



# 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*

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Wednesday, September 27, 2017

6:00 PM

Council Chambers

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

Mayor Bell called the meeting to order at 6:05PM. Town Clerk Debra Eastman called the roll. Mayor Bell led the Pledge of Allegiance.

**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**

Mayor Bell spoke on the hurricane damage sustained in Puerto Rico and the Caribbean Islands, and informed the public that the Town Manager will look into ways to assist those in need. Vice Mayor Loyzelle offered to provide information to the Town Manager regarding United Way and Red Cross.

Town Manager Rafael Casals announced that the Town's internet service provider is down, and live streaming of the Council Meeting online will not be available. Town Clerk Debra Eastman explained that a recording of the meeting will be made available online as soon as possible.

Mayor Bell led a moment of silence.

A motion was made by Council Member Coriat, seconded by Council Member Mixon, to move forward the Consent Agenda prior to Town Council Announcements. Town Attorney Chad Friedman advised the Council that Public Comments should be heard first. An amended motion was made by Council Member Coriat, seconded by Council Member Mixon, to move forward the Consent Agenda to immediately follow Public Comments. Mayor Bell called for the vote and the motion passed 5-0.

### **Town Council Message- Hurricane Irma Recovery**

Town Manager Rafael Casals expressed gratitude to Town Staff for their efforts regarding Hurricane Irma Recovery, and announced damage to Franjo Park and efforts for reimbursement through FEMA. Council Member Callahan requested an email blast go out to residents explaining damage as the reason for the closure of Franjo Park. At the request of Vice Mayor Loyzelle, Town Manager

Rafael Casals will provide a breakdown of damage costs with FEMA categories. Vice Mayor Loyzelle expressed gratitude to the Town Manager and Town Staff for their efforts to clear roads and debris within the first 72 hours. Mayor Bell thanked Town Staff and the Police Department for their work during and following Hurricane Irma.

A motion was made by Council Member Coriat, seconded by Council Member Mixon to temporarily recess the Town Council Meeting. Mayor Bell called for the vote and the motion passed 5-0.

The meeting recessed at 6:59PM and reconvened at 8:30PM.

Town Clerk Debra Eastman called the roll and all members of the Town Council were present.

- Town Council Monthly Reports September 2017

Vice Mayor Loyzelle announced the Golf Cart Rodeo Event on September 30, 2017.

### 3. PUBLIC COMMENTS

Mayor Bell opened Public Comments. There being no one wishing to speak, Mayor Bell closed Public Comments.

Council Member Callahan expressed concerns regarding issues with the availability of prerequisites for students in order to be able to transfer from the Middle School Cutler Bay Ocean Academy of Science and Technology (COAST) program to the High School COAST program. Mayor Bell requested the Town Manager schedule a meeting with the Miami-Dade County Public School District representatives as soon as possible. Town Attorney Chad Friedman spoke on attempts to negotiate and open up the current Interlocal Agreement with the school district. There was discussion on alternatives available to satisfy prerequisites. Town Manager Rafael Casals suggested a Town Council Workshop be held with only the issues pertaining to the school district on the agenda.

### 4. REPORTS

#### A. TOWN MANAGER'S REPORT

- Town Manager Monthly Report September 2017
- Robert Daddario, Finance Department- Quarterly Financial Report

Town Manager Rafael Casals invited Finance Director Robert Daddario to provide the third quarter of 2017 financial report to date.

#### B. TOWN ATTORNEY'S REPORT

There was no Town Attorney report.

## C. TOWN CLERK'S REPORT

Town Clerk Debra Eastman announced the upcoming Town Council Workshop on October 3, 2017 to discuss the Canoe/Kayak Launch.

Mayor Bell opened Public Comments. There being no one wishing to speak, Mayor Bell closed Public Comments.

- Appointment of Charter Review Committee Members

Town Clerk Debra Eastman requested that the members of the Town Council provide their appointment to the Charter Review Committee by the end of October for appointment at the November Town Council Meeting.

## 5. CONSENT AGENDA

Council Member Callahan pulled item 5H from the Consent Agenda. Vice Mayor Loyzelle pulled item 5C from the Consent Agenda. A motion was made by Council Member Coriat, seconded by Council Member Nixon to approve items A, B, D, E, F, G, I, J, K, L, M, N and O on the Consent Agenda. Mayor Bell called for the vote and the motion passed 5-0.

