

TOWN OF CUTLER BAY
MINUTES OF THE COUNCIL MEETING
Thursday, March 2, 2006
South Dade Government Center
10701 SW 211 Street, Room 203
(305) 259-1234

Meeting called to order at 7:00 p.m.

INVOCATION: Vice Mayor Vrooman asked all to join him in a moment of quiet reflection.

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

Vice Mayor Vrooman noted that he wished to recognize veterans of war and asked John Sykes, a veteran of the Vietnam War, to lead the pledge.

Mayor Cosgrove recognized former State representative Betty Metcalf and her husband, George, and Julie Fishman, Aide to Senator Nan Rich.

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Presentation by the State Attorney's Office, Community Outreach Division, concerning programs available to residents of Cutler Bay

Mr. Luis Martinez of the State Attorney's Office provided a brief report, introducing the Community Outreach Division's services to Cutler Bay. He advised that the programs are free to the public and asked anyone interested to contact him.

Mayor Cosgrove thanked Mr. Martinez for his assistance and Katherine Fernandez Rundle for continuing to assist the public.

III. APPROVAL OF MINUTES

- A. Minutes of the February 16, 2006 Council Meeting: Vice Mayor Vrooman moved to approve. Seconded by Council Member Meerbott. All voted in favor. The Minutes were approved unanimously.

IV. TOWN MANAGER'S REPORT

Assisting Town Manager Alexander advised that the Town had received the \$300,000 advance from the County, had opened a bank account and is ready to begin operations. He reported that he and Attorney Bierman will meet with the County tomorrow to continue formal negotiations. He stated that he and Council Member Sochin have also been visiting several potential sites to being Town Hall operations. Mr. Alexander advised that Centennial Middle School advised that due to construction, the next meeting can not be held at their auditorium. He advised that consideration of plat approval for Bill Ussery is forthcoming. He concluded that he has contacted the Florida League of Cities to begin the process of insuring the Town.

Mayor Cosgrove provided Mr. Alexander with the paperwork concerning the Town's Tax Identification Number. He asked Mr. Alexander to see if East Ridge Retirement Community may be able to accommodate the Town for the April 6 meeting.

V. TOWN ATTORNEY'S REPORT

Attorney Bierman provided a report concerning items to be heard by Council this evening. He provided an update on the status of the consideration of the proposed Ordinance concerning Cutler Ridge Charrette, noting that regulations would be considered first, then the rezoning.

Vice Mayor Vrooman asked if adoption of the regulations would affect incompatible areas following adoption or would the rezoning trigger prohibition of certain uses.

Attorney Bierman replied that each case would be evaluated depending upon where the application is in the zoning process. He stated; however, that adoption of the zoning affects uses.

Mayor Cosgrove asked if counsel will provide suggestions and a comparison to procedures in place. He expressed his support for streamlining the process.

Attorney Bierman clarified that adoption of the regulations will take two meetings and the re-zoning will take 60 days; an approximate 90 day process to enact the zoning overlay.

Mayor Cosgrove recognized Odell Ford from Miami-Dade County and thanked him for his assistance to Cutler Bay.

VI. BOARD AND COMMITTEE REPORTS

- A. Council Member Bell thanked Clerk Pier and Alfie Sergio for their assistance with the process for selection of Town Clerk. She provided her recommendation and information regarding the qualifications, salary, duties and certification of a Clerk. She advised that Elizabeth Sewell, formerly Clerk for Florida City, had expressed interest and is available next week to serve as Interim Clerk on an hourly basis. She suggested that an advertisement for permanent be placed and a salary range of \$45,000 to \$60,000 be included in the advertisement.

Mayor Cosgrove asked Council Member Bell to negotiate an interim employment contract and return to the Council. He also asked that Ms. Sewell meet with Mr. Alexander to discuss her qualifications.

Elizabeth Sewell addressed the Council and expressed her appreciation at being given the opportunity to serve.

Mayor Cosgrove thanked Clerk Pier for her assistance.

