

TOWN OF CUTLER BAY
MINUTES OF THE COUNCIL MEETING
Thursday, March 16, 2006
South Dade Governmental Center
10701 SW 211 Street, Room 203
Miami, FL

Meeting commenced at 7:00 PM

INVOCATION: Reverend Keith Johnson, Associate Pastor of Wayside Baptist Church, provided the invocation.

I. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

Mayor Cosgrove called the meeting to order. The following members of the Town Council were present:

Mayor John F. Cosgrove
Vice Mayor Paul S. Vrooman
Council Member Timothy J. Meerbott
Council Member Ernest N. Sochin
Council Member Peggy R. Bell

The following staff members were present:
Interim Town Manager Steven Alexander
Interim Town Clerk Elizabeth Sewell
Interim Town Attorney Mitchell Bierman
Interim Town Attorney John Quick
Interim Town Attorney Chad Friedman

Cub Scout Troop Pack 806 lead the pledge of allegiance

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

A. Proclamation for Meighan Pier: Mayor Cosgrove and the Council presented Mrs. Pier with a proclamation thanking her for her service as Acting Town Clerk with a book signed by the Council Members. Council Member Bell presented Mrs. Pier with a bouquet of roses.

B. Proclamation for Charles Scurr: Mayor Cosgrove acknowledged Mr. Scurr's contribution of service to the Town of Cutler Bay as Acting Town Manager.

Mr. Scurr was in Tallahassee and could not be present; therefore, Mrs. Pier accepted the Proclamation and a book signed by the Council Members on his behalf.

Mrs. Pier thanked the Mayor, Council and public for the honor of allowing her to serve Cutler Bay.

- C. Presentation by Dr. Ed Feller, Council Member of the Village of Palmetto Bay, regarding a Windstorm Resolution.

Dr. Feller provided a brief history concerning the Windstorm legislation. He advised that several municipalities in Miami-Dade County had adopted this resolution.

Mayor Cosgrove asked the Town Manager and Town Attorneys to draft the Resolution to amend the line for Windstorm insurance requirement for consideration at the next Council meeting.

- D. Presentation by Mr. Ramon Ferrer, Manager External Affairs of Florida Power & Light concerning services available to the residents of Cutler Bay.

Mr. Ferrer provided a brief report regarding Florida Power and Light's comprehensive assessment of the damage to the electrical systems after Hurricane Wilma. He reported that Florida Power and Light has a five point plan initiative that they are in the process of implementing that will better prepare and strengthen the electrical system in anticipation of future storms.

III. APPROVAL OF MINUTES

Minutes of the March 2, 2006 Council Meeting: Vice Mayor Vrooman moved to approve. Seconded by Council Member Sochin. All voted in favor. The Minutes were approved unanimously.

IV. TOWN MANAGER'S REPORT

Mr. Alexander reported that he had been in contact today with the Tallahassee Lobbyist and was informed that there are opportunities for the Town to receive Hurricane/Preparedness Disaster Response funds. He concluded with an update on office facilities.

V. TOWN ATTORNEY'S REPORT

Attorney Bierman provided a report concerning items to be heard by Council this evening. He advised that there was a Substitution Resolution item "VIII. I." He stated that his office has also prepared a comparison of zoning notices and advertisement requirements, as directed by Council.

Attorney Friedman provided a brief explanation of the comparison chart.

Mayor Cosgrove asked the Council to study the chart and asked counsel to prepare the appropriate resolution for consideration at the May Council meeting.

VI. BOARD AND COMMITTEE REPORTS

Mayor Cosgrove asked Mr. William “Chuck” Barentine to provide a report concerning hurricane preparedness for the residents of Cutler Bay.

Mr. Barentine advised that a hurricane preparedness plan should include the following components: education of residents, windstorm preparedness, mitigation process, minimally two gas stations operational immediately after the storm, debris clean up, and an emergency response team. He advised that the citizens involved in the emergency response team will be trained to handle emergencies such as fires, search and response and flooding.

Mayor Cosgrove advised that the Town should pre-contract for materials in order to receive the items in a timely manner after the disaster. He thanked Mr. Barentine for the information.

VII. CONSENT AGENDA: None at this time.

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPOINTING MEMBERS TO THE TOWN OF CUTLER BAY MEMBER-CITIZEN COMMITTEES; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Cosgrove advised that the Member-Citizens Committees will not convene until appropriate facilities and staffing can be provided. He noted that the Town Attorney would provide a briefing to the Committees regarding the Sunshine Laws.

