

# Town of Cutler Bay

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



## Meeting Agenda

**Wednesday, October 28, 2020**

**7:00 PM**

**Council Chambers**

### **Town Council**

#### **MAYOR AND COUNCIL MEMBERS**

*Mayor Tim Meerbott  
Vice Mayor Sue Ellen Loyzelle  
Council Member Robert "BJ" Duncan  
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*

**DECORUM POLICY**

No individuals shall make slanderous or unduly repetitive remarks or engage in any other form of behavior that disrupts or impedes the orderly conduct of the meeting, as determined by the Presiding Officer. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted.

Individuals addressing the Town Council must first be recognized by the Presiding Officer and must do so utilizing the designated podium in the Council Chambers. No more than one person may address the Council at a time unless specifically permitted by the Presiding Officer. Comments are to be made to the Town Council and not to the audience. Persons exiting the Council Chambers shall do so quietly. Any individuals determined to have violated the Rules of Decorum, as determined by the Presiding Officer, may be required to leave the Council Chambers.

**NOTICE TO ALL LOBBYISTS**

Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the Town Clerk prior to engaging in lobbying activities before the Town Council pursuant to Sec. 2-236, Town Code and Sec. 7.6, Town Charter.

**1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE, & MOMENT OF SILENCE****2. PUBLIC COMMENTS**

Any person who wishes to comment on an agenda item which is not under public hearings may be heard at this time and must sign up in advance. Please limit your comments to three (3) minutes or less, as directed by the Presiding Officer. Comments made by members of the public are important to the Town Council. If appropriate, items may be referred to town staff for review and resolution. Speakers will address the Town Council with respect. Inappropriate language will not be tolerated.

**3. TOWN COUNCIL ANNOUNCEMENTS, BOARD & COMMITTEE REPORTS**

- A.**
- Mayor Meerbott October 2020 Report
  - Vice Mayor Loyzelle October 2020 Report
  - Council Member Duncan October 2020 Report
  - Council Member Callahan October 2020 Report
  - Council Member Coriat October 2020 Report

**Attachments:** [Mayor Meerbott October 2020 Report](#)

[Vice Mayor Loyzelle October 2020 Report](#)

[Council Member Duncan October 2020 Report](#)

[Council Member Callahan October 2020 Report](#)

[Council Member Coriat October 2020 Report](#)

- B.**
- Proclamation - HeartCharged Sudden Cardiac Awareness Month

**4. REPORTS**

**A. TOWN MANAGER'S REPORT**

- Town Manager Monthly Report October 2020

**Attachments:** [Town Manager Monthly Report October 2020](#)

**B. TOWN ATTORNEY'S REPORT****C. TOWN CLERK'S REPORT****5. CONSENT AGENDA**

Any items shall be removed from the Consent Agenda for discussion or separate vote if requested or "pulled" by a Council Member or the Town Manager.

**APPROVAL OF MINUTES**

- A.**
- August 10 2020 Town Council Workshop Minutes
  - August 26 2020 Town Council Workshop Minutes
  - August 26 2020 Local Planning Agency Minutes
  - August 26 2020 Regular Town Council Minutes
  - September 8 2020 First Budget Hearing Minutes
  - September 22 2020 Final Budget Hearing Minutes

**Attachments:** [08-10-20 TCW Minutes](#)

[08-26-20 TCW Minutes](#)

[08-26-20 LPA Minutes](#)

[08-26-20 RTC Minutes](#)

[09-08-20 RTC First Budget Hearing Minutes](#)

[09-22-20 RTC Final Budget Hearing Minutes](#)

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING PARK USE AGREEMENTS WITH VARIOUS LOCAL YOUTH SPORTS ORGANIZATIONS FOR USE OF TOWN PARKS FOR SPORTS AND RECREATIONAL ACTIVITIES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Approving Park Use Agreements](#)

[Resolution-Approving Park Use Agreements](#)

[Resolution-Exhibit A-2020 Agreement with Cutler Ridge Soccer Club](#)

[Resolution-Exhibit B-2020 Agreement with Palmetto Raiders Inc](#)