Council Member Bell moved to accept the report. Seconded by Council Member Sochin. All voted in favor. The Motion carried (5-0). Mayor Cosgrove welcomed Ms. Sewell.

VII. CONSENT AGENDA

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY TO CO-DESIGNATE A PORTION OF CARRIBBEAN BOULEVARD TO HONOR FORMER MIAMI-DADE COUNTY COMMISSIONER, CLARA OESTERLE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Cosgrove provided explanation concerning the proposed co-designation of the street for former Commissioner Oesterle who has lived in Cutler Bay for over 40 years, serving over 20 years in public service, and who is terminally ill. He stated that the family had contacted him expressing that this was their sentiment to honor her and he raised the matter due to the urgency of her condition.

Following discussion concerning the establishment of procedures and the history of service of former Commissioner Oesterle, the Council agreed to defer the item so that more information could be provided.

Council Member Meerbott moved to defer the matter to March 16, 2006. Seconded by Council Member Sochin. All voted in favor. The Motion carried (5-0).

- B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE EMPLOYMENT AGREEMENT BETWEEN STEVEN ALEXANDER, EMPLOYED AS INTERIM TOWN MANAGER AND THE TOWN OF CUTLER BAY; PROVIDING FOR A DETERMINATION OF IMPRACTICALITY AS TO COMPETITIVE BIDDING; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Sochin asked if the salary was the "going rate" for Managers, as the pro forma budget listed the salary at \$100,000.

Mayor Cosgrove advised that he had performed a survey of the Town Manager salaries and Colin Baenziger, Executive Recruiter, had provided initial assistance. He noted that the salary provided is at the low end of towns or cities with populations of 40,000. He stated that the pro forma budget was drafted over three years ago and the proposed salary was the lowest range found for comparable cities.

Following brief discussion, Vice Mayor Vrooman moved to approve. Seconded by Council Member Bell. All voted in favor. Resolution 06-15 was adopted unanimously (5-0).

- C. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING WEISS SEROTA HELFMAN PASTORIZA COLE & BONISKE, P.A., AS INTERIM TOWN ATTORNEY; PROVIDING FOR A DETERMINATION OF IMPRACTICALITY AS TO COMPETITIVE BIDDING AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Vrooman provided a report, stating that this matter was discussed at the last Council meeting and the firm had offered a sound proposal with excellent qualifications. He recommended approval.

Council Member Bell moved to approve. Seconded by Council Member Meerbott. All voted in favor. Resolution 06-16 was adopted unanimously (5-0).

- D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE INTERIM TOWN MANAGER TO EXECUTE A TEMPORARY AGREEMENT FOR

LEGISLATIVE CONSULTING SERVICES WITH RONALD L. BOOK, P.A. AND ROBERT M. LEVY & ASSOCIATES, INC.; PROVIDING FOR A DETERMINATION OF IMPRACTICALITY AS TO COMPETITIVE BIDDING AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Vrooman reported that he suggests “piggy backing” on a competitive process performed by the Village of Palmetto Bay. He advised that the lobbyist have been very effective for Palmetto Bay and while the legislative session is ongoing, it is important to have representation as soon as possible. He recommended modifying the contract to allow for an 18 month term in order to allow the firm to go through a complete legislative cycle.

Vice Mayor Vrooman asked the Council to note that he had asked the lobbyists to begin work on “highway signage.” The Council concurred.

Vice Mayor Vrooman moved to amend the Resolution, deleting 12 month term and replacing with an 18 month term. Seconded by Council Member Meerbott. All voted in favor. The Motion carried.

Vice Mayor Vrooman moved to adopt the Resolution as amended. Seconded by Council Member Meerbott. All voted in favor. Resolution 06-17 was adopted unanimously (5-0).

- E. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA APPROVING PAYMENT OF EXPENSES INCURRED FOR THE FIRST TWO COUNCIL MEETINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Cosgrove stated that the expenses were incurred for the initial meetings.

Mr. Alexander provided the information concerning the invoices.

