



Town of Cutler Bay

Town Hall
10720 Caribbean Blvd
Cutler Bay, FL 33189

Meeting Minutes

Town Council

MAYOR AND COUNCIL MEMBERS

Mayor Peggy R. Bell

Vice Mayor Sue Ellen Loyzelle

Council Member Mary Ann L. Mixon

Council Member Michael P. Callahan

Council Member Roger Coriat

CHARTER OFFICIALS

Town Attorney Mitchell Bierman

Town Attorney Chad Friedman

Town Manager Rafael G. Casals

Town Clerk Debra E. Eastman, MMC

Wednesday, March 21, 2018

7:00 PM

Council Chambers

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

Mayor Peggy Bell called the meeting to order at 7:05 p.m. and led the Pledge of Allegiance.

Mayor Bell spoke of the many tragedies happening and announced the passing of a dear friend to the Town of Cutler Bay, the CEO of HealthSouth, Enrique Vicens and expressed sincere condolences on behalf of the Town Council. She asked for a moment of silence.

Vice Mayor Sue Loyzelle made a motion to move items 10A and 5K on the agenda. The motion received a second from Council Member Mary Ann Mixon. Mayor Bell called for the vote and all were in favor.

Present: 5 - Mayor Peggy Bell, Vice Mayor Sue Ellen Loyzelle, Council Member Mary Ann Mixon, Council Member Michael P. Callahan and Council Member Roger Coriat

2. TOWN COUNCIL ANNOUNCEMENTS, BOARD & COMMITTEE REPORTS

· Town Council Monthly Reports March 2018

Council Member Roger Coriat introduced the Chairman of the Education Advisory Committee, Robert BJ Duncan. Mr. Duncan provided a report from the Education Advisory Committee outlining the Committee's plan to hold the first annual Education Summit and provided their ideas for the summit. Mr. Duncan asked for the support of the Town Council for the summit and explained that the Committee is not looking for financial support at this time. Council Member Coriat explained that the EAC wishes to be as self sufficient as possible and if funding is needed at a later date he will approach the Town Council. Council Member Callahan expressed that the Parks and Recreation Committee will be working with the EAC to assist in the summit. Council Member Coriat thanked Mr. Duncan for his report and made a motion for the Town Council to accept the report. The motion received a second from Council Member Mixon. Mayor Bell called for the vote and all were in favor.

Council Member Mary Ann Mixon reported on the Floodplain Mitigation Committee meeting success and announced that the next meeting will be June 28, 2018.

Vice Mayor Loyzelle provided the report of the Communities for a Lifetime Committee and reported that she will be attending a conference with the Town Manager where they will be presenters.

Council Member Callahan wished a Happy Birthday to his son. Mayor Bell asked to reserve her report until later in the meeting.

3. PUBLIC COMMENTS

Ray Martin spoke in opposition to a bond referendum.

Tom Condon spoke about a bond referendum and asked questions referencing the proposed Town Center Plaza and land.

Rogelio Rodriguez spoke in opposition to the Town Center Plaza and asked to exclude it from the bond.

William Bell spoke in favor of Item 10A and the opportunity to save open land from development.

Stephan Botbol asked that the Town Center Plaza be placed on hold until the bond has been considered.

Terry Long spoke in favor of government purchasing land and agreed that the plaza should not be tied to the bond referendum.

There being no one else wishing to speak, Mayor Bell closed public comments.

4. REPORTS

A. TOWN MANAGER'S REPORT

- Town Manager Monthly Report March 2018

Town Lobbyist Fausto Gomez introduced Jonathan Kilman, a member of his team. Mr. Gomez explained the challenges of the year at the State's Capital and the lack of resources, revenue and income and the lack of representation due to the Town's District legislative seat. In addition, Mr. Gomez explained the impact of the school shooting in Parkland, Florida as it related to State funding and budgets. Mayor Bell and the members of the Town Council thanked Mr. Gomez for his efforts on behalf of the Town of Cutler Bay.

Town Manager Ralph Casals reported that he has a potential tenant for the Town Center Penthouse floor.

B. TOWN ATTORNEY'S REPORT

There was no report by the Town Attorney.

C. TOWN CLERK'S REPORT

Town Clerk Debra Eastman reported that the online reporting of candidate campaign financial reports has been successfully implemented and used by the three candidates.

Town Manager Ralph Casals announced that he has launched the Finance

Transparency Portal which is on the Town's website.

Mayor Bell brought forward the matter of the memo that was distributed to Town Council in the last few days regarding her intention to institute the timing of discussion with a limit of five minutes and the timing of rebuttal with a limit of three minutes.

Town Attorney Mitch Bierman explained that Council would have to create its own rule of 5 and 3 minutes rather than what is in Robert's Rules of 10 minutes and 10 minutes for discussion and rebuttal.

Vice Mayor Lozelle made a motion to stay with Robert's Rules as it is. There was no second.

