

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

Wednesday, July 19, 2006

7:00 PM

South Dade Government Center
10750 SW 211 Street, Room 203
Cutler Bay, Florida 33189

I. CALL TO ORDER/ROLL CALL OF MEMBERS: The meeting was called to order by the mayor at 7:15 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

Interim Town Manager Steven J. Alexander
Interim Town Attorney Mitchell Bierman
Interim Town Attorney Chad Friedman
Town Clerk Erika Gonzalez-Santamaria

Mayor Vrooman led the pledge of allegiance.

II. INVOCATION: Mayor Vrooman asked all to join him in a moment of silence.

III. PROCLAMATIONS, AWARDS, PRESENTATIONS:

- A. Commissioner Katy Sorenson discussed the many upcoming improvements to the Old Cutler Road areas. The commissioner also discussed the progress of the South Dade Cultural Center, the construction of the pedestrian bridge across Black Creek Trail path to the Cultural Center and other upcoming county projects. Commissioner Sorenson introduced Mr. Subrata Basu, the Assistant Director for Planning for Miami-Dade County, whom also addressed the council in reference to the progress of the Old Cutler Road charette.

IV. APPROVAL OF MINUTES:

- A. Councilmember Meerbott made a motion approving the minutes of the meeting of July 5, 2006. The motion was seconded by Vice-Mayor MacDougall and adopted by a unanimous 5-0 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice-Mayor MacDougall and Mayor Vrooman voting Yes.

V. ADDITIONS, DELETIONS, AND DEFFERALS:

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ACCEPTING THE AMENDMENTS TO THE “MASTER INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE TOWN OF CUTLER BAY FOR TRANSITION OF MUNICIPAL SERVICES”, THE “INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE TOWN OF CUTLER BAY FOR LOCAL POLICE SERVICES” AND THE “AGREEMENT BY AND BETWEEN MIAMI-DADE COUNTY AND THE TOWN OF CUTLER BAY FOR SPECIALIZED POLICE SERVICES”; AUTHORIZING THE MAYOR TO EXECUTE THE AFOREMENTIONED AMENDED AGREEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE “AGREEMENT BY AND BETWEEN MIAMI-DADE COUNTY, FLORIDA AND THE TOWN OF CUTLER BAY FOR THE PROVISION OF INFORMATION TECHNOLOGY SERVICES”; AUTHORIZING THE MANAGER TO EXECUTE THE “AGREEMENT BY AND BETWEEN MIAMI-DADE COUNTY, FLORIDA AND THE TOWN OF CUTLER BAY FOR THE PROVISION OF INFORMATION TECHNOLOGY SERVICES”; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Meerbott made a motion to set the agenda as amended. The motion was seconded by Councilmember Bell and adopted by unanimous voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice-Mayor MacDougall and Mayor Vrooman voting Yes.

VI. TOWN MANAGER’S REPORT:

The Town Manager was pleased to report that all Interlocals were approved by the Miami-Dade County Commission with minor changes. The manager introduced to Council a comparison chart of the Interlocal Agreements among surrounding and neighboring municipalities. The Old Cutler Road construction was also approved by the Commission. The manager also thanked Commissioner Sorenson for her support throughout the interlocal approval. The manager also discussed the meeting in conjunction with the Town Clerk and Miami-Dade County Online Services to determine which IT service is best for the town’s website. The date for the second business strategic planning workshop is set to be determined.

VII. TOWN ATTORNEY'S REPORT:

The Town Attorney discussed the procedure of the adoption of the millage rate for the 2006-2007 fiscal year. The attorney also discussed the advertisement requirements by Florida Statute and the required advertisement by the town charter.

VIII. BOARD AND COMMITTEE REPORTS: None at this time.

IX. CONSENT AGENDA:

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ACCEPTING THE AMENDMENTS TO THE "MASTER INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE TOWN OF CUTLER BAY FOR TRANSITION OF MUNICIPAL SERVICES", THE "INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE TOWN OF CUTLER BAY FOR LOCAL POLICE SERVICES" AND THE "AGREEMENT BY AND BETWEEN MIAMI-DADE COUNTY AND THE TOWN OF CUTLER BAY FOR SPECIALIZED POLICE SERVICES"; AUTHORIZING THE MAYOR TO EXECUTE THE AFOREMENTIONED AMENDED AGREEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion to approve the resolution was made by Councilmember Meerbott. The motion was seconded by Councilmember Bell. Resolution 06-67 was adopted by unanimous voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice-Mayor MacDougall and Mayor Vrooman voting Yes.