Mayor Cosgrove stated that policy will be developed for the Manager to pay bills without having to have a vote each time; additionally, a procurement policy will be drafted in the near future.

Council Member Sochin moved to adopt the proposed Resolution. Seconded by Council Member Meerbott. All voted in favor. Resolution 06-18 was adopted unanimously (5-0).

- F. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, PROVIDING FOR THE TOWN'S PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Bierman provided staff report.

Council Member Sochin moved to approve. Seconded by Vice Mayor Vrooman. All voted in favor. Resolution 06-19 was adopted unanimously (5-0).

- G. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA CREATING COUNCIL MEMBER-CITIZEN COMMITTEES FOR THE PURPOSE OF PROVIDING RECOMMENDATIONS TO THE TOWN COUNCIL ON THE SELECTION OF A PERMANENT TOWN MANAGER, TOWN ATTORNEY/GOVERNMENT RELATIONS CONSULTANT, TOWN CLERK/COMMUNICATIONS, TOWN BANKING SERVICES AND TOWN OFFICES; PROVIDING FOR SUNSET REVIEW AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Cosgrove provided explanation, noting that while citizen appointments will be made at this meeting, the Committees will not meet until the Town Manager can arrange for a meeting location, public notice and recording of minutes due to Sunshine Law requirements.

Attorney Weiss concurred. He stated that when these individuals are appointed, they should not act on their own; rather it is important that the committee act as a whole. He noted that his office would provide Sunshine law information at the first committee meeting.

Vice Mayor Vrooman moved to include a Section that directs the Town Attorney to provide a legal briefing of the Sunshine Law and other legal requirements to the Committees. Seconded by Council Member Bell. All voted in favor. The Motion passed unanimously (5-0).

Council Member Sochin moved to amend Sections 5 and 6 to delete "next Town Council Meeting" and replace with "subsequent Town Council Meeting." Seconded by Council Member Bell. All voted in favor. The Motion carried.

The Council provided the following nominations:

Town Manager Selection Committee:

Mayor Cosgrove appointed Edward MacDougall;
Vice Mayor Vrooman appointed Nancy McCue;
Council Member Bell appointed Edward Alencikas;
Council Member Meerbott appointed Tony Diego; and
Council Member Sochin appointed Jay Lockwood.

Town Attorney/Government Relations Consultant:

Mayor Cosgrove appointed Wayne Collins;
Vice Mayor Vrooman stated that he would provide his appointee at a later date;
Council Member Bell appointed Ernesto Martinez;
Council Member Meerbott appointed Tim Sander; and

Council Member Sochin appointed Delle Joseph.

Town Clerk/Communications:

Mayor Cosgrove appointed Rosi Alvarez;
Vice Mayor Vrooman appointed Herb Parlato;
Council Member Bell appointed Alfonsina Sergio;
Council Member Meerbott appointed Alicia Gonzalez; and
Council Member Sochin appointed Tom Condon.

Town Banking Services:

Mayor Cosgrove appointed Sandra Reyes-Nanni;
Vice Mayor Vrooman appointed Robert MacDougall;
Council Member Bell appointed William Meiklejohn;
Council Member Meerbott appointed Kendra Clayton; and
Council Member Sochin appointed Robert Rosa.

Town Offices:

Mayor Cosgrove appointed Juan Ramirez;
Vice Mayor Vrooman appointed Theresa Benevides;
Council Member Bell appointed Edward McCue;
Council Member Meerbott appointed Mike Callahan; and
Council Member Sochin appointed Donnie Humphreys.

Vice Mayor Vrooman moved to adopt the Resolution with the appointees. Seconded by Council Member Sochin. All voted in favor. Resolution 06-20 was adopted unanimously (5-0).

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, PERTAINING TO THE LOCAL COMMUNICATIONS SERVICES TAX RATE; PROVIDING FOR INTENT; PROVIDING FOR ELECTION NOT TO REQUIRE AND COLLECT PERMIT FEES, ESTABLISHING THE LOCAL COMMUNICATIONS SERVICES TAX RATES; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Cosgrove provided a report. He asked if anyone from the public wished to speak. No one requested audience.

