

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

Wednesday, November 15, 2006

7:00 PM

South Dade Government Center  
10710 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 8:20 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 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. Proclamations for the CERT training were presented to all the members who participated in the training.
- B. Dr. Cole of Bay Point School discussed how the school provides assistance through education, behavior modification and moral development to troubled youths.
- C. Mr. Joe Ortiz from the Elks Lodge discussed how the Elks help local communities and expressed the interest of opening a local chapter within Cutler Bay.
- D. Jose Fuentes from the South Florida Water Management addressed the many upcoming projects and improvements in conjunction with the Town.

**IV. APPROVAL OF MINUTES:**

- A. Councilmember Meerbott made a motion approving the minutes of the meeting of October 18, 2006. The motion was seconded by Councilmember Bell 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, APPOINTING MEMBERS TO THE TOWN OF CUTLER BAY WIFI COMMITTEE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPOINTING MEMBERS TO THE TOWN OF CUTLER BAY PARKS AND RECREATION ADVISORY COMMITTEE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPOINTING MEMBERS TO THE TOWN OF CUTLER BAY SPECIAL TRANSPORTATION COMMITTEE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Attorney advised the Town Council that all the items being added maybe moved into the Consent Agenda.

**VI. TOWN MANAGER'S REPORT:**

The Town Manager introduced the new additions to the Cutler Bay staff, Sandra Ocampo, Executive Assistant to the Town Manager, Scott Volin and Daniel Rodriguez, both are maintenance workers. He informed Council that the Town Police offices have begun construction. The manager also discussed that the crime rate within the Town limits have decreased greatly. He thanked the Police Department for their continuing efforts to protecting and serving the Town. The manager indicated that the newsletter had been mailed to all the homes within Town Limits. He also informed the Council that the Comprehensive Plan is currently being designed by the Town's Planning Department along with the planning consulting firm.

**VII. TOWN ATTORNEY'S REPORT:** None at this time.

**VIII. BOARD AND COMMITTEE REPORTS:**

Member Meerbott discussed that The Trust for Public Land, Amy Condon, will provide information on land availability for the Town within the Town limits at the next Council meeting.

**IX. CONSENT AGENDA:**

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AN AGREEMENT WITH FLEETCOR TECHNOLOGIES OPERATING COMPANY, LLC FOR REFUELING SERVICES; PROVIDING FOR A DETERMINATION OF IMPRACTIBALITY AS TO COMPETITIVE BIDDING AND PROVIDING FOR AN EFFECTIVE DATE.

- B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ACCEPTING A GRANT AWARD IN THE AMOUNT OF TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) FOR THE DEVELOPMENT OF THE TOWN'S STORMWATER MANAGEMENT PLAN; APPROVING THE GRANT AGREEMENT AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE GRANT AGREEMENT BETWEEN THE TOWN AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO PARKS, AUTHORIZING THE TOWN MANAGER TO APPLY FOR AND EXECUTE A PERMIT FROM MIAMI DADE COUNTY TO OPERATE COUNTY PARKS LOCATED WITHIN THE TOWN IN SUBSTANTIALLY THE FORM ATTACHED PENDING TRANSFER OF TITLE OF PARKS TO THE TOWN, AUTHORIZING THE MANAGER AND HIS STAFF TO TAKE ALL STEPS NECESSARY TO BEGIN OPERATING THE PARKS PURSUANT TO THE PERMIT(S); AND PROVIDING FOR AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) FOR COMPREHENSIVE LANDSCAPE/GROUNDS MAINTENANCE SERVICES FOR PARKS AND PARKWAYS WITHIN THE TOWN OF CUTLER BAY; AND PROVIDING FOR AN EFFECTIVE DATE.
- E. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO EXECUTE AND ENTER INTO AN AGREEMENT WITH TIP TOP ENTERPRISES, INC. FOR THE MAINTENANCE OF PARKS WITHIN THE TOWN OF CUTLER BAY FOR A PERIOD NOT TO EXCEED 60 DAYS AT AN AMOUNT NOT TO EXCEED \$15,000.00 WITH DISBURSEMENT FROM ACCOUNT NUMBER 001.572000.3400; AND PROVIDING FOR AN EFFECTIVE DATE.
- F. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA , ADOPTING AN ASSESSMENT LIEN RESEARCH FEE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Bell made a motion to approve all additions made to the consent agenda and approve as amended. The motion was seconded Vice Mayor MacDougall and approved by unanimous voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

## **RESOLUTIONS FOR DISCUSSION**

**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. The clerk read the following resolution, by title:

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, GRANTING FINAL PLAT APPROVAL FOR CUTLER COUNTRY ESTATES, GENERALLY LOCATED NORTH OF S.W. 187TH TERRACE, WEST OF S.W. 80TH AVENUE, SOUTH OF S.W. 187TH STREET, AND EAST OF S.W. 82ND AVENUE, AS LEGALLY DESCRIBED IN EXHIBIT "A;" CONSISTING OF 12 SINGLE FAMILY HOMES ON APPROXIMATELY 4.26 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Don O'Donniley, the Planning Director, gave an oral report and based on his memorandum on November 15, 2006, recommended approval of the request.