### A. APPROVAL OF MINUTES

- A. · July 10 2017 Town Council Workshop Minutes
- July 19 2017 Local Planning Agency Minutes
- July 19 2017 Regular Town Council Minutes

This Minutes was approved on Consent.

- B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING TROY & BANKS, INC. PURSUANT TO REQUEST FOR PROPOSAL NO. 17-03 FOR UTILITY INVOICE AUDITING 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, APPOINTING A MEMBER TO THE COMMUNITY FOR A LIFETIME COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. Mayor Bell introduced Elena Felipe and invited her to speak. Mayor Bell passed the gavel to Vice Mayor Loyzelle.

A motion was made by Mayor Bell, seconded by Council Member Nixon, that this Resolution be adopted. Vice Mayor Loyzelle called for the vote and the motion passed 5-0.

Vice Mayor Loyzelle announced the upcoming Community for a Lifetime Committee meeting on October 4, 2017.

- 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 SW 100 AVENUE STORMWATER RETROFIT 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, ADOPTING AND IMPLEMENTING A COMPLETE STREETS MASTER PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

**This Resolution was adopted on Consent.**

- F.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CONFIRMING A DECLARATION OF STATE OF EMERGENCY DUE TO HURRICANE IRMA; 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, APPROVING SUPERIOR PARK SYSTEMS, INC. FOR THE INSTALLATION OF A SINGLE BASKETBALL COURT AT SAGA BAY PARK; PROVIDING FOR WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**This Resolution was adopted on Consent.**

- H.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ACCEPTING A GRANT FROM THE AMERICAN ASSOCIATION OF RETIRED PERSONS (AARP) FOR THE INSTALLATION OF UNIVERSALLY ACCESSIBLE OUTDOOR FITNESS EQUIPMENT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR 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 grant and preliminary plans. Vice Mayor Loyzelle spoke in favor of the item, and expressed gratitude to Town Staff for obtaining the grant. A motion was made by Council Member Nixon, seconded by Vice Mayor Loyzelle, that this Resolution be adopted. Mayor Bell called for the vote and the motion passed 5-0.**

- I.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE GRANT OF EASEMENT TO THE TOWN OF CUTLER BAY BY AND BETWEEN THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA FOR THE CONSTRUCTION OF A PUBLIC BUS SHELTER; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**This Resolution was adopted on Consent.**

- J.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A GRANT FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (CONTRACT #NS023) FOR STORMWATER

RETROFIT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**This Resolution was adopted on Consent.**

- K.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO SUBMIT AN APPLICATION FOR THE STATE OF FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES 2017 URBAN AND COMMUNITY FORESTRY GRANT; AND PROVIDING AN EFFECTIVE DATE.

**This Resolution was adopted on Consent.**

- L.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING STONE CONCEPT MIAMI, INC. PURSUANT TO INVITATION TO BID NO. 17-04 FOR CONSTRUCTION OF TOWNWIDE BUS SHELTERS PHASE I; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**This Resolution was adopted on Consent.**

- M.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ACCEPTING A GRANT FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; APPROVING A GRANT AGREEMENT (CONTRACT NO. LP13191) FOR STORMWATER IMPROVEMENT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**This Resolution was adopted on Consent.**

- N.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AMENDMENT EXTENDING THE PROFESSIONAL SERVICES AGREEMENT WITH AMEC FOSTER WHEELER ENVIRONMENT & INFRASTRUCTURE, INC. (F/K/A AMEC ENVIRONMENT & INFRASTRUCTURE, INC.); AND PROVIDING FOR AN EFFECTIVE DATE.

**This Resolution was adopted on Consent.**

- O.** 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 AMEC FOSTER WHEELER ENVIRONMENT & INFRASTRUCTURE, INC. (F/K/A AMEC ENVIRONMENT & INFRASTRUCTURE, INC.) TO DEVELOP THE TOWN'S WATERSHED MASTER PLAN; 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.**

**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 CHAPTER 3 LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES BY AMENDING SECTION 3-58 NC, NEIGHBORHOOD CENTER DISTRICT AND SECTION 3-59 TRC, TRANSIT CORRIDOR DISTRICT TO PERMIT MEDICAL MARIJUANA DISPENSARIES AND ADD LAND DEVELOPMENT REGULATIONS WITHIN THOSE DISTRICTS FOR PHARMACIES AND MEDICAL MARIJUANA DISPENSARIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Rafael Casals informed the Council of a request from Town Staff to withdraw item 8A from the agenda.

