

TOWN OF CUTLER BAY
MINUTES OF THE COUNCIL MEETING
Thursday, February 16, 2006
South Dade Government Center
10701 SW 211 Street, Room 203

Meeting commenced at 7 p.m.

INVOCATION: Reverend Don Sullivan, Saint Faith's Episcopal Church, provided the invocation.

I. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE:

Mayor Cosgrove called the meeting to order. The following members of the Town Council were present:

Mayor John F. Cosgrove
Vice Mayor Paul S. Vrooman
Council Member Timothy J. Meerbott
Council Member Ernest N. Sochin
Council Member Peggy R. Bell

The following staff members were present:
Acting Town Manager Charles Scurr
Assisting Town Manager Steven Alexander
Acting Town Clerk Meighan Pier
Acting Town Attorney Richard Weiss
Acting Town Attorney Mitchell Bierman
Acting Town Attorney John Quick

Whispering Pines Boy Scout Troop 654 lead the pledge of allegiance

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Photograph of Cutler Bay Steering Committee and Town Council: The Council took a moment to thank the members of the Steering Committee that were present.
- B. Mayor Cosgrove and the Council formally acknowledged the public service of Delle Joseph and Sandra Reyes-Nanni and presented them with their Proclamations.
- C. Proclamation for Priyanshu A. Adathakkar: Mayor Cosgrove and the Council presented Mr. Adathakkar with a proclamation thanking him for his service and helping provide the public with history concerning the Cutler settlement and how the area grew to incorporation. Council member Bell specifically thanked him for the service he provided to the Steering Committee.

Mr. Adathakkar thanked several individuals and the Council. Mr. Robert MacDougall provided the Council with the 11 domain names that reserve several variations of a possible website for the Town.

D. Proclamation for Barbara Penrod, Cutler Ridge Park Director

Mayor Cosgrove and the Council recognized Barbara Penrod for Supervisor of the Quarter for Cutler Ridge Park.

Mayor Cosgrove announced that he has additional copies of the program and the commemorative news articles and map that were provided at the inaugural meeting. He also announced that photos of the ceremony are also available.

III. APPROVAL OF MINUTES

- A. Minutes of the February 2, 2006 Council Meeting: Council Member Meerbott moved to approve. Seconded by Vice Mayor Vrooman. All voted in favor. The Motion carried.

IV. TOWN MANAGER'S REPORT

Mr. Scurr provided a report concerning the initial procurement of interim services and personnel, underscoring the need for expedited procurement as the amount of work required by the Charter. He recommended waiving competitive bidding for interim services, approved with a 4/5 vote of Town Council for an abundance of caution.

Mr. Scurr reviewed the important essential items required to begin administrative functions, such as securing liability insurance for the Council and general liability for the Town.

V. TOWN ATTORNEY'S REPORT

Attorney Bierman provided a report, advising the Council of the essential next steps. He noted that County staff is available to provide a presentation concerning the Charrette; and that Attorneys Susan Trevarthen and Chad Friedman of Weiss, Serota, et al., are available to provide assistance concerning the legal requirements of the zoning overlay.

VI. BOARD AND COMMITTEE REPORTS

- A. Report/workshop regarding Cutler Ridge Charrette - Vice Mayor Vrooman

Vice Mayor Vrooman provided a history of the Charrette planning process and thanked Ernie Martinez, Nancy McCue, Alfie Sergio, and the members of the Community Council for their service. He introduced Subrata Basu of Miami-Dade County.

Mr. Basu provided a brief introduction and also introduced Natasha Alfonso, representative of Miami-Dade County Planning and Zoning Urban Design Center. Ms. Alfonso gave a PowerPoint presentation to Council and provided information concerning the 2002 downtown Cutler Ridge Charrette.

Attorney Trevarthen addressed the Council with regard to the procedure required to effectuate the Charrette. She stated that the Council will consider adopting Chapter 33 of the Miami-Dade County Code this evening and as the County has an extensive and cumbersome mailing and notice procedure, Cutler Bay may wish to establish a more streamlined process.