Ms. Ana M. Escagedo, One Southeast Third Avenue, representing the applicant, addressed the Council.

The mayor opened the public hearing. Stefan Fanfani, 7991 Southwest 186 Street, addressed the Council.

Councilmember Meerbott made a motion to approve the resolution. The motion was seconded by Councilmember Sochin and Resolution 06-115 was approved by unanimous 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

- B. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, GRANTING THE REQUEST OF SS FALLS INVESTMENTS LLC FOR A REZONING FROM EU-1 (ONE-ACRE ESTATE DISTRICT) TO EU-M (MODIFIED ESTATE DISTRICT) FOR TWO ADJOINING PROPERTIES LOCATED AT 8201 S.W. 188TH STREET AND 8295 S.W. 188TH STREET, AS LEGALLY DESCRIBED IN EXHIBIT "A," CONSISTING OF APPROXIMATELY 4.38 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Don O'Donniley, the Planning Director, gave an oral report and based on his memorandum on November 15, 2006, recommended approval of the request.

Mr. Javier Vazquez, 8061 Northwest 155 Street, representing the applicant, addressed the Council.

Vice Mayor MacDougall made a motion to approve the ordinance. The motion was seconded by Councilmember Meerbott and was approved by unanimous 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

- C. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, GRANTING THE REQUEST OF CUTLER RIDGE EVANGELICAL LUTHERAN CHURCH FOR A REZONING FROM AU (AGRICULTURAL DISTRICT) TO RU-1M(A) (MODIFIED SINGLE-FAMILY RESIDENTIAL DISTRICT) FOR THE PROPERTY LOCATED AT 20851 S.W. 97TH AVENUE, AS LEGALLY DESCRIBED IN EXHIBIT "A," CONSISTING OF APPROXIMATELY 4.28 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

Don O'Donniley, the Planning Director, gave an oral report and based on his memorandum on November 9, 2006, recommended approval of the request.

Mr. Javier Vazquez, 8061 Northwest 155 Street, representing the applicant, addressed the Council. Mr. Vazquez requested that the application be changed and considered as an RU-1 designation rather than the original RU-1M(a) request.

The mayor opened the public hearing. The following individuals spoke: Beth Parets, 19301 Holiday Road, Alfie Sergio, 9261 Caribbean Boulevard, Dave Stephan 9020 Southwest 189 Street, Adriano Alexandrino, 9760 Haitian Drive.

The mayor recessed the Council meeting briefly at 10:05 P.M. The Council meeting resumed at 10:10 P.M.

Councilmember Sochin made a motion to defer the ordinance indefinitely. Since there was no second, the motion was not before the meeting.

Vice Mayor MacDougall made a motion to approve the ordinance as amended, the request from the applicant to change their request to an RU-1 and approving the application as an RU-1. The motion was seconded by Councilmember Meerbott and was approved by unanimous 4-1 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Vice Mayor MacDougall and Mayor Vrooman voting Yes; Councilmember Sochin voting No.

## **XII. PUBLIC HEARINGS:**

- A. **RESOLUTIONS:** None at this time.

- B. **ORDINANCES:**

- 1. **FIRST READING:** The clerk read the following ordinance, on first reading, by title:

- a. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA , AMENDING SECTION 26-33 "THE SHANNON MELENDI ACT" OF THE MIAMI DADE COUNTY CODE MADE APPLICABLE IN THE TOWN PURSUANT TO SECTION 8.3 OF THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Meerbott made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Bell and adopted by unanimous 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

This ordinance will be on second reading December 20, 2006.

2. **SECOND READING:** The clerk read the following ordinance, on second reading, by title:

- a. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, PROVIDING FOR REPLACEMENT OF SECTION 21-276 "BURGLAR ALARMS" OF THE MIAMI DADE COUNTY CODE TO THE EXTENT APPLICABLE; REQUIRING REGISTRATION OF BURGLAR ALARM SYSTEMS; IMPOSING AN ANNUAL REGISTRATION FEE; REQUIRING PERMITS FOR THE INSTALLATION OF BURGLAR ALARM SYSTEMS; PROVIDING FOR PENALTIES FOR FALSE ALARMS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Staff provided information on the changes made to the ordinance.

