

Town of Cutler Bay

*Town Hall
10720 Caribbean Blvd
Cutler Bay, FL 33189*



Meeting Minutes

Wednesday, October 15, 2014

7:00 PM

Council Chambers

Town Council

MAYOR AND COUNCIL MEMBERS

Mayor Edward P. MacDougall

Vice Mayor Ernest N. Sochin

Council Member Mary Ann L. Mixon

Council Member Sue Ellen Loyzelle

Council Member Peggy R. Bell

CHARTER OFFICIALS

Town Attorney Mitchell Bierman

Town Attorney Chad Friedman

Town Manager Rafael G. Casals

Town Clerk Debra E. Eastman, MMC

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

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

Mayor MacDougall called the meeting to order at 7 p.m. Mayor MacDougall pointed out that this is his last Town Council Meeting and he thanked the members of the audience for their service to the Town.

Town Clerk Debra Eastman called the roll with the following Council Members in attendance, Council Member Peggy Bell, Council Member Sue Ellen Loyzelle, Council Member Mary Ann Mixon, Vice Mayor Ernest Sochin and Mayor Edward P. MacDougall.

2. PROCLAMATIONS, AWARDS, AND PRESENTATIONS

- A. · Miami-Dade County Public Schools Vice-Chair, Dr. Lawrence S. Feldman, Proclamation to Mayor MacDougall

Dr. Lawrence Feldman presented Mayor MacDougall with a proclamation from the Miami-Dade County School Board recognizing his years of service to the Town and outstanding support of the schools.

- B. · Proclamation to William R. Johnson

Sponsors: Mayor Peggy Bell

Council Member Peggy Bell and Mayor MacDougall presented a proclamation to Mr. William Johnson who serves tirelessly as a volunteer for many Town events. Mr. Johnson expressed his gratitude and will continue to be of service.

- C. · Presentation - Government Finance Officers Association (GFOA) Award

Mayor MacDougall presented an award received from the Government Finance Officers' Association for excellence in 2013 annual financial reporting to Town Finance Director Robert Daddario and Town Manager Rafael Casals.

Town Manager Casals explained that Police Officer Leonardo Cabrera was recognized by the Director of Miami Dade County Police last week with a life saving award resulting from an incident that happened in Cutler Bay. The Mayor and Town Council congratulated Officer Cabrera and his family and thanked him for his outstanding service to the Town of Cutler Bay.

Mayor MacDougall recognized members of his family in the audience and Mr. Joe Corradino, Vice Mayor of the Village of Pinecrest and Mr. Merrett Steirheim.

3. APPROVAL OF MINUTES

There were no minutes.

4. TOWN COUNCIL ANNOUNCEMENTS

Vice Mayor Sochin announced that the South Region Office of Miami Dade schools is presenting a curriculum expo from 6:30 to 8 p.m.

Council Member Loyzelle announced the Amscot and the Cutler Bay Police are hosting a bike helmet giveaway on October 18.

Council Member Loyzelle announced that the Cutler Bay Halloween event will take place on October 24 from 6 to 9 p.m. at Cutler Ridge Park. Council Member Loyzelle reminded the audience that the schedule of events taking place at the South Miami Dade Cultural Arts Center is on the table in the back of the Council Chambers. Council Member Loyzelle reminded that the next Regular Town Council Meeting will be held on December 10, 2014 and that the Rib Tickler's Ball will take place on Saturday, November 8, 2014 from 2 to 7 p.m.

Council Member Loyzelle invited the members of the Town Council to attend the Chamber South Annual Holiday Luncheon on December 10, 2014 at the Coral Gables Country Club.

Council Member Loyzelle requested that the Town Council hear item 13A on the agenda following the consent agenda. Mayor MacDougall acknowledged her request and determined that there was no need for a motion. Council Member Bell recognized traditional activities at Whispering Pines Park on Halloween and expressed concerns regarding the road construction detour. She announced that the road detour will be removed at least one week prior to Halloween.

5. PUBLIC COMMENTS

Darryl Boyette, President of the Cutler Bay Business Association expressed support for an Economic Advisory Committee. Mr. Boyette presented a document to the Town Council which outlined the proposed 5th Annual Taste of the Bay event which he would like to host at Lakes by the Bay Park. Mr. Boyette explained the proposed activities. Mayor MacDougall thanked Mr. Boyette for his work. Council Member Loyzelle expressed concern about holding the event at the proposed venue and the short timeline to hold the event in February, 2015, especially if the Town Council should deny the request. Vice Mayor Sochin also expressed concern, along with Town Manager Casals who explained that this would be the first time the venue would be used and that there are no previous experiences or policies. Mayor MacDougall recognized that this is only a preliminary discussion and that Mr. Boyette will need to work out the details with the Town Manager and Town Council.

David Feinberg thanked the Mayor and Council Members for all of their work and accomplishments. He expressed concerns that candidates running for office in Cutler Bay are hiring lobbyists to assist with their campaigns.

