



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 Ernest N. Sochin
Council Member Mary Ann L. Mixon
Council Member Sue Ellen Loyzelle
Council Member Roger Coriat

CHARTER OFFICIALS

Town Attorney Mitchell Bierman
Town Attorney Chad Friedman
Town Manager Rafael G. Casals
Town Clerk Jacqueline N. Wilson

Wednesday, July 20, 2016

7:00 PM

Council Chambers

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

Mayor Bell called the meeting to order at 7:15PM. Town Clerk Jacqueline Wilson called the roll. Mayor Bell led the Pledge of Allegiance. Mayor Bell led a moment of silence in honor and memory of the officers, victims and families in the Dallas, Texas and Baton Rouge, Louisiana tragedies.

Council Member Mixon arrived at 8:02PM.

Present: 5 - Mayor Peggy Bell, Vice Mayor Ernest Sochin, Council Member Mary Ann Mixon, Council Member Sue Ellen Loyzelle and Council Member Roger Coriat

A motion was made by Council Member Coriat, seconded by Vice Mayor Sochin to move Quasi-Judicial items 9A through 9F up on the agenda to follow item 3A approval of Minutes.

Mayor Bell explained the procedure for Public Comments.

Mayor Bell acknowledged Florida State Senator Miguel Diaz de la Portilla in attendance and invited him to speak. Florida State Senator Miguel Diaz de la Portilla answered questions from the Council.

2. PROCLAMATIONS, AWARDS, AND PRESENTATIONS

A. Proclamation- Dr. Justin A. Koren

Mayor Bell and members of the Town Council presented a proclamation to Cutler Bay Senior High School Lead Teacher Dr. Justin A. Koren in honor of his accomplishments and service to the community.

B. · Proclamation- Mr. Marshall G. Ruffo

Mayor Bell and members of the Town Council presented a proclamation to Cutler Bay Ocean Academy of Science & Technology (COAST) Lead Teacher Mr. Marshall G. Ruffo in honor of his accomplishments and service to the community.

C. · Certificate of Appreciation- Mr. Robert Fortunato Jr. & Mrs. Leeza Fortunato

Mayor Bell and members of the Town Council presented a certificate of appreciation to Mr. Robert Fortunato, Jr. & Ms. Leeza Fortunato in gratitude of their service to the community and their acts of compassion.

D. · Officer of the Quarter Award- Officer William Robinson

Police Lieutenant Peter Zaharakos explained the incidents involving extraordinary police work that led to the commendation of Officer William Robinson and presented the Officer of the Quarter Award for July 2016 and the Miami-Dade Police Department Life Saving Award.

E. · 2015 Comprehensive Annual Financial Report (Auditor Report)

Town Manager Rafael Casals introduced external auditor Mr. Andrew Fierman, Partner at Albani Caballero & Fierman to present the Comprehensive Annual Financial Report (CAFR) for the Town's Fiscal Year ending September 30, 2015.

3. APPROVAL OF MINUTES

- A.** · June 15 2016 Local Planning Agency Minutes
- June 15 2016 Regular Town Council Minutes
- June 22 2016 Town Council Workshop- Budget Visioning Workshop Minutes

A motion was made by Council Member Coriat, seconded by Vice Mayor Sochin that the minutes be approved. Council Member Loyzelle requested a correction to the June 15, 2016 Regular Town Council Minutes under item 6D to reflect the announcement of a Golf Cart Rodeo debriefing at the next Communities for a Lifetime Meeting on July 6, 2016. An amended motion was made by Council Member Coriat, seconded by Vice Mayor Sochin, to approve the minutes as amended. Mayor Bell called for the vote and the motion passed 5-0.

4. TOWN COUNCIL ANNOUNCEMENTS

As suggested by Mayor Bell, the Town Council combined the Town Council Announcements with Board and Committee Reports.

- A.** · Mayor Bell Monthly Report May 12-June 13 2016
- Mayor Bell Monthly Report June 13-July 19 2016

5. PUBLIC COMMENTS

Mayor Bell opened public comments to allow comments not related to the Quasi-Judicial items on the agenda. Parks & Recreation Committee Chair Mr. Michael Callahan requested deferral of Consent Agenda item 7F on behalf of the Parks and Recreation Committee to allow the committee to prepare a recommendation to the Council for consideration. Mayor Bell closed public comments.

