



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

Interim Town Clerk Debra E. Eastman, MMC

Wednesday, December 14, 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 7:10PM. Assistant to the Town Clerk

Mauricio Melinu called the roll. Mayor Bell led the Pledge of Allegiance.

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. PROCLAMATIONS, AWARDS, AND PRESENTATIONS

A. Proclamation- Julie A. Miller

Mayor Bell introduced Miami-Dade Police Director Juan J. Perez who presented a Legacy Brick to Miami-Dade Police Major Julie Miller in honor of her service.

Mayor Bell and members of the Town Council presented a proclamation to Miami-Dade Police Major Julie Miller in honor of her leadership and service to the community.

Town Manager Rafael Casals introduced Miami-Dade Police Major Leonard Ricelli, the new Town Commander, and invited him to speak.

B. Proclamation- Frederick Bobson

Mayor Bell and members of the Town Council presented a proclamation to Special Events Coordinator Frederick Bobson in honor of his dedicated service to the community.

C. Presentation- Government Finance Officers Association- Certificate of Achievement for Excellence in Financial Reporting

Town Manager Rafael Casals introduced Finance Director Robert Daddario who presented the Certificate of Achievement for Excellence in Financial Reporting.

3. APPROVAL OF MINUTES

- A. · October 19 2016 Local Planning Agency Minutes
- October 19 2016 Regular Town Council Minutes
- October 27 2016 Town Council Workshop- Zoning Workshop Minutes

A motion was made by Council Member Coriat, seconded by Council Member Mixon, that the Minutes be approved. Mayor Bell called for the vote and the motion passed 5-0.

4. TOWN COUNCIL ANNOUNCEMENTS

Vice Mayor Loyzelle expressed appreciation for support in her campaign. Vice Mayor Loyzelle announced the upcoming West Perrine Dr. Martin Luther King Jr. Parade on January 16. Vice Mayor Loyzelle suggested the creation of a Town Flag. Vice Mayor Loyzelle announced the upcoming Palmetto Bay Carnival beginning on December 16 and requested the Police Department monitor the nearby area in Cutler Bay.

Council Member Mixon reported on attendance at the 56th Annual Florida League of Cities Conference. Council Member Mixon also reported on participation in the Energy, Environment and Natural Resources Committee where the Florida League of Cities announced support of a statewide ban on hydraulic fracking.

- A. · Mayor Bell Monthly Report October 19 - December 8 2016

Mayor Bell announced the State of the Town Address on January 25. Mayor Bell reported on holiday lights around the Town and also reported on the Police Black & Blue Run. Mayor Bell announced the new Town Guide.

5. PUBLIC COMMENTS

Mayor Bell opened Public Comments. Miami Springs Adult Education Center Assistant Principal Desiree Sardo spoke on the Adult Education Program at Cutler Bay High School and classes for adults beginning in January, 2017. Town Manager Rafael Casals provided additional information on the Adult Education Program at Cutler Bay Senior High School. Mayor Bell closed Public Comments.

A motion was made by Council Member Coriat, seconded by Council Member Mixon, to bring forward item 11A on the agenda. Mayor Bell called for the vote and the motion passed 5-0.

6. REPORTS

A. TOWN MANAGER'S REPORT

Town Manager Rafael Casals introduced Gary Ratay of Kimley Horn and Associates to present an update on the Caribbean Boulevard Gap 2 Project. Public Information Officer Janet Delgado with Kimley Horn and Associates provided an update on community outreach for the Caribbean Boulevard Gap 2 Project. Town Manager Rafael Casals announced the Town was awarded the Tree City USA Growth Award. Town Manager Rafael Casals provided information on the Manta Drive grant and thanked Town Staff for their efforts on the grant application process. Town Manager Rafael Casals recognized Code Compliance Administrative Coordinator Elena Garcia, Administrative Assistant Vanessa Torres, and Stormwater Utility Manager Yenier Vega, and congratulated them on receiving their higher education degrees.

Vice Mayor Loyzelle reported on attendance at the Noah's Ark Big Splash recycling project award presentation. Vice Mayor Loyzelle also reported on new eligibility for the Community Development Block Grant Funding.

