



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, June 16, 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

- A. Presentation – Chief Judge Joel H. Brown
- B. Presentation – Nestor Caballero of Alberni, Caballero and Company

3. APPROVAL OF MINUTES

- A. Regular Council Meeting – May 26, 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 REQUESTING THE TOWN MANAGER TO POST A

TAB 2

MONTHLY REPORT OF THE TOWN'S CHECK REGISTRY, INCLUDING BUT NOT LIMITED TO ALL TOWN REVENUES AND EXPENDITURES ON THE WEBSITE FOR PUBLIC ACCESS; REQUESTING THAT THIS INFORMATION BE PROVIDED IN THE FUTURE ON A MONTHLY BASIS; AND PROVIDING AN EFFECTIVE DATE. **(MACDOUGALL)**

B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE INTERLOCAL AGREEMENT BETWEEN THE TOWN AND MIAMI-DADE TRANSIT AGENCY FOR FEDERAL FUNDING ADOPTED BY TOWN RESOLUTION NUMBER 09-42; MODIFYING THE PROPOSED USE OF THE FUNDING IN ORDER TO PERMIT THE PURCHASE OF A CIRCULATOR-TYPE MINI-BUS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT AND ALL FUTURE FORMS AND AGREEMENTS REQUIRED FOR THE PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 3

C. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO ISSUE A PURCHASE ORDER TO MARLIN ENGINEERING, INC. TO PROVIDE CONSTRUCTION PHASE SERVICES FOR THE SW 208 STREET ROADWAY AND RESURFACING IMPROVEMENT PROJECT; AND PROVIDING AN EFFECTIVE DATE.

TAB 4

D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE AGREEMENT WITH GENERAL ASPHALT COMPANY, INC. FOR THE SW 208 STREET ROADWAY AND RESURFACING IMPROVEMENTS; AUTHORIZING THE TOWN MANAGER TO ENTER INTO THIS AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 5

E. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA AUTHORIZING THE TOWN MANAGER TO WAIVE PERMITTING FEES FOR HOME REPAIRS FOR CUTLER BAY RESIDENT DOTTY HUDSON BY ALLOCATING FUNDS FROM THE 2009/2010 FISCAL YEAR BUDGET FOR THE PAYMENT OF PERMIT FEES; AND PROVIDING FOR AN EFFECTIVE DATE. **(MEERBOTT)**

ADD-ON

F. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA AUTHORIZING THE TOWN MANAGER TO WAIVE PERMITTING FEES FOR THE INSTALLATION OF A POOL FENCE FOR CUTLER BAY RESIDENT AND POLICE OFFICER JODY WRIGHT AND DONATE FUNDS FROM THE 2009/2010 FISCAL YEAR BUDGET FOR THE PAYMENT OF PERMIT FEES; AND PROVIDING FOR AN EFFECTIVE DATE. **(MEERBOTT)**

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 6

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

TAB 7

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 8

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, AUTHORIZING THE TOWN MANAGER, IN ACCORDANCE WITH SECTION 4.3(7) OF THE TOWN CHARTER, TO ENTER INTO LEASES BY ADMINISTRATIVE ACTION FOR THE PROPERTY LOCATED AT 10720 CARIBBEAN BOULEVARD AND THE PROPERTY IMMEDIATELY SOUTH OF THIS PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 9

B. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN MANAGER, IN ACCORDANCE WITH SECTION 4.3(7) OF THE TOWN CHARTER, TO ENTER INTO LEASES OF TOWN OWNED PARK LAND BY ADMINISTRATIVE ACTION; APPROVING THE SITE LEASE AGREEMENT BETWEEN THE TOWN AND T-MOBILE SOUTH LLC, A DELAWARE LIMITED LIABILITY COMPANY, TO PLACE A TELECOMMUNICATIONS TOWER DESIGNED AS A FLAG POLE, WIRELESS ANTENNA AND GROUND EQUIPMENT ON TOWN-OWNED PROPERTY LOCATED AT 10100 SW 200TH STREET (A/K/A CUTLER RIDGE PARK), PROVIDING FOR THE AUTHORIZATION OF THE TOWN MANAGER TO ENTER INTO THIS AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 10

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, 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 11

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 12

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. Code Compliance Hearing

Monday, June 28th at 10:00 a.m., Town Hall, 10720 Caribbean Blvd., Suite 105

B. Old Cutler Roadway Improvements - 2nd Public Information Meeting

Monday, June 28th at 6:00 p.m., South Dade Regional Library, 10750 SW 211th ST

C. Whispering Pines July 4th Celebration

Sunday, July 4th at 9:00 a.m., Whispering Pines Park, SW 88th CT & Ridgeland Dr.

D. Community Fireworks Display

Sunday, July 4th at 9:00 p.m., Black Point Marina & Park, 24775 SW 87th Ave.

E. Council Meeting

Wednesday, July 21, 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.