



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 Manager Steven Alexander
Town Attorney Mitchell Bierman
Town Attorney Chad Friedman
Town Clerk Erika Santamaria

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

Wednesday, September 19, 2007

7:00 PM

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

1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

A. Presentation made by Herb Parlato of the Economic Development Council

3. APPROVAL OF MINUTES

A. Regular Council Meeting – August 15, 2007

TAB 1

4. REPORTS

- A. TOWN MANAGER'S REPORT
- B. TOWN ATTORNEY'S REPORT
- C. BOARD AND COMMITTEE REPORTS

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 TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ACCEPTING GRANT FROM THE

TAB 2

DEPARTMENT OF HOMELAND SECURITY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR EFFECTIVE DATE.

- B. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ACCEPTING GRANT FROM THE MIAMI-DADE COUNTY DEPARTMENT OF HUMAN RESOURCES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR EFFECTIVE DATE.

TAB 3

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.

7. ORDINANCES FOR FIRST READING (PUBLIC HEARING NOT REQUIRED)

8. ORDINANCES FOR FIRST READING (PUBLIC HEARING REQUIRED)

9. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED)

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 33 "ZONING," ARTICLE VI "SIGNS" TO PROVIDE FOR THE RELOCATION OF NON-CONFORMING OFF-PREMISES OR BILLBOARD SIGNS; CREATING SECTION 33-95.1 "RELOCATION OF NONCONFORMING OFF-PREMISES OR BILLBOARD SIGNS;" PROVIDING FOR OPTING OUT OF THE MIAMI-DADE COUNTY SIGN REGULATIONS RESTRICTING PLACEMENT OF SIGNS IN PROXIMITY TO EXPRESSWAYS; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 4

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. Second Budget Hearing
Monday, September 24, 2007, 7:00 P.M.
South Dade Regional Library
10750 SW 211th ST, 2nd Floor

- B.** State of the Town Address
Tuesday, September 25, 2007, 7:00 P.M.
Regal Cinemas, Auditorium 7, Southland Mall
20505 S. Dixie Hwy.

- C.** Regular Council Meeting
Wednesday, October 17, 2007, 7:00 P.M.
South Dade Government Center, Room 203
10710 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.

TAB 1

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

Wednesday, August 15, 2007

7:00 PM

South Dade Regional Library

10750 SW 211th Street

Cutler Bay, Florida 33189

1. CALL TO ORDER/ROLL CALL OF MEMBERS: The meeting was called to order by the mayor at 7:05 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
Town Attorney Richard Weiss
Town Attorney Chad Friedman
Town Clerk Erika Santamaria

2. PROCLAMATIONS, AWARDS, PRESENTATIONS:

- A.** Cutler Bay Cudas, announced that they are the first team to be named after the Town. Andy Ysalgue gave a brief presentation about the team and its upcoming fundraisers. The Cudas presented the Council with commemorative baseball hats.
- B.** The mayor presented a proclamation to Lindsay Lockwood for her efforts on leadership and community service.

The Mayor recessed the Council Meeting at 7:15 p.m. The Council Meeting resumed at 7:25 p.m.

3. APPROVAL OF MINUTES:

- A.** Councilmember Meerbott made a motion approving the minutes of the meeting of July 18, 2007. 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.

4. REPORTS

A. TOWN MANAGER'S REPORT

The manager reported that he met with Florida Power and Light and stated that the nuclear power plant is in process of building an additional reactor. He suggested that FP&L conduct a workshop with Town residents to address any concerns they may have. He then introduced Police Commander Pichardo who then reported on the continuing efforts of community policing. He also described a health fair event recently at Southland Mall, which provided donations of fifty book bags and school

supplies for needy children for back to school. He was proud to report that crime was down in the area and is continuing to decline.

