



Town of Cutler Bay

Town Hall
10720 Caribbean Blvd
Cutler Bay, FL 33189

Meeting Minutes

Town Council

MAYOR AND COUNCIL MEMBERS

Mayor Tim Meerbott

Vice Mayor Sue Ellen Loyzelle

Council Member Robert "BJ" Duncan

Council Member Michael P. Callahan

Council Member Roger Coriat

CHARTER OFFICIALS

Town Attorney Mitchell Bierman

Town Attorney Chad Friedman

Town Manager Rafael G. Casals, ICMA-CM, CFM

Town Clerk Debra E. Eastman, MMC

Wednesday, October 16, 2019

7:00 PM

Council Chambers

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

Mayor Meerbott called the meeting to order at 7:10 p.m. at the conclusion of the Local Planning Agency Meeting. Town Clerk Debra Eastman called the roll.

Present: 4 - Mayor Tim Meerbott, Council Member Robert "BJ" Duncan, Council Member Michael P. Callahan and Council Member Roger Coriat

Absent: 1 - Vice Mayor Sue Ellen Loyzelle

2. TOWN COUNCIL ANNOUNCEMENTS, BOARD & COMMITTEE REPORTS

- A.**
- Mayor Meerbott October 2019 Report
 - Vice Mayor Loyzelle October 2019 Report
 - Council Member Duncan October 2019 Report
 - Council Member Callahan October 2019 Report
 - Council Member Coriat October 2019 Report

Council Member Robert "BJ" Duncan provided information regarding a resolution that he will sponsor in support of placing a question on the 2020 ballot to ban assault weapons and explained that it will include a monetary component in support of the effort. He also spoke about the wishes of the Youth Council Committee to have a certificate of appreciation presented to them at their annual school award gathering, rather than awarded at a Town event. Council Member Duncan also stated that he would like to work with Town staff to clean up some language in the Land Development Regulations regarding minimum lot frontage. Council Member Michael Callahan reported on the Floodplain Mitigation Committee accomplishments of reaching a superior CRS rating which allows for a 30 percent reduction to residents in the cost of their flood insurance. Mayor Tim Meerbott reported that he will be attending a Mayor's Conference in Washington, DC to share how the Town of Cutler Bay achieved the status of Level 4. Mayor Meerbott also reported that he will be acting as Principal for the Day on October 30.

3. PUBLIC COMMENTS

Stephanie Keime, Chair of the Education Advisory Committee reported that the Committee is in support of the schools legislative priorities. She further thanked the Town Manager and members of the Town Council for attending the Education Summit.

Attorney Juan Mayol requested to defer items 8A and 8B to the November 20 Town Council Meeting as he is working on modifications to the previous request. After discussion, Council Member Coriat made a motion to defer items 8A and 8B to the November 20, 2019 Town Council meeting. The motion received a second from Council Member Callahan. Mayor Meerbott called for the vote and the motion carried 4-0.

Miichelle Craven spoke in opposition of items 8A and 8B. Mayor Meerbott closed public comments.

Attorney Graham Penn requested to defer Quasi-Judicial item 6A as the plans are being modified and he would like the opportunity for staff to review them. Council Member Coriat expressed concern regarding the overall significant changes and suggested that the plan go back to a Zoning Workshop. Mr. Penn indicated that the design was significantly reduced but not a wholesale change. Council Member Duncan made a motion to defer the item to the November 20, 2019 Town Council meeting and it received a second from Council Member Callahan. Mayor Meerbott called for the vote and the motion was adopted 4-1 with Council Member Coriat voting in opposition.

4. REPORTS

A. TOWN MANAGER'S REPORT

- Town Manager Monthly Report October 2019

Town Manager Ralph Casals recognized the Master of Public Administration students from Florida International University in the audience.

- South Corridor Rapid Transit Project Funding Application Update

Eric Zahn presented a video and discussed the funding, overview of the plan, studies and traffic. He explained that there will be four covered ways and stations in Cutler Bay and will include Art in Public Places.

B. TOWN ATTORNEY'S REPORT

The Town Attorney called for an Executive Session on October 28, 2019 at 5 p.m. to discuss the case of Juan Carlos Gil v. Town of Cutler Bay, Florida.