Ed Wolmers spoke in support of the comments made by Mr. Feinberg regarding lobbyists.

Eugene Teccolini asked if the lobbyist issue could be voted on by the Town Council tonight. Mayor MacDougall explained the issue would have to be an ordinance previously prepared for the agenda. Town Attorney Chad Friedman opined that he would look into how the ordinance could be crafted.

6. REPORTS

A. TOWN MANAGER'S REPORT

Town Manager Rafael Casals presented the annual update to the Local Mitigation Strategy Plan (LMS), a vital tool for identifying specific Town projects aimed at mitigating the potential of property loss caused by a natural disaster.

Gary Ratay and Alina Philips of Kimley-Horn and Associates provided an update on the Caribbean Boulevard project.

Town Manager Casals thanked Major Julie Miller and the Town police units for effectively policing the detour MOT route, issuing over 155 citations.

Town Manager Casals thanked Community Development Director Kathryn Lyon

for her work bringing Town businesses into compliance with the sign ordinance. Major Julie Miller announced a 5k run fundraiser for the Police Officer Trust, on November 22, 2014 at 5 p.m.

B. TOWN ATTORNEY'S REPORT

Town Attorney Chad Friedman reported that he attended the League of Cities annexation task force meeting. He stated that he will be attending a meeting with several city attorneys and city managers around Miami-Dade County regarding the FPL franchise fee in a couple of weeks. The franchise fee agreement with Miami-Dade County will expire in 2019, which will allow the newer cities to negotiate their own agreement with FPL.

C. TOWN CLERK'S REPORT

Town Clerk Debra Eastman stated that she obtained information from the Village Clerk of Tequesta, Florida regarding her presentation on public records at the FLC Conference, as suggested during the Town's Strategic Master Plan Workshop. The report is on file and has been shared with the Town Council via email.

Town Clerk Eastman reported that last week the Town Clerk's Office conducted a professional shred of 25 boxes of Building Department records that have been scanned and are being maintained on CD backup.

Town Clerk Eastman reminded all that she will be attending the New Hampshire City and Town Clerks Conference as the keynote speaker, beginning October 16 and returning October 23.

Town Clerk Eastman stated that her assistant is currently attending the second year of the FACC Institute and will be returning on October 17.

D. BOARD AND COMMITTEE REPORTS

Council Member Bell reported that the next meeting of the Youth Council Committee will be November 12, 2014, at 5:30 p.m. at Town Hall.

Council Member Loyzelle thanked the Mayor for his service and also on behalf of the Communities for a Lifetime Committee. She stated that the next meeting of the Communities for a Lifetime Committee will be October 22, 2014, at 6 p.m. at Town Hall.

Council Member Mixon reported that the Floodplain Mitigation Plan Advisory Committee report will be adopted later in tonight's agenda.

7. CONSENT AGENDA

- A.** 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 ENVIROWASTE SERVICES GROUP, INC. FOR TOWNWIDE SIDEWALK IMPROVEMENTS; AND PROVIDING AN EFFECTIVE DATE

This Resolution was adopted on Consent.

Enactment No: RES 14-67

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ACCEPTING URBAN AND COMMUNITY FORESTRY GRANT AWARD IN THE AMOUNT OF \$10,000; AUTHORIZING THE TOWN

MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

Enactment No: RES 14-68

Approval of the Consent Agenda

A motion was made by Council Member Nixon, seconded by Council Member Bell, to approve the Consent Agenda. The motion carried by the following vote:

Yes: 5 - Council Member Peggy Bell, Council Member Sue Ellen Loyzelle, Council Member Mary Ann Nixon, Vice Mayor Ernest Sochin and Mayor Edward MacDougall

- C.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE STATE FINANCIAL ASSISTANCE AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (CONTRACT# SO744) AND THE TOWN OF CUTLER BAY FOR STORMWATER IMPROVEMENTS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SAME AND PROVIDING FOR AN EFFECTIVE DATE.

After discussion, a motion was made by Council Member Loyzelle, seconded by Council Member Nixon, that this Resolution be adopted. The motion carried by the following vote:

Yes: 5 - Council Member Peggy Bell, Council Member Sue Ellen Loyzelle, Council Member Mary Ann Nixon, Vice Mayor Ernest Sochin and Mayor Edward MacDougall

Enactment No: RES 14-69

- D.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING RESOLUTION 13-75, WHICH ADOPTED THE BUDGET FOR THE 2013/2014 FISCAL YEAR BY REVISING THE 2013/2014 OPERATING AND CAPITAL BUDGET AS OUTLINED IN EXHIBIT "A" ATTACHED HERETO; AUTHORIZING THE TOWN MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

After discussion, a motion was made by Council Member Loyzelle, seconded by Council Member Nixon, that this Resolution be adopted. The motion carried by the following vote:

Yes: 5 - Council Member Peggy Bell, Council Member Sue Ellen Loyzelle, Council Member Mary Ann Nixon, Vice Mayor Ernest Sochin and Mayor Edward MacDougall

Enactment No: RES 14-70

7A. RESOLUTIONS

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO THE ADOPTION OF THE 2014-19

STRATEGIC MASTER PLAN; AND PROVIDING AN EFFECTIVE DATE.