Council Member Meerbott moved to adopt. Seconded by Council Member Sochin. A roll call vote was taken, as follows: Council Member Sochin: Yes; Council Member Bell: Yes; Mayor Cosgrove: Yes; Vice Mayor Vrooman:

Yes; Council Member Meerbott: Yes. Ordinance 06-05 was adopted unanimously (5-0).

XI. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

XII. PUBLIC COMMENTS: The following individuals addressed the Council: Joy Cooper, 9365 Nassau Drive; Priyanshu Adathakkar, 9871 SW 221 Terrace; Louise Lockwood, 9071 Ridgeland Drive; Don Hammond, 19815 SW 87 Court; Henry Greenfield, 9016 SW 215 Terrace; Sharon Hart, 9455 Dominican Drive; Chuck Berintine, 19502 SW 87 Place; and Ron Mitro, 10230 Dolphin Road.

Vice Mayor Vrooman announced he is honorary chair of the Relay for Life in Cutler Bay, which is scheduled for March 31 and April 1st.

Discussion ensued concerning preparing a "hurricane preparedness brochure" and creating a committee to discuss items related to hurricane season. Vice Mayor Vrooman provided an explanation of the competitive process undertaken for the selection of the Interim Town Attorney and the Lobbyists.

XIII. MAYOR AND COUNCIL COMMENTS

- A. Vice Mayor Vrooman thanked all who expressed their sympathy for the recent passing of his father.
- B. Council Member Meerbott provided information concerning the next meeting of the Cutler Bay Business Association scheduled for March 9th at the Cutler Bay Steak and Seafood. He noted that Bill Thiel is Acting President and Ernie Martinez is Acting Vice President. He announced the association's website: www.cutlerbaybusinessassociation.com.
- C. Council Member Sochin noted that he had recently attended an interesting seminar regarding municipal WIFI, went to the recent Great Parks Summit at Fairchild Tropical Garden and attended a reception at Sofisa Bank. He stated that he visited Palmetto Bay's Village Hall to discuss office facilities and he and Mr. Alexander had visited several potential office locations.
- D. Council Member Bell thanked Mr. Scurr and Mrs. Pier for their service.
- E. Mayor Cosgrove also expressed his appreciation to the Palmetto Bay staff and asked Mr. Alexander to provide an appropriate token of gratitude.

Mr. Scurr, on behalf of himself and Mrs. Pier, expressed thanks for the honoring of serving the newest municipality.

Mayor Cosgrove noted that the Palmetto Bay Council is seeking support concerning windstorm insurance issues and there will be more information provided at the next Council meeting. He also noted that FPL representatives will be coming to a future meeting to discuss their Five-Point Plan. He stated that he would also like the Town to recognize Donna Masson for her 15 years of service to Chamber South. He asked Mr. Berintine to meet with the Town

Manager to assist in developing a scope of services for a proposed hurricane preparedness committee.

XIV. OTHER BUSINESS

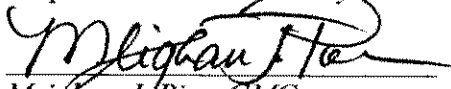
Mr. Alexander provided a report concerning potential office sites. He stated that this afternoon an opportunity presented itself at the Cutler Ridge 2 Building, 17220 Carriibbean Boulevard. He asked for authority to negotiate the lease agreement.

Mayor Cosgrove asked that the selection committee be given a briefing. He volunteered to allow Mr. Alexander and Ms. Sewell to use space in his office until such time as more information can be provided. He suggested that the matter be raised again at the March 16 Council meeting.

XV. NEXT MEETING ANNOUNCEMENT AND ADJOURNMENT


The Meeting was officially adjourned at 10:15 pm.

Prepared and submitted by:



Meighan J. Pier, CMC
Acting Town Clerk

Adopted by the Town Council on
this 16th 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.