Vice Mayor Vrooman changed his appointment on the Town Attorney and Government Relations Consultant Committee from Mr. William C. “Chuck” Barrentine to Mr. David Biegen.

Vice Mayor Vrooman moved to amend the proposed Resolution and approve as amended. Seconded by Council Member Bell. All voted in favor. Resolution No. 06-21 was adopted with amendment unanimously (5-0).

- B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, GRANTING FINAL PLAT APPROVAL FOR THE B.U. MOTORS AUTOMOBILE DEALERSHIP CONSISTING OF APPROXIMATELY 10.27 ACRES GENERALLY LOCATED NORTH OF SW 211TH STREET, WEST OF THE HOMESTEAD EXTENSION OF THE FLORIDA TURNPIKE (HEFT), SOUTH OF CARIBBEAN BOULEVARD, AND EAST OF U.S. 1, AS LEGALLY DESCRIBED IN EXHIBIT "A;" AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Friedman provided a brief description of the B.U. Motors Plat. He explained that plat is a map of the property and State Law requires that the local government approve same before it is recorded by the County. In order for the property owners to build, plat approval is required in order to proceed with the development of the project.

Vice Mayor Vrooman advised that this application was compatible with the land uses in the Charrette.

Attorney David Sacks, representing Bill Ussery Motors, thanked the Town Manager and Town Attorney for their assistance with the Final Plat approval process.

Council Member Bell moved to approve. Seconded by Council Member Sochin. All voted in favor. Resolution No. 06-22 was adopted unanimously (5-0).

- C. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO CONTRACTS; APPROVING PAYMENT OF THE INVOICE FOR LEGAL SERVICES RENDERED BY MR. EDWARD P. LUDOVICI, ESQ. AS LEGAL COUNSEL TO THE CHARTER COMMISSION AND TOWN COUNCIL; PROVIDING AN EFFECTIVE DATE.

Mayor Cosgrove thanked Attorney Ludovici for his legal services in the development of the Charter and the preparation of the Agenda for the inaugural Council meeting. He presented Mr. Ludovici with a book as a token of appreciation for his services.

Vice Mayor Vrooman moved to approve. Seconded by Council Member Sochin. All voted in favor. Resolution No. 06-23 was adopted unanimously (5-0).

- D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO HIRE AN INTERIM, PART-TIME EXECUTIVE ASSISTANT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Alexander provided Ana Cecilia Velasco's qualifications for the position, including extensive experience with the development of municipal government, specifically in the City of Doral.

Council Member Meerbott moved to approve. Seconded by Council Member Sochin. All voted in favor. Resolution No. 06-24 was adopted unanimously (5-0).

- E. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING ELIZABETH SEWELL AS INTERIM TOWN CLERK; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Bell provided a report concerning the search process for the Interim Clerk position. She provided a brief description of Elizabeth Sewell's past experience as the City Clerk of Florida City.

Vice Mayor Vrooman moved to approve. Seconded by Council Member Sochin. All voted in favor. Resolution No. 06-25 was adopted unanimously (5-0).

- F. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO OFFICE SPACE; AUTHORIZING THE ACTING TOWN MANAGER TO ENTER INTO A LEASE AGREEMENT FOR APPROXIMATELY 5,000 SQUARE FEET OF OFFICE SPACE; PROVIDING FOR A DETERMINATION OF IMPRACTICALITY AS TO COMPETITIVE BIDDING AND AUTHORIZING TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Alexander provided a report concerning the interim office space search. He advised that the search was narrowed to two locations. He provided a brief summary of the differences in each location. He reported that essentially the cost per square foot was the deciding factor. The cost per square foot at the Town Center is \$30.55, not inclusive of build out, and at the South Dade Office Towers the cost per square foot is \$17.50, including build out, waiver of the first month rent and nine reserved parking spaces.

Council Member Sochin added that he is supportive of the location. He expressed that he would prefer to negotiate a one year lease; however, he noted that it is difficult to do so with commercial leasing.

Mayor Cosgrove concurred, adding that he was surprised that the South Dade Office Towers was willing to agree to a two year lease agreement, particularly since they will be significant build out.

Council Member Bell moved to approve. Seconded by Vice Mayor Vrooman. All voted in favor. Resolution No. 06-26 was adopted unanimously (5-0).

- G. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO PROCUREMENT; PROVIDING FOR A DETERMINATION OF IMPRACTICALITY AS TO COMPETITIVE BIDDING AND AUTHORIZING THE ACTING TOWN MANAGER TO PROCURE PHONE SYSTEM INSTALLATION, SERVICE, AND EQUIPMENT BY LEASE OR PURCHASE AT A REASONABLE COST TO BE DETERMINED BY THE MANAGER; PROVIDING AN EFFECTIVE DATE.

