



## TOWN COUNCIL MEETING MINUTES

Wednesday, October 16, 2013

At 7 PM

(Following the conclusion of the LPA agenda)

Town Hall – Council Chambers

10720 Caribbean Boulevard

Cutler Bay, Florida 33189

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

Mayor MacDougall called the meeting to order on the above date at 7:05 p.m. at the adjournment of the Local Planning Agency meeting. Present were Vice Mayor Sochin, Council Member Peggy R. Bell, Council Member Sue Ellen Loyzelle, Council Member Mary Ann Mixon, and Mayor Edward P. MacDougall.

### 2. PROCLAMATIONS, AWARDS, AND PRESENTATIONS

A. National Park Service presentation, South Florida Water Management District property North of Cutler Cay

There was no representative present due to the shut down of the federal government at this time. Town Manager Rafael G. Casals explained the location of the property, and will arrange a formal presentation to the Town Council at a later date.

### 3. APPROVAL OF MINUTES

- Zoning Workshop, September 9, 2013
- First Budget Hearing, September 11, 2013
- Regular Town Council Meeting, September 18, 2013
- Final Budget Hearing, September 24, 2013

Council Member Loyzelle requested a review of the First Budget Hearing minutes, September 11, 2013. The Town Clerk will address the concerns of Council Member Loyzelle and bring the minutes back to the Town Council for approval. Council Member Loyzelle made a motion to adopt the minutes from September 11, September 18 and September 24, 2013. The motion received a second from Vice Mayor Sochin. Mayor MacDougall called for the vote and the motion passed.

### 4. TOWN COUNCIL ANNOUNCEMENTS

A. Relay for Life (Council Member Loyzelle)

Council Member Loyzelle made a motion to participate in combination, along with the Village of Pinecrest and Village of Palmetto Bay, in the Relay for Life event. Council Member Bell spoke in favor. Council Member Bell provided a second to the motion. Mayor MacDougall called for the vote and all were in favor.

Council Member Bell introduced the Chairman of the Youth Council Committee Shawn Wechsler. Mr. Wechsler provided a request from the Youth Council Committee that the Town Council send a letter to the Miami Dade School Board asking that they

change the name of the Cutler Bay Academy of Advanced Studies – Centennial Campus to Cutler Bay Senior High and the name of Cutler Bay Academy of Advanced studies – Cutler Ridge Campus to Cutler Bay Academy Middle School.

After discussion, Council Member Bell made a motion to support the Youth Council Committee recommendation and to send a letter to the Miami-Dade County School District requesting that they change the name of the Cutler Bay Academy of Advanced Studies – Centennial Campus to Cutler Bay Senior High and the name of Cutler Bay Academy of Advanced studies – Cutler Ridge Campus to Cutler Bay Academy Middle School. The motion received a second from Council Member Mixon. Mayor MacDougall directed the Town Attorney to prepare a resolution to support this motion. Mayor MacDougall called for the vote and the motion carried, 5-0.

Council Member Loyzelle reported on the February 23, 2014 Taste of the Bay event and that the Communities for a Lifetime is seeking a sponsor for the registration fee of \$100. Council Member Loyzelle made a motion to participate in the Taste of the Bay event and the motion received a second from Council Member Bell. Mayor MacDougall called for the vote and all were in favor.

Council Member Loyzelle explained that she would like for the Town Council to discuss their legislative priorities with the town lobbyist. She made a motion that a meeting be set up in November for this discussion. The motion received a second from Vice Mayor Sochin. It was suggested that a Town Council Workshop be held on Wednesday, November 20 at 4 p.m. Mayor MacDougall called for the vote and all were in favor.

Mayor MacDougall announced that he will give the Town of Cutler Bay State of the Town address on Thursday, November 14, 2013 at 6 p.m. Council Member Loyzelle apologized that she will not be able to attend due to a prior work commitment.

Town Manager Rafael G. Casals reported on the effects of a new law on the cost of flood insurance. There was discussion by the Town Council. Mayor MacDougall made a request that a letter be sent to Governor Rick Scott and that the letter be distributed to the same people named in the Miami-Dade County resolution opposing this as well. It was decided that the letter to Governor Scott would be signed by the Mayor and entire Town Council.

**5. PUBLIC COMMENTS**

Mayor MacDougall opened public comments. Sandra Wong spoke in favor of the traffic circles on Old Cutler Road and expressed her concern about pedestrian crossings in that area.

**6. REPORTS**

**A. TOWN MANAGER'S REPORT**

Maria Porada of Marlin Engineering reported on the Old Cutler Road construction project which is currently 85 percent complete.

Gary Ratay of Kimley-Horn and Associates reported on the Caribbean Boulevard improvement project and the related public outreach for the project. Mr. Ratay also volunteered to provide sponsorship for the Communities for a Lifetime fee to participate in the Taste of the Bay event.

Town Manager Rafael G. Casals reported on the upcoming public meeting being held in the Town Council Chambers on November 13 by Miami-Dade County Fire Rescue regarding the 150 foot monopole construction, updated the Town Council on the town bus ridership, report on work with Miami Dade County School Board regarding the school compact and reported that the 1950<sup>th</sup> tree was planted in Cutler Bay.