[Resolution-Exhibit C-2020 Agreement with PBSA Inc](#)

[Resolution-Exhibit D-2020 Agreement with Homestead Wahoos](#)

[Resolution-Exhibit E-2020 Agreement with Riptides League](#)

- C. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, EXPRESSING STRONG SUPPORT FOR THE RENAMING OF SOUTH DIXIE HIGHWAY/U.S. 1 FROM S.W. 112TH AVENUE/SOUTH ALLAPATTAH ROAD TO S.W. 184TH STREET/EUREKA DRIVE TO THE "HARRIET TUBMAN HIGHWAY;" AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-South Dixie Highway to Harriet Tubman Highway](#)  
[Manager Memo-Attach A-BCC Resolution Renaming Harriet Tubman Highway](#)  
[Resolution-South Dixie Highway to Harriet Tubman Highway](#)  
[Resolution-Exhibit A-BCC Resolution Renaming Harriet Tubman Highway](#)  
[Resolution-Exhibit B-2020 Roadway Designations FDOT Letter](#)

- D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA ESTABLISHING A FEE SCHEDULE FOR REGISTRATION OF VACATION RENTALS PURSUANT TO SECTION 3-179.1 OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Establishing Vacation Rental Fee Schedule](#)  
[Manager Memo-Attach A-Vacation Rental Fee Survey](#)  
[Resolution-Establishing Vacation Rental Fee Schedule](#)

- E. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ACCEPTING A MIAMI-DADE COUNTY TRANSPORTATION PLANNING ORGANIZATION GRANT AWARD FOR THE 2020 TRANSPORTATION MASTER PLAN UPDATE PROJECT; APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE MIAMI-DADE COUNTY TRANSPORTATION PLANNING ORGANIZATION AND THE TOWN; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Accepting Miami Dade County TPO Grant](#)  
[Manager Memo-Attach A-Miami Dade TPO Grant Award Letter](#)  
[Resolution-Accepting Miami Dade County TPO Grant](#)  
[Resolution-Exhibit A-Miami Dade TPO Interlocal Agreement](#)

- F. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ACCEPTING A FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT AWARD; APPROVING AN AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE TOWN; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Accepting FDEP Grant Award Saga Bay 1.7](#)  
[Manager Memo-Attach A-FDEP Grant Award Letter Saga Bay 1.7](#)  
[Manager Memo-Attach B-Saga Bay 1.7 Project Location](#)  
[Resolution-Accepting FDEP Grant Award Saga Bay 1.7](#)  
[Resolution-Exhibit A-FDEP Grant Agreement Saga Bay 1.7](#)

- G.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ACCEPTING A NATIONAL FISH AND WILDLIFE FOUNDATION GRANT AWARD FOR THE CUTLER BAY WETLAND HABITAT RESTORATION PROJECT; APPROVING AN AGREEMENT BETWEEN THE NATIONAL FISH AND WILDLIFE FOUNDATION AND THE TOWN; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Approving National Fish and Wild Life Foundation Grant](#)  
[Manager Memo-Attach A-Cutler Bay Wetland Project Location](#)  
[Resolution-Approving National Fish and Wild Life Foundation Grant Award](#)  
[Resolution-Exhibit A-National Fish and Wildlife Grant Agreement](#)

- H.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ACCEPTING MULTIPLE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT ALLOCATIONS FROM THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT FOR TRAINING AND OUTREACH CONDUCTED BY THE CUTLER BAY POLICING UNIT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Authorizing Byrne Justice Assistance Grant Applications](#)  
[Manager Memo-Attach A-2018 Letter of Participation Officer Wellness](#)  
[Manager Memo-Attach B-2019 Letter of Participation Officer Wellness](#)  
[Resolution-Authorizing Byrne Justice Assistance Grant Applications](#)  
[Resolution-Exhibit A-Justice Assistance Grant Applications](#)

