



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, February 21, 2018

7:00 PM

Council Chambers

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

A motion was made by Council Member Mixon, seconded by Council Member Coriat to move up the Manager's Report on the Financial Transparency Portal to immediately follow Florida State Senator Jose Javier Rodriguez. Mayor Bell called for the vote and the motion passed 5-0.

Florida State Senator Jose Javier Rodriguez spoke via telephone and provided an update on several legislative issues being heard during the current legislative session.

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

There were no Town Council Announcements, Board and Committee Reports.

- Town Council Monthly Reports February 2018

3. PUBLIC COMMENTS

Mayor Bell opened Public Comments. Mr. Richard Beall spoke in opposition of alarm fees. There being no one else wishing to speak, Mayor Bell closed Public Comments.

4. REPORTS

A. TOWN MANAGER'S REPORT

- Town Manager Monthly Report February 2018

Town Manager Rafael Casals announced the Miami-Dade League of Cities Board of Directors Meeting hosted at Town Hall on March 1, 2018.

Town Manager Casals requested direction on the next steps regarding the Town Center Plaza project. After discussion, the Council agreed to hold a Special Call Meeting to discuss the Town Center Plaza project and open land. The Town Clerk will research possible dates.

- 2017 & 2016 Miami-Dade Fire Rescue Annual Report

Miami-Dade County Fire Chief Dave Downey presented the 2016 and 2017 Miami-Dade Fire Rescue Town of Cutler Bay Annual Report and answered questions from the Council.

- Robert Daddario, Finance Department-Quarterly Financial Report

Town Manager Rafael Casals recognized the Town Finance Director who provided the 4th quarter of 2017 Financial Report, and also answered questions from the Council.

- Town Manager Report- Financial Transparency Portal

Finance Director Robert Daddario provided a brief tutorial on the new Financial Transparency Portal available through the Town's Website via a portal link, and answered questions from the Council.

B. TOWN ATTORNEY'S REPORT

Town Attorney Chad Friedman informed the Town of a lawsuit with pharmaceutical companies regarding the costs associated with the opioid crisis by Morgan and Morgan. He requested Council feedback on the possibility of joining the lawsuit, at no cost to the Town.

C. TOWN CLERK'S REPORT

Town Clerk Debra Eastman reported on the implementation of electronic filing of campaign reports starting in March 2018. She announced the next Charter Revision Commission Meeting on February 28, 2018.

5. CONSENT AGENDA

Vice Mayor Loyzelle pulled items E and G from the Consent Agenda. Council Member Callahan also pulled item G. A motion was made by Council Member Coriat, seconded by Council Member Mixon to approve items A, B, C, D, and F on the Consent Agenda. Mayor Bell called for the vote and the motion passed 5-0.

APPROVAL OF MINUTES

- A. · November 15 2017 Regular Town Council Minutes
- January 17 2018 Regular Town Council Minutes

The Minutes were approved on Consent.

- B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, FORMALLY REQUESTING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS RENAME THE SEGMENT OF S.W. 211 STREET/ CUTLER RIDGE BOULEVARD BETWEEN S.W. 107 AVENUE TO S.W. 112 AVENUE

AS CUTLER BAY BOULEVARD; PROVIDING FOR TRANSMITTAL; 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, AUTHORIZING THE TOWN MANAGER TO ISSUE A PURCHASE ORDER TO MARLIN ENGINEERING, INC. FOR CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR THE SW 100 AVENUE STORMWATER RETROFIT PROJECT; 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 TOWN MANAGER TO ISSUE A PURCHASE ORDER TO STANTEC CONSULTING SERVICES, INC. FOR DESIGN SERVICES FOR THE INGRAHAM AVENUE ROAD ROADWAY IMPROVEMENTS PROJECT (FROM SW 212 STREET TO SW 213 STREET); 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 A PAID PARENTAL LEAVE POLICY FOR THE TOWN OF CUTLER BAY'S EMPLOYEES; 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. 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.

- F.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING STATE SENATE BILL NUMBER 688 AND STATE HOUSE BILL NUMBER 243 WHICH WILL REQUIRE COUNTIES TO USE SURTAX PROCEEDS ONLY FOR SPECIFIED PURPOSES AND PROHIBIT THE USE OF SUCH PROCEEDS FOR NON-TRANSIT PURPOSES; PROVIDING FOR TRANSMITTAL; 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 ISSUANCE OF AN INVITATION TO BID (ITB) FOR THE RESTORATION OF FRANJO PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. Vice Mayor Loyzelle spoke on the closing of Franjo Park due to the damages caused by Hurricane Irma, and her commitment to bringing it back. Council Member Callahan agreed with Vice Mayor Loyzelle's comments and spoke on bringing the park up to code.

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.

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 THE SITE PLAN OF VILLAGE OF CUTLER PROPERTIES LC TO PERMIT 30 SINGLE FAMILY HOMES ON PROPERTY LOCATED AT 18551 OLD CUTLER ROAD (FOLIO # 36-6003-001-0013, AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 8.43 +/- ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. Town Attorney Chad Friedman read the procedures for the quasi-judicial item and asked that if the members of the Town Council have further ex-parte communications, that were not already turned over to the Town Clerk, that they now report them. Council Member Coriat explained that there may be more email that has been received since he has been in the Council meeting, but not that he has read. Town Clerk Debra Eastman gave the oath to those who will be speaking. Mayor Bell explained the rules of procedure and decorum and reminded those present to fill out a speaker form, if they wish to speak during the public hearing.

