a written notice of such declaration upon the main bulletin board in Town hall, and shall, as promptly as practicable, file with the Town clerk a notice of a declared state of emergency, or emergency measure declared or ordered and promulgated by virtue of Florida Statutes. The Town Manager shall notify the local media if practicable and shall post the notice on the Town's website as soon as practicable.

(g) The Town Manager may issue orders pursuant to this article and may elect to adopt orders issued by County or State emergency management agencies.

8B-1.6 Termination of a state of emergency.

A state of emergency shall be terminated by a vote of the Town Council if practicable or upon the certification of the Town Manager that the conditions leading to or causing the emergency no longer exist and the Town's agencies and departments are able to manage the situation without extraordinary assistance; provided, however, Section 4.4(4) of the Town charter is adhered to, which provision requires automatic repeal of the declaration and associated emergency ordinances by the 91st day from enactment; provided, additionally, that a state of emergency established under sections 870.041 – 870.048, Florida Statutes, shall terminate at the end of a period of 72 consecutive hours after the declaration of the emergency, unless, prior to the end of the 72-hour period, the Town manager or the Town Council has terminated such state of emergency. Any extension of the 72-hour time by the Town Manager must be confirmed by the Town Council by resolution at the next regular meeting, unless the nature of the emergency renders a meeting of the Town Council impossible. Notice of termination of the emergency declaration shall be made to the public by the Town Manager by the same means as the notice of the declaration of the state of emergency, as provided under 8B-1.5.

8B-1.7 Police emergencies.

(a) An emergency may be declared because of civil unrest, terrorist act or other imminent threat to public peace or order when the chief of police, or if unavailable, the next highest ranking officer in the Town police department chain of command certifies to the Town Manager that an emergency condition arising from hostile actions of others, armed or unarmed, or other imminent threat to public peace or order, requires extraordinary measures of control, including, but not limited to curfew; blockage; proscription of the sale of firearms, other weapons or alcoholic beverages; explosives and combustibles; evacuation; and other similar actions. The Town Manager may issue a declaration of a state of emergency in accordance with this section 8B-1.5.

(b) The declaration of a state of emergency because of civil unrest, terrorism or other imminent threat to public peace, health, welfare, and property or order, shall authorize the issuance of emergency ordinances, as may be required and may, if applicable, require automatic emergency measures pursuant to section 870.044, Florida Statutes. In addition, additional discretionary emergency measures pursuant to section 870.045, Florida Statutes, may be issued.

(c) A state of emergency may be declared because of fire and hazardous materials emergencies, utility emergencies, and weather emergencies when the chief of police, public works director, or designee, certifies to the Town Manager that an emergency condition exists.

8B-1.8 Fire and hazardous materials emergencies.

(a) An emergency may be declared because of fire or a hazardous materials incident emergency when the Miami-Dade County fire chief, or designee, certifies to the Town Manager that an actual or potential condition arising from fire, explosion, chemical spill or release, building collapse, or plane, train or other vehicle accident, requires extraordinary measures for control, including, but not limited to calling out of off-duty personnel; assistance by outside agencies; evacuation; and other similar actions. The Town Manager may issue a declaration of a state of emergency in accordance with section 8B-1.5.

(b) The declaration of public emergency because of fire and hazardous material emergency shall authorize the issuance of emergency resolutions and other appropriate resolutions, as may be required.

8B-1.9 Utility emergencies.

(a) An emergency may be declared because of utility conditions when the public works director, or designee, or the authorized representative of the relevant utility certifies to the Town Manager the following:

(1) A condition exists or is imminent that endangers the safety, potability, quantity, availability, collection, conveyance, transmission, distribution, treatment, or storage of water or waste through or within the Town; or

(2) A condition exists or is imminent that endangers the safety, quality, quantity, availability, transmission, distribution, or storage of gas or electricity through or within the Town; or

(3) Extraordinary actions to control and correct the situation are required, including but not limited to emergency purchase; calling out of off-duty personnel; assistance by outside agencies; and other similar actions.

(b) (b) The declaration of a state of emergency because of utility conditions shall authorize the issuance of emergency resolutions or orders, and other appropriate resolutions or orders, as may be required.

8B-1.10 Weather emergencies.

(a) An emergency may be declared because of weather conditions when the National Weather Service or a state, county or local emergency management agency informs the Town or the public that emergency conditions resulting from meteorological conditions are present or imminent. Meteorological conditions covered by this section shall include, but are not limited to hurricanes, floods, tornados, or other severe weather conditions and the results therefrom. The Town Manager may issue a declaration of a state of emergency in accordance with section 8B-1.5.

(b) The declaration of a public emergency because of weather conditions shall authorize the issuance of emergency resolutions and other appropriate resolutions, as may be required.

8B-1.11 Suspension of local building regulations.

The Town Manager may authorize a suspension of local building regulations during and following a declared state of emergency when the building official certifies to the Town Manager that such action is necessary for the expeditious restoration of property damaged by an emergency event. Suspension of building regulations may be applied on a case-by-case basis as required to remedy specific conditions and to facilitate the provision of emergency housing to disaster victims. The building official shall specify the provisions of the building code to be suspended and the reasons therefore, when certifying the necessity of such suspension to the Town Manager.

8B-1.12 Certification of emergency conditions.

A certification of emergency conditions to the Town Manager may be verbal, but each verbal certification shall be confirmed in writing within 24 hours following an emergency declaration.

8B-1.13 Penalty.

Any person, firm or corporation who violates any provision of this article or orders issued hereunder, for which another penalty is not specifically provided herein or required by law shall, upon conviction, be subject to such fine or imprisonment or both as provided by section 1-5 of the Town Code of Ordinances. Each day that a violation shall continue to exist shall constitute a separate offense.

