



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

Town Clerk Debra E. Eastman, MMC

Wednesday, October 18, 2017

7:00 PM

Council Chambers

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

Mayor Bell called the meeting to order at 7:06 p.m. Council Members Callahan, Coriat and Mixon and Vice Mayor Loyzelle and Mayor Bell were present, Mayor Bell led the Pledge of Allegiance and called for a moment of silence for the people and families affected by hurricanes, wildfires and the Los Vegas shootings.

Mayor Bell explained decorum and the rules of procedure.

Mayor Bell asked for a show of hands as to how many in the audience were in attendance for items 10A and 10B.

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. TOWN COUNCIL ANNOUNCEMENTS, BOARD & COMMITTEE REPORTS

- Town Council Monthly Reports October 2017

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

Vice Mayor Loyzelle reported on the Senior Games taking place the next week and invited participation.

3. PUBLIC COMMENTS

Mayor Bell requested those wishing to make public comments other than comments on items 10A and 10B to please come to the podium now. Vice Mayor Loyzelle reminded that the Mayor had not yet recognized Town Council Announcements and Board and Committee Reports. Mayor Bell returned to that item and the above reports were provided.

Vice Mayor Loyzelle asked why the comments for 10A and 10 B are being separated from general public comments. Mayor Bell called upon Town Attorney Mitch Bierman who opined that because this is not a quasi-judicial item the comments can be requested at the discretion of the Town Council.

Vice Mayor Loyzelle made a motion to have all public comments heard at this time. The motion received a second from Council Member Coriat. Mayor Bell called for discussion and explained that she would like to have the consultant provide the information to the public before getting into public comments so that everyone is fully informed. She requested that she be allowed to have brief public comments now and then the Town Council can vote on moving forward. It was agreed and there was no vote.

Kevin Voitke spoke in favor of moving the items up on the agenda.

Tom Condon asked about the presentation and pointed out that some people may not know what items 10A and 10B are for. Mayor Bell explained their content. There being no one else wishing to speak, Mayor Bell closed public comments.

Mayor Bell informed the Town Council that she is looking for a motion to move items 10A and 10B to number 6 on the agenda. Vice Mayor Loyzelle made a motion to move item 10B and A to item 6 on the agenda, There was no second. Vice Mayor Loyzelle made a motion to allow the public to speak now during open public comments and to move item 10A and B to immediately after item 3. The motion received a second from Council Member Coriat.

Mayor Bell noted that there is a time certain item for 8 p.m. and pointed out that if that time is reached the Council will have to leave this item and go to the time certain item and then come back to this item. Mayor Bell recognized the motion on the table and called for the vote and declared that it passed.

Town Attorney Mitch Bierman clarified with Mayor Bell that if she wants to call the item now she may then have the presentation and then have public comments. Mayor Bell responded affirmatively.

Vice Mayor Loyzelle made a motion to hear item 10B before 10A after the public comments and the presentation. Council Member Coriat provided a second to the motion. Council Member Mixon asked for an explanation and Vice Mayor Loyzelle indicated that she feels the items are out of order.

Town Attorney Mitch Bierman explained that technically the Town Council can adopt item B to rescind a prior vote and still decide that they want to move forward with the skate plaza. He suggested that the discussion of one item will probably entail the discussion of the other and suggested that they Council ask the Clerk to read both titles into the record, discuss them together and in the end take separate votes. Council Member Mary Ann Mixon asked to honor the order of the agenda. Mayor Bell commented that it makes sense to take both items together. There being no further comments, Mayor Bell called for the vote and the motion failed 1-4 with Vice Mayor Loyzelle voting in favor.

Vice Mayor Loyzelle made a motion to take item 10 A and 10B at the same time. The motion received a second from Council Member Coriat and Mayor Bell called for the vote. The motion passed 4-1 with Council Member Mixon voting in opposition.

4. REPORTS

A. TOWN MANAGER'S REPORT

Town Manager Monthly Report September 2017

Town Manager Ralph Casals provided a written report.

B. TOWN ATTORNEY'S REPORT

Town Attorney Mitch Bierman reminded that the Town Council members that

they will be appointing a Charter Revision Commission at their meeting in November to become effective December 1 and reminded them as to the restrictions of who may serve on the Commission.

C. TOWN CLERK'S REPORT

Town Clerk Debra Eastman reported that she is checking with the Town Attorneys to provide an additional two hours of ethics training for the elected officials.

5. CONSENT AGENDA

Mayor Bell asked the members of the Town Council for consent agenda pulls and there were none. A motion was made by Council Member Mixon to approve items 5A through 5F. The motion received a second from Council Member Coriat. Mayor Bell called for the vote and it passed 5-0.

A. APPROVAL OF MINUTES

- September 27 2017 Regular Town Council Minutes
- September 27 2017 Second Budget Hearing Minutes
- September 27 2017 Local Planning Agency Minutes

Minutes were approved on Consent.