- B. TOWN ATTORNEY'S REPORT
- C. BOARD AND COMMITTEE REPORTS

5. **CONSENT AGENDA:**

- B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, PROVIDING FOR POLICE CONFISCATION FUND EXPENDITURES IN THE AMOUNT OF \$4,334.65 TO BE FUNDED BY PROCEEDS OF CONFISCATED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA CREATING A CITIZEN ADVISORY COMMITTEE FOR THE PURPOSE OF PROVIDING RECOMMENDATIONS TO THE TOWN COUNCIL ON THE FEASIBILITY OF CREATING A CHARTER HIGH SCHOOL FOR CUTLER BAY, APPOINTING A COUNCIL LIAISON AND PROVIDING FOR THE SELECTION OF COMMITTEE MEMBERS, PROVIDING FOR AUTOMATIC DISSOLUTION AND PROVIDING FOR AN EFFECTIVE DATE. **(SOCHIN)**
- E. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A PARK USE AGREEMENT BETWEEN LOCAL YOUTH SPORTS ORGANIZATIONS AND THE TOWN OF CUTLER BAY FOR THE USE OF TOWN PARKS FOR SPORTS AND RECREATIONAL PROGRAMMING ACTIVITIES; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.
- G. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE CONTRACT WITH THE CONSULTING GROUP OF SOUTH FLORIDA, INC. FOR FISCAL YEAR 2008 BUDGET PREPARATION AND DEVELOPMENT ASSISTANCE, AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT, AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Sochin pulled Item C from the Consent Agenda.
Mayor Vrooman pulled Items A and F from the Consent Agenda.

Councilmember Bell made a motion to approve the Consent Agenda as amended. The motion was seconded by Vice Mayor MacDougall and Resolutions 07-41 through 07-44 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.

The town clerk read the following resolution for consideration:

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ESTABLISHING A TOWN AUDIT COMMITTEE AND AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) FOR PROFESSIONAL AUDITING SERVICES IN ACCORDANCE WITH THE REQUIREMENTS OF FLORIDA STATUTES §218.391; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor MacDougall made a motion to approve the resolution. The motion was seconded by Councilmember Meerbott and Resolution 07-39 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.

The town clerk read the following resolution for consideration:

- C.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA CREATING A COMMITTEE OF THE WHOLE "COW" FOR THE PURPOSE OF REVIEWING ANY ITEM REQUESTED BY ANY MEMBER OF THE TOWN COUNCIL OR THE TOWN MANAGER; PROVIDING FOR THE SELECTION OF COMMITTEE MEMBERS; PROVIDING FOR MEETING DATES AND PROVIDING FOR AN EFFECTIVE DATE. **(MACDOUGALL)**

Councilmember Bell made a motion to defer the resolution and requested for a Council workshop to further discuss the item. The motion was seconded by Councilmember Meerbott and the Resolution was deferred by 4-1 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Vice Mayor MacDougall, and Mayor Vrooman voting Yes; Councilmember Sochin voting No.

The town clerk read the following resolution for consideration:

- F.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPOINTING AN APPROPRIATIONS AND INTERGOVERNMENTAL CONSULTING SERVICE TO REPRESENT THE TOWN BEFORE THE EXECUTIVE AND LEGISLATIVE BRANCHES OF THE STATE GOVERNMENT; PROVIDING FOR A RETAINER AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Meerbott made a motion to award Gomez Barker Associates as the first ranking firm and authorizing the Town Manager to execute an agreement. The motion was seconded by Councilmember Bell and Resolution 07-43 was adopted by a 3-2 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, and Mayor Vrooman voting Yes. Councilmember Sochin and Vice Mayor MacDougall voting No.

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.

7. ORDINANCES FOR FIRST READING (PUBLIC HEARING NOT REQUIRED)

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 CHAPTER 33 "ZONING," ARTICLE VI "SIGNS" TO PROVIDE FOR THE RELOCATION OF NON-CONFORMING OFF-PREMISES OR BILLBOARD SIGNS; CREATING SECTION 33-95.1 "RELOCATION OF NONCONFORMING OFF-PREMISES OR BILLBOARD SIGNS;" PROVIDING FOR OPTING OUT OF THE MIAMI-DADE COUNTY SIGN REGULATIONS RESTRICTING PLACEMENT OF SIGNS IN PROXIMITY TO EXPRESSWAYS; AND PROVIDING FOR AN EFFECTIVE DATE.

The Local Planning Agency submitted a recommendation for adoption of the ordinance.