A motion was made by Council Member Coriat, seconded by Council Member Mixon to withdraw item 8A from the agenda. Town Attorney Chad Friedman provided clarification on the reasons for the request to withdraw. Mayor Bell called for the vote and the motion passed 5-0.

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

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF CUTLER BAY, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN'S GROWTH MANAGEMENT PLAN; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Ordinance. Town consultant Alex David with Calvin Giordano and Associates provided the staff report on 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 Vice Mayor Loyzelle, seconded by Council Member Mixon, that this Ordinance be adopted. 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, DECLARING ZONING IN PROGRESS FOR PREPARATION OF AMENDMENTS TO THE TOWN OF CUTLER BAY LAND DEVELOPMENT REGULATIONS TO REGULATE OR TO PROHIBIT MEDICAL MARIJUANA DISPENSARIES; PROVIDING FOR CONFLICTS, AND FURTHER PROVIDING FOR AN EFFECTIVE DATE. (PUBLIC HEARING REQUIRED)

Town Clerk Debra Eastman read the title of the Resolution. Town Attorney

Kathryn Mehaffey provided the staff report and legal regulations on the item. At the request of Vice Mayor Loyzelle, Town Attorney Kathryn Mehaffey provided clarification on licences and dispensaries. There was discussion on tabling the item. Town Attorney Kathryn Mehaffey provided clarification on zoning in progress and advised Council to adopt the item and continue to discuss options. There was discussion on the 180 day deferral time, lawsuits regarding the application process for licensing and validity of the law, and problems related to cash-only payments.

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 5-0.

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING DISCOUNTED FENCE PERMIT FEES DUE TO DAMAGE CAUSED BY HURRICANE IRMA; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. Town Manager Casals provided background information on the item. There was discussion on the possibility of the Town covering the remaining 35 percent of costs, how to notify residents of the discount, and expanding the discount to include all hurricane damages.

A motion was made by Council Member Coriat, seconded by Council Member Mixon, that this Resolution be adopted with amendments to include 30 percent discount on all hurricane related repairs and that it be retroactive to September 18, 2017. Mayor Bell called for the vote and the motion passed 5-0.

- C.** 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 KIMLEY-HORN AND ASSOCIATES, INC. FOR THE FINAL TOWN CENTER PLAZA CONSTRUCTION PLANS AND DESIGN SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. Town Manager Rafael Casals provided background information on the item.

A motion was made by Council Member Mixon, seconded by Council Member Coriat, that this Resolution be adopted.

Council Member Callahan requested the item be deferred until after a Council workshop to discuss financing of the project. Council Member Coriat spoke in favor of deferral. Council Member Mixon spoke in opposition of deferral. Mayor Bell spoke in favor of the item and in opposition of deferral. There was discussion on the use of park impact fees. Council Member Mixon spoke on potential revenue from street league skate competitions. Town Attorney Chad Friedman advised the Council on the use of park impact fees, the consideration of the area for the project as a park space in order to use park impact fees, and the potential to replenish park impact fees with bond funding. There was discussion on phasing in construction of plaza. VM Loyzelle expressed concern with potential liabilities concerning the project and cost of the overall project. Mayor Bell called for the vote and the motion passed 4-1, with Vice Mayor Loyzelle in opposition.

- D.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER

BAY, FLORIDA, APPROVING AN AMENDED EMPLOYMENT AGREEMENT WITH THE TOWN MANAGER; PROVIDING FOR AUTHORIZATION; 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 Vice Mayor Loyzelle, seconded by Council Member Callahan, that this Resolution be adopted. Mayor Bell called for the vote and the motion passed 5-0.

## **11. PUBLIC COMMENTS**

Mayor Bell opened Public Comments. There being no one wishing to speak, Mayor Bell closed Public Comments.

## **12. ADJOURNMENT**

The meeting adjourned at 10:07PM.

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