



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, June 21, 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 7:35 PM. Town Clerk Debra Eastman called the roll. Council Member Coriat was absent.

Present: 4 - Mayor Peggy Bell, Vice Mayor Sue Ellen Loyzelle, Council Member Mary Ann Mixon and Council Member Michael P. Callahan

Absent: 1 - Council Member Roger Coriat

2. TOWN COUNCIL ANNOUNCEMENTS, BOARD & COMMITTEE REPORTS

A. · Presentation- Honorable Senator Jose Javier Rodriguez

Mayor Bell introduced Florida State Senator Jose Javier Rodriguez and invited him to speak. Senator Jose Javier Rodriguez provided a summary report on the recent Florida State Legislative Session.

Mayor Bell introduced Florida House District 114 Secretary Rose Freeman representing Florida State Representative Daisy Baez, and Florida State Representative Kionne McGhee and invited them to speak. Representative McGhee and Senator Rodriguez presented an appropriation check to the Town of Cutler Bay for \$165,000.00.

Vice Mayor Loyzelle expressed appreciation to Florida State Representative Kionne McGhee for his efforts on transportation and light rail.

B. · Mayor Bell Monthly Report June 2017

C. · Vice Mayor Loyzelle Monthly Report June 2017

A motion was made by Vice Mayor Loyzelle, seconded by Council Member Callahan, to send the Council Member monthly reports out via the email opt-in list. Town Manager Rafael Casals provided information on the creation of a bi-weekly newsletter and efforts to provide the monthly reports via the website. After discussion, Mayor Bell called for the vote and the motion passed 4-0. Vice Mayor Loyzelle requested to move the proposed July 31, 2017 Town Council Workshop on annexation and basketball courts to an earlier date. After discussion, a motion was made by Vice Mayor Loyzelle, seconded by Council Member Mixon, to combine the second budget workshop along with a discussion on annexation and basketball courts on July 10, 2017, and carry over to another workshop on July 17, 2017 if needed. Mayor Bell called for the vote and the motion passed 4-0.

D. · Council Member Mixon Monthly Report June 2017

E. · Council Member Callahan Monthly Report June 2017

F. · Council Member Coriat Monthly Report June 2017

3. PUBLIC COMMENTS

Mayor Bell opened Public Comments. Applicant Attorney Juan Mayol with Holland and Knight informed the Council that the applicant will be withdrawing the application regarding the Ordinance for First Reading 8A and 8B on the agenda in accordance with Town Code Section 330, Sub-Section 12. At the request of Vice Mayor Loyzelle, Town Attorney Mitchell Bierman explained there is no time period to re-submit the application due to the withdrawal. Steve Zarzecki spoke in favor of moving forward item 10A on the agenda. Kevin Voitke spoke on the Economic Growth Committee and also spoke in opposition of committee members receiving contracts from the Town. Thomas Condon spoke in opposition of committee members receiving contracts from the Town. Barbara Condon spoke in opposition of paper maps and also spoke in favor of revising Town rules regarding lobbyists and vendors. Janine Sowler spoke in favor of item 9B on the agenda. Mayor Bell addressed comments made regarding the Economic Growth Committee and vendors. Town Attorney Mitchell Bierman provided information on rules regarding vendor contracts. Kevin Voitke spoke on the Economic Growth Committee and vendor contracts. Vice Mayor Loyzelle spoke on the issue of medical use at Southland Mall and issues with adding a bus stop at the mall for senior transportation. Janine Sowler spoke on issues relating to insurance and indemnity. Town Manager Rafael Casals informed the Town Council that they are working with legal counsel from both parties regarding this issue. There being no one else wishing to speak, Mayor Bell closed Public Comments.

4. REPORTS

A. TOWN MANAGER'S REPORT

Town Manager Rafael Casals informed the Council that the 2017 State Legislative Session Report would be made available online.

- 2017 State Legislative Session Report
- Town Manager Monthly Report June 2017

B. TOWN ATTORNEY'S REPORT

There was no Town Attorney's Report.