Section 3. Severability. If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

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

Section 5. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this _____ day of _____, 2010.

PASSED AND ADOPTED on second reading this _____ day of _____, 2010.

PAUL S. VROOMAN
Mayor

Attest:

ERIKA GONZALEZ SANTAMARIA, CMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE, P.L.
Town Attorney

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____
Vice Mayor Edward P. MacDougall _____
Councilmember Peggy R. Bell _____
Councilmember Timothy J. Meerbott _____
Councilmember Ernest N. Sochin _____

TAB 10



Office of the Town Manager

Steven J. Alexander
Town Manager

MEMORANDUM

To: Mayor and Town Council

From: Steven Alexander

Date: May 10, 2010

Re: East Ridge Retirement Village Inc.

Background

On August 19, 2009, the Town Council approved a site plan for East Ridge Retirement Village Inc. (the "East Ridge") for the construction of a 333,577 square foot facility. East Ridge has requested that the Town Council consider the adoption of a resolution approving the issuance by the Alachua County Health Facilities Authority (the "Authority") tax exempt Health Facilities Revenue Bonds in an amount not to exceed \$60,000,000.

The sole and limited purpose of the Town's approval of the issuance of the bonds by the Authority is to comply with the federal tax laws under the Tax Equity Fiscal Responsibility Act of 1982 (TEFRA). The Town will not issue, and will not be obligated on, the bonds. In other words, the Town has no liability with respect to the issuance of the bonds or the repayment of any debt service relating to such bonds.

In order for East Ridge to obtain financing on a tax exempt basis, the TEFRA hearing must be completed by the legislative body in which the proposed project will be located. This means that the Town Council is required to hold a public hearing providing members of the Town the opportunity to speak for or against the proposed property being financed with tax exempt bonds. Notice of the public hearing has been published in the Miami Herald at least 14 days before the Town Council meeting.

Recommendation

Approval.



RESOLUTION NO. 10-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, PROVIDING LIMITED APPROVAL OF THE ISSUANCE BY THE ALACHUA COUNTY HEALTH FACILITIES AUTHORITY (THE "AUTHORITY") OF ITS HEALTH FACILITIES REVENUE BONDS (EAST RIDGE RETIREMENT VILLAGE, INC. PROJECT) IN ONE OR MORE SERIES AND IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$60,000,000; THE PROCEEDS FROM THE SALE OF THE BONDS WILL BE USED PRINCIPALLY TO FINANCE AND REFINANCE CERTAIN CAPITAL IMPROVEMENTS FOR EAST RIDGE RETIREMENT VILLAGE, INC. LOCATED IN THE TOWN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 19, 2009, the Town Council approved the site plan for the construction of a 333,577 square foot building at the Eastridge Retirement Village; and

WHEREAS, Eastridge Retirement Village has requested that the Town Council consider the adoption of a resolution approving the issuance by the Alachua County Health Facilities Authority (the "Authority") tax exempt Health Facilities Revenue Bonds in an amount not to exceed \$60,000,000 in order to finance the construction of this building; and

WHEREAS, the sole and limited purpose of the Town's approval of the issuance of the bonds by the Authority is to comply with the federal tax laws under the Tax Equity Fiscal Responsibility Act of 1982 (TEFRA); and

WHEREAS, the Town will not issue nor will it be obligated on the bonds; and

WHEREAS, as such, the Town Council hereby provides its limited approval of the issuance of such bonds as further set forth in this Resolution; and

WHEREAS, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

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

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

Section 2. Alachua County Health Facilities Authority Resolution. The Alachua County Health Facilities Authority (the "Authority") has submitted to the Town Council, a copy of a resolution of the Authority adopted on May 11, 2010 (the "Authority Resolution"), granting

its preliminary approval for the issuance by the Authority of its Health Facilities Revenue Bonds, (East Ridge Retirement Village, Inc. Project) (the "Bonds"), in one or more series and in an aggregate principal amount not to exceed \$60,000,000 for the primary purposes of (A) financing the cost of (or reimburse itself for prior expenditures for) (i) construction, acquisition and equipping of 60 new assisted living units, 24 new memory support units and 60 new skilled nursing beds to replace existing assisted living and skilled nursing units, (ii) improving certain roads, parking sites and landscaping, (iii) new common lobby area, roadway extension, courtyard, stormwater, sewer and utilities improvements, community common space for use of the residents, activity rooms and other common areas associated with the new assisted living, memory support and skilled nursing units, a new kitchen, and a new dining room for the existing independent living units, (iv) refurbishing existing common areas, (v) replacing utilities infrastructure, and (vi) various additional capital improvements and equipment for the above, (collectively the "Project") and (B) pay costs and fund necessary reserves associated with the issuance of the Bonds. The Project will be located within the incorporated area of the Town. A copy of the Authority Resolution is attached hereto as Exhibit "A."

Section 3. Town Council Public Hearing. On the date hereof, the Town held a public hearing, which public hearing was duly conducted by the Town Council upon reasonable public notice, and at which hearing members of the public were afforded reasonable opportunity to be heard on all matters pertaining to (1) the location and nature of the Project, and (2) the issuance of the Bonds by the Authority for the purposes described in the published notice of such public hearing.