- I.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ACCEPTING A FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT AWARD FOR THE FRANJO PARK RESTORATION PROJECT; APPROVING AN AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE TOWN; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Accepting FDEP Grant for Franjo Park Restoration](#)  
[Manager Memo-Attach A-FDEP Applicant Priority List](#)  
[Resolution-Accepting FDEP Grant for Franjo Park Restoration](#)  
[Resolution-Exhibit A-FDEP Grant Agreement Franjo Park Restoration](#)

- J. 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 THE CORRADINO GROUP, INC. FOR THE PREPARATION OF THE TRANSPORTATION MASTER PLAN UPDATE; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Corradino Master Plan Update](#)  
[Manager Memo-Attach A-MPO Grant Award Letter](#)  
[Manager Memo-Attach B-Corradino Master Plan Update Proposal](#)  
[Resolution-Corradino Master Plan Update](#)  
[Resolution-Exhibit A-Corradino Master Plan Update Proposal](#)

- K. 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 H & R PAVING, INC. FOR TOWN-WIDE SIDEWALK IMPROVEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Issuance of PO to HR Paving Inc for Sidewalk Improvements](#)  
[Resolution-Issuance of PO to HR Paving Inc Sidewalk Improvements](#)  
[Resolution-Exhibit A-HR Paving Inc Proposal](#)

- L. 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 THE SIDEWALK REPAIRS AND DRAINAGE WORKS PORTION OF THE CUTLER RIDGE SECTION 3 RESURFACING AND DRAINAGE IMPROVEMENTS PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Issuance of PO to Envirowaste for Cutler Ridge Section 3](#)  
[Manager Memo-Attach A-Map of Cutler Ridge Section 3 Sub-Basin](#)  
[Manager Memo-Attach B-Envirowaste Estimate of Probable Cost](#)  
[Resolution-Issuance of PO to Envirowaste for Cutler Ridge Section 3](#)  
[Resolution-Exhibit A-Envirowaste Estimate of Probable Cost](#)

- M. 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 H & R PAVING, INC. FOR THE MILLING AND RESURFACING WORKS PORTION OF THE CUTLER RIDGE SECTION 3 RESURFACING AND DRAINAGE IMPROVEMENTS PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Issuance of PO to H R Paving Inc for Cutler Ridge Section 3](#)  
[Manager Memo-Attach A-Map of Cutler Ridge Section 3 Sub-Basin](#)  
[Manager Memo-Attach B-H R Paving Inc Estimate of Probable Cost](#)  
[Resolution-Issuance of PO to H R Paving Inc for Cutler Ridge Section 3](#)  
[Resolution-Exhibit A-H R Paving Inc Estimate of Probable Cost](#)

- N.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING RESOLUTION 19-74, WHICH ADOPTED THE BUDGET FOR THE 2019-20 FISCAL YEAR, BY REVISING THE 2019-20 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 2019-20 Budget Amendment](#)  
[Resolution-FY 2019-20 Budget Amendment](#)  
[Resolution-Exhibit A-FY 2019-20 Budget Amendment](#)

## **6. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)**

(These hearings are scheduled to begin being heard not later than 8:00 P.M.)

All persons addressing the Town Council shall be sworn-in prior to giving testimony and may be subject to cross examination. All persons addressing the Town Council shall state their name and address for the record.

Each party will be limited to a presentation of 20 minutes. This time limitation may be extended by the chair of the meeting.

## **7. PUBLIC COMMENTS**

Any person who wishes to comment on an agenda item which is not under public hearings may be heard at this time and must sign up in advance. Please limit your comments to three (3) minutes or less, as directed by the Presiding Officer. Comments made by members of the public are important to the Town Council. If appropriate, items may be referred to town staff for review and resolution. Speakers will address the Town Council with respect. Inappropriate language will not be tolerated.