Vice Mayor Vrooman asked for further clarification regarding how much of a delay would result in following the existing County procedures.

Attorney Trevarthen replied that staff would speak with the County regarding how we may be able to get the notices mailed; therefore, it may require another meeting or two beyond the March 2nd meeting.

Discussion ensued regarding the Old Cutler Road Charrette. Mr. Basu advised that the Old Cutler Road Charrette is a corridor study, not an area-wide study and several initiatives are ongoing concerning the implementation of these recommendations.

Following discussion, Mayor Cosgrove asked staff to research if there would be any negative impact on the Town due to the overlay.

VII. CONSENT AGENDA: None at this time.

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE MAYOR, ASSISTING TOWN MANAGER AND ACTING TOWN ATTORNEY TO NEGOTIATE AN INITIAL INTERLOCAL AGREEMENT OR SERIES OF AGREEMENTS FOR CONTINUING SERVICES WITH MIAMI-DADE COUNTY; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AFTER APPROVAL BY THE TOWN COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Cosgrove provided a brief report.

Vice Mayor Vrooman moved to approve. Seconded by Council Member Sochin. All voted in favor (5-0). Resolution 06-09 was adopted.

- B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, PROVIDING FOR THE ESTABLISHMENT

OF TOWN ACCOUNTS WITH A QUALIFIED PUBLIC DEPOSITORY; PROVIDING FOR DEPOSIT OF FUNDS; PROVIDING FOR NECESSARY SIGNATORIES ON SUCH ACCOUNTS; PROVIDING NOTICE TO THE STATE TREASURER; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING REQUIREMENTS; AUTHORIZING TRANSMITTAL; AND PROVIDING AN EFFECTIVE DATE.

Attorney Weiss explained that staff left a blank for the name of the selected bank. He stated that the Assisting Town Manager will provide the name of a bank and the permanent depository will be selected in the future.

Council Member Meerbott noted that he would be liaison to this Committee for the permanent selection.

Following discussion, it was decided to remove the blanks and allow the Assisting Manager to make the interim selection. Council Member Meerbott moved to amend the Resolution. Seconded by Vice Mayor Vrooman. All voted in favor (5-0). The Motion carried.

Council Member Meerbott moved to approve the proposed Resolution, as amended. Seconded by Council Member Bell. All voted in favor (5-0). Resolution 06-10 was adopted.

- C. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE PREPARATION OF AND SUBMISSION OF THE TOWN'S APPLICATIONS FOR EMPLOYER IDENTIFICATION NUMBER AND TAX EXEMPTION; AUTHORIZING TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Cosgrove explained the purpose for the Resolution.

Council Member Bell moved to approve. Seconded by Council Member Sochin. All voted in favor (5-0). Resolution 06-11 was adopted.

- D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE ASSISTING TOWN MANAGER TO NEGOTIATE THE PURCHASE OF INSURANCE COVERAGE FOR THE TOWN AND ITS ELECTED OFFICIALS, OFFICERS AND OFFICE FACILITIES; PROVIDING FOR A DETERMINATION OF IMPRACTICALITY AS TO COMPETITIVE BIDDING FOR SUCH INSURANCE COVERAGES; AND PROVIDING AN EFFECTIVE DATE.

Mr. Scurr provided staff report, recommending utilizing the Florida League of Cities as the insurer.

Mayor Cosgrove commented that he would concur with the suggestion; however, he is in favor of utilizing a local business for coverage in the future.

Council Member Sochin moved to approve. Seconded by Vice Mayor Vrooman. All voted in favor (5-0). Resolution 06-12 was adopted.

- E. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE PREPARATION OF AND SUBMISSION TO THE STATE OF FLORIDA, DEPARTMENT OF REVENUE, OF THE TOWN'S APPLICATION FOR STATE REVENUE-SHARING PURSUANT TO CHAPTER 218, FLORIDA STATUTES AND PROVIDE FOR AN EFFECTIVE DATE.

