



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

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, November 19, 2008, 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 from the Relay for Life
 - B. Presentation from Green Solar System Inc.
3. **APPROVAL OF MINUTES**
 - A. Council Meeting – October 15, 2008
4. **REPORTS**
 - A. TOWN MANAGER'S REPORT
 - B. TOWN ATTORNEY'S REPORT
 - C. BOARD/COMMITTEE REPORTS AND COUNCIL ANNOUNCEMENTS
 1. Greenbuild International Conference and Expo – Boston, MA
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.

TAB 1

A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH ENVIROWASTE SERVICES GROUP, INC. UNDER SUBSTANTIALLY THE SAME TERMS AND CONDITIONS OF THEIR EXISTING CONTRACT WITH THE VILLAGE OF PINCREST, FLORIDA PURSUANT TO TOWN ORDINANCE 06-22 FOR THE PROVISION OF CATCH BASIN MAINTENANCE SERVICES FOR THE TOWN OF CUTLER BAY; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 2

B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE AGREEMENT BETWEEN THE TOWN OF CUTLER BAY AND JAMES C. NICOLAS RELATING TO THE PROVISION OF IMPACT FEE CONSULTING SERVICES TO THE TOWN OF CUTLER BAY; AUTHORIZING THE MANAGER TO EXECUTE THE SAME; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 3

C. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA CREATING THE ART IN PUBLIC PLACES ADVISORY BOARD FOR THE PRIMARY PURPOSE OF REVIEWING AND MAKE RECOMMENDATIONS TO THE TOWN COUNCIL AS TO ITEMS THAT MAY BE ACQUIRED WITH REGARD TO THE ART IN PUBLIC PLACES PROGRAM; APPOINTING A COUNCIL LIAISON AND PROVIDING FOR THE SELECTION OF BOARD MEMBERS; DESCRIBING THE COMPOSITION OF THE BOARD; SETTING FORTH RECOMMENDATIONS FOR QUALIFICATIONS OF THE BOARD; DESCRIBING THE DUTIES OF THE BOARD; PROVIDING FOR AUTOMATIC DISSOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 4

D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE STATE FINANCIAL ASSISTANCE AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE TOWN OF CUTLER BAY FOR STORMWATER IMPROVEMENTS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SAME; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 5

E. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE ADMINISTRATIVE ORDER "FEE SCHEDULE FOR THE BUILDING DEPARTMENT" RELATING TO THE REVISION OF THE TOWN OF CUTLER BAY BUILDING DEPARTMENT FEE SCHEDULE; PROVIDING FOR AN EFFECTIVE DATE.

TAB 6

F. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING APPROVAL OF THE SITE PLAN FOR SAGA BAY PARK LOCATED AT 7900 SW 205 STREET, CUTLER BAY, FLORIDA; AUTHORIZING THE TOWN MANAGER TO TAKE THE STEPS NECESSARY TO INITIATE THE CONSTRUCTION OF FUNDED PARK IMPROVEMENTS AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 7

G. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, REQUESTING THAT A PUBLIC TRANSPORTATION MUNICIPAL COALITION BE CREATED FOR THE MUNICIPALITIES OF THE VILLAGE OF PINECREST, VILLAGE OF PALMETTO BAY, CITY OF HOMESTEAD AND CITY OF FLORIDA CITY FOR THE IMPROVEMENT OF PUBLIC TRANSPORTATION IN THE SOUTHERN MUNICIPAL REGION OF MIAMI-DADE COUNTY; PROVIDING FOR AN APPOINTMENT PROCEDURE FOR MEMBERS OF THE COALITION; AND PROVIDING AN EFFECTIVE DATE. **(MEERBOTT)**

TAB 8

H. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, URGING THE 2009 FLORIDA LEGISLATURE TO EQUALIZE FUNDING BASED ON POPULATION TO PROVIDE EACH REGION OF FLORIDA, INCLUDING SOUTH FLORIDA, ITS FAIR SHARE OF STATE FUNDING; AND PROVIDING FOR AN EFFECTIVE DATE. **(MEERBOTT)**

TAB 9

I. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO CREATING MANAGED LANES ON PART OF US HIGHWAY 1 BUSWAY; PETITIONING THE BOARD OF COUNTY COMMISSIONERS AND THE COUNTY MPO TO CONTINUE TO STUDY SUCH A PLAN, BY PLACING THE NEXT LEVEL OF ANALYSIS IN THE 2009 LONG RANGE TRANSPORTATION PLAN, SO THAT ANY FATAL FLAWS CAN BE DISCOVERED AND COMMUNICATED WITH THE STAKEHOLDERS; AND TO INCLUDE STAFF AND AT LEAST ONE ELECTED OFFICIAL FROM ALL MUNICIPALITIES CONTIGUOUS TO THE PROPOSED TOLL LANE AREAS, INCLUDING BUT NOT LIMITED TO PINECREST, PALMETTO BAY, CUTLER BAY, HOMESTEAD AND FLORIDA CITY; PROVIDING AN EFFECTIVE DATE. **(SOCHIN)**

TAB 10

J. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE STATE OF FLORIDA GRANT ASSISTANCE AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE TOWN OF CUTLER BAY FOR SOURCE REDUCTION

ADD-ON

PROGRAMS (S0419) AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SAME AND PROVIDING FOR AN EFFECTIVE DATE.

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.