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SELECTING KELLY JANITORIAL SYSTEMS, INC. TO PROVIDE JANITORIAL MAINTENANCE SERVICES; PROVIDING FOR AUTHORIZATION; 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, ACCEPTING A GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT); APPROVING THE LOCAL AGENCY PROGRAM (LAP) AGREEMENT WITH FDOT FOR THE MANTA DRIVE ROADWAY IMPROVEMENT PROJECT; PROVIDING FOR AUTHORIZATION; 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, AUTHORIZING THE ISSUANCE OF AN INVITATION TO BID (ITB) FOR CONSTRUCTION SERVICES FOR THE MANTA DRIVE ROADWAY IMPROVEMENT PROJECT; 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, AUTHORIZING THE TOWN MANAGER TO ISSUE A PURCHASE ORDER TO ENVIROWASTE SERVICES GROUP, INC. FOR TOWNWIDE SIDEWALK REPAIRS; 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, AUTHORIZING THE TOWN MANAGER TO ISSUE A PURCHASE ORDER TO VISUALSCAPE, INC. FOR TREE STUMP REMOVAL SERVICES WITHIN THE TOWN'S DESIGNATED RIGHT-OF-WAYS; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

6. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)

(THESE HEARINGS ARE SCHEDULED FOR A TIME CERTAIN OF 8:00 P.M.)

EACH PARTY WILL BE LIMITED TO A PRESENTATION OF 20 MINUTES. THIS TIME LIMITATION MAY BE EXTENDED BY THE CHAIR OF THE MEETING.

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE APPLICATION FOR SIGNAGE FOR PETERSON'S HARLEY- DAVIDSON SOUTH LOCATED AT 19825 SOUTH DIXIE HIGHWAY, TO PERMIT A MONUMENT SIGN TO BE 75 SQUARE FEET WHERE 40 SQUARE FEET IS ALLOWED; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Mitch Bierman read the quasi-judicial statement into the record. Town Clerk Debra Eastman swore in the witnesses and read the title of resolutions 6A and 6B.

A motion was made by Council Member Mixon, seconded by Council Member Coriat, that this Resolution be adopted. The motion carried by an unanimous vote. (5-0)

- B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE APPLICATION FOR SIGNAGE FOR PETERSON'S HARLEY- DAVIDSON SOUTH LOCATED AT 19825 SOUTH DIXIE HIGHWAY, TO PERMIT A MONUMENT SIGN TO BE 9.5 FEET IN HEIGHT WHERE 6 FEET IS ALLOWED; AND PROVIDING FOR AN EFFECTIVE DATE.

Planning and Zoning Director Kathryn Lyon explained that the variance has been reviewed by the Corradino Group and that staff has reviewed it and they are recommending approval. Scarlett Hammon was present from the Corradino Group. Mayor Bell opened the public hearing. Tom Condon asked about the site requirements on US 1 versus other parts of the Town. Drew Peterson explained the plan for a lower height sign. There being no one else wishing to speak, Mayor Bell closed the public hearing. Mayor Bell and members of the Town Council thanked Mr. Peterson for making the changes. A motion was made by Council Member Mixon, seconded by Council Member Coriat, that this Resolution be adopted. The motion carried by an unanimous vote. (5-0)

7. 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 26 "PROPERTY MAINTENANCE AND

CONTROL” OF THE TOWN CODE OF ORDINANCES RELATING TO THE REGISTRATION OF ABANDONED REAL PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT, AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the ordinance. Building and Code Compliance Director Sandra Aronoff explained the benefit to the Town by being informed of foreclosed properties sooner and that identifying the agency foreclosing on the property more quickly and efficiently helps to enforce the Town Code. Vice Mayor Loyzelle spoke in favor and Mayor Bell spoke in favor. A motion was made by Council Member Mixon, seconded by Council Member Coriat, that this Ordinance be approved on first reading. 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

8. ORDINANCES FOR FIRST READING (PUBLIC HEARING REQUIRED)

9. ORDINANCES FOR SECOND 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 MIXED USE FUTURE LAND USE DISTRICT; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the ordinance. Planning and Zoning Director Kathryn Lyon and Scarlett Hammon of the Corradino Group explained that this is amending or clarifying the growth management plan. 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 Mixon, 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 Mixon, Council Member Michael Callahan and Council Member Roger Coriat

10. RESOLUTIONS

- A.** 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 PHASE 1 OF THE TOWN CENTER PLAZA PROJECT AND AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AN AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. Mayor Bell invited Mr. George Puig of Kimley Horn and Associates to give a presentation and talk about the project that he has been working on for the last two years. A video of the conceptual plans was shown. Mayor Bell opened public comments. Kevin Woitke, Teresa Schuster, Jose Rodriguez, Ray Barton, Janine Steller, Brian Goss, Carol Paul and Tom Condon spoke in opposition. Valerie Rodriguez, Stacey Cusano, Luis Cusano, Ed Verona and Bobby Hartwell spoke in opposition,

Wendy Olsen and Marty Bell spoke in favor. There being no one else wishing to speak, Mayor Bell closed public comments.