6. REPORTS

A. TOWN MANAGER'S REPORT

Town Manager Rafael Casals announced the Third Budget Workshop on August 31, 2016. Town Manager Rafael Casals provided highlights from the Town Manager's Monthly Report for July 2016. Town Manager Rafael Casals announced upcoming vacation and appointment of Finance Director Robert Daddario as Acting Town Manager. Town Manager Rafael Casals announced the Town's Local Agency Program (LAP) recertification, the silver-level recertification with the Florida Green Building Coalition, and the designation as a part of the Global Network of Age Friendly Cities and Communities. Town Manager Rafael Casals provided a progress report on vacant property research in accordance with Town Resolution 16-25 adopted at the April 20, 2016 Regular Town Council Meeting.

Council Member Loyzelle announced 2016 Senior Games registration period.

B. TOWN ATTORNEY'S REPORT

Town Attorney Chad Friedman announced recent Town acquired property on 20220 Dothan Road. Town Attorney Chad Friedman also announced the upcoming August 4, 2016 League of Cities Board of Directors Meeting.

C. TOWN CLERK'S REPORT

Town Clerk Jacqueline Wilson announced vacancies for the Floodplain Mitigation Plan Committee and the Youth Council Committee. Town Clerk Jacqueline Wilson also announced vacation in August, the upcoming Miami-Dade Elections Department Municipal Clerks Orientation Meeting on July 28, 2016, and the 2016 General Election Candidate Qualifying period beginning on July 26, 2016 at 12PM noon and ending on August 12, 2016 at 12PM noon.

D. BOARD AND COMMITTEE REPORTS

Council Member Coriat announced the combined Public Involvement Meetings for the Aquatic Facility and the Town Center Plaza on October 22, 2016. Council Member Coriat informed of a summary report for the Lincoln City Park Community Input Meeting to be provided to the Council. Council Member Mixon reported on Floodplain Mitigation Plan Committee efforts associated with flood insurance discounts, and announced a committee vacancy. Council Member Loyzelle reported on the recent "Ghostbusters" Movie Screening event and announced the upcoming "Indulgence" Movie Screening event on August 2, 2016. Council Member Loyzelle also reported on the upcoming Senior Games. Council Member Loyzelle thanked Vice Mayor Sochin for agency referral regarding donation of hearing impaired phones, and requested Council approval to permit coordination of a phone distribution at the next Communities for a Lifetime Committee meeting on August 3, 2016; the Council granted approval by consensus. Mayor Bell reported on attendance at the South Dade Solutions Summit and the Dogs of Summer Adoption and Training Expo. Mayor Bell announced the upcoming 8th Annual Back to School with your Board Member Event on August 17, 2016 and the second Open Mic Night on September 1, 2016.

7. CONSENT AGENDA

Council Member Coriat pulled item 7F from the Consent Agenda. Mayor Bell pulled item 7G from the Consent Agenda. A motion was made by Council Member Mixon, seconded by Council Member Coriat to approve items A, B, C, D, E and H on the Consent Agenda. Mayor Bell called for the vote and the motion passed 5-0.

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE MIAMI-DADE METROPOLITAN PLANNING ORGANIZATION (MPO) AND THE TOWN OF CUTLER BAY FOR THE CUTLER BAY TRANSPORTATION COMPLETE STREETS CORRIDOR ANALYSIS; PROVIDING FOR THE AUTHORIZATION OF THE TOWN MANAGER TO ENTER INTO THIS AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- B.** 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 THE CORRADINO GROUP, INC. FOR THE PREPARATION OF THE COMPLETE STREETS CORRIDOR ANALYSIS; 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, APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE MIAMI-DADE METROPOLITAN PLANNING ORGANIZATION (MPO) AND THE TOWN OF CUTLER BAY FOR THE SOUTH DADE TRANSIT WAY IMPLEMENTATION PLAN; PROVIDING FOR THE AUTHORIZATION OF THE TOWN MANAGER TO ENTER INTO THIS AGREEMENT; 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, TO APPOINT A NEW MEMBER TO THE EDUCATION ADVISORY COMMITTEE 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 IN SUPPORT OF LOWERING ENERGY COSTS AND REMOVING BARRIERS FOR SOLAR POWER AND SUPPORT FOR AMENDMENT 4 ON THE AUGUST THIRTIETH PRIMARY BALLOT; 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 DOMINICA RECREATION PRODUCTS, INC. FOR THE INSTALLATION OF OUTDOOR FITNESS EQUIPMENT AND SHADE STRUCTURES AT VARIOUS TOWN OWNED PARKS; PROVIDING FOR WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE. (*previously deferred per July 20, 2016 Regular Town Council Meeting)

A motion was made by Council Member Coriat, seconded by Council Member Mixon that Consent Agenda items 7F and 7G be deferred. Mayor Bell called for the vote and the motion passed 5-0.