- B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE "AGREEMENT BY AND BETWEEN MIAMI-DADE COUNTY, FLORIDA AND THE TOWN OF CUTLER BAY FOR THE PROVISION OF INFORMATION TECHNOLOGY SERVICES"; AUTHORIZING THE MANAGER TO EXECUTE THE "AGREEMENT BY AND BETWEEN MIAMI-DADE COUNTY, FLORIDA AND THE TOWN OF CUTLER BAY FOR THE PROVISION OF INFORMATION TECHNOLOGY SERVICES"; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Sochin pulled Item B. for discussion.

The Town Manager explained the extent of the IT Service agreement with Miami-Dade County.

Vice-Mayor MacDougall made a motion to approve the resolution. The motion was seconded by Councilmember Meerbott. Resolution 06-68 was adopted by a 4-1 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Vice-Mayor MacDougall and Mayor Vrooman voting Yes; Councilmember Sochin voting No.

X. QUASI-JUDICIAL CONSENT AGENDA PUBLIC HEARING: None at this time.

XI. QUASI-JUDICIAL HEARINGS: The following quasi-judicial hearing was held by Council.

All witnesses giving testimony were sworn-in by the clerk.

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A MODIFICATION TO AN APPROVED SITE PLAN TO ALLOW FOR REDEVELOPMENT OF A MOVIE THEATER INTO A COMMERCIAL BUILDING AND APPROVAL OF AN UNUSUAL USE FOR OUTDOOR DINING FOR THE SHOPPING CENTER LOCATED AT 18403 SOUTH DIXIE HIGHWAY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Manager gave a brief explanation on the resolution.

Bob Powell, Senior Director of Woolbright Pembroke Ltd., addressed the council.

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

XII. PUBLIC HEARINGS:

A. RESOLUTIONS: (NOT A PUBLIC HEARING)

1. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA; DETERMINING THE PROPOSED MILLAGE RATE, AND THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE CLERK OR HER DESIGNEE TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER AND TAX COLLECTOR OF MIAMI-DADE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Bell made a motion to adopt the resolution. The motion was seconded by Councilmember Meerbott. Resolution 06-69 was adopted by unanimous voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice-Mayor MacDougall and Mayor Vrooman voting Yes.

2. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING MIAMI-DADE COUNTY TO CONTINUE THE PROCESS OF CREATING A

SPECIAL TAXING DISTRICT FOR SECURITY GUARD GATES FOR THE LAKES BY THE BAY SOUTH COMMONS; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Manager gave the Council background information in reference to the resolution.

Bob Penn, 200 S. Biscayne Boulevard, Jorge Sapiro and Mercedes Hernandez, representing Lennar Homes, addressed the council.

Ken Taylor, 8775 SW 221 TER, John Pendegrass, 22535 SW 94 Place, Luciane Barroca, 22476 SW 94 Place, addressed the council.

After extensive discussion, Councilmember Bell made a motion to defer the ordinance indefinitely. The motion was seconded by Vice-Mayor MacDougall and was approved by unanimous voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice-Mayor MacDougall and Mayor Vrooman voting Yes.

B. ORDINANCES: The clerk read the following ordinance, on second reading, by title:

1. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, IMPLEMENTING THE UTILITY TAX AUTHORIZED BY SECTION 166.231, ET. SEQ., FLORIDA STATUTES, TO LEVY AND IMPOSE A UTILITY TAX UPON THE PURCHASE OF ELECTRICITY, WATER, METERED GAS, BOTTLED GAS, COAL, AND FUEL OIL WITHIN THE TOWN OF CUTLER BAY; AUTHORIZING TRANSMITTAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Meerbott made a motion to approve the ordinance. The motion was seconded by Councilmember Sochin. Ordinance 06-16 was adopted by unanimous roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice-Mayor MacDougall and Mayor Vrooman voting Yes.