Mayor Bell requested Council support and direct the Town Manager to explore available funding for a Town bond. A motion was made by Mayor Bell, seconded by Council Member Nixon, to have the Town Manager acquire information about bonding capabilities and provide information to the Council, as well as provide information on producing a straw ballot and direct mail ballot and any additional options. Vice Mayor Loyzelle spoke on the idea of a community survey. After discussion, Town Attorney Mitchell Bierman clarified Mayor Bell's motion to direct Town staff to explore bonding and other funding mechanisms to acquire open land in the Town. An amended motion was made by Vice Mayor Loyzelle, seconded by Council Member Nixon, to include the cost for a survey. Vice Mayor Loyzelle called for the vote and the motion passed 5-0.

A. 2016 Local Mitigation Strategy Annual Update

Town Manager Rafael Casals introduced Public Works Director Alfredo Quintero and Code Compliance Director Sandra Aronoff to present the 2016 Annual Local Mitigation Strategy Update as part of the Town participation in the National Flood Insurance Program and the Credit Rating System (CRS). Town Manager Rafael Casals provided additional information and expressed gratitude to Town Staff for their efforts. Council Member Nixon expressed gratitude to Town Staff for their efforts and spoke on flood insurance discount.

B. 2016 Flood Mitigation Projects Annual Report

Public Works Director Alfredo Quintero and Code Compliance Director Sandra Aronoff presented the 2016 Flood Mitigation Project Annual Report as part of the Town participation in the National Flood Insurance Program and the Credit Rating System (CRS).

B. TOWN ATTORNEY'S REPORT

Town Attorney Mitchell Bierman reported on the status of the Miami-Dade County Mandatory Workforce Housing Ordinance.

C. TOWN CLERK'S REPORT

There was no Town Clerk report.

A motion was made by Mayor Bell, seconded by Council Member Coriat, to move forward item 8C on the agenda. Vice Mayor Loyzelle called for the vote and the motion passed 5-0.

D. BOARD AND COMMITTEE REPORTS

Council Member Coriat reported on the recent Parks and Recreation Committee meeting, the installation of new playground equipment at several parks, and on attendance at the Veteran's Day event and the South Miami-Dade Cultural Arts Center Movie Night and Holiday Celebration event. Council Member Coriat announced the 8th Annual Chili Day on January 21, 2017 and the 2nd Annual Tour de Parks Bike Event on January 28, 2017. Council Member Coriat also announced the upcoming Parks and Recreation Committee Meeting on January 9, 2017.

Parks and Recreation Committee Chair Terry Long and At-Large Member Ernest Lent provided the committee recommendations on the Tropical Hardwood Hammock at Lakes by the Bay Park. Council Member Callahan expressed support of the Tropical Hardwood Hammock. Town Manager Rafael Casals provided information on planning and grant funding for the project. There was discussion on the conceptual plan and on scheduling a workshop to discuss the project.

Council Member Mixon reported on the recent Floodplain Mitigation Plan Committee meeting.

Vice Mayor Loyzelle reported on the Community for a Lifetime Committee master plan. Vice Mayor Loyzelle announced the upcoming Community for a Lifetime Committee Meeting on January 4, 2017.

7. CONSENT AGENDA

Vice Mayor Loyzelle pulled item 7C on the Consent Agenda. A motion was made by Council Member Mixon, seconded by Council Member Coriat to approve items 7A and 7B 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, TO APPOINT A NEW MEMBER TO THE FLOODPLAIN MITIGATION PLAN COMMITTEE; 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, TO APPOINT A NEW MEMBER TO THE YOUTH COUNCIL COMMITTEE; 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 TOWN MANAGER TO ISSUE A PURCHASE ORDER TO R.J. BEHAR, INC. FOR THE DESIGN OF THE SAGA BAY 1.2 SUB-BASIN WATER QUALITY IMPROVEMENT PROJECT AND PROVIDING AN EFFECTIVE DATE.

At the request of Vice Mayor Loyzelle, Town Manager Rafael Casals provided background information on the item regarding the vendor selection process. 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.

8. RESOLUTIONS

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CERTIFYING AND DECLARING THE OFFICIAL RESULTS OF THE GENERAL ELECTION OF THE TOWN HELD ON NOVEMBER 8, 2016; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Vice Mayor Loyzelle, seconded by Council Member Callahan, that this Resolution be adopted. Vice Mayor Loyzelle identified a scrivener's error in the Background and Analysis section in the Clerk's Memo where it should read as "November 8, 2016". Vice Mayor Loyzelle made an amended motion, seconded by Council Member Callahan, that this resolution be adopted with the corrected date in the Clerk's Memo. Mayor Bell called for the vote and the motion passed 5-0.

