

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

Wednesday, December 20, 2006

7:00 PM

South Dade Regional Library
10750 SW 211 Street, 2ND Floor
Cutler Bay, Florida 33189

I. CALL TO ORDER/ROLL CALL OF MEMBERS: The meeting was called to order by the mayor at 7:10 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. Amy Condon from the Trust of Public Lands discussed the process of obtaining and funding purchased lands for public entities such as local governments.
- B. Hadriam Vega of Best Buy was presented with a Certificate of Recognition for the store's participation on our ongoing efforts to enhance the Town's image.
- C. The County Assistant Manager Roger Carlton addressed Council in reference to the Watershed Study and Plan.

IV. APPROVAL OF MINUTES:

- A. Councilmember Bell made a motion approving the minutes of the meeting of November 15, 2006. The motion was seconded by Councilmember Meerbott 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:

- E. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INCORPORATED FOR THE DEVELOPMENT OF THE TOWN'S STORMWATER MASTER PLAN; PROVIDING FOR A DETERMINATION OF IMPRACTICALITY AS TO COMPETITIVE BIDDING AND PROVIDING FOR AN EFFECTIVE DATE.**

The Town Manager advised the Town Council that Item E was to be deleted from the agenda.

Vice Mayor MacDougall made a motion to approve the deleted item from the Consent Agenda. The motion was seconded by Councilmember Bell and approved by unanimous 5-0 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 Manager discussed the Town's participation in the holiday boat parade event and its great success; he also thanked the Parks and Recreation Director, Alan Ricke, for his support and participation. He explained that reconciliations on payments made to Miami-Dade County for services rendered for the start-up operation of the Town are underway. The parks transition is slowly progressing. Park permits will be signed shortly, that way the Town may take over the operation of the parks. Both the Senior Transportation committee and Parks committee have met on various occasions. The Police office space is almost completed and it is anticipated that the Police department moving in at the beginning of the year. Representative Bullard informed the Manager that the bill in reference to the Turnpike designation in honor of John Cosgrove, would be going to the State House floor for voting.

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

VIII. BOARD AND COMMITTEE REPORTS:

Councilmember Bell indicated that the Parks Committee has met on several occasions and it is successfully making progress. Vice Mayor MacDougall commented that the Senior Transportation Committee has met on two occasions and much progress is being made, recommendations will be made promptly.

IX. CONSENT AGENDA:

- A. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE STATEWIDE MUTUAL AID AGREEMENT BETWEEN THE DEPARTMENT OF COMMUNITY AFFAIRS, THE TOWN OF CUTLER BAY AND OTHER PARTICIPATING LOCAL GOVERNMENTS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AUTHORIZING THE TOWN MANAGER AND THE TOWN ATTORNEY TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.**

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO MEMBERSHIP INTO THE FLORIDA RETIREMENT SYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE.
- C.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, DESIGNATING ITS ELECTED POSITIONS FOR INCLUSION IN THE ELECTED OFFICERS' CLASS OF THE FLORIDA RETIREMENT SYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE.
- D.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING THE ICMA DEFERRED COMPENSATION PLAN; DECLARING A TRUST OF THE VANTAGE TRUST COMPANY; DECLARING A TRUSTEE; DETERMINING TERMS OF THE PLAN; ACCEPTING TRUSTEE STATUS; ELECTING A COORDINATOR; AND PROVIDING FOR AN EFFECTIVE DATE.
- F.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, WAIVING COMPETITIVE BIDDING PURSUANT TO SECTION 3.10 OF THE TOWN CHARTER AND ORDINANCE NO.06-22 TO THE EXTENT APPLICABLE AND AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT WITH PRO SOUND AND VIDEO FOR SOUND EQUIPMENT; AND PROVIDING FOR AN EFFECTIVE DATE.
- G.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING THE ENCLAVE AT ISLES BAYSHORE HOMEOWNER'S ASSOCIATION EFFORTS TO PETITION MIAMI-DADE COUNTY'S PUBLIC WORKS DEPARTMENT, RELATING TO THE STREET CLOSURE LOCATED AT S.W. 93 PATH AND SW 224 TERRACE AND PROVIDING FOR AN EFFECTIVE DATE.
- H.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, URGING CITIZENS INSURANCE AND THE STATE LEGISLATURE TO CANCEL THE SCHEDULED 2007 RATE INCREASE, FURTHER URGING THE STATE LEGISLATURE TO DEVELOP CREATIVE SOLUTIONS AND PROVIDE MEANINGFULL RATE REDUCTIONS DURING THE UPCOMING JANUARY 2007 SPECIAL LEGISLATIVE SESSION, URGING THE STATE TO ELIMINATE THE ARBITRARY WINDSTORM LINE AND THE SURCHARGE ON OLDER HOMES, AND SEEKING SUPPORT FROM ALL AFFECTED COMMUNITIES WITH THESE INITIATIVES; AND PROVIDING FOR AN EFFECTIVE DATE.
- I.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO LEGISLATIVE

