



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

Wednesday, August 19, 2009, 7:00 PM
South Dade Regional Library
10750 SW 211th Street, 2nd Floor
Cutler Bay, Florida 33189

1. **CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE**
2. **PROCLAMATIONS, AWARDS, PRESENTATIONS**
 - A. Presentation of proclamation to Keith Diego and recognizing Samantha Gholar for her achievements.
 - B. Presentation from State Representative Julio Robaina
3. **APPROVAL OF MINUTES**
 - A. Regular Council Meeting – July 15, 2009 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, REQUESTING MIAMI-DADE COUNTY TO CEASE TAB 2

CONSTRUCTION OF A CHAIN LINK FENCE ALONG THE BIKE PATH ON SW 87TH AVENUE BETWEEN OLD CUTLER ROAD AND SW 216TH STREET AND REQUESTING THE COUNTY TO REMOVE THE EXISTING CHAIN LINK FENCE ALONG THE PATH; AND PROVIDING FOR AN EFFECTIVE DATE. **(BELL)**

B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ENCUMBERING BUDGETED FUNDS FROM THE 2008/2009 FISCAL YEAR BUDGET FOR TWO UPCOMING EVENTS WITHIN THE TOWN; AND PROVIDING AN EFFECTIVE DATE. **(BELL)**

TAB 3

C. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING A STATE BAN ON TEXT MESSAGING WHILE OPERATING A MOTOR VEHICLE, OR ALTERNATIVELY SUPPORTING STATE LEGISLATION PERMITTING LOCAL MEASURES TO BAN TEXT MESSAGING WHILE OPERATING A MOTOR VEHICLE; AND PROVIDING FOR AN EFFECTIVE DATE. **(SOCHIN)**

TAB 4

D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO PROFESSIONAL SERVICES; AUTHORIZING THE TOWN MANAGER OR HIS DESIGNEE TO APPROVE A CHANGE ORDER FOR RECREATIONAL DESIGN & CONSTRUCTION, INC. IN AN AMOUNT NOT TO EXCEED \$29,600 FOR ADDITIONAL DESIGN-BUILD SERVICES FOR CUTLER RIDGE PARK IMPROVEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 5

E. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO GRANTS; AUTHORIZING THE TOWN MANAGER TO APPLY FOR GRANT FUNDING FROM THE SAFE NEIGHBORHOOD PARKS BOND PROGRAM FOR PARKS PROJECTS; PROVIDING FOR THE COMPLETION OF THE PROJECTS; PROVIDING FOR PARK ACCESSIBILITY; PROVIDING FOR FUNDING TO SUPPORT THE PROJECTS; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 6

F. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SELECTION OF JOHN DEERE COMPANY FOR THE PURCHASE OF A REPLACEMENT UTILITY VEHICLE IN THE AMOUNT OF \$5,365.26 BASED ON COMPETITIVE BIDS OBTAINED BY ANOTHER GOVERNMENT AGENCY; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

TAB 7

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 EAST RIDGE RETIREMENT VILLAGE INC., LOCATED AT 19301 S.W. 87TH AVENUE, TO PERMIT A MAXIMUM HEIGHT OF 37 FEET WHERE 35 FEET IS PERMITTED; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 8

B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A HEIGHT VARIANCE FOR EAST RIDGE RETIREMENT VILLAGE INC., LOCATED AT 19301 S.W. 87TH AVENUE, TO PERMIT THREE (3) STORIES IN HEIGHT WHERE TWO (2) STORIES IS PERMITTED; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 9

C. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A SIGN VARIANCE FOR EAST RIDGE RETIREMENT VILLAGE INC., LOCATED AT 19301 S.W. 87TH AVENUE, TO PERMIT A DIRECTIONAL SIGN OF 75 SQUARE FEET WHERE THREE (3) SQUARE FEET IS PERMITTED AND TO PERMIT A HEIGHT OF SIX (6) FEET WHERE FOUR (4) FEET IS PERMITTED; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 10

D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A SIGN VARIANCE FOR EAST RIDGE RETIREMENT VILLAGE INC., LOCATED AT 19301 S.W. 87TH AVENUE, TO PERMIT A MONUMENT SIGN OF 88 SQUARE FEET WHERE 24 SQUARE FEET IS PERMITTED; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 11

E. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A MODIFICATION TO THE SITE PLAN FOR EAST RIDGE RETIREMENT VILLAGE INC., LOCATED AT 19301 S.W. 87TH AVENUE, TO PERMIT A 333,577 SQUARE FOOT BUILDING; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 12

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, ADOPTING ROADS, POLICE, FIRE/RESCUE, PUBLIC BUILDINGS, AND PARKS IMPACT FEES; REPEALING CHAPTER 33H PARK IMPACT FEE ORDINANCE; REPEALING CHAPTER 33I POLICE SERVICES IMPACT FEE ORDINANCE; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

TAB 13

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

9. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED)

- A.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING GREEN LAND DEVELOPMENT REGULATIONS WITHIN THE TOWN; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

TAB 14

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

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.