C. TOWN CLERK'S REPORT

Town Clerk Debra Eastman reminded the Council of the Charter Official Performance Evaluations and the Form 1 Financial Statement due dates, and provided information on the 2018 Election and informed the Council that the Town website was in the process of being updated. Town Clerk Debra Eastman also suggested a date during the week of October 23, 2017 for a proposed workshop for Town Advisory Boards and reminded the Council of the current Advisory Board vacancies for the Economic Growth Committee, Education Advisory Committee and Community For a Lifetime Committee. She also reminded the Town Council of her pending absence in accordance with the Town Clerk agreement.

Vice Mayor Loyzelle announced that Quarterly Gift Disclosures were due to the Town Clerk's Office by June 30, 2017.

A motion was made by Council Member Callahan, seconded by Council Member Mixon to move forward item 10A on the agenda. Mayor Bell called for the vote and the motion passed 4-0.

5. CONSENT AGENDA

Vice Mayor Loyzelle pulled items A and H from the Consent Agenda. Council Member Callahan pulled items G and I from the Consent Agenda. A motion was made by Vice Mayor Loyzelle, seconded by Council Member Mixon to approve items B, C, D, E and F on the Consent Agenda. Mayor Bell called for the vote and the motion passed 4-0.

APPROVAL OF MINUTES

- A.**
- May 17 2017 Local Planning Agency Minutes
 - May 17 2017 Regular Town Council Minutes
 - June 5 2017 Sunshine Meeting Minutes

Vice Mayor Loyzelle identified a scrivener's error in the May 17, 2017 Town Council Meeting Minutes. Vice Mayor Loyzelle clarified a statement in paragraph five (5) in the June 5, 2017 Sunshine Meeting Minutes.

A motion was made by Council Member Mixon, seconded by Council Member Callahan, that the Minutes be approved as amended. Mayor Bell called for the vote and the motion passed 4-0.

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING THE POSITION OF DEPUTY TOWN CLERK WITHIN THE OFFICE OF THE TOWN CLERK; 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, SUPPORTING THE PARIS AGREEMENT; PROVIDING FOR TRANSMITTAL; 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, APPROVING THE FIVE (5) YEAR INTERLOCAL AGREEMENT BETWEEN THE TOWN OF CUTLER BAY AND THE MIAMI-DADE COUNTY STORMWATER UTILITY FOR STORMWATER MANAGEMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING 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 ISSUANCE OF AN INVITATION TO BID (ITB) FOR CONSTRUCTION SERVICES FOR THE CUTLER BAY MIDDLE SCHOOL SIDEWALK CONNECTIVITY PROJECT; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER; 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 ENVIROWASTE SERVICES GROUP, INC. FOR PHASE V PART I OF THE ROADWAY RESURFACING PROJECT WITHIN THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- G. 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 PLANTING SERVICES FOR THE CUTLER BAY STREETSCAPE ENHANCEMENT PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. At the request of Council Member Callahan, Town Manager Rafael Casals provided clarification on the plan and location for planted trees and their proximity to one another. A motion was made by Council Member Callahan, seconded by Vice Mayor Loyzelle, that this Resolution be adopted. Mayor Bell called for the vote and the motion passed 4-0.

- H. 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 TRIMMING MAINTENANCE SERVICES WITHIN THE TOWN'S DESIGNATED RIGHT-OF-WAYS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. At the request of Vice Mayor Loyzelle, Town Manager Rafael Casals provided clarification on the maintenance plan on all trees planted throughout the town. A motion was made by Vice Mayor Loyzelle, seconded by Council Member Callahan, that this Resolution be adopted. Mayor Bell called for the vote and the motion passed 4-0.

- I. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RATIFYING THE TOWN MANAGER'S BID WAIVER RECOMMENDATION FOR TOWN MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. Town Manager Rafael Casals provided clarification on the financial impact of the item to the Town and on the sole source contract. A motion was made by Council Member Mixon, seconded by Council Member Callahan, that this Resolution be adopted. Mayor Bell called for the vote and the motion passed 4-0.

Marshall Steingold expressed gratitude for the opportunity to work with the Town.

6. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)

Town Attorney Mitchell Bierman read the quasi-judicial statement. Town Attorney Mitchell Bierman reminded the Council to disclose any ex-parte communications prior to the hearing. Town Clerk Debra Eastman provided the oath to those wishing to speak.