BUDGET REQUESTS, APPROVING THE TOWN'S LIST OF LEGISLATIVE ITEMS, AUTHORIZING THE TOWN MANAGER TO PRESENT THE APPROVED LIST TO THE MIAMI-DADE COUNTY LEGISLATIVE DELEGATION FOR INCLUSION IN THE 2007 LEGISLATIVE SESSION; AND PROVIDING FOR AN EFFECTIVE DATE.

- J.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO THE SOUTH MIAMI-DADE WATERSHED STUDY AND PLAN; EXPRESSING STRONG CONCERNS WITH THE SOUTH MIAMI-DADE WATERSHED STUDY AND PLAN PROJECT TEAM'S RECOMMENDATIONS AND CONCLUSIONS, WHICH APPEAR TO ENDORSE HIGH DENSITY LAND USE WITHIN A LINE DRAWN FOR ZONE "A" AND ZONE "B" THAT EXTENDS ½ MILE FROM THE US 1 AND OTHER CORRIDORS; URGING THE MIAMI-DADE COUNTY COMMISSION TO NOT ACCEPT THIS RECOMMENDATION AND TO MODIFY THE PLAN TO CLEARLY STATE THAT THERE SHALL BE NO IMPOSITION OF HIGH DENSITY LAND USE IN EXISTING SINGLE FAMILY AREAS; SEEKING SUPPORT FROM ALL AFFECTED MUNICIPALITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor passed the gavel to Vice Mayor MacDougall and pulled Item J from the Consent Agenda. Mayor Vrooman made a motion to approve the resolution. The motion was seconded by Councilmember Sochin and Resolution 06-124 was adopted by unanimous 5-0 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 consent agenda as amended. The motion was seconded Councilmember Bell and Resolutions 06-116 – 06-123 was approved by unanimous 5-0 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 ordinance on second reading, by title:

- A.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING THE OLD CUTLER ROAD OVERLAY ZONING DISTRICT AND REGULATIONS; REZONING PROPERTIES ALONG OLD CUTLER ROAD FROM S.W. 184TH STREET SOUTH TO THE TOWN LIMITS, AS SHOWN ON EXHIBIT "A" AND LEGALLY DESCRIBED IN EXHIBIT "B," TO THE OLD CUTLER ROAD

OVERLAY ZONING DISTRICT; AMENDING THE LIST OF PERMITTED, CONDITIONAL, AND PROHIBITED USES FOR PROPERTIES ALONG OLD CUTLER ROAD FROM S.W. 184TH STREET SOUTH TO THE TOWN LIMITS, AS SHOWN ON EXHIBIT "A" AND LEGALLY DESCRIBED IN EXHIBIT "B;" AND PROVIDING FOR AN EFFECTIVE DATE.

Alex David, Planning Consultant, gave a PowerPoint presentation describing the ordinance in detail.

Don O'Donilley, the Planning Director, gave an oral report and based on the Planning his memorandum on December 20, 2006, recommended approval of the ordinance.

The mayor opened the public hearing. Octavio Mendizabal, 21801 Southwest 98 Place, Rudy Castellano, no address stated, Richard Ramirez, 20601 Gulfstream Road, Laura Coiner, 7950 Southwest 184 Street, Amy Roda, 9221 Neptune Drive, George Morales, 212 Southwest 80 Avenue, John Jessup, 6921 Caribbean Boulevard, addressed the Council.

Councilmember Bell made a motion to approve the ordinance. The motion was seconded by Vice Mayor MacDougall 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.

This ordinance is on second reading January 17, 2007.

- 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.

The clerk announced that this item is on second reading.

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

Don O'Donnile, the Planning Director, gave an oral report and based on his memorandum on December 14, 2006, recommended approval of the request.

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

Vice Mayor MacDougall made a motion to approve the ordinance. The motion was seconded by Councilmember Bell 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-1 (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.