The clerk read the following ordinance, on second reading, by title:

2. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO THE ESTABLISHMENT OF THE TOWN'S LOCAL PLANNING AGENCY; DESIGNATING THE TOWN COUNCIL AS THE LOCAL PLANNING AGENCY; PROVIDING FOR POWERS AND DUTIES; PROVIDING FOR A RECORDING SECRETARY; PROVIDING

STAFF FOR THE LOCAL PLANNING AGENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Meerbott made a motion to approve the ordinance. The motion was seconded by Councilmember Bell. Ordinance 06-17 was adopted by unanimous roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice-Mayor MacDougall and Mayor Vrooman voting Yes.

The clerk read the following ordinance, on second reading, by title:

3. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, PERTAINING TO THE LOCAL COMMUNICATIONS SERVICES TAX RATE; PROVIDING FOR RECITALS; PROVIDING FOR ELECTION NOT TO REQUIRE AND COLLECT PERMIT FEES; ESTABLISHING THE LOCAL COMMUNICATIONS SERVICES TAX RATES; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING AN EFFECTIVE DATE.

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

Councilmember Sochin made a motion to approve the ordinance. The motion was seconded by Vice-Mayor MacDougall. Ordinance 06-18 was adopted by unanimous roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice-Mayor MacDougall and Mayor Vrooman voting Yes.

The clerk read the following ordinance, on second reading, by title:

4. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE MIAMI-DADE COUNTY CODE AS APPLICABLE TO THE TOWN PURSUANT TO SECTION 8.3 OF THE TOWN CHARTER TO SUBSTITUTE THE TOWN COUNCIL FOR COUNTY OFFICIALS, BOARDS, OR COMMITTEES, PROVIDING FOR ZONING REVIEW, PROVIDING FOR AUTHORITY OF THE TOWN COUNCIL, PROVIDING FOR AN APPEAL PROCESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Bell made a motion to approve the ordinance. The motion was seconded by Vice-Mayor MacDougall. Ordinance 06-19 was adopted by unanimous roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice-Mayor MacDougall and Mayor Vrooman voting Yes.

The clerk read the following ordinance, on second reading, by title:

5. AN ORDINANCE IF THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA CREATING PROCEDURES FOR ZONING WORKSHOPS; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

The Town Attorney briefly explained the ordinance.

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

Councilmember Sochin made a motion to amend the ordinance to change the effective date for Septemeber 1, 2006. The motion was seconded by Councilmember Meerbott and 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 amend the ordinance to allow the manager to request from the police commander that an officer be designated to attend the town workshops. The motion was seconded by Councilmember Meerbott and adopted by unanimous voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice-Mayor MacDougall and Mayor Vrooman voting Yes.

Councilmember Meerbott made a motion to approve the ordinance as amended. The motion was seconded by Councilmember Sochin. Ordinance 06-20 was adopted by unanimous roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice-Mayor MacDougall and Mayor Vrooman voting Yes.

XIII. PUBLIC COMMENTS:

The following individuals spoke: Joy Cooper, 9365 Nassau Drive, Beth Parets, 19301 Holiday Road, Louise Lockwood, 9071 Richmond Drive, Bill Mickeljohn, 9311 Stirling Drive.

XIV. MAYOR AND COUNCIL MEMBER COMMENTS:

Councilmember Bell spoke about illegal dumping between 92nd Avenue and 212th Street behind the Publix. She advised that if there is a resident witnessing illegal dumping to please write down the tag number of the vehicle that is illegally dumping and call non-emergency

police, 311, or 305-477-1616 to file a report. Councilmember Bell also discussed the probability of conducting a traffic study on the turning lane of Marlin Road. Councilmember Bell also reminded the public that the Town Logo Contest is still underway and any of those interested to please submit their application.

Vice-Mayor MacDougall inquired about the progress of the CRA map.

Councilmember Sochin informed council that he will not be attending the August 2nd council meeting.

Mayor Vrooman discussed that he wanted to add another workshop in addition to the second business strategic planning workshop, to add a kid's workshop to hear the younger voices of the community.

XV. OTHER BUSINESS: None at this time.

XVI. NEXT MEETING ANNOUNCEMENT AND ADJOURNMENT:

The next council meeting will be held on August 16, 2006, at the South Dade Government Center.

The meeting was officially adjourned at 10:40 P.M.

Respectfully submitted:

*Erika Gonzalez-Santamaria
Town Clerk*

*Adopted by the Town Council on
this 2nd day of August, 2006*

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.