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

Councilmember Bell made a motion adopting the ordinance on second reading. The motion was seconded by Councilmember Sochin and approved by unanimous 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

- b. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 33G "SERVICE CONCURRENCY MANAGEMENT PROGRAM" TO PROVIDE FOR PROVISIONS RELATING TO PROPORTIONATE FAIR-SHARE MITIGATION FOR TRANSPORTATION; CREATING SECTION 33G-5.1 "PROPORTIONATE FAIR-SHARE MITIGATION FOR

TRANSPORTATION;” PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Chad Friedman, Interim Town Attorney, provided background information on the ordinance.

The mayor opened the public hearing. Jim Shiver, 20020 Southwest 105 Avenue, addressed the Council.

Councilmember Meerbott made a motion adopting the ordinance on second reading. The motion was seconded by Councilmember Sochin and approved by unanimous 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

- c. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA , ADOPTING THE OFFICIAL TOWN LOGO; PROVIDING FOR USE OF THE TOWN LOGO; PROHIBITING USE OF THE LOGO WITHOUT PERMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager provided background information regarding the ordinance.

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

Councilmember Bell made a motion adopting the ordinance on second reading. The motion was seconded by Councilmember Sochin and approved by unanimous 5-0 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 Ed Wolmers, 9370 Dominican Drive, Arthur Nanni, 18843 Southwest 92 Avenue, Alfie Sergio, 9261 Caribbean Boulevard, Barbara Condon, 19641 Holiday Road, Beth Parets, 19301 Holiday Road, and Tim Coiner, 7950 Southwest 184 Street.

**XIV. MAYOR AND COUNCIL MEMBER COMMENTS:**

Councilmember Meerbott expressed his concerns on the Town’s traffic issues and how the Town’s growth may affect the traffic flow in residential areas and main roads. Member Meerbott emphasized that the design of the Town’s Comprehensive Plan should be a top priority. He also discussed the Insurance Crisis meeting and requested the members and the public to write or email their local representatives to support efforts of changing the rising Insurance rates.

Councilmember Bell discussed the formation of the Parks Committee and that all members have been appointed. Member Bell made a motion to nominate Mr. Jim Shiver as the Parks Committee “At-large” appointee. The motion was seconded by Member Meerbott and all members approved the motion. She announced the Parks Committee meeting date for November 28 at 7 PM in Town Hall. Member Bell also discussed her dilemma with zoning issues and how the growth would

affect the traffic within the Town. Member Bell suggested that a recognition program should be established to recognize various businesses and organizations for their efforts in making a difference in Cutler Bay. All Councilmembers agreed that the program should be in place. She also thanked Barbara Condon for her assistance on the "Adopt-a-Tree" program at the Town's park. Member Bell also suggested that a pamphlet be created to explain the Quasi-judicial and Ex Parte Communication. The purpose of the pamphlet should provide important information on what items are considered as such and why Council may not discuss certain issues with members of the public.

Councilmember Sochin also expressed his concerns with the zoning issues and how traffic may be affected by the growth in the Town. He stated that if growth is not controlled then it could impact the Town and that it could potentially be disastrous to the residents.

Vice Mayor MacDougall stated that there is not enough time for Council to make their comments at the end of a long meeting. He discussed his concerns about certain unofficial Cutler Bay websites publishing statements. He affirmed that each and every Councilmember are available to discuss any concerns with citizens, as long as it is within the boundaries of the law. He was pleased to see the committees formed and ready. He also submitted for the record, emails in reference to the wetlands project.

Mayor Vrooman reported that an ordinance is being drafted to have applicants, who are applying to develop a property, to disclose if they have been approached and solicited for money, favors, or any type of compensation

**XV. OTHER BUSINESS:** None at this time.

**XVI. NEXT MEETING ANNOUNCEMENT AND ADJOURNMENT:**

The next council meeting will be held on December 20, 2006, at the South Dade Regional Library on the 2<sup>nd</sup> floor.

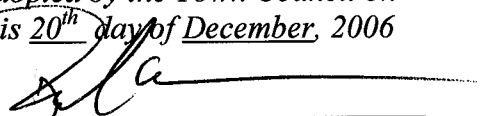
The meeting was officially adjourned at 11:45 P.M.

*Respectfully submitted:*

  
Erika Gonzalez-Santamaria, CMC  
Town Clerk



*Adopted by the Town Council on  
this 20<sup>th</sup> day of December, 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.