Section 4. Limited Approval of Issuance of Bonds. Pursuant to the Authority Resolution, the Authority has requested the Town to approve the issuance of the Bonds and the location and nature of the Project for the limited purpose of satisfying the requirements of Section 147(f) of the Internal Revenue Code of 1986. The issuance of the Bonds and the use of the proceeds thereof to finance and refinance the costs of the Project as contemplated by the Authority Resolution are hereby approved. The approval given herein shall not be construed as (i) an endorsement of the issuance of the Bonds by the Authority, the creditworthiness of the East Ridge Retirement Village, Inc. or the financial viability of the Project, (ii) a recommendation to any prospective purchaser to purchase the Bonds, (iii) an evaluation of the likelihood of the repayment of the debt service on the Bonds, or (iv) approval of any necessary rezoning applications or approval or acquiescence to the alteration of existing zoning or land use nor approval for any other regulatory permits relating to the Project, and the Town Council shall not be construed by reason of its adoption of this Resolution to make any such endorsement, finding or recommendation or to have waived any right of the Town Council or estopping the Town Council from asserting any rights or responsibilities it or Alachua County, Florida (the "County") may have in such regard. Further, the approval by the Town Council of the issuance of the Bonds by the Authority shall not be construed to obligate the Town or the County to incur any liability, pecuniary or otherwise, in connection with either the issuance of the Bonds or the acquisition and construction of the Project, and the Authority shall so provide in the financing documents setting forth the details of the Bonds.

Section 5. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this _____ day of _____, 2010.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____

Vice Mayor Edward P. MacDougall _____

Councilmember Peggy R. Bell _____

Councilmember Timothy J. Meerbott _____

Councilmember Ernest N. Sochin _____

RESOLUTION 2010-1

AN INDUCEMENT RESOLUTION OF THE ALACHUA COUNTY HEALTH FACILITIES AUTHORITY REGARDING THE OFFICIAL ACTION OF THE AUTHORITY WITH RESPECT TO THE PROPOSED ISSUANCE OF HEALTH FACILITIES REVENUE BONDS IN ONE OR MORE SERIES FOR THE PRINCIPAL PURPOSES OF FINANCING AND REFINANCING THE COSTS OF ACQUISITION, CONSTRUCTION, EQUIPPING, INSTALLATION AND RENOVATION OF CERTAIN CAPITAL IMPROVEMENTS TO OR FOR THE SENIOR CARE AND HOUSING FACILITIES OF EAST RIDGE RETIREMENT VILLAGE, INC., MORE PARTICULARLY DESCRIBED HEREIN, FUNDING ANY NECESSARY RESERVES AND PAYING ALL OR A PORTION OF THE COSTS ASSOCIATED WITH THE ISSUANCE OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A MEMORANDUM OF AGREEMENT BETWEEN THE AUTHORITY AND EAST RIDGE RETIREMENT VILLAGE, INC.; PROVIDING FOR THE PRELIMINARY APPROVAL BY THE AUTHORITY FOR THE ISSUANCE OF NOT EXCEEDING \$60,000,000 OF SUCH BONDS IN ONE OR MORE SERIES; AND PROVIDING FOR CERTAIN RELATED MATTERS IN CONNECTION THEREWITH AND FOR AN EFFECTIVE DATE.

WHEREAS, East Ridge Retirement Village, Inc., a Florida not-for-profit corporation (the "Borrower"), has applied to the Alachua County Health Facilities Authority (the "Authority"), to issue its private activity tax-exempt health facilities revenue bonds in one or more series and in an aggregate principal amount not to exceed \$60,000,000 (the "Bonds") for the principal purposes of (A) financing the cost of (or reimburse itself for prior expenditures for) (i) construction, acquisition and equipping of 60 new assisted living units, 24 new memory support units and 60 new skilled nursing beds to replace existing assisted living and skilled nursing units, (ii) improving certain roads, parking sites and landscaping, (iii) new common lobby area, roadway extension, courtyard, stormwater, sewer and utilities improvements, community common space for use of the residents, activity rooms and other common areas associated with the new assisted living, memory support and skilled nursing units, a new kitchen, and a new dining room for the existing independent living units, (iv) refurbishing existing common areas, (v) replacing utilities infrastructure, and (vi) various additional capital improvements and equipment for the above, ((i), (ii), (iii), (iv), (v) and (vi) above,

collectively the "Project"), all located or to be located on the Borrower's existing campus in the Town of Cutler Bay, Florida (the "Town"); and (B) pay costs and fund necessary reserves associated with the issuance of the Bonds; and

WHEREAS, the Borrower has requested that the Authority loan the proceeds of the Bonds to said Borrower pursuant to Chapter 154, Part III, Florida Statutes, and such other provision or provisions of Florida law as the Authority may determine advisable (the "Act") in order to accomplish the foregoing; and

WHEREAS, in accordance with the provisions of Section 154.247 of the Act, the Borrower has represented to the Authority in writing that the issuance of the Bonds by the Authority rather than an issuer located in Miami-Dade County, Florida is expected to provide significant cost savings to the Borrower, that the Borrower is under common control of one or more health facilities located in Alachua County, Florida (the "County") and that the issuance of the Bonds for the benefit of the Borrower will benefit the affiliated entities located within the County; and

WHEREAS, the bond resolution granting the final authority for the issuance of the Bonds has not yet been adopted by the Authority; and

WHEREAS, the issuance of the Bonds under the Act in one or more issues or series not exceeding an aggregate principal amount of \$60,000,000 and the loaning of the proceeds thereof to finance and refinance the costs of the Project under a loan agreement or other financing agreement which will provide that payments thereunder be at least sufficient to pay the principal of and interest and redemption premium, if any, on such Bonds and such other costs in connection therewith as may be incurred by the Authority, will assist the Borrower and promote the public purposes provided in the Act; and