Council Member Coriat indicated that for most items the 5/3 rule would be adequate, but there are times when it would be appropriate for each to have longer than 10/10 of Roberts Rules. Town Attorney Bierman explained the Council's ability to waive the rule when it is applicable. After further discussion, Council Member Mixon made a motion to adopt time limits on debate having an initial speech of five minutes and rebuttal of up to three minutes per member with the option to waive that, if necessary, with vote of the Town Council. The motion received a second from Council Member Coriat. Mayor Bell explained that in her memo she requested that the 3 minute rebuttal could be extended by vote of the Council for an additional 3 minutes and asked for a friendly amendment. Vice Mayor Lozelle spoke in opposition to the motion. Mayor Bell called for the vote and the motion was adopted 3-2 with Vice Mayor Lozelle and Council Member Callahan voting in opposition.

5. CONSENT AGENDA

APPROVAL OF MINUTES

- A. · February 21 2018 Local Planning Agency Minutes
· February 21 2018 Regular Town Council Minutes

The Minutes was approved on Consent.

- B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ACCEPTING A 2018 NEAT STREETS MIAMI STREET TREE MATCHING GRANT AWARD; APPROVING AN AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE TOWN; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- C. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS (RFQ) FOR PROFESSIONAL ARCHITECTURAL SERVICES, FOR THE TOWN CENTER BUILDING; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO ISSUE A PURCHASE ORDER TO STANTEC CONSULTING SERVICES, INC. FOR DESIGN SERVICES FOR

THE GULFSTREAM ELEMENTARY COMPLETE STREETS PROJECT FOR GULFSTREAM ROAD (FROM CARIBBEAN BOULEVARD TO SW 211 STREET); AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- E.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, URGING THE UNITED STATES DEPARTMENT OF COMMERCE TO RETAIN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FISHERIES HEADQUARTERS ON VIRGINIA KEY; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- F.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SELECTING METRO EXPRESS, INC. FOR THE CONSTRUCTION OF THE MANTA DRIVE ROADWAY IMPROVEMENT PROJECT; AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- G.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN INTERNSHIP COOPERATIVE AGREEMENT WITH MIAMI-DADE COUNTY PUBLIC SCHOOLS; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- H.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) FOR PROFESSIONAL AGENT/BROKER OF RECORD FOR INSURANCE SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- I.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING AND DIRECTING THE FILING OF A LAWSUIT SEEKING A DECLARATION THAT THE PROVISIONS PUNISHING ELECTED OFFICIALS SET FORTH IN SECTION 790.33, FLORIDA STATUTES, FOR VIOLATING THE PREEMPTION RELATED TO THE REGULATION OF FIREARMS AND AMMUNITION ARE INVALID, AND INVITING OTHER LOCAL GOVERNMENTS TO JOIN THE LAWSUIT; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- J.** A RESOLUTION OF THE TOWN OF CUTLER BAY, FLORIDA, CALLING ON THE STATE OF FLORIDA, GOVERNOR RICK SCOTT, PRESIDENT DONALD TRUMP, AND THE FEDERAL GOVERNMENT TO REDUCE GUN VIOLENCE IN AMERICA AND HELP PREVENT FUTURE MASS SHOOTINGS BY REQUIRING A BACKGROUND

CHECK FOR EVERY FIREARM SALE; SUPPORTING THE PASSAGE OF LEGISLATION THAT WOULD KEEP MILITARY-STYLE WEAPONS AND HIGH-CAPACITY MAGAZINES AWAY FROM OUR SCHOOLS; URGING THE FLORIDA LEGISLATURE TO REPEAL THE PUNITIVE PUNISHMENTS OF ELECTED OFFICIALS SET FORTH IN SECTION 790.33, FLORIDA STATUTES; AUTHORIZING THE TOWN CLERK TO TRANSMIT THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- K.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPOINTING A MEMBER TO THE ECONOMIC GROWTH COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. Vice Mayor Loyzelle introduced Ms. Thompson to the Town Council. A motion was made by Vice Mayor Loyzelle, seconded by Council Member Callahan, that this Resolution be adopted. The motion carried by an unanimous vote. (5-0)

6. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)

(THESE HEARINGS ARE SCHEDULED FOR A TIME CERTAIN OF 8:00 P.M.)

EACH PARTY WILL BE LIMITED TO A PRESENTATION OF 20 MINUTES. THIS TIME LIMITATION MAY BE EXTENDED BY THE CHAIR OF THE MEETING.

7. ORDINANCES FOR FIRST READING (NO PUBLIC HEARING 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 3 LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES BY AMENDING SECTION 3-58 NC, NEIGHBORHOOD CENTER DISTRICT, SECTION 3-59 TRC, TRANSIT CORRIDOR DISTRICT, AND SECTION 3-60 TC, TOWN CENTER DISTRICT TO CHANGE THE LIST OF PERMITTED CONDITIONAL AND PROHIBITED USES TO ADDRESS PHARMACIES AND MEDICAL MARIJUANA DISPENSARIES AND TO PROVIDE CERTAIN REGULATIONS FOR SUCH USES; AND BY AMENDING SECTION 3-261, DEFINITIONS, TO PROVIDE NEW DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the ordinance. Mayor Bell opened the public hearing. There being no one wishing to speak, Mayor Bell closed the public hearing. A motion was made by Council Member Coriat, seconded by Council Member Mixon, that this Ordinance be adopted. The motion carried by the following vote:

Yes: 4 - Mayor Peggy Bell, Vice Mayor Sue Ellen Loyzelle, Council Member Mary Ann Mixon and Council Member Roger Coriat

No: 1 - Council Member Michael Callahan

- B.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION" OF THE TOWN CODE, DESIGNATING THE OFFICIAL SEAL AND TOWN LOGO OF THE TOWN OF CUTLER BAY; AMENDING ARTICLE II OF CHAPTER 2 BY THE REVISIONS OF SECTIONS 2-40 "TOWN SEAL" AND 2-75 "TOWN LOGO"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the ordinance. Mayor Bell opened the public hearing. There being no one wishing to speak, Mayor Bell closed the public hearing. A motion was made by Council Member Coriat, seconded by Council Member Mixon, that this Ordinance be adopted. The motion carried by the following vote:

Yes: 5 - Mayor Peggy Bell, Vice Mayor Sue Ellen Loyzelle, Council Member Mary Ann Mixon, Council Member Michael Callahan and Council Member Roger Coriat

10. RESOLUTIONS

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF TOWN OF CUTLER BAY, FLORIDA, CALLING FOR A REFERENDUM REGARDING THE ISSUANCE OF GENERAL OBLIGATION BONDS BY THE TOWN OF CUTLER BAY IN AN AMOUNT NOT TO EXCEED \$40,000,000 FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUIRING AND IMPROVING PROPERTY FOR PARKS, OPEN SPACE, ECONOMIC DEVELOPMENT AND TRANSIT PROJECTS; PROVIDING FOR PUBLICATION OF NOTICE OF SAID REFERENDUM; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. Mayor Bell opened discussion by stating that the resolution as written is too broad, should not include transportation and requested a motion to remove it. Town Attorney Bierman suggested that the Town Council listen to the experts and discuss and then decide whether to widen or narrow the scope.

Mayor Bell spoke in favor of the bond and stated that time is of the essence. Financial Advisor, Ed Stull spoke regarding the Town's financial position and Joe Tindall added financial statistical information. Vice Mayor Loyzelle asked about the cost of the bond, informational marketing, and whether to break it into more questions. A motion was made by Council Member Coriat to approve the resolution. The motion received a second from Council Member Mixon.

Vice Mayor Loyzelle spoke further about getting information to the voters, expressed concern with the June 5 election date and suggested that the having the election on August 28, 2017 in conjunction with the Primary election. Mayor Bell expressed concern that the purchase of land might be not be available if the election was at a later date. Council Member Coriat suggested that the Town Council vote on the bond and work later on the public information materials. Town Attorney Bierman stated that is usually done by staff, but the Town Council could have a workshop to look over the materials. Council Member Callahan expressed concern that the question is too much of a blank slate and agreed with moving forward with the informational materials. Council Member Mixon agrees with the informational materials and spoke in favor of the bond.

Mayor Bell offered an amendment to the motion to read "improving property for parks, open space, public facilities and economic development and removing transit. The maker of the motion Council Member Coriat accepted the amendment as well as Council Member Mixon who seconded the motion. Vice Mayor Loyzelle again expressed her concern with the short time to provide informational materials and preferred August 28. Mayor Bell expressed her concern with waiting. A motion was made by Vice Mayor Loyzelle to change the voting date for the referendum from June 5 to August 28. The motion received a second from Council Member Callahan. Mayor Bell called for the vote and the motion failed with Vice Mayor Loyzelle and Council Member Callahan voting in favor and Mayor Bell, Council Member Coriat and Council Member Callahan voting in opposition. Mayor Bell called for the vote on the amended motion made Council Member Coriat, seconded by Council Member Mixon. The motion carried by a 3-2 vote, with Vice Mayor Loyzelle and Council Member Callahan in opposition.

There was discussion on follow up meetings for a Town Council Workshop and a Special Call Town Council meeting. Council Member Callahan expressed that he will be out of the Country for the following week. It was decided to hold a Town Council Workshop on March 29 at 6 p.m. and a Special Call Meeting on April 2 at 7 p.m. and that the Parks and Recreation Committee meeting scheduled for April 2 will be moved to April 9.

There was a motion from Vice Mayor Loyzelle to extend the Town Council meeting beyond 11 p.m. The motion received a second from Council Member Coriat. Mayor Bell called for the vote and all were in favor.

11. PUBLIC COMMENTS

Mayor Bell opened public comments. Adam Skronski spoke about advertising for the bond and requested that the Town Council consider those who do not use computers and also print materials in multiple languages.

Tom Condon recommended that the Town Council sunset the bond note so that it does not go on indefinitely, eliminate controversial projects and remove the Town Center Plaza from the current proposed location. He asked about the value of the Town Hall property.

There being no one else wishing to speak Mayor Bell closed public comments.

There was discussion to ask the Town Manager to investigate the cost of informational marketing and bring the information to the workshop. Town Attorney Bierman advised that the Town Council could provide direction to the Town Manager at the Workshop and formalize their decision at the Special Call Meeting.

12. ADJOURNMENT

The meeting adjourned at 11:35 PM