Finance Director Robert Daddario provided clarification with support from Town Manager Rafael Casals and Town Attorney Chad Friedman on the timeline for funds to be expended or encumbered. After discussion, the Council reached a general consensus to allow the Parks and Recreation Committee up to ninety (90) days to provide an advisory report to the Council to determine whether or not to hold a workshop.

- G.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SELECTING SUPERIOR PARK SYSTEMS, INC. FOR THE INSTALLATION OF PLAYGROUND EQUIPMENT AND SHADE STRUCTURES AT VARIOUS TOWN OWNED PARKS; PROVIDING FOR WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE. (*previously deferred per July 20, 2016 Regular Town Council Meeting)

A motion was made by Council Member Coriat, seconded by Council Member Mixon that Consent Agenda items 7F and 7G be deferred. Mayor Bell called for the vote and the motion passed 5-0.

Finance Director Robert Daddario provided clarification with support from Town Manager Rafael Casals and Town Attorney Chad Friedman on the timeline for funds to be expended or encumbered. After discussion, the Council reached a general consensus to allow the Parks and Recreation Committee up to ninety (90) days to provide an advisory report to the Council to determine whether or not to hold a workshop.

- H.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SELECTING BALLPARK MAINTENANCE, INC. FOR THE INSTALLATION OF VOLLEYBALL COURTS AT LAKES BY THE BAY PARK; PROVIDING FOR AUTHORIZATION AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

8. RESOLUTIONS

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, DETERMINING THE PROPOSED MILLAGE RATE, AND THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE TOWN CLERK AND TOWN MANAGER TO FILE THIS RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Jacqueline Wilson read the title of the Resolution. Town Manager Rafael Casals presented the item to the Council. A motion was made by Council Member Coriat, seconded by Council Member Mixon, that this Resolution be adopted. Mayor Bell called for the vote and the motion passed 5-0.

9. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)

Town Attorney Chad Friedman read the quasi-judicial statement and asked if anyone wished to speak on quasi-judicial items 9A through 9F that they be given an oath from the Town Clerk. Town Clerk Jacqueline Wilson provided the oath.

- A.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE REQUEST OF Chanterelle Properties, Inc. TO PERMIT A REZONING FROM SR (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO NR (NEIGHBORHOOD RESIDENTIAL DISTRICT) ON PROPERTY GENERALLY LOCATED ON S.W. 200TH TERRACE AND S.W. 87TH AVENUE (FOLIO NUMBER 36-6009-002-1820), AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 1.08 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE. (*previously deferred per May 18, 2016 Regular Town Council Meeting to date certain July 20, 2016 Regular Town Council Meeting)

Town Clerk Jacqueline Wilson read the title of the Ordinance. Town Manager Rafael Casals introduced Calvin, Giordano and Associates consultant Sarah Sinatra Gould to present the item to the Council. Town Attorney Chad Friedman provided additional information on the application. Applicant Javier Giraud spoke on the project application and provided a voluntary proffer. Mayor Bell opened the public hearing. Ms. Jean McJilton spoke in opposition of quasi-judicial item 9A. Mayor Bell closed the public hearing. Town Attorney Chad Friedman suggested an amendment to clarify the condition to include "multi-family" in the language before "apartments". A motion was made by Vice Mayor Sochin, seconded by Council Member Mixon, that this Ordinance be approved as amended. After discussion, the motion carried by the following vote:

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

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE APPLICATION TO ARTICLE VII, SECTION 3-102 (F) (1) AND (4) OF THE TOWN CODE RELATING TO THE REQUIRED BUFFER AREAS FOR VILLAGE OF OLD CUTLER CORP LOCATED AT 36-6009-003-0310 AND 36-6009-003-0290; AND PROVIDING FOR AN EFFECTIVE DATE. (*previously deferred per June 15, 2016 Regular Town Council Meeting to date certain July 20, 2016 Regular Town Council Meeting)

Town Clerk Jacqueline Wilson read the title of the Resolution. Town Attorney Chad Friedman reminded the Council to disclose any ex-parte communications prior to the hearing for quasi-judicial items 9B through 9E if not previously disclosed to the Town Clerk.