WHEREAS, in order to satisfy certain requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), the Authority held a public hearing on the date hereof, which date is at least 14 days following the first publication of notice of such public hearing in a newspaper of general circulation in Alachua County (a true and accurate copy of the affidavit of publication of such notice is attached hereto as Exhibit A); which public hearing was conducted in a manner that provided a reasonable opportunity for persons with differing views to be heard, both orally and in writing, on the issuance of such Bonds and the location and nature of the Project; was held in a location which, under the facts and circumstances, was convenient for the residents of Alachua County; such notice was reasonably designed to inform residents of Alachua County of the proposed issue; stated that the Authority would be the issuer of the Bonds; stated the time and place of the hearing; generally contained the information required by Section 147(f) of the Code and applicable regulations thereunder; and such 14 days was adequate for notice to be brought to the attention of all interested persons, exceeds the normal periods for notice of public hearings conducted by the Authority and provided

sufficient time for interested persons to prepare for and to express their views at such hearing; and

WHEREAS, the Borrower has agreed to execute and deliver to the Authority a Memorandum of Agreement (the "Memorandum of Agreement") relating to the issuance of the Bonds, in the form attached hereto as Exhibit B; and

WHEREAS, it is intended that this Resolution shall constitute official action toward the issuance of the Bonds within the meaning of the applicable United States Treasury Regulations and, specifically, to satisfy the requirements of Treasury Regulations Section 1.150-2 and to be a declaration of official intent under such Section in addition and as a supplement to other actions previously undertaken by the Borrower; and

IT IS, THEREFORE, DETERMINED AND RESOLVED BY THE ALACHUA COUNTY HEALTH FACILITIES AUTHORITY, THAT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. This resolution, hereinafter called "Resolution," is adopted pursuant to the provisions of the Act and other applicable provisions of law.

SECTION 2. PRELIMINARY APPROVAL. This Resolution is entered into to permit the Borrower to proceed with commitments for the Project, to incur costs in connection with various phases of the Project, to provide a limited expression of intention by the Authority, prior to the issuance of the Bonds, to issue and sell the Bonds and make the proceeds thereof available to finance and finance all or part of the costs of the Project, all in accordance with and subject to the provisions of the Constitution and other laws of the State of Florida, including the Act and this Resolution, but subject in all respects to the terms of the Memorandum of Agreement.

SECTION 3. APPROVAL OF THE PROJECT. The financing and refinancing of the Project as described herein and in the notice of public hearing attached hereto as Exhibit A, and the financing and refinancing thereof by the Authority through the issuance of the Bonds, pursuant to the Act and, based solely on the previous representations of the Borrower in writing and otherwise on the date hereof, will promote the economic development and health and welfare of the citizens of the County and the Town, will provide the residents of the County and the Town with jobs, will promote the general economic structure of the County and the Town, will thereby serve the public purposes of the Act and is hereby preliminarily approved, subject, however, in all respects to the Borrower meeting the conditions set forth in the Memorandum of Agreement to the sole satisfaction of the Authority.

SECTION 4. EXECUTION AND DELIVERY OF MEMORANDUM OF AGREEMENT. The Chairman or the Vice-Chairman and the Secretary or the

Assistant Secretary are hereby authorized and directed to execute, for and on behalf of the Authority, the Memorandum of Agreement in the form attached hereto as Exhibit B between the Authority and the Borrower providing understandings relative to the proposed issuance of the Bonds by the Authority to finance and refinance the costs of the Project in an initial aggregate principal amount not to exceed lesser of (a) \$60,000,000, or (b) the amount determined by the Authority and the Borrower to be necessary to accomplish the foregoing.

SECTION 5. AUTHORIZATION OF THE BONDS. There is hereby authorized to be issued and the Authority hereby determines to issue the Bonds, if so requested by the Borrower and subject to the conditions set forth in the Memorandum of Agreement, in one or more issues or series of such tax-exempt fixed and variable rate revenue bonds in an aggregate principal amount not to exceed \$60,000,000 for the principal purpose of financing and refinancing the costs of the Project as described herein and in the Memorandum of Agreement, funding any necessary reserves and paying all or a portion of the costs associated with the issuance of the Bonds. The rate of interest payable on the Bonds shall not exceed the maximum rate permitted by law.

SECTION 6. RECOMMENDATION FOR APPROVAL TO ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS AND TOWN COUNCIL OF TOWN OF CUTLER BAY, FLORIDA. The Authority hereby recommends the issuance of the Bonds and the financing and refinancing of the Project for approval to the Board of County Commissioners of Alachua County, Florida (the "Board") and the Town Council of the Town (the "Town Council"). The Authority hereby directs the Chairman or Vice-Chairman and Counsel to the Authority, either alone or jointly, at the expense of the Borrower, to cooperate with Bond Counsel in seeking approval from the Board and the Town Council for the issuance of the Bonds and the financing and refinancing of the Project by the Board as the applicable elected representatives of the County and the Town under and pursuant to the Act and Section 147(f) of the Code.

SECTION 7. APPOINTMENT OF BOND COUNSEL. The firm of Nabors, Giblin & Nickerson, P.A., Tampa, Florida, is hereby approved and appointed by the Authority to act as Bond Counsel in connection with the issuance by the Authority of the Bonds.

SECTION 8. GENERAL AUTHORIZATION. The Chairman, the Vice-Chairman, the Secretary, Assistant Secretary, Counsel to the Authority and Bond Counsel are hereby further authorized to proceed with the undertakings provided for herein and in the Memorandum of Agreement on the part of the Authority and are further authorized to take such steps and actions as may be required or necessary in order to cause the Authority to issue the Bonds subject in all respects to the terms and conditions set forth herein and in the Memorandum of Agreement.

SECTION 9. AFFIRMATIVE ACTION. This resolution is an affirmative action of the Authority toward the issuance of the Bonds, as contemplated in the Memorandum of Agreement, in accordance with the purposes of the laws of the State of Florida and the applicable United States Treasury Regulations.