A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, GRANTING A WAIVER FROM THE PROVISIONS OF ORDINANCE 07-01 RELATING TO THE OLD CUTLER ROAD OVERLAY ZONING DISTRICT FOR PROPERTIES LOCATED AT 8420 S.W. 197 STREET AND 19781 S.W. 84 COURT; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 11

B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, GRANTING SITE PLAN APPROVAL FOR TWO (2) SINGLE FAMILY HOMES LOCATED AT 19781 S.W. 84 COURT (FOLIO# 36-6003-037-0040) AND 8420 S.W. 197 STREET (FOLIO#36-6003-037-0070); AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 12

C. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, GRANTING THE REQUEST OF CITY FURNITURE FOR A REZONING FROM IU-1 (INDUSTRIAL, LIGHT MANUFACTURING DISTRICT) TO BU-1A (LIMITED BUSINESS DISTRICT) FOR PROPERTY LOCATED AT 18750 S. DIXIE HIGHWAY, AS LEGALLY DESCRIBED IN EXHIBIT "A," CONSISTING OF APPROXIMATELY 56,413 SQ. FT.; AND PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)**

TAB 13

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

A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING THE ART IN PUBLIC PLACES PROGRAM; PROVIDING CRITERIA FOR THE SELECTION OF WORKS OF ART; DELINEATING THE APPLICABILITY OF THE ORDINANCE TO COMMERCIAL DEVELOPMENT PROJECTS; DESCRIBING THE EFFECT UPON PERMIT PROCESS AND THE CERTIFICATE OF OCCUPANCY PROCESS; CREATING AN ART IN PUBLIC PLACES TRUST FUND AND CREATING GUIDELINES FOR CONTRIBUTION; PROVIDING FOR A PROCESS FOR APPROVAL OF DONATED ARTWORK AND PROCEDURES FOR OWNERSHIP AND MAINTENANCE; PROVIDING FOR RETURN OF UNUSED FEES; CREATING APPLICATION PROCEDURES REPEALING ALL ORDINANCES IN

TAB 14

CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE.

B. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

TAB 15

C. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 33 "ZONING" ARTICLE VI "SIGNS" SECTION 33-96.5 RELATING TO THE MAXIMUM HEIGHT FOR FLAG POLES IN RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE. **(MEERBOTT)**

TAB 16

D. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, UPDATING REGULATIONS RELATED TO TEMPORARY STORAGE UNITS AND FREIGHT CARGO CONTAINERS; CREATING PERMIT REQUIREMENTS; CREATING ANNUAL REGISTRATION FEE; CLARIFYING FEE REQUIREMENT RETROACTIVE TO PASSAGE OF INITIAL ORDINANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 17

E. AN ORDINANCE OF THE MAYOR AND TOWN OF CUTLER BAY, FLORIDA, AMENDING ORDINANCE 08-18 WHICH ORDINANCE ADOPTED AN OPERATING AND CAPITAL OUTLAY BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2009 BY REVISING SAID BUDGET TO APPROPRIATE \$60,000 DESIGNATED AS CONTINGENCY RESERVES AND PROVIDE SUCH FUNDS BE ALLOCATED TO THE PARKS BUDGET AND AUTHORIZING THE TOWN MANAGER TO MAKE EXPENDITURES CONSISTENT THEREWITH AND DO ALL THINGS NECESSARY TO CARRY OUT THE INTENT OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE. **(BELL)**

TAB 18

8. ORDINANCES FOR FIRST READING (PUBLIC HEARING REQUIRED)

9. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED)

A. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING REGULATIONS RELATED TO MALLS AND BUSINESSES WITH PARKING LOTS CONTAINING 25

TAB 19

OR MORE PARKING SPACES; PROVIDING FOR INSTALLATION OF SECURITY CAMERA SYSTEMS FOR PARKING LOT SURVEILLANCE; PROVIDING FOR A PROCEDURE FOR MALLS AND BUSINESSES TO KEEP RECORDINGS FOR 30 DAYS; PROVIDING FOR AN EXEMPTION FOR CONVENIENCE BUSINESSES ALREADY GOVERNED BY SIMILAR FLORIDA STATUTES; PROVIDING TECHNICAL SPECIFICATIONS FOR A SECURITY CAMERA SYSTEM; CREATING A GRACE PERIOD FOR COMPLIANCE FOR EXISTING MALLS AND BUSINESSES; AMENDING THE SCHEDULE OF VIOLATIONS AND CIVIL PENALTIES SECTION OF THE CODE TO INCLUDE PENALTIES FOR VIOLATION OF THESE SECTIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE.

TAB 20

- B.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING ORDINANCE NO. 2007-24 WHICH ORDINANCE ADOPTED A BUDGET FOR THE 2007/2008 FISCAL YEAR BY REVISING THE 2007/2008 FISCAL YEAR OPERATING AND CAPITAL BUDGET AS OUTLINED IN EXHIBIT "A" ATTACHED HERETO; AUTHORIZING THE TOWN MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.

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.** Communications Committee Meeting
Monday, November 24th at 6:00 p.m.
Town Hall, 10720 Caribbean Blvd., Suite 105
- B.** Town Hall Closed
Tuesday, November 27, 2008
In observance of the Thanksgiving holiday.
- C.** Town Hall Closed
Tuesday, November 28, 2008
In observance of the Thanksgiving holiday.

- D. Communications Committee Meeting
Monday, December 1st at 6:00 p.m.
Town Hall, 10720 Caribbean Blvd., Suite 105

- E. Communications Committee Meeting
Monday, December 8th at 6:00 p.m.
Town Hall, 10720 Caribbean Blvd., Suite 105

- F. Communications Committee Meeting
Monday, December 15th at 6:00 p.m.
Town Hall, 10720 Caribbean Blvd., Suite 105

- G. Regular Council Meeting
Wednesday, January 21, 2009 at 7:00 p.m.
South Dade Regional Library, 10750 SW 211th ST, 1st Floor

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.