Mayor Cosgrove provided a brief explanation of the proposed resolution. He asked Mr. Alexander to solicit local businesses for comparable bids.

Vice Mayor Vrooman moved to approve. Seconded by Council Member Meerbott. All voted in favor. Resolution No. 06-27 was adopted unanimously (5-0).

- H. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO PROCUREMENT; PROVIDING FOR A DETERMINATION OF IMPRACTICALITY AS TO COMPETITIVE BIDDING AND AUTHORIZING THE ACTING TOWN MANAGER TO REIMBURSE THE VILLAGE OF PALMETTO BAY FOR CERTAIN PURCHASES OF COMPUTER EQUIPMENT IT PURCHASED FOR THE TOWN OF CUTLER BAY; PROVIDING AN EFFECTIVE DATE.

Following brief discussion, Council Member Sochin moved to approve. Seconded by Council Member Bell. All voted in favor. Resolution No. 06-28 was adopted unanimously (5-0).

- I. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO PROCUREMENT; PROVIDING FOR A DETERMINATION OF IMPRACTICABILITY AS TO COMPETITIVE BIDDING AND AUTHORIZING THE INTERIM TOWN MANAGER TO LEASE OR PURCHASE OFFICE FURNITURE, SUPPLIES, AND EQUIPMENT NOT TO EXCEED \$2000 PER VENDOR AND TO ESTABLISH A POLICY FOR REIMBURSEMENT OF TRAVEL, CONFERENCE AND CELLULAR TELEPHONE SERVICE EXPENSES FOR TOWN OFFICIALS; PROVIDING AN EFFECTIVE DATE.

Mayor Cosgrove provided a brief report.

Vice Mayor Vrooman moved to approve. Seconded by Council Member Sochin. All voted in favor. Resolution No. 06-29 was adopted unanimously (5-0).

- J. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO DESIGN OF A TOWN LOGO; AUTHORIZING THE ACTING TOWN MANAGER TO CREATE AND ADVERTISE A DESIGN CONTEST FOR A TOWN LOGO; PROVIDING FOR A DETERMINATION OF IMPRACTICALITY AS TO COMPETITIVE BIDDING AND AUTHORIZING TRANSMITTAL; AND PROVIDING AN EFFECTIVE DATE.

Mayor Cosgrove advised that this would give the Town Manager the authority to implement a Logo Design Contest. He explained that this contest would involve the community in the design of the Town's Logo.

Council Member Bell advised that the Village of Palmetto Bay had a Logo Design Contest that focused on involving mainly the school children and it was very successful.

Council Member Bell moved to approve. Seconded by Council Member Meerbott. All voted in favor. Resolution No. 06-30 was adopted unanimously (5-0).

- K. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO PROCUREMENT; PROVIDING FOR A DETERMINATION OF IMPRACTICALITY, PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING REQUIREMENTS; AUTHORIZING THE ACTING TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH A FINANCIAL SERVICES CONSULTANT AS TO COMPETITIVE BIDDING AND AUTHORIZING TRANSMITTAL; PROVIDING AN EFFECTIVE DATE.

Mr. Alexander provided an explanation of the item and Mr. White's qualifications.

Council Member Sochin asked if other individuals had been considered to provide this service.

The Town Manager answered that he had received other proposals; however, he was confident of Mr. White's abilities due to his previous experience.

Following brief discussion, Mr. White addressed the Council and provided an explanation of his services.

Council Member Meerbott moved to approve. Seconded by Council Member Sochin. All voted in favor. Resolution No. 06-31 was adopted unanimously (5-0).

- L. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE CORRADINO GROUP AS INTERIM TOWN PLANNING AND ZONING STAFF; PROVIDING FOR A DETERMINATION OF IMPRACTICALITY AS TO COMPETITIVE BIDDING AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Cosgrove provided an explanation of the item. He noted that selection of a consultant was necessary, as Miami-Dade County has halted the permitting process since Cutler Bay became incorporated. He advised that this Agreement is for a temporary period of time until the Town has the opportunity to draft a Request for Qualifications. He further explained that there is a thirty (30) day cancellation clause on this contract.

Mr. Alexander advised that currently the town has seven pending applications, including several substantial properties. He provided that several consultants had been contacted; however, Corradino Group had been chosen due to its expertise and high recommendations from the Village of Palmetto Bay and the City of Doral.