SECTION 10. LIMITED OBLIGATIONS. The Bonds and the interest thereon shall not constitute an indebtedness or pledge of the general credit or taxing power of Alachua County, the Town, the State of Florida or any other political subdivision or agency thereof but shall be payable solely from the revenues pledged therefor pursuant to a loan agreement or other financing agreement entered into by and between the Authority and the Borrower prior to or contemporaneously with the issuance of the Bonds. The Authority has no taxing power.

SECTION 11. LIMITED APPROVAL. The approval given herein shall not be construed as an approval of any necessary rezoning applications nor for any other regulatory permits relating to the Project and the Authority shall not be construed by reason of its adoption of this Resolution to have waived any right of the County or the Town, or estopping the County or the Town from asserting any rights or responsibilities either may have in that regard.

SECTION 12. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

ADOPTED this 11th day of May, 2010.

(SEAL)



ALACHUA COUNTY HEALTH FACILITIES AUTHORITY

By:


Chairman

ATTEST:

By:

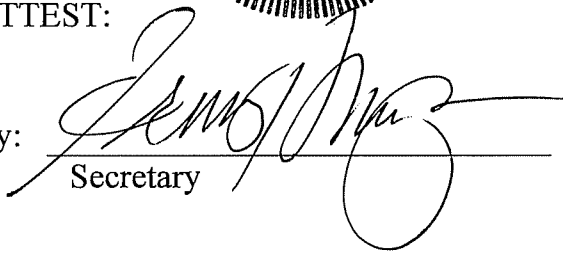

Secretary

EXHIBIT A

**AFFIDAVIT OF PUBLICATION OF
NOTICE OF PUBLIC HEARING**

AFFIDAVIT OF PUBLICATION

The Gainesville Sun
Published – Daily
Gainesville, Alachua County, Florida

STATE OF FLORIDA
COUNTY OF ALACHUA

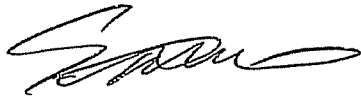
Before the undersigned, a Notary Public of Said County and State, Ernest Blake, III, who on oath says that he is Legal Advertising Coordinator of THE GAINESVILLE SUN, a daily newspaper published at Gainesville, in Alachua County, Florida; that the attached copy of advertisement, being a notice in the matter of

ALACHUA COUNTY HEALTH FACILITIES AUTHORITY NOTICE OF PUBLIC HEARING The Alachua County Health Facilities Authority the Authority will hold a public hearing on May 11, 2010 at 4:30 P.M., or as soon thereafter as practicable, in the Grace Knight Conferen

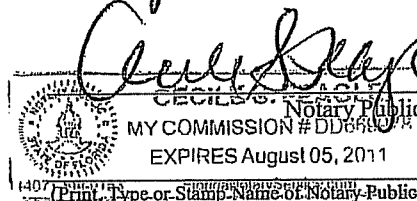
was published in said newspaper in the issues of:

4/25 1x

Affiant further says that the said THE GAINESVILLE SUN is a daily newspaper published at Gainesville, in said Alachua County, Florida, and that the said newspaper has heretofore been continuously published in said Alachua County, Florida, daily, and has been entered as second class mail matter at the post office in Gainesville in said Alachua County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the person of securing this advertisement for publication in the said newspaper.



Sworn to and subscribed before me this 26 day of April, A.D., 2010



My commission expires 5 day of Aug, 2011

Ad #: A000631486

The Gainesville Sun

CLASSIFIED ADVERTISING

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352-372-4222 fax 352-338-3131

CLASSIFIED ADVERTISING RECEIPT

NABORS,GIBLIN & NICK-309
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2502 N ROCKY POINT DR
THE POINTE, SUITE 10
Tampa, FL 33607

Account: 420281
Phone: (813)281-2222
P.O. #:
Ad Taken By: G046
Receipt printed: 04/22/2010

Order Number	Class Number	Start Run	End Run	Run Times	Lines	Description
A000631486	0001	04-25-10	04-25-10	2	124	ALACHUA COUNTY HEALTH FACILITIES AUTHORITY NOTICE OF PUBLIC HEARING The Alachua County Health Facilities Authority the Authority will hold a public hearing on May 11, 2010 at 4:30 P.M., or as soon thereafter as practicable, in the Grace Knight Conferen

Payment Detail	Pay Date	Type	Card or Check #	Card	Exp	Amount
Current Payment						
Order Price						\$ 286.74
Total Payments					-	\$ 0.00
Balance					=	\$ 286.74

The Gainesville Sun

Classified: (352) 372-4222 or 1-800-622-5327 Credit: (352) 867-4010
<http://www.gainesvillesun.com>

The Gainesville Sun's Copy

NABORS,GIBLIN & NICK-309
N/A
2502 N ROCKY POINT DR
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Payment Detail	Pay Date	Type	Card or Check #	Card	Exp	Amount
Current Payment						
Order Price						\$ 286.74
Total Payments					-	\$ 0.00

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0001 LEGALS

NOTICE OF PUBLIC MEETING
The Gainesville - Alachua County Regional Airport Authority (GACRAA) announces a public meeting to which all persons are invited.
DISE AND/TIME:
Wednesday, April 28, 2010 at 4:00 p.m.
PLACE: Gainesville Regional Airport
Alachua Passenger Terminal - Board Room
3880 NE 99th Ave, Gainesville, Florida

0001 LEGALS

The meeting will be held to receive the testimony and evidence upon which the appeal will be based.
Persons with disabilities who require assistance to participate in the meeting are requested to notify the Airport's Administrative Manager at 352-378-0249 at least 48 hours in advance, so their needs can be accommodated.
By Alan J. Penick
Chief Executive Officer
Gainesville Regional Airport