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING DEBRA E. EASTMAN, MMC AS INTERIM TOWN CLERK; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

At the request of Vice Mayor Loyzelle, Town Attorney Mitchell Bierman provided clarification on the resolution language and the terms of employment. Town Attorney Mitchell Bierman provided clarification on the Town Charter provisions for the hiring of a Town Clerk. Mayor Bell suggested holding a special call meeting to review and approve the Interim Clerk's employment contract. After discussion, a motion was made by Council Member Mixon, seconded by Council Member Coriat, that this Resolution be adopted. The motion carried 4-1 with Vice Mayor Loyzelle in opposition.

Town Manager Rafael Casals provided information on the potential recruiting process for a new Town Clerk.

- C.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, EXTENDING THE ECONOMIC GROWTH COMMITTEE; PROVIDING FOR DISSOLUTION OF THE COMMITTEE; MAKING THE COMMITTEE SUBJECT TO THE TOWN'S ADVISORY BOARD ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Economic Growth Committee Chair Alex Villasuso introduced committee member Marshall Steingold to provide the Economic Growth Committee report. Economic Growth Committee Vice Chair Milenka Bedwell provided a report on the development of a Cutler Bay Fact Sheet to be made available online and through social media. Town Manager Rafael Casals provided information on the cost for a new Town brochure. After discussion, a motion was made by Council Member Coriat, seconded by Council Member Mixon, that this Resolution be adopted. After further discussion, Mayor Bell called for the vote and the motion passed 5-0.

9. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING VARIANCE APPLICATIONS FOR SIGNAGE FOR PETERSON'S HARLEY- DAVIDSON SOUTH LOCATED AT 19825 S. DIXIE HIGHWAY, TO PERMIT A MONUMENT SIGN TO BE 137.7 SQUARE FEET WHERE 48 SQUARE FEET IS ALLOWED; AND PROVIDING FOR AN EFFECTIVE DATE. (*previously deferred per September 21, 2016 Regular Town Council Meeting to date certain December 14, 2016 Regular Town Council Meeting)

Quasi-judicial items 9A and 9B were considered together. Please see quasi-judicial item 9B for details.

Yes: 2 - Vice Mayor Sue Ellen Loyzelle and Council Member Roger Coriat

No: 3 - Mayor Peggy Bell, Council Member Mary Ann Mixon and Council Member Michael Callahan

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING VARIANCE APPLICATIONS FOR SIGNAGE FOR PETERSON'S HARLEY- DAVIDSON SOUTH LOCATED AT 19825 S. DIXIE HIGHWAY, AND TO PERMIT A MONUMENT SIGN TO BE 15.5 FEET IN HEIGHT WHERE 10 FEET IS ALLOWED; AND PROVIDING FOR AN EFFECTIVE DATE. (*previously deferred per September 21, 2016 Regular Town Council Meeting to date certain December 14, 2016 Regular Town Council Meeting)

Assistant to the Town Clerk Mauricio Melinu read the title of the Ordinance. Town Manager Rafael Casals introduced Planning and Zoning Director Kathryn Lyon who provided background information on the item. Planning and Zoning Director Kathryn Lyon introduced consultant with the Corradino Group Scarlet Hammonds to present the staff report. Applicant Attorney Thomas Robertson with Bercow Radell & Fernandez provided a presentation on behalf of the applicant. Applicant Drew Peterson spoke in favor of the item. Town Attorney Mitchell Bierman requested that the Town Clerk provide an oath to those that spoke and those wishing to speak on quasi-judicial items 9A through 9D. Assistant to the Town Clerk Mauricio Melinu provided the oath.

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

Assistant to the Town Clerk Mauricio Melinu read the title of the Ordinance for quasi-judicial item 9B. There was discussion on examples of previous sign variance applications, alternative sign options and on the sign height and sign area calculation. 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 Vice Mayor Loyzelle, to approve quasi-judicial items 9A and 9B. Council Member Callahan expressed concern with the business being considered as a shopping center and introduced example photos of monument signs for the record. Planning and Zoning Director Kathryn Lyon provided clarification on the Town code regarding commercial centers and a separate business. Applicant Attorney Thomas Robertson spoke on photo evidence introduced by Council Member Callahan. After discussion, Council Member Coriat withdrew the earlier motion to approve quasi-judicial items 9A and 9B together. Council Member Coriat made an amended motion, seconded by Council Member Callahan, to approve quasi-judicial item 9A. After further discussion, Council Member Coriat withdrew the motion of bifurcation and restated the original motion, seconded by Vice Mayor Loyzelle, to approve quasi-judicial items 9A and 9B. The motion failed by the following vote:

