



# 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 Lozelle*

*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*

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Monday, July 29, 2019

5:00 PM

Council Chambers

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### Special Town Council Meeting

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

Mayor Meerbott called the meeting to order at 5:02 PM. Deputy Town Clerk Mauricio Melinu called the roll. Mayor Meerbott led the Pledge of Allegiance.

Vice Mayor Lozelle arrived at 5:07PM.

**Present:** 5 - Mayor Tim Meerbott, Vice Mayor Sue Ellen Lozelle, Council Member Robert "BJ" Duncan, Council Member Michael P. Callahan and Council Member Roger Coriat

#### 2. TOWN COUNCIL ANNOUNCEMENTS, BOARD & COMMITTEE REPORTS

Council Member Coriat announced the upcoming Second Annual Education Summit.

#### 3. PUBLIC COMMENTS

Mayor Meerbott opened Public Comments. There being no one wishing to speak, Mayor Meerbott closed Public Comments.

#### 4. REPORTS

##### A. TOWN MANAGER'S REPORT

There was no Town Manager's Report.

##### B. TOWN ATTORNEY'S REPORT

There was no Town Attorney's Report.

##### C. TOWN CLERK'S REPORT

There was no Town Clerk's Report.

**5. CONSENT AGENDA**

There were no items on the Consent Agenda.

**A. APPROVAL OF MINUTES**

There were no Minutes for approval.

**6. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)**

There were no Quasi-Judicial Hearings.

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

There were no Ordinances for First Reading, no public hearing required.

**8. ORDINANCES FOR FIRST READING (PUBLIC HEARING REQUIRED)**

There were no Ordinances for First Reading, public hearing required.

**9. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED)**

There were no Ordinances for Second Reading, public hearing required.

**10. RESOLUTIONS**

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SELECTING VISUALSCAPE, INC. FOR PARKS LANDSCAPE/GROUNDS MAINTENANCE SERVICES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE. (\*previously deferred per July 17, 2019 Regular Town Council Meeting to date certain July 29, 2019 Special Town Council Meeting.)

**Deputy Town Clerk Mauricio Melinu read the title of the Resolution. Town Manager Rafael Casals provided information on the deferred item, and recommended that all bid proposals be rejected.**

**A motion was made by Council Member Coriat, seconded by Council Member Callahan, to reject all bid proposals. Mayor Meerbott called for the vote, and the motion carried by the following vote, with Vice Mayor Loyzelle absent:**

**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.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AMENDMENT NO. 3 TO THE COMPREHENSIVE PARKS LANDSCAPE/ GROUNDS MAINTENANCE SERVICES AGREEMENT BETWEEN THE TOWN AND BRIGHTVIEW LANDSCAPING SERVICES, INC.; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

**Deputy Town Clerk Mauricio Melinu read the title of the Resolution. Town Manager Rafael Casals provided background information on the item and outlined the conditions of the contract extension.**

**Vice Mayor Loyzelle spoke on the possibility of bidding out the new scope of work.**

**Mayor Meerbott spoke regarding the original bid proposals, and spoke in favor of the item.**

**Council Member Callahan spoke regarding the reasons for rejection the previous bids, the new scope of work, and the extension of the contract at the current price.**

**Vice Mayor Loyzelle spoke regarding the impartiality of the bid process.**

**A motion was made by Council Member Coriat, seconded by Council Member Duncan, that this Resolution be adopted. Mayor Meerbott called for the vote and the motion passed 5-0.**

- C.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING RESOLUTION NO. 19-46 SELECTING ELECTRICAL CONTRACTING SERVICES, INC. FOR THE CUTLER RIDGE PARK LIGHTING IMPROVEMENTS PROJECT; AUTHORIZING ADDITIONAL GRANT MATCH FUNDING FOR THE CUTLER RIDGE PARK LIGHTING IMPROVEMENTS PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

Deputy Town Clerk Mauricio Melinu read the title of the Resolution. Town Manager Rafael Casals explained that the item is a carryover addition to the agenda due to a response from the State of Florida for additional funding.

A motion was made by Council Member Coriat, seconded by Council Member Duncan, that this Resolution be adopted. Mayor Meerbott called for the vote and the motion passed 5-0.

Mayor Meerbott informed the Town Council of an upcoming advertisement for a proposed amendment to the Town Code of Ordinances regarding medical marijuana facilities.

There was discussion on Florida State Law regarding the spacing requirements of a medical marijuana facility from a school, and the possibility of a day care center qualifying as a school.

Town Attorney Mitchell Bierman informed the Council that they will make a determination based on their legal analysis, and will work with Town Staff to prepare a proposed amendment if the spacing requirements are met.

Town Attorney Mitchell Bierman provided an update on a lawsuit involving the Town and several other municipalities which seeks to invalidate local gun regulations. He indicated that an initial decision for summary judgement was issued stating it is invalid, as it impinges on the constitutional rights of office holders. The court did not invalidate it entirely, and the State of Florida intends to appeal.

## **11. PUBLIC COMMENTS**

Mayor Meerbott opened Public Comments. There being no one wishing to speak, Mayor Meerbott closed Public Comments.

## **12. ADJOURNMENT**

The meeting adjourned at 5:26 PM.