Council Member Meerbott moved to approve. Seconded by Council Member Sochin. All voted in favor (5-0). Resolution 06-13 was adopted.

- F. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ESTABLISHING THE MEETING SCHEDULE OF THE TOWN COUNCIL; ESTABLISHING THE LOCATION; AUTHORIZING THE ASSISTING TOWN MANAGER TO NEGOTIATE A CONTRACT FOR USE OF THE MEETING LOCATION; PROVIDING AN EFFECTIVE DATE.

Mayor Cosgrove explained the item, noting that he would like to hold meetings at several locations in an effort to reach the public. He stated that he is also desirous of selecting a day of the week for the Council meetings that is earlier in the week in order to allow staff more time to act on items, as Thursday is too close to the weekend and may result in action being delayed.

Attorney Bierman announced that the next meeting is scheduled for March 2nd.

Council Member Bell moved to approve. Seconded by Council Member Meerbott.

Attorney Weiss noted that staff would include the location of the South Dade Government Center as the location for the March 2nd meeting and would remove Section 3.

Council Member Bell moved to include the amendment. Seconded by Council Member Meerbott. All in favor of the amendment (5-0). The Motion carried.

Council Member Bell moved to approve. Seconded by Council Member Meerbott. All voted in favor. Resolution 06-14 was adopted.

IX. RESOLUTIONS REQUIRING PUBLIC HEARING: None at this time.

X. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES

- A. AN EMERGENCY 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 TOWN COUNCIL FOR COUNTY OFFICIALS, BOARDS, OR COMMITTEES, PROVIDING FOR ZONING REVIEW, PROVIDING FOR AUTHORITY OF TOWN COUNCIL; PROVIDING FOR AN APPEAL PROCESS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Cosgrove explained the item.

Attorney Bierman noted that emergency ordinances are effective for 180 days and must be readopted thereafter.

Attorney Trevarthen mentioned that if the mail and posted notice procedures of the County code remain, staff would not be able to present the zoning overlay matter on first reading on March 2nd. She stated that if Council would like, she could remove a section and provide proposed language.

Vice Mayor Vrooman stated that he would prefer acting in an abundance of caution, giving as much notice as possible.

Vice Mayor Vrooman moved to approve. Council Member Bell seconded the motion.

Mayor Cosgrove asked if any member of the public wished to speak. No one wished to be heard.

A roll call vote was taken, as follows: Mayor Cosgrove: Yes; Vice Mayor Vrooman: Yes; Council Member Meerbott: Yes; Council Member Sochin: Yes; Council Member Bell: Yes. Ordinance 06-02 was adopted unanimously (5-0).

- B. AN EMERGENCY 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 FOR A REPEALER; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Cosgrove provided explanation. He asked if anyone from the public wished to speak. No one requested to be heard.

Attorney Weiss provided the meaning of the term “repealer.”

Council Member Sochin moved to approve. Seconded by Vice Mayor Vrooman. A roll call vote was taken, as follows: Vice Mayor Vrooman: Yes; Council Member Meerbott: Yes; Council Member Sochin: Yes; Council Member Bell: Yes; Mayor Cosgrove: Yes. Ordinance 06-03 was adopted unanimously (5-0).

- C. AN EMERGENCY 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 UTILITY TAX UPON THE PURCHASE WITHIN THE TOWN OF CUTLER BAY OF ELECTRICITY, WATER, METERED GAS, BOTTLED GAS, COAL, AND FUEL OIL; AUTHORIZING TRANSMITTAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Cosgrove explained the item.

Mr. Leif Gunderson, 1515 S. Homestead Avenue, asked why cable and telephone utilities were not included.

Attorney Weiss advised that the Ordinance is not implementing a new tax; rather the existing tax would transfer to the Town, as is already mandated by State law. He noted that a separate ordinance would include cellular phones.

Vice Mayor Vrooman moved to approve. Seconded by Council Member Bell. A roll call vote was taken, as follows: Council Member Meerbott: Yes; Council Member Sochin: Yes; Council Member Bell: Yes; Mayor Cosgrove: Yes; Vice Mayor Vrooman: Yes. Ordinance 06-04 was adopted unanimously (5-0).