Mayor Cosgrove advised that he met with the representatives of the Corradino Group who verified that pending zoning applications could be ready for consideration within thirty (30) days. He noted that he and Attorney Bierman will be meeting with the County in the near future to resolve outstanding zoning matters.

Council Member Sochin noted that he had researched the Corradino Group and was impressed with its credentials.

Attorney Bierman noted that new applicants would be paying the current fee established by the County, which would include funds to cover the cost of Corradino Group.

Vice Mayor Vrooman expressed his concerns regarding making this selection at this time, particularly his concern with the transition once the matter is competitively bid. He suggested forming a committee to review options. Council Member Bell concurred.

Following discussion, Vice Mayor Vrooman moved to defer this Resolution to the April 6, 2006 Council Meeting. Seconded by Council Member Sochin. All voted in favor. The Motion was carried.

IX. RESOLUTIONS REQUIRING PUBLIC HEARING: None at this time.

X. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING THE URBAN CENTER DISTRICT (UCD) FOR THE AREA GENERALLY LOCATED SOUTH OF THE INTERSECTION OF THE HOMESTEAD EXTENSION OF THE FLORIDA TURNPIKE (HEFT) AND U.S. 1, WEST OF THE HEFT TO THE TOWN LIMITS, AND NORTH OF THE C-1 CANAL (BLACK CREEK CANAL); PROVIDING FOR A REPEALER; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Cosgrove provided a brief description of the Urban Center District. He asked if anyone from the public wished to speak. No one requested to be heard.

Vice Mayor Vrooman moved to adopt. Seconded by Council Member Meerbott. A roll call vote was taken as follows: Mayor John F. Cosgrove: Yes; Vice Mayor Vrooman: Yes; Council Member Meerbott: Yes; Council Member Sochin: Yes; Council Member Bell: Yes. The proposed Ordinance passed on first reading.

XI. ORDINANCES FOR SECOND READING AND PUBLIC HEARING:

None at this time.

XII. PUBLIC COMMENTS

The following individuals addressed the Council: Louise Lockwood, 9071 Ridgeland Drive; Alfonsina Sergio, 9261 Caribbean Boulevard; Joy Cooper, 9365 Nassau Drive; Jim Shiver, President of Concern Citizens of Cutler Bay; Freddie Ambrose, 20101 Coral C Road; Aimee Artiles, 8392 SW 165 Terrace; and Ernesto Martinez, 7762 SW 84th Lane.

XIII. MAYOR AND COUNCIL COMMENTS

- A. Council Member Meerbott provided information concerning the next meeting of the Cutler Bay Business Association scheduled for April 13, 2006.
- B. Council Member Sochin advised that he would like to begin the planning of a celebration picnic for the Town. He asked Council Member Bell to form a committee to coordinate this effort.

- C. Council Member Bell reported that she had attended the Parks Summit, which was very informative. She also attended the Village of Palmetto Bay 4th Annual Picnic and gathered ideas which would be useful in such an event for the Town. She stated that she is concerned about the enforcement of the County's Sexual Predator's Ordinance in Cutler Bay and would like information concerning how such an Ordinance would be enforced when Cutler Bay adopts its own.
- D. Mayor Cosgrove noted that a seminar shall be held in Deerfield Beach on June 2nd through June 4th by the Florida League of Cities for newly elected officials. He provided information to each Council member.

Mayor Cosgrove reported that he had asked Mr. Alexander to coordinate a workshop for the Council to discuss the Council's Vision, goals, objectives, roles and responsibilities, and how the Council will achieve the promises made to the community.

Mayor Cosgrove advised that he and several members of the Council had received some police issue complaints. He explained that the Town does not have control over its police services as of yet; however, Acting Commander Richard Pichardo has been assigned to Cutler Bay and has been very responsive.

XIV. OTHER BUSINESS: None at this time

XV. NEXT MEETING ANNOUNCEMENT AND ADJOURNMENT

Mayor Cosgrove asked Council Member Sochin to arrange for the invocation and pledge of allegiance for the next Council Meeting. He also asked that Mr. Schottenstein of Southland Mall be invited to the next Council Meeting to provide a presentation concerning the Mall.

He announced that the next Council Meeting will be held on April 6, 2006 at 7:00 pm at the South Dade Governmental Center.

The Meeting was officially adjourned at 10:30 pm.

Prepared and submitted by:

Elizabeth A. Sewell, CMC
Interim Town Clerk

*Adopted by the Town Council on
this 6th day of April, 2006*

John F. Cosgrove, 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.