C. TOWN CLERK'S REPORT

Town Clerk Debra Eastman reported to the Town Council that there has been no increase in fees for lien search verifications and for lobbyist registration since 2007. She has researched the surrounding municipalities and finds that they are charging much more. She will be introducing legislation for the consideration of the Town Council in the near future.

5. CONSENT AGENDA

APPROVAL OF MINUTES

- A. · September 10 2019 First Budget Hearing Minutes
 · September 18 2019 Town Council Workshop Minutes
 · September 18 2019 Local Planning Agency Minutes
 · September 18 2019 Regular Town Council Minutes
 · September 24 2019 Final Budget Hearing Minutes

The Minutes were approved on Consent.

- B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AN AWARD OF \$2,500.00 IN GRANT FUNDING FROM THE CUTLER BAY COMMUNITY FUND TO SUPPORT THE CUTLER BAY COMMUNITY THEATER IN PROMOTING CULTURAL ARTS; 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, APPOINTING A NEW MEMBER TO THE YOUTH COUNCIL COMMITTEE; 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, RATIFYING ACCEPTANCE OF A \$15,000.00 GRANT FROM THE MIAMI FOUNDATION FOR THE MIAMI-DADE COUNTS 2020 GRANT PROGRAM; 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, SELECTING WOOD ENVIRONMENT & INFRASTRUCTURE SOLUTIONS, INC. (F/K/A AMEC FOSTER WHEELER ENVIRONMENT & INFRASTRUCTURE, INC.) TO UPDATE THE FLOODPLAIN MITIGATION PLAN; WAIVING COMPETITIVE BIDDING DUE TO IMPRACTICABILITY; PROVIDING FOR AUTHORIZATION; 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, AUTHORIZING THE TOWN MANAGER TO ISSUE A PURCHASE ORDER TO MARLIN ENGINEERING, INC. FOR DESIGN SERVICES FOR THE SAGA BAY 1.7 SUB-BASIN WATER QUALITY IMPROVEMENT PROJECT; 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 ISSUE A PURCHASE ORDER TO R.J. BEHAR & COMPANY, INC. FOR CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR THE BIKE/PEDESTRIAN FACILITIES IMPROVEMENTS; 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, SUPPORTING THE MIAMI-DADE COUNTY PUBLIC SCHOOLS BOARD'S 2020 STATE LEGISLATIVE PROGRAM; PROVIDING FOR TRANSMITTAL; 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, SELECTING T.F.R. ENTERPRISES, INC. FOR EMERGENCY DEBRIS ROAD CLEARING SERVICES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- J.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE ISSUANCE OF AN INVITATION TO BID (ITB) FOR THE BIKE/PEDESTRIAN FACILITIES IMPROVEMENTS PROJECT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

6. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SITE PLAN OF CEDAR HOLDING, LLC TO PERMIT A ONE HUNDRED NINETY-NINE (199) UNIT RESIDENTIAL APARTMENT BUILDING AT THE POINT ROYALE SHOPPING CENTER, WHICH IS ON PROPERTY LOCATED AT 18901 SOUTH DIXIE HIGHWAY (FOLIOS # 36-6005-070-0010), AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 3.58 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE. (previously deferred per September 18, 2019 Regular Town Council Meeting to date certain October 16, 2019 Regular Town Council Meeting; previously deferred per October 16, 2019 Regular Town Council Meeting to date certain November 20, 2019 Regular Town Council Meeting)

A motion was made by Council Member Duncan, seconded by Council Member Callahan, that this Resolution be deferred . The motion carried by an majority vote. (3-1)

7. ORDINANCES FOR FIRST READING (NO PUBLIC HEARING REQUIRED)

- A.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER

BAY, FLORIDA, ESTABLISHING THE CANDIDATE QUALIFYING PERIOD FOR THE 2020 MUNICIPAL GENERAL ELECTION AND ESTABLISHING THE RUN-OFF DATE, IF NECESSARY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Council Member Coriat, seconded by Council Member Callahan, that this Ordinance be approved on first reading. The motion carried by the following vote:

Yes: 4 - Mayor Tim Meerbott, Council Member Robert Duncan, Council Member Michael Callahan and Council Member Roger Coriat