Don O'Donniley gave an oral report and based on his memo dated August 8, 2007, recommended approval of the ordinance.

The mayor opened the public hearing. Herminio San Roman, 12515 Kendall Drive, Sandra Wong, 19630 Southwest 87 Avenue, addressed Council.

Councilmember Bell made a motion to approve the ordinance on first reading. The motion was seconded by Councilmember Sochin and the ordinance 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.

The ordinance will be on second reading September 19, 2007.

8. ORDINANCES FOR FIRST READING (PUBLIC HEARING REQUIRED)

9. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED)

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 CHAPTER 33 "ZONING," SECTION 33-304 "APPLICATIONS" BY PROVIDING FOR REGULATIONS FOR FILING OF APPLICATIONS; PROVIDING FOR REGULATIONS FOR RE-FILING OF APPLICATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Don O'Donniley, the Planning Director, gave a brief report on the ordinance.

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

Councilmember Sochin made a motion to approve the ordinance on second reading. The motion was seconded by Vice Mayor MacDougall and Ordinance 07-21 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, PROVIDING FOR REGULATIONS OF "OPEN HOUSE" SIGNS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Don O'Donniley, the Planning Director, gave a brief report on the ordinance.

The Mayor opened the public hearing. Jaime Reyes, 9750 Southwest 215 Lane, Ed Wolmers, 9370 Dominican Drive, Arthur Nanni, 18843 Southwest 92 Avenue, Louise Lockwood, 9071 Ridgeland Drive.

Vice Mayor MacDougall offered the following amendments:

- Striking out the words in Section 2, A, "The wording on the Open House sign shall be limited to the words "Open House," the name of the residential property owner or the name of the real estate agent, and the residential property address."
- Section 2,B,2, increasing the amount of signs that may be located on private property from three to five.
- Section 2, D, providing for the consent of the property owner instead of written consent.
- Section 2, E, in addition to Saturday and Sunday hours for open house signs to be displayed, he added Wednesday hours and times when there is daylight savings time.
- Section 2, G, when open house signs are confiscated by code compliance, then the signs shall be kept for forty-eight business hours and may be redeemed by the sign owner once all outstanding fines are paid.

Councilmember Sochin made a motion to approve the Vice Mayor's amendments. The motion was seconded by Councilmember Meerbott and the amendments were approved by 4-1 roll call vote. The vote was as follows: Councilmembers Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes; Councilmember Bell voting No.

Councilmember Sochin made a motion to approve the ordinance as amended. The motion was seconded by Councilmember Meerbott and the amendments were approved by 4-1 roll call vote. The vote was as follows: Councilmembers Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes; Councilmember Bell voting No.

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.

The following individuals spoke: Jaime Reyes, 9750 Southwest 215 Lane, Padraig Brousseau, 19791 Southwest 101 Court, Joy Cooper, 9365 Nassau Drive, Richard Rebuth, 8586 Southwest 208 Street, Bill Meiklejohn, 9311 Sterling Drive, Ed Wolmers, 9370 Dominican Drive, Louise Lockwood, 9071

Ridgeland Drive, Sandra Wong, 19630 Southwest 87 Avenue, and Mark Parets, 19301 Holiday Road, Robert Ray, 200 Terrace.

11. MAYOR AND COUNCIL COMMENTS

Councilmember Meerbott mentioned that in the consent agenda provided for an agreement with youth clubs and he recommended that there should be more improvement on picking up trash after the games because there is a continuous littering problem and that staff looks into the parking issue at Bel Aire Park.

Mayor Vrooman briefly discussed that in preparation for the budget, Cutler Bay is the ninth largest municipality in the County and has the sixth lowest millage rate out of all the municipalities.

12. OTHER BUSINESS:

A. Discussion – Town Manager and Town Clerk’s Compensation

The clerk read the following resolution by title:

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AN INCREASE IN COMPENSATION FOR THE TOWN MANAGER AND TOWN CLERK; PROVIDING FOR A BONUS FOR THE TOWN MANAGER; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Meerbott made a motion to approve the resolution. The motion was seconded by Councilmember Bell and the resolution was approved by 3-2 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, and Mayor Vrooman voting Yes; Councilmember Sochin and Vice Mayor MacDougall voting No.