Town Manager Rafael Casals introduced consultant Henry Iler of Iler Planning and Consulting to present the staff report and answer questions from the Council. Applicant attorney Mr. Graham Penn of Bercow Radell & Fernandez presented a report on behalf of the applicant.

Mayor Bell opened the public hearing. Mr. David Fienberg spoke in opposition of quasi-judicial items 9B through 9E and spoke in favor of staff-recommended denial of item 9B. Mr. Gus Barreiro spoke in favor of responsible growth and development and also spoke in favor of quasi-judicial items 9B through 9E. Mr. Eduardo Verona spoke in opposition of quasi-judicial items 9B through 9E. Mr. Steve Zarzecki spoke on the Town Growth Management Plan and its transportation element. Ms. Jean McJilton read a statement on behalf of Ms. Elizabeth Ott in opposition of quasi-judicial items 9B through 9E. Ms. Jean McJilton read a statement on behalf of Mr. Paul Ott in opposition of quasi-judicial items 9B through 9E. Ms. Jean McJilton also spoke in opposition of quasi-judicial items 9B through 9E. Mayor Bell closed the public hearing. Applicant attorney Mr. Graham Penn of Bercow Radell & Fernandez provided a rebuttal to the public concerns associated with the project.

A motion was made by Vice Mayor Sochin that this Resolution be approved. There was no second. A motion was made by Council Member Coriat, seconded by Council Member Mixon, that this Resolution be denied. Vice Mayor Sochin spoke in favor of quasi-judicial items 9B through 9E and spoke in opposition of staff-recommended denial of item 9B. At the request of Council Member Loyzelle, Town Attorney Chad Friedman provided clarification on the re-application requirement in the Town Code. After discussion, the motion carried by the following vote:

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

No: 1 - Vice Mayor Ernest Sochin

A motion was made by Council Member Loyzelle, seconded by Council Member Coriat, to waive the re-application requirement statute by a majority vote of the Council for quasi-judicial items 9B through 9E. Town Attorney Chad Friedman reiterated the re-application requirement in the Town Code. After further discussion, Council Member Loyzelle withdrew the motion. Vice Mayor Sochin spoke in opposition of the denial of quasi-judicial items 9B through 9E. Town Attorney Chad Friedman clarified that quasi-judicial items 9C through 9E would not be heard as a result of Council denial of quasi-judicial item 9B. The meeting briefly recessed at 10:34PM and reconvened at 10:44PM.

- C.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE APPLICATION TO ARTICLE IV, DISTRICTS AND DEVELOPMENT STANDARDS, SEC. 3-58(5) OF THE TOWN CODE RELATING TO THE MINIMUM PERCENTAGE REQUIRED FOR BUILDING FRONTAGE FOR VILLAGE OF OLD CUTLER CORP LOCATED AT 36-6009-003-0310 AND 36-6009-003-0290; AND PROVIDING FOR AN EFFECTIVE DATE. (*previously deferred per June 15, 2016 Regular Town Council Meeting to date certain July 20, 2016 Regular Town Council Meeting)

Town Attorney Chad Friedman clarified that quasi-judicial items 9C through 9E would not be heard as a result of Council denial of quasi-judicial item 9B.

- D.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A CONDITIONAL USE APPLICATION TO PERMIT A DRIVE-THRU AT A BUILDING LOCATED AT 36-6009-003-0310 AND 36-6009-003-0290, AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 3.64 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE. (*previously deferred per June 15, 2016 Regular Town Council Meeting to date certain July 20, 2016 Regular Town Council Meeting)

Town Attorney Chad Friedman clarified that quasi-judicial items 9C through 9E would not be heard as a result of Council denial of quasi-judicial item 9B.