**B. TOWN ATTORNEY'S REPORT**

Town Attorney Mitch Bierman reported that there is a resolution added to this agenda to approve an amendment to the ATS contract; and, he reported on the status of the Publix litigation.

**C. TOWN CLERK'S REPORT**

Town Clerk Debra Eastman provided a report to the Town Council that she attended the Attorney General's Sunshine Summit and Ethics Conference, that Assistant to the Town Clerk Teri Samuels attended the first year of training to become a Certified Municipal Clerk and she provided reminders for upcoming meetings.

**D. BOARD AND COMMITTEE REPORTS**

Council Member Peggy Bell provided information on the upcoming Parks and Recreation Committee meeting, Youth Council meeting and other upcoming events.

Council Member Loyzelle reported on the Communities for a Lifetime safe homes event.

Mayor MacDougall reported that he would like to change the name of SW 184<sup>th</sup> Street to John Cosgrove Way. The Town Council expressed agreement with the suggestion via consensus. Mayor MacDougall requested that the Town Manager and Town Attorney prepare an item for the November agenda.

**7. CONSENT AGENDA**

Council Member requested to pull item B and item G. Vice Mayor Sochin requested to pull item D. A motion was made by Council Member Loyzelle and it received a second from Council Member Mixon to adopt items A, C, E and F. Mayor MacDougall called for a vote and the motion passed 5-0.

**A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SELECTING DELAWARE ELEVATOR OF FLORIDA, INC. FOR ELEVATOR MODERNIZATION AND MAINTENANCE SERVICES, FOR THE**

**TOWN CENTER BUILDING; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT RELATING TO THE SAME; AND PROVIDING AN EFFECTIVE DATE.**

Adopted on consent.

- B. 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 TOWNWIDE ROADWAY RESURFACING AND SIDEWALK IMPROVEMENTS; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Debra Eastman read the title of the resolution. Council Member Loyzelle requested that once a bidder is selected that she be provided with a time line and roll out plan in order to share the information with residents who are anxious to know when their areas will be addressed. The Town Manager informed the Council that he will return to them with a capital improvement budget once he is able to determine a unit price through the procurement process. A motion to adopt the resolution was made by Council Member Loyzelle. The motion received a second from Council Member Mixon. Mayor MacDougall called for the vote and it passed 5-0.

- C. 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.**

Adopted on consent.

- D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ACCEPTING A FISCAL YEAR 2013-14 MINI-GRANT FOR DISTRACTED DRIVING PREVENTION THROUGH THE FLORIDA DEPARTMENT OF HEALTH, INJURY PREVENTION PROGRAM (IPP) IN THE AMOUNT OF \$5,000; AUTHORIZING THE TOWN MANAGER TO ACCEPT THE GRANT, AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Debra Eastman read the title of the resolution. Vice Mayor Sochin spoke in favor of enforcement of distracted driving prevention. Town Manager Casals reviewed the plan for the grant. A motion to adopt the resolution was made by Council Member Bell. The motion received a second from Vice Mayor Sochin. Mayor MacDougall called for the vote and it passed 5-0.

- E. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ACCEPTING A FISCAL YEAR 2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) AWARD IN THE AMOUNT OF \$4,708; AUTHORIZING THE TOWN MANAGER TO EXECUTE THIS GRANT, AND PROVIDING FOR AN EFFECTIVE DATE.**

Adopted on consent.

- F. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, COMMEMORATING THE 50TH ANNIVERSARY OF THE VIETNAM WAR; EXPRESSING SUPPORT FOR THE NOVEMBER 8, 2013 PARADE SPONSORED BY THE MIAMI-DADE COUNTY MILITARY AFFAIRS BOARD WELCOMING HOME AND REMEMBERING VIETNAM VETERANS; AND PROVIDING FOR AN EFFECTIVE DATE**

Adopted on consent.

- G. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE CUTLER BAY COMMUNITY FUND TO PARTICIPATE IN “GIVE MIAMI DAY”; ESTABLISHING THE METHODS BY WHICH RECEIVED CONTRIBUTIONS MAY BE ALLOCATED FOR USE; AUTHORIZING THE TOWN MANAGER TO EXECUTE REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Debra Eastman read the title of the resolution. Council Member Loyzelle explained the event and how the Town Council will participate.

A motion was made by Council Member Loyzelle to adopt the resolution. The motion received a second from Council Member Bell. Mayor MacDougall called for the vote and it passed 5-0.

## **7A. RESOLUTIONS**

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, TO APPOINT AN ADVISORY COMMITTEE MEMBER TO FILL A VACANCY ON THE COMMUNITY FOR A LIFETIME ADVISORY COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE. (Vice Mayor Sochin)**

Town Clerk Debra Eastman read the title of the resolution. Vice Mayor Sochin spoke in favor of the appointment. Council Member Bell made a motion to waive the requirement of the attendance at the Town Council meeting of the appointee. The motion received a second from Council Member Loyzelle. Mayor MacDougall instructed the Clerk to invite appointees to attend Town Council meetings when their appointment is on the agenda. Mayor MacDougall called for the vote and the motion to waive the attendance at this time passed 5-0.