After discussion, a motion was made by Council Member Loyzelle, seconded by Council Member Bell, that this Resolution be adopted. The motion carried by the following vote:

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

Enactment No: RES 14-71

B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO THE ADOPTION OF THE UPDATED 2014 TOWN OF CUTLER BAY TRANSPORTATION MASTER PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

After discussion, a motion was made by Council Member Bell, seconded by Council Member Mixon, that this Resolution be adopted. The motion carried by the following vote:

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

Enactment No: RES 14-72

C. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO THE ADOPTION OF THE FLOODPLAIN MITIGATION PLAN AND PROVIDING FOR AN EFFECTIVE DATE

After discussion, a motion was made by Council Member Mixon, seconded by Vice Mayor Sochin, that this Resolution be adopted. The motion carried by the following vote:

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

Enactment No: RES 14-73

8. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)

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

10. ORDINANCES FOR FIRST READING (PUBLIC HEARING REQUIRED)

11. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED)

12. PUBLIC COMMENTS

13. MAYOR AND COUNCIL COMMENTS

A. Discussion of Mayor's response to resident

Sponsors: Council Member Sue Ellen Loyzelle

Council Member Loyzelle sponsored the item to be heard and requested that Brian Trainor and then the public be allowed to comment. Town Attorney Chad Friedman explained a provision of the Town Charter, violations, that was added during the last Charter review revision. Town Attorney Friedman stated that the Mayor is entitled to a public hearing or he could choose to waive the hearing. Vice Mayor Sochin opened the public hearing for comments. Brianna Trainor stated that she is the daughter of Brian Trainor. She stated that she does not appreciate the negative connotation in which her family has been portrayed. Brian Trainor stated that the issue started because his sidewalks were poorly done. He stated that he was dumbfounded by the Mayor's response to his email regarding the shoddy work completed on the sidewalks. An unidentified speaker stated that he believes a lot of time was wasted tonight. He stated that this process is making mountains out of mole hills. Richard Hibbard stated that he is embarrassed for what is going on. He stated that the incident occurred over a year ago and this comes up when an election is coming. Ed Wolmers stated that he has worked with the Mayor over the years, but the Mayor made a mistake and should face the penalty. He asked that the Mayor consider just paying the fine and save the time and advertising fees. TW Chamberlin agreed with the opinion of Mr. Wolmers and he thanked Mr. Trainor for coming forward. Peggy Schuler stated that she finds it sad, that after eight years of being Mayor his tenure has to end in this way. She stated that it does not look good for the Council and that she is scared to think of what will happen in the next four years. She stated that she is disappointed in the Town Council. Mayor MacDougall stated he is willing to waive the public hearing and pay a fine. After discussion, a motion was made by Council Member Loyzelle that the Mayor agrees to waive his right to a public hearing, admits guilt, and will pay a \$50 fine. The motion received a second from Vice Mayor Sochin. The motion carried by an unanimous vote. (4-0.)

B. Discussion of resident complaint regarding alleged charter violation by Mayor MacDougall

Sponsors: Mayor Peggy Bell

Council Member Bell stated that the item was brought forward by resident Ed Wolmers. Town Attorney Chad Friedman stated that this item would follow the same procedure as the previous item, 13A. Vice Mayor Sochin opened the public hearing to allow Mr. Wolmers to speak. Ed Wolmers stated that the complaint was based on a letter circulated to voters of the Town. He stated that the Mayor is entitled to his opinion, however, he is not allowed to put forward his opinions as if they were from the Council. Mayor MacDougall stated that he has not broken any rules and only spoke his mind as he is allowed to under the First Amendment. Council Member Mixon made a motion to schedule a hearing to address the complaint. The motion received a second from Council Member Loyzelle. Mayor MacDougall stated that he would like a public hearing on the item. Vice Mayor Sochin opened the public hearing for comments. There were none. Vice Mayor Sochin called for the vote. The motion carried by an unanimous vote. (4-0)

Town Attorney Friedman clarified that the motion was for advertising to take place in the Neighbors section of the Miami Herald. He also stated that the

hearing will address the allegations contained in the agenda backup for tonight's item. Mayor MacDougall stated that he will welcome a hearing.

14. OTHER BUSINESS

Council Member Mixon reported on her attendance at the Sustainability Conference and the many great ideas she was able to gather. She thanked the Town for allowing her to attend.

Council Member Bell stated that this may be her last Town Council meeting and acknowledged that her son was in attendance. Council Member Bell stated that serving as a Council Member has been the greatest pleasure and that she has respect for staff and that the Town Council has moved the Town forward as a team. Members of the Town Council thanked Council Member Bell for her service.

15. ADJOURNMENT

A motion was made by Council Member Bell to adjourn and it received a second from Council Member Mixon. The meeting adjourned at 10:20 PM