- E.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE REQUEST BY VILLAGE OF OLD CUTLER CORP. FOR A SITE PLAN CONTAINING A 15,852 SQUARE FOOT CVS BUILDING AND A 40,536 SQUARE FOOT MIXED-USE BUILDING ON THE PROPERTY LOCATED AT 36-6009-003-0310 AND 36-6009-003-0290, AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 3.64 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE. (*previously deferred per June 15, 2016 Regular Town Council Meeting to date certain July 20, 2016 Regular Town Council Meeting)

Town Attorney Chad Friedman clarified that quasi-judicial items 9C through 9E would not be heard as a result of Council denial of quasi-judicial item 9B.

- F.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A CONDITIONAL USE APPLICATION TO PERMIT A SCHOOL (WITH NO RESIDENTIAL COMPONENT) AT 22025 SW 87 AVENUE, AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 44.03 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Chad Friedman reminded the Council to disclose any ex-parte communications prior to the hearing for quasi-judicial item 9F if not previously disclosed to the Town Clerk. Council Member Coriat disclosed an ex-parte communication with Mr. Hugo Arza. Town Clerk Jacqueline Wilson read the title of the Resolution. Town Attorney Chad Friedman cited a scrivener's error in the Resolution that should reflect "is consistent" in the fourth WHEREAS clause. Town Manager Rafael Casals introduced Calvin, Giordano and Associates consultant Sarah Sinatra Gould to present the staff with support from consultant Alex David with The Corradino Group.

A motion was made by Council Member Mixon, seconded by Council Member Coriat to extend the meeting past 11PM. The Mayor called for the vote and the motion passed 5-0.

Mr. Hugo Arza of Holland & Knight, LLC presented the applicant report and introduced Mr. Rolando Llanes, Principal at CIVICA Architecture to present the project design. Mr. Hugo Arza presented the conditions associated with the application and introduced proposed school Principal Ms. Brenda Cruz to address questions raised by the Council.

After discussion, Mayor Bell opened the public hearing. Ms. Jaclyn Quintas spoke in favor of quasi-judicial item 9F. Mr. Tom Condon spoke on lobbyist concerns. Ms. Rosi Alvarez spoke in favor of quasi-judicial item 9F. Mayor Bell closed the public hearing.

A motion was made by Council Member Loyzelle, seconded by Council Member Mixon, that this Resolution be adopted with amendments as stated to the conditions. Town Attorney Chad Friedman summarized the proposed amendments to the conditions. After discussion, the motion carried by the following vote:

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

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

- A.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 10 OF THE TOWN CODE OF ORDINANCES ENTITLED "ELECTIONS" AND CREATING SECTION 10-2 ENTITLED "CAMPAIGN FINANCE REPORTS"; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Jacqueline Wilson read the title of the Ordinance. Council Member Loyzelle provided history on the item and expressed support. Town Manager Rafael Casals provided additional background information. A motion was made by Council Member Mixon, seconded by Vice Mayor Sochin, that this Ordinance be approved on first reading. The motion carried by the following vote:

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

11. ORDINANCES FOR FIRST READING (PUBLIC HEARING REQUIRED)

There were no Ordinances for first reading requiring a public hearing.

12. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED)

- A.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING SECTION 30-1 ENTITLED "PAVEMENT CUTTING AND EXCAVATION PROHIBITION" OF THE TOWN CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Jacqueline Wilson read the title of the Ordinance. Town Manager Rafael Casals presented staff report. A motion was made by Council Member Mixon, seconded by Council Member Coriat, that this Ordinance be approved on second reading. Mayor Bell opened the public hearing. There being no one wishing to speak, Mayor Bell closed the public hearing. The motion carried by the following vote:

Yes: 5 - Mayor Peggy Bell, Vice Mayor Ernest Sochin, Council Member Mary Ann Mixon, Council Member Sue Ellen Lozelle and Council Member Roger Coriat

13. PUBLIC COMMENTS

There were no public comments.

14. MAYOR AND COUNCIL COMMENTS

There were no Mayor and Council comments.

15. OTHER BUSINESS

There was no other business.

16. ADJOURNMENT

A motion was made by Council Member Mixon to adjourn. The motion received a second from Council Member Coriat. The meeting adjourned at 1:01AM.

For complete audio recording of this meeting, please visit www.cutlerbay-fl.gov or contact the Town Clerks Office at (305) 234-4262.