XI. ORDINANCES FOR SECOND READING AND PUBLIC HEARING: None at this time.

XII. PUBLIC COMMENTS

- A. Priyanshu A. Adathakkar, 9871 SW 221 Terrace, stated that the Charrette ordinance is available for download and will also include the PowerPoint presentation at www.beautifulcity.us

XIII. MAYOR AND COUNCIL COMMENTS

- A. Council Member Meerbott provided a report concerning his recent attendance at the Cutler Bay Business Association meeting. He encouraged all to get involved. The meetings will be on the second Thursday of each month, with the next scheduled for March 9th at the Cutler Bay Seafood & Steakhouse.

- B. Council Member Sochin reported that he had received a call from the County Commissioner's office concerning construction vehicles using the roadway adjacent to Whigham Elementary School. He stated that the County would like to install a "no thru trucks" sign in order for the police to be able to enforce that law and cease the construction truck traffic.

Following discussion, Council Member Sochin moved to approve the installation of the signage. Seconded by Council Member Bell. All voted in favor. The Motion carried.

Council Member Sochin advised that he would like to begin planning a celebration event for the Town's inauguration. He noted that he had requested the Southland Mall submit an initial proposal to hold this event.

Mayor Cosgrove asked the attorneys to speak with Council Member Sochin concerning this suggestion.

- C. Council Member Bell advised that she will be attending the Great Parks Summit at Fairchild Tropical Gardens tomorrow and would provide a report to the Council.
- D. Mayor Cosgrove advised that he, Mr. Alexander and Attorney Bierman had begun preliminary discussions with County staff. He also noted that the CRA had briefly been discussed and that a public hearing has been scheduled by the County for February 21st regarding the consultant selection.

Mayor Cosgrove advised that while he had provided 22 subject areas for citizen's advisory committees and had asked the Council to narrow the subjects, the Town is not yet prepared to provide staffing to these committees. He stated that if an audience member is interested in being involved in any of these committees, to advise a Council member and see if they can be appointed.

Council Member Sochin provided his suggestions to all and noted the subcategories he recommended.

Mayor Cosgrove and the Council provided a proclamation to Paul Czekanski for his service to the Municipal Advisory Committee.

XIV. OTHER BUSINESS

- A. Report regarding process for hiring Town Manager-Interim/Permanent – Mayor Cosgrove

Mayor Cosgrove provided his report. He noted that it is important to have interim staff while the national search is ongoing. He stated that he had spoken with Mr. Alexander and Mr. Alexander is willing to serve as Interim Town

Manager. He advised that he will discuss the negotiations of an employment agreement for the interim position and report at the next Council meeting.

Mr. Alexander noted that he would be serving part-time until the contract is finalized at the March 2nd Council meeting.

Vice Mayor Vrooman moved to approve the report. Seconded by Council Member Bell. All voted in favor. The Motion carried unanimously (5-0).

B. Report regarding process for hiring Town Attorney/Legislative Representation – Vice Mayor Vrooman

Vice Mayor Vrooman provided a report and recommended that the Council consider utilizing the services of Weiss, Serota, et al., for a one-year term.

Council Member Meerbott moved to approve the selection for a 12-month period. Seconded by Council Member Sochin.

Attorney Bierman noted that the firm would charge \$180 per hour, with no charge for phone conferences with Council members.

Vice Mayor Vrooman advised that the firm was the second lowest hourly rate of the cities he surveyed.

All voted in favor. The Motion carried unanimously (5-0).

Vice Mayor Vrooman provided a report with regarding to the Lobbyist services to the Town. He suggested utilizing the services of the firms that were competitively bid by Palmetto Bay: Robert M. Levy & Assoc and Robert L. Book, who have been successfully lobbying for Palmetto Bay. He suggested an interim appointment of 12 to 18 months, paying the same rate as Palmetto Bay.