13. ADJOURNMENT

The next council meeting will be held on September 19, 2007, at South Dade Regional Library.

The meeting was officially adjourned at 10:20 P.M.

Respectfully submitted:

*Erika Gonzalez-Santamaria, CMC
Town Clerk*

*Adopted by the Town Council on
this 19th day of September, 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.

TAB 2

RESOLUTION NO. 07-_____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ACCEPTING GRANT FROM THE DEPARTMENT OF HOMELAND SECURITY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, in August of 2006, the Town of Cutler Bay Police Department applied for a Commercial Equipment Direct Assistance Grant (CEDAP), through the Department of Homeland Security.

WHEREAS, this grant enables the police department to obtain surveillance equipment, directly from the Department of Homeland Security.

WHEREAS, on March 27, 2007, an award letter was received, informing the police department that they have been awarded a Video Detective to use during surveillances, please see attachment.

WHEREAS, there is a mandatory training in late August that must be attended in order to receive the equipment.

WHEREAS, this training and all expenses related to this training are paid through the Department of Homeland Security.

WHEREAS, all arrangements for this training have been made by the Department of Homeland Security.; and

WHEREAS, the Town Council finds that acceptance of the Grant is in the best interest of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:

Section 1. **Recitals Adopted.** That each of the above stated recitals is hereby adopted and confirmed.

Section 2. **Grant Accepted.** That the Grant provided pursuant to the Department of Homeland Security Agreement is hereby accepted and the Town Manager is authorized to execute the Grant Agreement, in substantially the form attached hereto, on behalf of the Town, upon approval by the Town Attorney as to form and legal sufficiency.

Section 3. **Implementation.** That the Town Manager is hereby authorized to take any action which is necessary to implement this Resolution and the Grant Agreement in accordance with the procedures of the Town.

Section 4. Effective Date. That this resolution shall be effective immediately upon adoption hereof.

PASSED and ADOPTED this _____ day of _____, 2007.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____

Vice Mayor Edward P. MacDougall _____

Councilmember Peggy R. Bell _____

Councilmember Timothy J. Meerbott _____

Councilmember Ernest N. Sochin _____

TAB 3

RESOLUTION NO. 07-_____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ACCEPTING GRANT FROM THE MIAMI-DADE COUNTY DEPARTMENT OF HUMAN RESOURCES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, in June, 2007 the Town of Cutler Bay Police Department applied to the Miami-Dade County Department of Human Resources in order to obtain the Edward Byrne Memorial Grant allotment.

WHEREAS, the Miami Dade County Human Resource Department requires that a Town Resolution be drafted prior to the development and execution of the contract

WHEREAS, this grant is awarded to municipalities according to their UCR Crime Data.

WHEREAS, the allotment for the Town of Cutler Bay Police Department for the year 2007/2008 is \$9,153.00. These funds will be utilized to purchase equipment (cameras), in order to document victim injuries, to document crime scenes, possible criminal line-ups and any and all other uses to be determined by the Police Department Administration. This is an award of \$9,153.00, there is a match of 25% (\$2,288.25) which will be achieved through the provision of the Officers salaries that are utilizing the cameras therefore, there is no additional cash match required of the Town and

WHEREAS, the Town Council finds that acceptance of the Grant is in the best interest of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:

Section 1. **Recitals Adopted.** That each of the above stated recitals is hereby adopted and confirmed.

Section 2. **Grant Accepted.** That the Grant provided pursuant to the request to Miami-Dade County Department of Human Resources in order to obtain the Edward Byrne Memorial Grant allotment is hereby accepted and the Town Manager is authorized on behalf of the Town to accept and administer the grant, upon approval by the Town Attorney as to form and legal sufficiency.

Section 3. **Implementation.** That the Town Manager is hereby authorized to take any action which is necessary to implement this Resolution and the Grant Agreement, including the expenditure of matching funds for the project as provided pursuant to the Town budget and in accordance with the procedures of the Town.

Section 4. Effective Date. This resolution shall be effective immediately upon adoption hereof.