Absent: 1 - Vice Mayor Sue Ellen Loyzelle

8. ORDINANCES FOR FIRST READING (PUBLIC HEARING REQUIRED)

- A.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE TOWN'S COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR PROPERTY LOCATED AT 20851 SW 97 AVENUE (FOLIO NO. 36-6009-000-0160) FROM LOW DENSITY RESIDENTIAL TO INSTITUTIONAL; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (* previously deferred per September 18, 2019 Regular Town Council Meeting to date certain October 16, 2019 Regular Town Council Meeting; previously deferred per October 16, 2019 Regular Town Council Meeting to date certain November 20, 2019 Regular Town Council Meeting)

A motion was made by Council Member Coriat, seconded by Council Member Callahan, that this Ordinance be deferred. The motion carried by an unanimous vote. (4-0)

- B.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE REQUEST OF CENTRO EVANGELISTICO LA ROCA, INC. TO PERMIT A REZONING FROM SR (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO INT (INSTITUTIONAL DISTRICT) ON PROPERTY LOCATED AT 20851 SW 97 AVENUE (FOLIO NO. 36-6009-000-0160), AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 4.2 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE. (* previously deferred per September 18, 2019 Regular Town Council Meeting to date certain October 16, 2019 Regular Town Council Meeting; previously deferred per October 16, 2019 Regular Town Council Meeting to date certain November 20, 2019 Regular Town Council Meeting)

A motion was made by Council Member Coriat, seconded by Council Member Callahan, that this Ordinance be deferred. The motion carried by an unanimous vote. (4-0)

- C.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 3-40 OF THE LAND DEVELOPMENT REGULATIONS, RELATING TO GROWTH MANAGEMENT PLAN AMENDMENT APPLICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the ordinance. A staff report was presented by Interim Community Development Director Alex David. Council Member Coriat provided an explanation. A motion was made by Council Member Coriat, seconded by Council Member Duncan, that this Ordinance be approved on first reading. The motion carried by the following vote:

Yes: 4 - Mayor Tim Meerbott, Council Member Robert Duncan, Council Member Michael Callahan and Council Member Roger Coriat

Absent: 1 - Vice Mayor Sue Ellen Loyzelle

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 26 "PROPERTY MAINTENANCE AND CONTROL" OF THE TOWN CODE OF ORDINANCES RELATING TO THE REGISTRATION OF ABANDONED REAL PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT, AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Ordinance. Town Manager Ralph Casals explained the purpose of the ordinance. Mayor Meerbott opened the public hearing. Demaris Coffee spoke in favor. There being no one else wishing to speak, Mayor Meerbott closed the public hearing. A motion was made by Council Member Coriat, seconded by Council Member Callahan, that this Ordinance be approved on second reading. The motion carried by the following vote:

Yes: 4 - Mayor Tim Meerbott, Council Member Robert Duncan, Council Member Michael Callahan and Council Member Roger Coriat

Absent: 1 - Vice Mayor Sue Ellen Loyzelle

- B.** 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 3-60 TC, TOWN CENTER DISTRICT TO PERMIT MEDICAL MARIJUANA DISPENSARIES WITHIN THE TC, TOWN CENTER EDGE SUB-DISTRICT; 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. Interim Community Development Director Alex David explained the purpose of the ordinance. Mayor Meerbott opened the public hearing. There being no one wishing to speak, Mayor Meerbott closed the public hearing. A motion was made by Council Member Coriat, seconded by Council Member Duncan, that this Ordinance be approved on second reading. The motion carried by the following vote:

Yes: 4 - Mayor Tim Meerbott, Council Member Robert Duncan, Council Member Michael Callahan and Council Member Roger Coriat

Absent: 1 - Vice Mayor Sue Ellen Loyzelle

10. RESOLUTIONS

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR LOCAL POLICE PATROL SERVICES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Meerbott recognized the police in attendance for this item and moved the item for action after roll call. Town Clerk Debra Eastman read the title of the resolution. Town Manager Ralph Casals explained the negotiation process. A motion was made by Council Member Coriat, seconded by Council Member Callahan, that this Resolution be adopted. The motion carried by an unanimous vote. (4-0)

11. PUBLIC COMMENTS

Demaris Coffey spoke in opposition to recreational use of marijuana. Judson Rice thanked the Cutler Bay Community Theater for their support of a grant.

12. ADJOURNMENT

The meeting adjourned at 8:18 p.m.