

# **Town of Cutler Bay**

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



## **Meeting Agenda**

**Wednesday, October 17, 2018**

**7:00 PM**

**Council Chambers**

### **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, ICMA-CM, CFM  
Town Clerk Debra E. Eastman, MMC*

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation or a sign language interpreter to participate in this proceeding should contact the Town Clerk at (305) 234-4262 for assistance no later than four days prior to the meeting. If hearing impaired, telephone the Florida Relay Services numbers at (800) 955-8771, Telecommunication Devices for the Deaf (TDD), or (800) 955-8700 (voice) for assistance). Wireless connection GUEST@TOWNOFCUTLERBAY is now available in the Town Council Chambers. Once connected, you will be redirected to the new splash page where you must read the Terms of Service and click "I Accept Connect Me Now". Please make note there is a maximum of two (2) hours before you are automatically disconnected from the WiFi and must reconnect.

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

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

- A.**
- Mayor Bell October 2018 Report
  - Vice Mayor Loyzelle October 2018 Report
  - Council Member Mixon October 2018 Report
  - Council Member Callahan October 2018 Report
  - Council Member Coriat October 2018 Report

**Attachments:** [Mayor Bell October 2018 Report](#)

[Vice Mayor Loyzelle October 2018 Report](#)

[Council Member Mixon October 2018 Report](#)

[Council Member Callahan October 2018 Report](#)

[Council Member Coriat October 2018 Report](#)

- B.**
- Economic Growth Committee- Strategic Marketing Plan

**Attachments:** [Economic Growth Committee- Strategic Marketing Plan](#)

## **3. PUBLIC COMMENTS**

## **4. REPORTS**

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

- Robert Daddario, Finance Department-Quarterly Financial Report

**Attachments:** [FY 2017-18 Third Quarterly Financial Report](#)

- Town Manger Monthly Report October 2018

**Attachments:** [Town Manger Monthly Report October 2018](#)

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

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

**5. CONSENT AGENDA**

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPOINTING NEW MEMBERS TO THE YOUTH COUNCIL COMMITTEE AS PROVIDED IN EXHIBIT "A;" AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Clerk Memo- Appointment to Youth Council Committee](#)  
[Resolution- Appointing Members to Youth Council Committee](#)  
[Resolution- Exhibit A- Appointment to Youth Council Committee](#)

- B.** A RESOLUTION OF THE COUNCIL OF TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO SUBMIT AN APPLICATION FOR THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES' DIVISION OF FORESTRY 2018 URBAN AND COMMUNITY FORESTRY GRANT; AND PROVIDING AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Authorizing 2018 Urban Forestry Grant Application](#)  
[Manager Memo-Attach A-2018 Urban Forestry Application Summary](#)  
[Resolution-Authorizing 2018 Urban Forestry Grant Application](#)

- C.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING RESOLUTION 17-79, WHICH ADOPTED THE BUDGET FOR THE 2017/2018 FISCAL YEAR, BY REVISING THE 2017/2018 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.

**Attachments:** [Manager Memo-FY 2017-18 Budget Amendment](#)  
[Resolution-FY 2017-18 Budget Amendment](#)  
[Resolution-Exhibit A-FY 2017-18 Budget Amendment](#)

**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 SITE PLAN APPLICATION FOR PUBLIX SUPERMARKETS TO PERMIT A COMMERCIAL MIXED-USE DEVELOPMENT CONSISTING OF 87,444 SQUARE FEET ON PROPERTY LOCATED EAST OF OLD CUTLER ROAD, WEST OF SW 92ND PLACE, NORTH OF SW 212 STREET, AND SOUTH OF SW 208TH STREET, AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 13.18 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Publix Site Plan](#)  
[Manager Memo-Attachment A-Town Consultant Report](#)  
[Manager Memo-Attachment B-Site Plan Application](#)  
[Manager Memo-Attachment C-Advertisement Notices and Posting](#)  
[Resolution-Approving Publix Site Plan](#)  
[Resolution-Exhibit A-Legal Description](#)