0001 LEGALS

Mass Enterprises (ME) and Small Business Enterprises (SBE) in all trades for the construction portion of the replacement of CR 245 bridge over Oulester Creek in Columbia County, Florida, FDOT #A00018-92-01. Interested parties please contact Bob Elson at Lawver Construction, (352) 787-7616 or by e-mail, bob@elsonlawver.com prior to May 9, 2010 for bids due June 3, 2010.
April 2010
#A000393030

0001 LEGALS

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT IN AND FOR ALACHUA COUNTY, FLORIDA
CASE NO. 2010-CA-0224
JUDGE: HILSLANDER
IN RE: Forfeiture of:
One (1) 2001 Kawasaki ZX600-4J VN JKZZA1J131A031024
NOTICE OF FORFEITURE PROCEEDINGS

0001 LEGALS

Within fifteen (15) days of initial receipt of notice, to contact: Sandra R. Coulter, Assistant General Counsel, Department of Highway Safety and Motor Vehicles, 2500 Apalachee Parkway, Room A-432, Tallahassee, Florida 32399, by certified mail return receipt requested to obtain a copy of the Complaint and Order Finding Probable Cause filed in the above styled court.
April 18 & April 25, 2010
#A000690262

0001 LEGALS

preliminary approval of the issuance by the Authority of not exceeding \$60,000,000 of the Health Facilities Revenue Bonds (East Ridge Facilities Revenue Bonds) (the "Bonds") in one or more series. The proceeds of the Bonds will be loaned to East Ridge Retirement Village, Inc. (the "Borrower"). The Borrower will use the proceeds of the Bonds to (A) finance the cost of (or reimburse itself for prior expenditures to) (i) construction, acquisition and equipping of 60 new assisted living units, 24 new memory support units and 60 new skilled nursing beds to replace existing assisted living and skilled nursing units, (ii) improving certain roads, parking lots and landscaping, (iii) new common lobby area, food, sewer and utilities improvements, stormwater, and extension, courtyard, stormwater, and other improvements, (iv) other memory support units and other common areas associated with the new assisted living, memory support and skilled nursing units, a new kitchen, and a new dining room for the existing independent living units, (v) refurbishing existing

PURPOSE: Regular Monthly Meeting
Copies of the agenda are available in the office of the Airport Chief Executive Officer at the Alachua County Library and the office of the Gainesville Clerk of the Commission.

Any person who may decide to appeal a decision of the Gainesville-Alachua County Regional Airport Authority is hereby advised that such person may need to ensure that a verbatim record of

revenues derived from a loan and other financing documents to be executed between the Authority and the Borrower prior to or contemporaneously with the issuance of the Bonds. Such Bonds and the interest thereon shall not constitute an indebtedness or pledge of Alachua County, the State of Florida, the Town of Culter Bay or any political subdivision or agency thereof. Issuance of the Bonds shall be subject to several conditions including satisfactory documentation and receipt of necessary approvals for the financing. The aforementioned meeting shall be a public meeting and all persons who may be interested will be given an opportunity to be heard concerning the same. Written comments may also be submitted prior to the hearing to the Alachua County Health Facilities Authority, c/o John Haswell, Esq., Chandler, Lingo, Howell & Cole, P.A., 766 E. First Street, P.O. Box 28879, Gainesville, Florida 32602-9879. Comments made at the hearing are for

Call Monique Harrison at (352) 378-5892, April 28, 2010
#A000091479

LEGAL AD
The Board of Directors of Central Florida Community Action Agency will meet on Tuesday, February 27, at 3:00 p.m. in the agency's new offices located at 3510 N.E. 14th Street in Ocala.
Call Monique Harrison at (352) 378-5892, April 28, 2010
#A000091479

LEGAL AD
All persons who claim an interest in the following property: 2001 Kawasaki ZX600-4J VN JKZZA1J131A031024, which was seized because said property is alleged to be contraband, are defined by Sections 352.01 (2)(e) Florida Statutes (2009) by the Department of Highway Safety and Motor Vehicles Division of Florida Highway Patrol, or its agent, Detective G. 2009 in Alachua County, Florida. Any owner, entity, donee, lienholder, or person in possession of the property when seized has the right

By order of the Alachua County Health Facilities Authority.
ALACHUA COUNTY HEALTH FACILITIES AUTHORITY, ALACHUA COUNTY, FLORIDA
April 25, 2010
#A0000831488

The Alachua County Health Facilities Authority (the "Authority") will hold a public hearing on May 11, 2010 at 4:30 P.M., as soon thereafter as practicable, in the Grace Knight Conference room located on the second floor of the County Administration Building, 12 S.E. First Street, Gainesville, Florida 32602, to consider adoption of a resolution providing for the

ALACHUA COUNTY HEALTH FACILITIES AUTHORITY NOTICE OF PUBLIC HEARING
The Alachua County Health Facilities Authority will hold a public hearing on May 11, 2010 at 4:30 P.M. in the second floor of the Alachua County Administration Building, 12 S.E. First Street, Gainesville, Florida to consider adoption of a resolution authorizing a plan of financing pursuant to which the Authority will issue 10d

colleges revenue bonds, consisting of approximately (i) \$71,000,000 of its Health Facilities Revenue Bonds (Shands Healthcare Project) (the "New Money Bonds") and (ii) \$93,000,000 Health Facilities Revenue Refunding Bonds (Shands Healthcare Project) (the "Refunding Bonds") and together with the New Money Bonds, the "Bonds" and (B) such other matters as may come before the Authority at such time. The New Money Bonds will be issued for the principal purpose of (i) financing and printing Shands teaching hospital and Clinics, Inc. ("Shands") for the list of activities, construction and equipping certain healthcare facilities in Alachua County, Florida, as generally described below (the "Project"), owned or to be owned and operated by Shands, and financing any necessary reserves and printing any necessary reserves and printing the issuance of the Bonds. The Project consists of the following:

NEW BOND RELEASE
Lentile Sanders' book entitled "Restoration of All Things" was released in March, 2010. This is a prophetic book to ministry leaders and provides instruction to the Body of Christ on how to shift from this world's system to God's Kingdom economy. If you are ready to CHANGE YOUR NEW DIMENSION, PURCHASE YOUR COPY TODAY!
http://sentileandersministries.com
sentileanders1@cox.net

The 2010 Project will be owned by the Borrower and located at 19201 S.W. 87th Avenue, Miami, Florida 33157. In the Town of Culter Bay, Florida. The Borrower is an affiliate of Senia Fe Senior Living, Inc., located at 4500 N.W. 99th Boulevard, Gainesville, Florida 32605. The Bonds are being issued under the authority of Part III, Chapter 154, Florida Statutes, as amended (the "Act"), and are being loaned to the Borrower to finance and reimburse the costs of the 2010 Project pursuant to the Act, including, particularly, Section 154.247 of the Act. The Bonds shall be payable solely from the

revenues derived from a loan and other financing documents to be executed between the Authority and the Borrower prior to or contemporaneously with the issuance of the Bonds. Such Bonds and the interest thereon shall not constitute an indebtedness or pledge of Alachua County, the State of Florida, the Town of Culter Bay or any political subdivision or agency thereof. Issuance of the Bonds shall be subject to several conditions including satisfactory documentation and receipt of necessary approvals for the financing. The aforementioned meeting shall be a public meeting and all persons who may be interested will be given an opportunity to be heard concerning the same. Written comments may also be submitted prior to the hearing to the Alachua County Health Facilities Authority, c/o John Haswell, Esq., Chandler, Lingo, Howell & Cole, P.A., 766 E. First Street, P.O. Box 28879, Gainesville, Florida 32602-9879. Comments made at the hearing are for

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EXHIBIT B
MEMORANDUM OF AGREEMENT

**MEMORANDUM OF AGREEMENT FOR ISSUANCE OF
HEALTH FACILITIES REVENUE BONDS**

This Agreement between the Alachua County Health Facilities Authority, a public body corporate and politic (the "Authority"), and East Ridge Retirement Village, Inc., a Florida not-for-profit corporation (the "Borrower").

W I T N E S S E T H:

1. Preliminary Statement. Among the matters of mutual understanding and inducement which have resulted in the execution of this Agreement are the following:

(a) Whereas Chapter 154, Part III, Florida Statutes, and other applicable provisions of law (the "Act") provides that the Authority may issue revenue bonds and loan the proceeds thereof to one or more persons, firms or private corporations (including, without limitation, to health facilities located outside its jurisdiction under common control with a health facility located within its jurisdiction), or use such proceeds, to defray the cost of acquiring, by purchase or construction, certain qualifying health facilities including, without limitation, health facilities located outside of Alachua County, Florida in the manner and to the extent provided in Section 154.247 of the Act.

(b) The Borrower is considering financing or refinancing a portion of the costs of acquisition, construction and equipping of capital improvements to the senior care, housing and related facilities owned and/or operated by the Borrower.

(c) The Authority intends this Agreement to constitute its preliminary approval, subject in all respects to the terms hereof, to issue its bonds (the "Bonds") in one or more series of tax-exempt fixed and/or variable rate bonds pursuant to the Act in an amount to be agreed upon by the Authority and the Borrower and to loan the proceeds thereof to the Borrower, or to use such proceeds, to finance or refinance all or a portion of the costs of the Project, fund any necessary reserves and payment of all or a portion of the costs incurred in connection with the issuance of the Bonds by the Authority and the Borrower, up to an amount not to exceed \$60,000,000.

(d) The Authority considers the issuance and sale of the Bonds, for the purposes hereinabove set forth, consistent with the objectives of the Act. This Agreement constitutes the official preliminary action of the Authority toward the issuance of the Bonds as herein contemplated in accordance with the purposes of both the Act and the applicable United States Treasury Regulations.

2. Undertakings on the Part of the Authority. Subject to the terms hereof, the Authority agrees as follows:

(a) The Authority will cooperate with the Borrower and with the underwriters, placement agents or purchasers of the Bonds, Bond Counsel and counsel for the Authority with respect to the issuance and sale of the Bonds and will take such further action and authorize the execution of such documents as shall be mutually satisfactory to the Authority and the Borrower for the authorization, issuance and sale of such Bonds and the use of the proceeds thereof to finance or refinance a portion of the cost of constructing, acquiring and equipping the Project, fund any necessary reserves and pay all or a portion of the costs related to the issuance of the Bonds.

(b) The loan agreement(s), trust indenture, mortgage(s) and other financing documents (collectively, the "Financing Agreements") between the Authority and the Borrower shall, under terms agreed upon by the parties, provide for payments to be made by the Borrower in such sums as shall be necessary to pay the amounts required under the Act, including the principal of and interest and redemption premium, if any, on the Bonds, as and when the same shall become due and payable.

(c) The Authority makes no warranty, either expressed or implied, that the proceeds of the Bonds will be sufficient to pay all costs of acquiring, constructing, renovating and equipping the Project or that those facilities encompassed by the Project will be suitable for the purposes or needs of the Borrower.

(d) The Bonds shall specifically provide that they are payable solely from the revenues derived from the Financing Agreements between the Authority and the Borrower or other agreements approved by the Authority, except to the extent payable out of amounts attributable to Bond proceeds. The Bonds and the interest thereon shall not constitute an indebtedness or pledge of the general credit of Alachua County, the Town of Cutler Bay, Florida (the "Town"), the State of Florida or any other political subdivision or agency thereof, and such fact shall be plainly stated on the face of the Bonds.