Yes: 2 - Vice Mayor Sue Ellen Loyzelle and Council Member Roger Coriat

No: 3 - Mayor Peggy Bell, Council Member Mary Ann Mixon and Council Member Michael Callahan

- C.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE APPLICATIONS FOR SIGNAGE FOR BURLINGTON SOUTH LOCATED AT 19191 S. DIXIE HIGHWAY, TO PERMIT A WALL SIGN TO BE 179 SQUARE FEET WHERE 60 SQUARE FEET IS ALLOWED; AND PROVIDING FOR AN EFFECTIVE DATE.

Quasi-judicial items 9C and 9D were considered together. Please see quasi-judicial item 9D for details.

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

- D.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE APPLICATIONS FOR SIGNAGE FOR BURLINGTON SOUTH LOCATED AT 19191 S. DIXIE HIGHWAY, TO PERMIT A WALL SIGN TO BE 88 SQUARE FEET WHERE 30 SQUARE FEET IS ALLOWED; AND PROVIDING FOR AN EFFECTIVE DATE.

Assistant to the Town Clerk Mauricio Melinu read the title of Resolution 9C and 9D. Town Manager Rafael Casals introduced Planning and Zoning Director Kathryn Lyon who provided background information on the item. Planning and Zoning Director Kathryn Lyon introduced consultant with the Corradino Group Scarlet Hammonds to present the staff report. Vice Mayor Loyzelle suggested adjusting the Town code. At the request of Vice Mayor Loyzelle and Council Member Mixon, Planning and Zoning Director Kathryn Lyon provided clarification on the Land Development Regulations and reasons for the variance adjustments. Jeff Katims, principal at the Mellgren Planning Group, presented the applicant report. Applicant Ken Choquette with Equity One spoke in favor of the item. 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 Mixon, seconded by Council Member Callahan, to approve quasi-judicial items 9C and 9D. 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. ORDINANCES FOR FIRST READING (NO PUBLIC HEARING REQUIRED)

There were none.

11. 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 BY CLARIFYING THE MIXED USE REQUIREMENTS WITHIN THE TOWN; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Mitchell Bierman recommended the Council defer the item to no date certain. A motion was made by Council Member Mixon, seconded by Council Member Coriat, that this Ordinance be deferred. Mayor Bell called for the vote and the motion passed 5-0.

12. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED)

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CLARIFYING SECTION 3-102 OF THE TOWN CODE OF ORDINANCES RELATING TO MINIMUM BUFFER AREA STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Assistant to the Town Clerk Mauricio Melinu read the title of the Ordinance. Planning and Zoning Director Kathryn Lyon presented the staff report. Town Manager Rafael Casals provided background information on the item. 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 Nixon, that this Ordinance be approved on second reading. The motion carried by the following vote:

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

13. PUBLIC COMMENTS

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

14. MAYOR AND COUNCIL COMMENTS

A motion was made by Vice Mayor Loyzelle, seconded by Council Member Callahan to have a Town Council Workshop on Committees in January. Mayor Bell called for the vote and the motion passed 5-0. Town Manager Rafael Casals will work with the Town Clerk and poll the Council on a date for the Town Council Workshop. If no date has been agreed upon, the Council will revisit the Town Council Workshop request at the January 18 Regular Town Council Meeting. Council Member Coriat suggested his attendance at the upcoming Education Advisory Committee meeting on January 5, and suggested Council Member Callahan attend the upcoming Parks and Recreation Committee meeting on January 9. Mayor Bell announced the upcoming Miami-Dade Fire Rescue Department Public Meeting on January 23.

- Discussion Regarding Louise Lockwood Memorial Garden (Vice Mayor Loyzelle)

Vice Mayor Loyzelle made a motion to choose a group and explore a plan to lay out a memorial garden for Louise Lockwood for Council recommendation. After discussion, Vice Mayor Loyzelle made an amended motion, seconded by Council Member Coriat, to bring ideas for a Louise Lockwood Memorial to the Parks and Recreation Committee at their upcoming meeting January 9, and have the Parks and Recreation Committee provide a recommendation to the Council. Mayor Bell called for the vote and the motion passed 5-0.

15. OTHER BUSINESS

There was no Other Business.

16. ADJOURNMENT

The meeting adjourned at 12:35AM.

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