The clerk announced that this item is on second reading.

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

Don O'Donniley, the Planning Director, gave an oral report and based on his memorandum on December 12, 2006, recommended approval of the request.

The mayor opened the public hearing. Richard Ramirez, 20601 Gulfstream Road, Louise Lockwood, 9071 Ridgeland Drive, Alfie Sergio, 9261 Caribbean Boulevard, addressed the Council.

Councilmember Meerbott made a motion to approve the ordinance. The motion was seconded by Councilmember Bell and was approved by a 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 , CREATING REGULATIONS RELATED TO LOBBYISTS AND PRINCIPALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Attorney gave a brief report on the ordinance to the Council.

Vice Mayor MacDougall 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 January 17, 2007.

- b.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING REGULATIONS RELATED TO DISCLOSURE OF PAYMENTS OR MATERIAL CONSIDERATION PAID OR REQUESTED BY PERSONS IN EXCHANGE FOR SUPPORT OR NON-OPPOSITION ON MATTERS UNDER CONSIDERATION BY THE TOWN COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor of Palmetto Bay, Eugene Flinn, addressed Council.

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 January 17, 2007.

- c.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA CREATING SITE PLAN APPLICATION REQUIREMENTS AND PROCEDURES FOR SITE PLAN APPROVAL; AMENDING CHAPTER 33 "ZONING" OF THE TOWN CODE TO REQUIRE SITE PLAN APPROVAL BY THE TOWN COUNCIL AFTER A PUBLIC HEARING; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Staff discussed the ordinance briefly.

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 January 17, 2007.

- d.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA AMENDING SECTION 33-13 "UNUSUAL USES" OF CHAPTER 33 "ZONING" OF THE TOWN CODE; PROVIDING FOR REGULATIONS RELATING TO CIRCUSES OR CARNIVALS; PROVIDING FOR ORDINANCES IN CONFLICT; PROVIDING

FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Don O' Donniley, the Planning Director, addressed the Council.

Councilmember Sochin made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Meerbott 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 January 17, 2007.

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 , 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.

Town Staff provided information on the changes made to the ordinance. Member Meerbott addressed Council.

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

Councilmember Meerbott made a motion adopting the ordinance on second reading. The motion was seconded by Councilmember Sochin and Ordinance 06-33 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.

XIII. PUBLIC COMMENTS: The following individuals spoke: Louise Lockwood, 9071 Ridgeland Drive, Alfie Sergio, 9261 Caribbean Boulevard, Richard Ramirez, 20601 Gulfstream Road, Joy Cooper, 9365 Nassau Drive, Bill Mickeljohn, 9311 Stirling Drive.

XIV. MAYOR AND COUNCIL MEMBER COMMENTS:

Councilmember Meerbott thanked Town Staff for their participation and support during the annual local boat parade.

Councilmember Bell gratefully thanked Town Staff for their ongoing efforts to respond to overgrown grass and debris around her area and within the Town.

Councilmember Sochin also expressed his gratitude to Staff for their continuing efforts and response to issues within the Town.

Vice Mayor MacDougall requested a briefing on Old Cutler Road referendum from the legislative delegation resolution. He also discussed the preservation of the historical road and requested to be informed in all aspects of any projects for Old Cutler Road.

Mayor Vrooman expressed his gratitude to Staff for their endless efforts and their accomplishments.

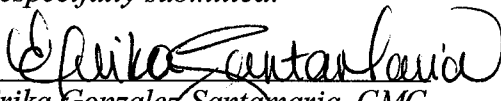
XV. OTHER BUSINESS: None at this time.

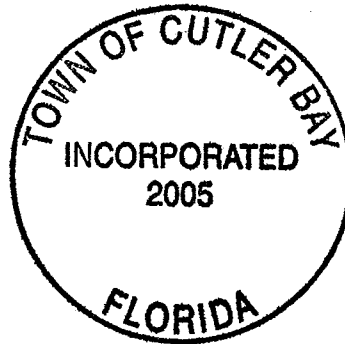
XVI. NEXT MEETING ANNOUNCEMENT AND ADJOURNMENT:

The next council meeting will be held on January 17, 2007, at the South Dade Government Center in Room 203.

The meeting was officially adjourned at 10:35 P.M.

Respectfully submitted:


Erika Gonzalez-Santamaria, CMC
Town Clerk



*Adopted by the Town Council on
this 17th day of January, 2007.*


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.