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A CONDITIONAL USE APPLICATION TO PERMIT A GROCERY STORE WITH A DRIVE-THRU PHARMACY ON PROPERTY LOCATED EAST OF OLD CUTLER ROAD, WEST OF SW 92ND PLACE, NORTH OF SW 212 STREET, AND SOUTH OF SW 208TH STREET, AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 13.18 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Publix Conditional Use Drive-Thru](#)  
[Manager Memo-Attachment A-Town Consultant Report](#)  
[Manager Memo-Attachment B-Conditional Use Drive-Thru Application](#)  
[Manager Memo-Attachment C-Advertisement Notices and Posting](#)  
[Resolution-Approving Publix Conditional Use Drive-Thru](#)  
[Resolution-Exhibit A-Legal Description](#)

- C. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A CONDITIONAL USE APPLICATION TO PERMIT A RETAIL BUILDING IN EXCESS OF 25,000 SQUARE FEET AS A SINGLE USE IN THE NEIGHBORHOOD CENTER (NC) ZONING DISTRICT PER SECTION 3-58(3) ON PROPERTY LOCATED EAST OF OLD CUTLER ROAD, WEST OF SW 92ND PLACE, NORTH OF SW 212 STREET, AND SOUTH OF SW 208TH STREET, AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 13.18 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Publix Conditional Use Building Size](#)  
[Manager Memo-Attachment A-Town Consultant Report](#)  
[Manager Memo-Attachment B-Conditional Use Building Size Application](#)  
[Manager Memo-Attachment C-Advertisement Notices and Posting](#)  
[Resolution-Approving Publix Conditional Use Building Size](#)  
[Resolution-Exhibit A-Legal Description](#)

- D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE APPLICATION FOR PUBLIX SUPERMARKETS, LOCATED AT EAST OF OLD CUTLER ROAD, WEST OF SW 92ND PLACE, NORTH OF SW 212 STREET, AND SOUTH OF SW 208TH STREET, TO PERMIT A WALL SIGN TO BE 66.94 SQUARE FEET WHERE 60 SQUARE FEET IS PERMITTED; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Publix Variance Wall Sign Size](#)  
[Manager Memo-Attachment A-Town Counsultant Report](#)  
[Manager Memo-Attachment B-Variance Application](#)  
[Manager Memo-Attachment C-Advertisement Notices and Posting](#)  
[Resolution-Approving Publix Variance Wall Sign Size](#)  
[Resolution-Exhibit A-Legal Description](#)

- E. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE APPLICATION FOR PUBLIX SUPERMARKETS, EAST OF OLD CUTLER ROAD, WEST OF SW 92ND PLACE, NORTH OF SW 212 STREET, AND SOUTH OF SW 208TH STREET, TO PERMIT THREE (3) WALL SIGNS WHERE ONE (1) IS PERMITTED; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Approving Publix Variance Number of Wall Signs](#)  
[Manager Memo-Attachment A-Town Consultant Report](#)  
[Manager Memo-Attachment B-Variance Application](#)  
[Manager Memo-Attachment C-Advertisement Notices and Posting](#)  
[Resolution-Approving Publix Variance Number of Wall Signs](#)  
[Resolution-Exhibit A-Legal Description](#)

- F. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE APPLICATION FOR PUBLIX SUPERMARKETS, EAST OF OLD CUTLER ROAD, WEST OF SW 92ND PLACE, NORTH OF SW 212 STREET, AND SOUTH OF SW 208TH STREET, TO PERMIT THREE (3) MONUMENT SIGNS WHERE TWO (2) ARE PERMITTED; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Publix Variance Monument Signs](#)  
[Manager Memo-Attachment A-Town Consultant Report](#)  
[Manager Memo-Attachment B-Variance Application](#)  
[Manager Memo-Attachment C-Advertisement Notices and Posting](#)  
[Resolution-Approving Publix Variance Monument Signs](#)  
[Resolution-Exhibit A-Legal Description](#)

- G. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE APPLICATION FOR PUBLIX SUPERMARKETS WAIVING THE LANDSCAPE REQUIREMENTS IN SECTION 3-102(2) OF THE TOWN CODE RELATING TO BUILDING PERIMETER PLANTING ON PROPERTY LOCATED EAST OF OLD CUTLER ROAD, WEST OF SW 92ND PLACE, NORTH OF SW 212 STREET, AND SOUTH OF SW 208TH STREET, AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 13.18 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Publix Variance Landscape Requirements](#)  
[Manager Memo-Attachment A-Town Consultant Report](#)  
[Manager Memo-Attachment B-Variance Application](#)  
[Manager Memo-Attachment C-Advertisement Notices and Posting](#)  
[Resolution-Approving Publix Variance Landscape Requirements](#)  
[Resolution-Exhibit A-Legal Description](#)