A motion to adopt the resolution was made by Vice Mayor Sochin. The motion received a second from Council Member Loyzelle. The Town Clerk was instructed to send a letter to the appointee informing him of his appointment and inviting him to attend the November 7 committee meeting. Mayor MacDougall 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, AMENDING RESOLUTION 07-41 BY CHANGING THE NAME OF THE CHARTER SCHOOL COMMITTEE TO THE EDUCATION ADVISORY COMMITTEE; FURTHER AMENDING RESOLUTION 07-41 BY EXPANDING THE JURISDICTION OF THE COMMITTEE AND ESTABLISHING CERTAIN COMMITTEE ACTIVITY PROTOCOLS; SUPERSEDING RESOLUTION 11-26; AND PROVIDING FOR AN EFFECTIVE DATE. (Vice Mayor Sochin)**

Town Clerk Debra Eastman read the title of the resolution. Vice Mayor Sochin made a motion to adopt the resolution. The motion received a second from Council Member Mixon. Vice Mayor Sochin explained the intent of the resolution. Mayor MacDougall recognized Education Advisory Board Chair Rosi Alvarez for discussion. After further discussion, a motion was made by Council Member Bell for the Town Council to discuss this item at a workshop. The motion received a second from Council Member Mixon. Mayor MacDougall called for the vote and the motion passed 4-1 with Vice Mayor Sochin voting in opposition.

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

Town Attorney Chad Friedman read the quasi-judicial statement. Town Clerk Debra Eastman swore in those wishing to testify.

**A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A SITE PLAN FOR SAGA BAY HOMES TO PERMIT THE CONSTRUCTION OF TEN (10) SINGLE FAMILY HOMES ON PROPERTY LOCATED ON S.W. 78TH PLACE BETWEEN S.W. 200TH STREET AND S.W. 197TH TERRACE, AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 2.18 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Debra Eastman read the title of the resolution. Director of Community Development Julian Perez presented the project to the Town Council with proposed conditions. After discussion a motion was made by Council Member Bell to approve the resolution with the conditions and amendments offered by the Community Development Director. The motion received a second from Vice Mayor Sochin. Town Clerk Debra Eastman called the roll and the motion passed 5-0.

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

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

**A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING ARTICLE III "SIGN REGULATIONS" AND THE DEFINITIONS OF THE TOWN LAND DEVELOPMENT REGULATIONS, IN ORDER TO AMEND THE TOWN'S REGULATIONS OF SIGNS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Debra Eastman read the title of the ordinance for first reading. Town Attorney Chad Friedman reminded the Town Council that a public hearing is required on this item. Community Development Director Julian Perez thanked those involved in preparing this amendment to the sign ordinance. Mayor MacDougall opened the public hearing. Peggy Wyguard of O Gee Paints spoke about the cost of replacing signs and asked that the Town Council consider waiving the permit fees as a way to assist.

After discussion, a motion was made by Council Member Bell to adopt the ordinance on first reading. The motion received a second from Vice Mayor Sochin. Town Clerk Debra Eastman called the roll and the motion passed 5-0.

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

**A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING ORDINANCE 10-11 RELATING TO DANGEROUS INTERSECTION SAFETY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION WITHIN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

*(Reconsideration - per vote on September 24, 2013)*

Town Attorney Mitch Bierman reviewed the history of this ordinance and how it relates to the add on resolution under item 14. Town Clerk Debra Eastman read the title of the ordinance. Council Member Bell made a motion to approve this ordinance and the resolution approving the second amendment to the professional services agreement with American Traffic Solutions. The motion received a second from Council Member Loyzelle. Mayor MacDougall opened the public hearing. There being no one wishing to speak, Mayor MacDougall closed the public hearing. After discussion by the Town Council, Town Clerk Debra Eastman called the roll and the motion passed 3-2 with Council Member Mixon and Vice Mayor Sochin voting in opposition.

**12. PUBLIC COMMENTS**

THE PRESIDING OFFICER SHALL HAVE THE DISCRETION TO LIMIT THE LENGTH OF PUBLIC COMMENTS IN THE INTEREST OF TIME IN ORDER TO ALLOW ALL PERSONS WHO WISH TO SPEAK AN OPPORTUNITY TO DO SO.

Mayor MacDougall invited public comments and there were none.

**13. MAYOR AND COUNCIL COMMENTS**

**14. OTHER BUSINESS**

**A RESOLUTION OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE TOWN OF CUTLER BAY AND AMERICAN TRAFFIC SOLUTIONS; AUTHORIZING TOWN MANAGER TO EXECUTE REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Adopted with Ordinance item 11A.

**15. ADJOURNMENT**

Vice Mayor Sochin made a motion to adjourn. The motion received a second from Council Member Mixon. The meeting adjourned at 11 p.m.

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Debra E. Eastman, MMC  
Town Clerk