PASSED and ADOPTED this _____ day of _____, 2007.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____

Vice Mayor Edward P. MacDougall _____

Councilmember Peggy R. Bell _____

Councilmember Timothy J. Meerbott _____

Councilmember Ernest N. Sochin _____

TAB 4



MEMORANDUM

To: Honorable Mayor and Town Council

From: Steven J. Alexander, Town Manager

Date: September 13, 2007

Re: Proposed revisions to Chapter 33, "Zoning"; Article VI, "Signs" to permit existing non-conforming of premises signs to re-locate and opting out of Miami-Dade restrictions limiting placement along expressways.

REQUEST :

The proposed revisions to the sign code establish a potential incentive to relocate existing non-conforming off premises signs (billboards) to better locations within the Town. The current prohibition against adding any new off premises signs (billboards) will stay in effect. In order to create a limited area that may be more appropriate for off premises signs along the Expressway, the Town of Cutler Bay would opt out of current Miami-Dade County restrictions regulating the placement of billboards along the Expressway.

BACKGROUND AND ANALYSIS

On June 7, 2006, the Town of Cutler Bay adopted Ordinance 06-13; prohibiting the erection of any additional off premises billboards. The existing four sites were assigned non-conforming use status. All four locations may continue as off premises billboard sites until such time as the sites are abandoned. Three sites exist on the west side of US-1 (South Dixie Highway) and the fourth location is on SW 211th Street.

The continuation of the current billboard locations poses a deterrent to redevelopment more in keeping with the vision of the Town. The intent of this ordinance is to create a narrowly defined area along the Expressway where owners of current billboard signs can be encouraged to voluntarily re-locate.

Given the rate of return for their leases, current locations are not very likely to surrender their non-conforming site locations unless there is a viable alternative. The Council should weigh if the proposed incentive of locating next to the Expressway will result in voluntary relocation.

If the proposed revisions are enacted, the voluntary nature of the revisions allows billboards to continue in current locations but also offers an incentive to re-locate while continuing the ban on any additional off premises signs.



Office of the Town Manager

The attached draft Ordinance contains changes negotiated with representatives of the industry to ensure rapid relocation of the maximum number of billboard locations and provide an immediate financial contribution to the beautification of our town.

This ordinance was passed on first reading on August 15, 2007.

RECOMMENDATION

Staff recommends approval.

ORDINANCE NO. 07-___

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 33 “ZONING,” ARTICLE VI “SIGNS” TO PROVIDE FOR THE RELOCATION OF NON-CONFORMING OFF-PREMISES OR BILLBOARD SIGNS; CREATING SECTION 33-95.1 “RELOCATION OF NONCONFORMING OFF-PREMISES OR BILLBOARD SIGNS;” PROVIDING FOR OPTING OUT OF THE MIAMI-DADE COUNTY SIGN REGULATIONS RESTRICTING PLACEMENT OF SIGNS IN PROXIMITY TO EXPRESSWAYS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Cutler Bay (the “Town”) adopted Ordinance 06-13, which prohibited and capped off-premises or billboard signs within the Town; and

WHEREAS, it is the intent of the Town Council to permit legally established non-conforming off-premises or billboard signs that existed prior to the adoption of Ordinance 06-13 to relocate to specific areas of the Town in order to maintain and improve the aesthetics, quality of life, and safety within Town; and

WHEREAS, Miami-Dade County (the “County”) has recently amended Section 33-121.11 of the County Code of Ordinances to permit municipalities to opt out of the County regulations restricting placement of signs in proximity to expressways; and

WHEREAS, it is the intent of the Town Council to opt out of such County regulations in order to permit the relocation of off-premises signs within the Town; and

WHEREAS, the Town Council finds these changes to be in the best interest and welfare of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY AS FOLLOWS¹:

Section 1. Findings. The foregoing “Whereas” clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Opt-out of Miami Dade County Regulations. Pursuant to Section 33-121.11 of the Miami-Dade County Code of Ordinances, the Town Council hereby opts out of the Miami-Dade County sign regulations restricting placement of signs in proximity to expressways.