Following discussion, Council Member Bell moved to approve Vice Mayor Vrooman's reports and also to authorize the Vice Mayor to negotiate the terms of the initial contracts for the Town Attorney position and the Lobbyist services and return to Council. Seconded by Council Member Meerbott.

Council Member Sochin asked for explanation of the termination clause.

Attorney Weiss noted that if the Town of Cutler Bay is dissatisfied with their service, they could terminate the contract immediately and without notice.

All voted in favor of the previous Motion. The Motion carried unanimously (5-0).

C. Report regarding process for selection of finance/banking institution – Council Member Meerbott

Council Member Meerbott provided his report. He noted that he was contacted by three banking institutions; two said they would provide free service until the Town makes a permanent selection. He suggested authorizing the Manager to make the interim selection and then establish a committee to provide their expertise, receive bids and recommend a permanent selection to Council.

Mayor Cosgrove noted that Palmetto Bay uses not only a local bank, but also the State investment accounts.

Vice Mayor Vrooman moved to approve the report. Seconded by Council Member Sochin. All voted in favor. The Motion carried unanimously (5-0).

D. Report regarding process for securing temporary facilities – Council Member Sochin

Council Member Sochin provided his report, noting that he had visited several available office spaces. He recommended that the Town seek a semi-permanent location, with adequate parking and public exposure, and consider a one to two year lease. He suggested forming a selection committee to secure the permanent location.

Council Member Bell moved to approve. Seconded by Council Member Meerbott. All voted in favor. The Motion carried unanimously (5-0).

Mayor Cosgrove advised that he had provided Vice Mayor Vrooman with information concerning the groups that expressed interest in leading the next pledge of allegiance.

E. Report regarding process for hiring Town Clerk/Communications – Council Member Bell

Council Member Bell provided her report, noting that she has received information concerning the general responsibilities and duties of the Clerk position. She advised that with start-up cities there are, initially, other duties that the Clerk will be expected to perform until staffing has been established. She added that the Clerk should be a Certified Municipal Clerk or working toward that goal. She reported that she had received three resumes and would like to request Mrs. Pier's assistance with the interview process for the interim clerk position.

Mrs. Pier provided information as to the process for certification of a Clerk.

Council Member Bell reported that she had received information from firms interested in providing their public information services; however, she did not believe an interim appointment would be necessary. She advised that she has her appointment available for the permanent selection committee.

Council Member Sochin moved to approve the report and authorize Council Member Bell to negotiate a salary amount and contract with the town attorneys for the Interim Clerk position. Seconded by Council Member Meerbott. All voted in favor. The Motion carried unanimously (5-0).

Council Member Meerbott moved to approve Council Member Bell's report concerning a public information firm. Seconded by Vice Mayor Vrooman. All voted in favor. The Motion carried unanimously (5-0).

- F. Mayor Cosgrove asked the Council to be prepared to make their appointments to the Council Advisory Committees at the next Council meeting.

XV. NEXT MEETING ANNOUNCEMENT AND ADJOURNMENT

Mayor Cosgrove asked Vice Mayor Vrooman to arrange for the invocation and pledge of allegiance next week, noting that there is a Girl Scout group interested in assisting. He provided emergency contact information to staff, as he would not be in the office next week.

Mayor Cosgrove asked for a moment of silence for Vice Mayor Vrooman's father and Mayor Cosgrove's uncle, both of whom had passed recently.

The Meeting was officially adjourned at 10:40 pm.

Prepared and submitted by:

*Meighan J. Pier, CMC
Acting Town Clerk*

*Adopted by the Town Council on
this ____ day of March, 2006.*

John F. Cosgrove, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, 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 A 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. WHILE THE FLORIDA STATUTES DO NOT REQUIRE AUDIO RECORDINGS, TO THE EXTENT THAT AUDIO RECORDINGS ARE MADE, THE RECORDING MAY BE REQUESTED FROM THE TOWN CLERK FOR REVIEW AND/OR COPYING. THE TOWN OF CUTLER BAY CAN NOT GUARANTEE THE QUALITY OF ANY RECORDING.