- H. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE APPLICATION FOR SIGNAGE FOR PLANET FITNESS, LOCATED AT 19151 SOUTH DIXIE HIGHWAY, TO PERMIT A WALL SIGN TO BE 145.83 SQUARE FEET WHERE 60 SQUARE FEET IS ALLOWED; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo- Planet Fitness Sign Variance](#)  
[Manager Memo- Attachment A- Town Consultant Report](#)  
[Manager Memo- Attachment B- Variance Application](#)  
[Manager Memo-Attachment C- Ad Courtesy Notices and Posting](#)  
[Resolution- Approving Plant Fitness Sign Variance](#)

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

## **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 SECTION 3-58, "NC, NEIGHBORHOOD CENTER DISTRICT" RELATING TO PERMITTED USES FOR PERSONAL SERVICES; AMENDING SECTION 3-59, "TRC, TRANSIT CORRIDOR DISTRICT" RELATING TO PERMITTED USES FOR OUTDOOR DINING; AMENDING SECTION 3-60, "TC, TOWN CENTER DISTRICT" RELATING TO PERMITTED USES FOR PERSONAL SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.....

**Attachments:** [Manager Memo-2nd Reading-Amending NC TRC & TC Districts](#)  
[Manager Memo-2nd Reading-Attachment A-Advertisement](#)  
[Ordinance-2nd Reading-Amending Amending NC TRC & TC Districts](#)  
[Manager Memo-1st Reading-Amending NC TRC & TC Districts](#)  
[Manager Memo-Attachment A-Advertisement](#)  
[Ordinance-1st Reading-Amending Amending NC TRC & TC Districts](#)

- B.** AN ORDINANCE OF THE TOWN OF CUTLER BAY, FLORIDA GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE ELECTRIC FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENT OF A FRANCHISE FEE TO THE TOWN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-2nd Reading-Granting FPL Franchise Fee Agreement](#)  
[Manager Memo-2nd Reading-Attach A-Cutler Bay Franchise Fee Comp Chart](#)  
[Manager Memo-2nd Reading-Attachment B-Advertisement](#)  
[Ordinance-2nd Reading-Granting FPL Franchise Agreement](#)  
[Manager Memo-1st Reading-Granting FPL Franchise Fee Agreement](#)  
[Manager Memo-Attach A-Cutler Bay Franchise Fee Comparison Chart](#)  
[Ordinance-1st Reading-Granting FPL Franchise Agreement](#)

**10. RESOLUTIONS**

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING RESOLUTION NO. 12-43 RELATING TO REPRESENTATION OF THE TOWN ON THE GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY (PACE) DISTRICT BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.

**Sponsors:** Mayor Peggy Bell

**Attachments:** [Mayor Memo-Amending PACE Board Appointment](#)  
[Mayor Memo-Attachment A-Town Resolution No. 12-22](#)  
[Mayor Memo-Attachment B-Town Resolution No. 12-43](#)  
[Resolution - Amending PACE Board Appointment](#)

## **11. PUBLIC COMMENTS**

## **12. ADJOURNMENT**

WE, THE TOWN COUNCIL OF CUTLER BAY, HEREBY RECOMMIT OURSELVES TO MAINTAIN CIVILITY IN OUR PUBLIC AND POLITICAL DISCOURSE AND WE HEREBY PLEDGE OUR COMMITMENT TO THE FOLLOWING PRINCIPLES:

- We will respect the right of all citizens in our community to hold different opinions;
- We will avoid rhetoric intended to humiliate or question the wisdom of those whose opinions are different from ours;
- We will strive to understand differing perspectives;
- We will choose our words carefully;
- We will speak truthfully without accusation and we will avoid distortion; and
- We will speak out against violence, prejudice and incivility of their forms, whenever and wherever they occur.

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.