¹ Coding: underlined words are additions to existing text, struck through words are deletions from existing text, **shaded** text reflects changes made from First Reading.

Section 3. Amendment to Chapter 33 of the Town Code. The Town Council hereby amends Chapter 33 “Zoning,” Article VI “Signs” as follows:

Section 33-95. Prohibited signs.

(k) Except for non-conforming signs, off-premises signs or billboard signs are prohibited in the town. Any off-premises sign or billboard sign, except as provided in Section 33-95.1, erected after the effective date of this article as amended shall be removed at the sole expense of the sign owner and shall be subject to code enforcement proceedings as provided in the town code.

Section 33-95.1 Relocation of Nonconforming Off-premises or Billboard Signs.

(A) Relocation Application.

Pursuant to Ordinance Number 06-13, the maximum number of off-premises or billboard signs shall be those existing on June 7, 2006 (four sign locations). The owner of one of the four legally established existing nonconforming off-premises or billboard signs may submit an application to the planning department for the relocation of an existing non-conforming off-premises or billboard sign in accordance with the provisions of this section.

(B) Relocation Procedures.

(1) A certificate to relocate an existing nonconforming off-premises or billboard sign shall be issued by the planning director to the owner of that sign upon documentation of the following:

(a) A site inspection by Town staff, which shall be maintained on file in the planning department, demonstrating the removal of an existing nonconforming off-premises or billboard sign with its supporting structure. In the event that there is a double faced nonconforming off-premises or billboard sign, both sign faces shall be removed; and

(b) Evidence demonstrating that the owner has entered into an agreement with the Town a nonprofit corporation to assure, which provides that the owner shall pay to the Town twelve thousand dollars (\$12,000) per location for the first year and two thousand dollars (\$2,000) for each subsequent year in order to assist in Town wide beautification projects to mitigate the aesthetic impacts of the relocated signs. that a minimum of five (5) percent of the gross revenues from advertising on the relocated sign, which under no circumstances shall be less than eight thousand dollars (\$8,000.00) per year per sign, is directed to that nonprofit corporation to assist in funding its projects exclusively serving the residents of the Town.

(2) The sign owner may hold the certificate, or redeem it for a building permit to construct a new off-premises or billboard sign at the relocated site.

(3) A building permit for the construction of a relocated off-premises or billboard sign shall be issued to the owner of an existing nonconforming off-premises or billboard sign only after:

(a) A certificate for the relocation of the sign has been issued by the planning director;

(b) The planning department has confirmed that the proposed sign meets the requirements of this section; and

(c) The Florida Department of Transportation (FDOT) has issued a written approval permitting the relocation of the sign, if required by state law.

(C) Relocation Area.

After obtaining a building permit as provided above, a nonconforming off-premises or billboard sign may be relocated to the area within 660 feet of the western edge of the right-of-way of the Homestead Extension of the Florida Turnpike (HEFT), subject to the approval of the Florida Department of Transportation (FDOT), if required by state law. Such signs shall be erected, operated, used, or maintained in accordance with the provisions of Chapter 479, Florida Statutes, as amended, unless otherwise provided for in this section.

(D) Sign Surface Area.

The sign surface area, per face, for a relocated nonconforming off-premises or billboard sign shall be no larger than 672 square feet (including any embellishments). The number of sign faces on the relocated sign shall not exceed the number of sign faces on the nonconforming off-premises or billboard sign for which the certificate was issued. In the event there is a double faced sign, such sign faces shall be of the same size and shall be placed at an angle to form a single "V" or placed back-to-back and not placed in a straight line.

Section 4. Transmittal to Miami-Dade County. The Town Clerk is hereby authorized to transmit this Ordinance to the Miami-Dade County Director of Planning and Zoning within 15 days of adoption in accordance with the provisions in Section 33-121.11 of the Miami-Dade County Code.

Section 5. Severability. If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6. Conflict. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this 15th day of August, 2007.

PASSED AND ADOPTED on second reading this _____ day of _____, 2007.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____
Vice Mayor Edward P. MacDougall _____
Councilmember Peggy R. Bell _____
Councilmember Timothy J. Meerbott _____
Councilmember Ernest N. Sochin _____