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

- A.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING CHAPTER 9, TITLED "PUBLIC NUISANCES," AUTHORIZING A SPECIAL MAGISTRATE TO PRESIDE OVER NUISANCE ABATEMENT CASES AND IMPOSE FINES AND OTHER NONCRIMINAL PENALTIES PURSUANT TO SECTION 893.138, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

**Sponsors:** Mayor Tim Meerbott

**Attachments:** [Council Memo-Creating Chapter 9-Public Nuisances Abatement](#)  
[Council Memo-Attach A-Section 893.138 Florida Statute](#)  
[Ordinance-1st Read-Creating Chapter 9-Public Nuisances Abatement](#)

## **9. ORDINANCES FOR FIRST READING (PUBLIC HEARING REQUIRED)**

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

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CONFIRMING AMENDMENTS 3 AND 4 TO EMERGENCY ORDER NO. 20-04, DUE TO THE CORONAVIRUS DISEASE 2019 (COVID-19) PANDEMIC; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-Confirming Issuance of Emergency Orders and Amendments](#)

[Manager Memo-Attach A-Town Emergency Order 20-04 Amendment No 3](#)

[Manager Memo-Attach B-Town Emergency Order 20-04 Amendment No 4](#)

[Resolution Confirming Issuance of Emergency Orders and Amendments](#)

[Resolution-Exhibit A-Town Emergency Order 20-04 Amendment No 3](#)

[Resolution-Exhibit B-Town Emergency Order 20-04 Amendment No 4](#)



- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, MAKING FINDINGS AND DESIGNATING REAL PROPERTY IDENTIFIED BY FOLIO NUMBERS 36-6009-005-0015, 36-6009-005-0010, 36-6009-006-0010, 36-6009-006-0012, and 36-6009-006-0011 AS A BROWNFIELD AREA PURSUANT TO SEC. 376.80(2)(A), FLORIDA STATUTES, FOR PURPOSES OF ENVIRONMENTAL REHABILITATION, JOB CREATION, AND ECONOMIC DEVELOPMENT; PROVIDING AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [Manager Memo-2nd Read-Brownfield Designation Area](#)

[Manager Memo-2nd Read-Attach A-Advertisements Notices and Postings](#)

[Manager Memo-2nd Read-Attach B-MDWASD Wellfield Protection Areas](#)

[Manager Memo-2nd Read-Attach C-Impact on Adjacent Property Values](#)

[Manager Memo-2nd Read-Attach D-Comparable Agricultural Sites](#)

[Resolution - Cutler Bay Civic And Resiliency Enhancement \(CARE\) Zone](#)

[Town Staff Report-2nd Read-Exhibit A-Legal Descriptions](#)

[Town Staff Report-2nd Read-Exhibit B-Map of Subject Parcels](#)

[Town Staff Report-2nd Read-Exhibit C-Publix Letter of Request](#)

[Town Staff Report-2nd Read-Exhibit D-Site Asmt Report -Publix Site](#)

[Town Staff Report-2nd Read-Exhibit E-Phase II Environmental Asmt](#)

[Town Staff Report-2nd Read-Exhibit F-Environmental Report](#)

[Town Staff Report-2nd Read-Exhibit G-Publix Public Hearing Notices](#)

[Manager Memo-1st Read-Brownfield Designation Area](#)

[Manager Memo-1st Read-Attach A-Town Staff Report](#)

[Manager Memo-1st Read-Attach B- Advertisements Notices and Postings](#)

[Resolution - Cutler Bay Civic And Resiliency Enhancement \(CARE\) Zone](#)

[Town Staff Report-1st Read-Exhibit A-Legal Descriptions](#)

[Town Staff Report-1st Read-Exhibit B-Map of Subject Parcels](#)

[Town Staff Report-1st Read-Exhibit C-Publix Letter of Request](#)

[Town Staff Report-1st Read-Exhibit D-Site Asmt Report -Publix Site](#)

[Town Staff Report-1st Read-Exhibit E-Phase II Environmental Asmt](#)

[Town Staff Report-1st Read-Exhibit F-Environmental Report](#)

[Town Staff Report-1st Read-Exhibit G-Publix Public Hearing Notices](#)

## 12. ADJOURNMENT

Pursuant to Florida Statutes 286.0105, the town hereby advises the public that if a person decides to appeal any decision made by the 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.

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. Hearing Assistance Devices are available with the Town Clerk.

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 Wi-Fi and must reconnect.

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.