Vice Mayor Loyzelle made a motion to discuss both items A and B. The motion received a second from Council Member Coriat. Mayor Bell called for the vote and the motion passed 5-0.

Council Member Callahan spoke of the history of the Parks and Recreation Commission discussions, public involvement meetings and favorable response and some other suggested actions like a survey and a special election for a bond. Vice Mayor Loyzelle spoke of the negative feedback on various social media pages. Council Member Mixon spoke about public involvement and the myriad of meetings that were held, in addition to the number of items that have already been approved via a vote at various Town Council meetings. Council Member Mixon explained that she has brought forth a resolution for an ITB and approval of the agreement and cost will come at a later date. She urged the Council to approve. Council Member Coriat spoke of his concern regarding the cost of the project and previously having a sense that the community was much more in favor of the project until recently he heard opposition. Mayor Bell spoke about the history of the project, no town park land available, no open land for sale and asked Town Manager Casals to speak about actions going forward. Town Manager Ralph Casals explained that he will be mailing postcards to property owners asking them to sign up for the email blast. There was discussion regarding the cost and the Town's current fund balance. Vice Mayor Loyzelle spoke about the cost and why she sponsored resolution to rescind and why she is opposed. Mayor Bell would like to see the project perhaps scaled down and bring more people into the process.. Town Manager Casals explained the ITB contents and process and the RFQ process in order to get to a true cost figure. Council Member Mixon asked for support of the ITB. Vice Mayor Loyzelle spoke in opposition to the ITB. Town Attorney Mitch Bierman explained about providing a criteria package to bidders for a design build project.

Council Member Coriat made a motion to extend the meeting beyond 11 p.m. The motion received a second from Council Member Mixon. Mayor Bell called for the vote and it passed 5-0.

Town Manager Ralph Casals stated if 10A is approved under phase 1 we will need have set of full plans for just that phase and that there will be an associated cost.

Vice Mayor Loyzelle made a motion to approve item 10B. There was no second. Council Member Coriat expressed concerns of the process.

A motion was made by Council Member Mixon, seconded by Mayor Bell, that this Resolution be approved. Mayor Bell passed the gavel to Vice Mayor Loyzelle.

Vice Mayor Loyzelle asked for discussion on the motion. Council Member Mixon spoke in favor of the motion and scaling back the project. Council Member Coriat expressed revisiting the plans and ITB is premature at this point. Council Member Callahan asked if this moves forward will there be cost to the Town. Town Manager explained phase 1 design would need to be done in order to obtain the bids. Council Member Mixon questioned the need for more documents at this point and potential cost. Council Member Coriat spoke about meeting of teenagers a decade ago. He would like to hear from potential skaters today. Mayor Bell explained popularity of skating currently and spoke in favor. Vice Mayor Loyzelle spoke in favor of a visioning session. Mayor Bell opposed to starting over from scratch. The motion failed by the following vote:

Yes: 2 - Mayor Peggy Bell and Council Member Mary Ann Mixon

No: 3 - Vice Mayor Sue Ellen Loyzelle, Council Member Michael Callahan and Council Member Roger Coriat

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RESCINDING RESOLUTION NO. 17-82 AUTHORIZING THE TOWN MANAGER TO ISSUE A PURCHASE ORDER TO KIMLEY-HORN AND ASSOCIATES, INC. FOR THE FINAL TOWN CENTER PLAZA CONSTRUCTION PLANS AND DESIGN SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Loyzelle made a motion to approve item 10B. There was no second.

Council Member Coriat expressed that he is comfortable about where this project now stands. Town Attorney Mitch Bierman suggested that the Town Council give direction to the Town Manager. Council Member Coriat made a motion to give direction to the Town Manager to delay issuance of documents for construction of the town center plaza and to work with a process to revisit the concept with public input, Town Council input before the contract expires with Kimley Horn and create a clear and more acceptable plan. The motion received a second from Vice Mayor Loyzelle. Vice Mayor Loyzelle expressed concern over having a cost and Councilmember Coriat suggested workshops, a round of public meetings, more public involvement and that every household receive a notice. Council Member Coriat made a motion to give the Town Manager direction to reach out to residents as to the next round of public meetings. The motion received a second from Council Member Mixon. Mayor Bell called for the vote and the motion passed 4-1 with Vice Mayor Loyzelle voting in opposition.

11. PUBLIC COMMENTS

Stacey Cusano thanked the Town Council for providing for the hire of a Public Information Officer and spoke in favor of getting out more information to the residents of Cutler Bay.

12. ADJOURNMENT

The meeting adjourned at 11:55 p.m.

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