(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, GRANTING FINAL PLAT APPROVAL FOR SUPERIOR AT OLD CUTLER FOR PROPERTY GENERALLY LOCATED SOUTH OF S.W. 198TH STREET, WEST OF OLD CUTLER ROAD, EAST OF S.W. 85TH AVENUE, AND NORTH OF SW 199TH STREET, AS LEGALLY DESCRIBED IN EXHIBIT "A" ON APPROXIMATELY 1.71 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. Planning and Zoning Director Kathryn Lyon provided the staff report. 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 Vice Mayor Loyzelle, that this Resolution be adopted. The motion carried by the following vote:

Yes: 4 - Mayor Peggy Bell, Vice Mayor Sue Ellen Loyzelle, Council Member Mary Ann Mixon and Council Member Michael Callahan

Absent: 1 - Council Member Roger Coriat

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

8. 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 FUTURE LAND USE ELEMENT MIXED USE CATEGORY LAKES-BY-THE-BAY TO PERMIT RESIDENTIAL USES AS A PART OF A MIXED USE PROJECT; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Applicant Attorney Juan Mayol with Holland and Knight informed the Council that the applicant will be withdrawing the application for Ordinance for First Reading Requiring a Public Hearing items 8A and 8B on the agenda in accordance with Town Code Section 330, Sub-Section 12.

- B.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 3-58 OF THE CODE OF ORDINANCES NC, NEIGHBORHOOD CENTER DISTRICT REGARDING RESIDENTIAL USES AND RELATED LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Applicant Attorney Juan Mayol with Holland and Knight informed the Council that the applicant will be withdrawing the application for Ordinance for First Reading Requiring a Public Hearing items 8A and 8B on the agenda in accordance with Town Code Section 330, Sub-Section 12.

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 CHAPTER 14 OF THE TOWN CODE TO INCLUDE SECTION 14-1, "PROHIBITIONS REGARDING SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY TOWN CONTRACTORS;" PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Ordinance. Council Member Mixon 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 Vice Mayor Loyzelle, that this Ordinance be approved on second reading. The motion carried by the following vote:

Yes: 4 - Mayor Peggy Bell, Vice Mayor Sue Ellen Loyzelle, Council Member Mary Ann Mixon and Council Member Michael Callahan

Absent: 1 - Council Member Roger Coriat

- B.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 3-60 OF THE CODE OF ORDINANCES RELATING TO MEDICAL OFFICE USES WITHIN TC, TOWN CENTER DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Ordinance. Planning and Zoning Director Kathryn Lyon presented the staff report and changes made from first reading. Mayor Bell expressed concern about buses and limits on the size of offices and amount of clients. Vice Mayor Loyzelle expressed concern on the length of time clients can stay at the facilities. Mayor Bell opened the public hearing. Applicant Attorney Kelly Mallette with Ronald L. Book, P.A. spoke in favor of the item and expressed gratitude to the Council for the item. There was discussion on the differentiation between group practice facilities and other medical facilities. A motion was made by Council Member Callahan, seconded by Council Member Mixon, that this Ordinance be approved on second reading. The motion carried by the following vote:

Yes: 4 - Mayor Peggy Bell, Vice Mayor Sue Ellen Loyzelle, Council Member Mary Ann Mixon and Council Member Michael Callahan

Absent: 1 - Council Member Roger Coriat

Town Manager Rafael Casals expressed gratitude to Kelly Mallette with Ron L. Book, P.A. for her support to the Town.

10. RESOLUTIONS

- A.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE PLACEMENT OF A PLAQUE IN RECOGNITION OF ERNEST "ERNIE" SOCHIN AT THE SAGA BAY PARK TENNIS AND PICKLEBALL COURTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. Mayor Bell provided background information on the item. A motion was made by Council Member Nixon, seconded by Council Member Callahan, that this Resolution be adopted. There was discussion on language in the Resolution and the possibility of creating detailed guidelines for memorializing. Mayor Bell called for the vote and the motion passed 4-0.

Former Vice Mayor Ernest Sochin expressed gratitude to the Council for their support on the item.