3. Undertakings on the Part of the Borrower. Subject to the terms hereof, the Borrower agrees as follows:

(a) Prior to the issuance of the Bonds in the principal amount stated above in one or more Series or issues from time to time as the Authority and the Borrower shall agree in writing, the Borrower will enter into the Financing Agreements with the Authority, the terms of which shall be mutually agreeable to the Authority and the Borrower, providing for the loan or use of the proceeds of the Bonds to finance or refinance a portion of the costs of the Project. Such Financing Agreements will provide that the Borrower will be obligated to pay the Authority (or the trustee for holders of the Bonds on behalf of the Authority, as the case may be) sums sufficient in the aggregate to enable the Authority to pay the principal of and interest and redemption premium, if any, on the Bonds, as and when the same shall become due and payable, and all other expenses related to the issuance and delivery of the Bonds.

(b) The Borrower shall, in addition to paying the amounts set forth in the Financing Agreements, pay, or cause to be paid, all applicable costs of operation, maintenance, taxes, governmental and other charges which may be assessed or levied against or with respect to the Project.

(c) To the extent not otherwise paid from Bond proceeds as part of the costs of the Project, the Borrower hereby agrees to pay all of the out of pocket expenses of officials and representatives of the Authority incurred in connection with the issuance of the Bonds and will pay all fees and expenses of the Authority, of counsel to the Authority and of Nabors, Giblin & Nickerson, P.A., Bond Counsel.

(d) The Borrower will hold the Authority, Alachua County and the Town free and harmless from any loss or damage and from any taxes or other charges levied or assessed by reason of any mortgaging or other disposition of the Project.

(e) The Borrower agrees to indemnify and defend the Authority, Alachua County and the Town and hold the Authority, Alachua County and the Town harmless against any and all claims, losses, liabilities or damages to property or any injury or death of any person or persons occurring in connection with the Project or the issuance of the Bonds and the Borrower's undertaking thereof, or in any way growing out of or resulting from this Agreement including, without limitation, all costs and expenses of the Authority and reasonable attorneys' fees incurred in the enforcement of any agreement of the Borrower contained herein, but excluding any claims, losses, liabilities or damages resulting from the Authority's, Alachua County's or the Town's gross negligence or willful misconduct. In the event that the Bonds are not issued and delivered, this indemnity shall survive the termination of this Agreement.

(f) The Borrower will take such further action as may be required to implement its aforesaid undertakings and as it may deem appropriate in pursuance thereof.

4. General Provisions. All commitments of the Authority under Section 2 hereof and of the Borrower under Section 3 hereof are subject to the conditions that all of the following events shall have occurred not later than December 31, 2010, or such later date as shall be mutually satisfactory to the Authority and the Borrower, but in no event after May 11, 2011.

(a) The Authority shall be lawfully entitled to issue the Bonds as herein contemplated.

(b) The Authority and the Borrower shall have agreed on mutually acceptable terms for the Bonds and the sale and delivery thereof and mutually acceptable terms and conditions of any trust instrument or instruments in respect thereto and any Financing

Agreements or other agreements incidental to the financing or referred to in Sections 2 and 3 hereof.

(c) Such approvals, consents, certificates of compliance, opinions of counsel and other instruments and proceedings satisfactory to the Borrower and to the Authority as to such matters with respect to the Bonds, the Project, the Financing Agreements and any other trust instrument or instruments, as shall be specified by the Borrower or the Authority, shall have been obtained from such governmental, as well as non-governmental, agencies and entities as may have or assert competent jurisdiction over or interest in matters pertinent thereto and shall be in full force and effect at the time of issuance of the Bonds.

(d) Receipt by the Borrower of all licenses and necessary approvals from the any applicable governmental authorities.

If the events set forth in this Section 4 do not take place within the time set forth or any extension thereof, the Borrower agrees that it will reimburse the Authority and the Town for all the reasonable and necessary direct or indirect expenses which the Authority or the Town may incur at the Borrower's request arising from the execution of this Agreement and the performance by the Authority of its obligations hereunder, including reasonable legal fees for counsel to the Authority and the Town and the fees and expenses of Bond Counsel.

5. Town is Third-Party Beneficiary. The parties hereto agree that the Town shall be deemed a third-party beneficiary to the terms of this Agreement.

6. Binding Effect. All covenants and agreements herein contained by or on behalf of the Authority and the Borrower shall bind and inure to the benefit of the respective successors and assigns of the Authority, the Borrower whether so expressed or not.

[Signature Page follows]

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement by their officers thereunder duly authorized as of the 11th day of May, 2010.

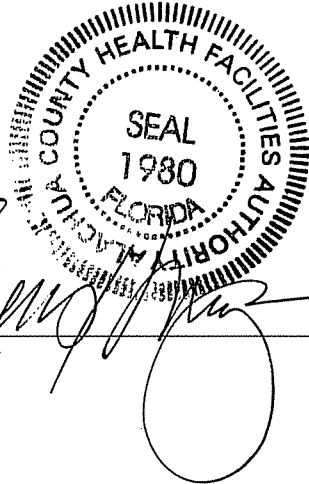
(SEAL)

**ALACHUA COUNTY HEALTH
FACILITIES AUTHORITY**

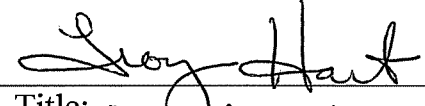
By: 
Chairman

ATTEST:

By: 
Secretary



**EAST RIDGE RETIREMENT
VILLAGE, INC.**


Title: President