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, URGING THE MIAMI-DADE BOARD OF COUNTY COMMISSIONERS AND TRANSPORTATION PLANNING ORGANIZATION TO CONSTRUCT LIGHT RAIL AND/OR METRORAIL (ONE SEAT RIDE) ON THE EXISTING SOUTH DADE TRANSITWAY; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. Mayor Bell spoke in favor of the item. Town Attorney Mitchell Bierman provided information on Miami-Dade County discussions on which portion of the Strategic Miami Area Rapid Transit (SMART) Plan. A motion was made by Vice Mayor Loyzelle, seconded by Council Member Nixon, that this Resolution be adopted. Mayor Bell called for the vote and the motion passed 4-0.

- C.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, DEDICATING A BUTTERFLY GARDEN IN MEMORY OF LOUISE LOCKWOOD AT WHISPERING PINES PARK; AUTHORIZING THE TOWN MANAGER TO EXPEND FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. Vice Mayor Loyzelle spoke in favor of the item. A motion was made by Vice Mayor Loyzelle, seconded by Council Member Nixon, that this Resolution be adopted. There was discussion regarding language on the dedication plaque. There was discussion on the size of the butterfly garden, funding limit, and maintenance of the butterfly garden. An amended motion was made by Vice Mayor Loyzelle, seconded by Council Member Nixon that this Resolution be adopted with the change in the sixth WHEREAS stating "by placing a plaque in the butterfly garden at Whispering Pines Park reading the following: In loving Memory of Louise Lockwood, listing the Mayor and Council Members by name, Cutler Bay, July 4, 2017". Mayor Bell called for the vote and the motion passed 4-0.

- D. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO EXPEND FUNDS FOR THE REIMBURSEMENT OF TRAVEL COSTS FOR COMMITTEE MEMBERS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Debra Eastman read the title of the Resolution. Vice Mayor Loyzelle provided background information on the item. Council Member Callahan expressed concern on the approval process being decided by the committee and liaison. A motion was made by Vice Mayor Loyzelle, seconded by Council Member Mixon, that this Resolution be adopted. Council Member Mixon expressed concern that travel expenses would place committee members in the same category as a Town employee. Town Attorney Mitchell Bierman clarified it would not place them in the same category, but in an abundance of caution it would have to be discussed with risk managers if additional coverage would be needed. Mayor Bell spoke in opposition of the item. Town Manager Rafael Casals provided clarification on advice that travel authorization be made in the form of a motion as opposed to a Resolution. Vice Mayor Loyzelle spoke in favor of the item. Council Member Mixon called the question. An amended motion was made by Vice Mayor Loyzelle, seconded by Council Member Mixon that this Resolution be adopted with the change that any request be brought back to the Council for approval. Mayor Bell called for the vote and the motion failed 1-3 with Vice Mayor Loyzelle in favor and Mayor Bell, Council Member Mixon and Council Member Callahan in opposition.

11. PUBLIC COMMENTS

Mayor Bell opened Public Comments. Adam Skowronski spoke on the butterfly garden layout. Vice Mayor Loyzelle expressed gratitude to Mr. Skowronski for his efforts with the butterfly garden.

Council Member Mary Ann Mixon explained that due to her appointment to the Florida League of Cities Utilities, Natural Resources and Public Works Committee and the associated expense of attending additional meetings, the budgeted travel allowance allotted to her is running out. Council Member Mixon explained that she would like to attend the planned committee meetings in July and August and also the Florida League of Cities conference. She asked if it was the will of the Council to either have her not participate in the future committee meetings or if the Council would like to increase her allotment to provide the funds to continue participation. After discussion, Council Member Mixon made a motion to increase her travel allotment by \$2,200. The Motion received a second from Council Member Callahan. Mayor Bell called for the vote and all were in favor.

Vice Mayor Loyzelle made a motion to extend past 11 PM. The Motion received a second from Council Member Callahan. Mayor Bell called for the vote and all were in favor.

Vice Mayor Loyzelle announced attendance at conferences for the Florida Council on Aging and Hispanic Council on Aging. Vice Mayor Loyzelle expressed interest in exploring policy for committee members doing business with the Town. Mayor Bell used the gavel to rule Vice Mayor Loyzelle out of order. Vice Mayor Loyzelle disagreed and appealed the ruling of the Mayor. Mayor Bell called for a vote of the Council in favor of Vice Mayor Loyzelle's appeal. Vice Mayor Loyzelle voted in favor, voting in opposition were Council Member Mixon, Council Member Callahan and Mayor Bell.

12. ADJOURNMENT

The meeting adjourned at 11:05 PM.

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