Town Planner, Alex David from Calvin, Giordano and Associates, Inc. explained the proposed site plan received by the Town from Cutler Properties, LC and provided the history and location of the property. Mr. David explained the various elements of the review process and steps taken by the Town staff. He explained that there were no variances requested and that staff is recommending approval with 35 conditions.

Members of the Town Council asked questions of Mr. David regarding compliance with the criteria of the Town code, density, buffer area, setbacks from wetlands, traffic, flood elevation, Miami-Dade County Fire Department requirements for approval, the secondary access and the right-of-way, DERM recommendations, public common path, and the proposed walls and gates. Mayor Bell called for a recess at 8:50 p.m. At 9:03 p.m., Mayor Bell called the meeting back to order.

Juan Mayol, Esq. of Holland & Knight, LLP spoke on behalf of the applicant Cutler Properties, LC and asked that he be afforded more than the planned 20 minutes. Mr. Mayol indicated that along with the PowerPoint presentation he would be introducing documents into the record and providing expert witness testimony. Mr. Mayol explained that the site plan meets the criteria for site plan approval, and detailed other aspects of the plan. Mr. Mayol called upon Mr. James Dougherty as an expert in urban design and planning who spoke about the two entrances, setbacks, position of proposed homes and multiuse path. Questions from the Town Council were answered at this time.

Mr. Mayol introduced Elisa Solorzano, PE who is a traffic engineer and she explained that she had analyzed multiple roadway segments. Mr. Mayol

introduced the traffic study and indicated that it has been reviewed by the Town's traffic consultant. He detailed the steps taken to review traffic and answered questions from the Town Council.

Mr. Mayol introduced Laurie Swanson, PE who is a civil engineer and project manager and she spoke regarding elevation, water and sewer lines, fire hydrants and run off and drains and answered questions from the Town Council.

Mr. Mayol introduced Ed Swakon, PE who spoke to the environmental aspects and spoke to setbacks and the nature of the property, right-of-way and plantings that have been transported to the site and answered questions from the Town Council. Throughout his presentation, Mr. Mayol presented exhibits to the Town Clerk and they were distributed to the members of the Town Council. Mr. Mayol reminded the Town Council that the Town's professional staff recommends approval and urged approval from the Town Council and asked to reserve a few minutes later for rebuttal.

Town Clerk again administered oath to those who did not previously participate. Mayor Bell opened the public hearing and called people to speak at the podium from the speaker sign up forms provided to the Town Clerk. Robert Gonzalez and Marisa Portuondo spoke in opposition. Laura Reynolds spoke in opposition and provided a handout to the Town Council.

Barbara Condon spoke in opposition and proffered a section of the land development regulations. Town Attorney Chad Friedman reviewed the section and opined that the section proffered did not apply in this case. Town Consultant, Alex David was in agreement with Counsel. Alfie Sergio spoke in opposition, Eduardo Varona and Christina Dupey spoke in opposition.

The time approaching 11 p.m., Council Member Mixon made a motion to extend the meeting past 11 p.m. The motion received a second from Council Member Coriat. Mayor Bell called for the vote and all were in favor.

Eduardo de Aragon, Boris Garcia, Ernest Lent, Doris Parham-Perlman, Julienne Marshall, Yeni Fernandez, Ronald Gawronski, Melyssa Sueiro, Giovani Poveda, Michele Leith, Kamarya Johnson and Tom Condon spoke in opposition. Stefano Fanfani, Bobby Hartwell, Zachariah Cosner, Beth Kibler, Cully Wagoner, Carlos Yero, Robert Gonzalez, Carol Paul, Hollis Bradwell spoke in opposition. Members of the audience requested that their speaking time be afford to Laura Reynolds to speak again. Mayor Bell granted Ms. Reynolds and additional six minutes. Ms. Reynolds gave further testimony in opposition. Ray Martin, Natalie Stone spoke in opposition.

The following people filed speaker forms in opposition: Elizabeth Bonnell, Richard and Janice Beall, Emilia Odife, Joe Laduca, Kimberly Coffman, Diego Sosa Dias, David Denhaur, Juan Salamanca, Michael Fleming, Alfredo Elizondo, Niris Elizondo, Yimmy Yut, Florencia Corlazzoli, and Jose and Laura Santos. There being no one else wishing to speak, Mayor Bell closed the public hearing.

Council Member Michael Callahan made a motion to deny the Resolution. The motion received a second from Council Member Mixon. Members of the Town Council asked questions of Mr. Mayol and discussed access to the property by the fire department, Biscayne Bay coastal wetlands project, optional common space, setbacks and buffers, and that the property is not wetlands.

Council Member Mixon spoke in opposition to the site plan. Council Member Callahan spoke in opposition to the plan. Vice Mayor Loyzelle asked questions, indicated that the Town cannot make the property into a park and spoke about the right-of-way. Vice Mayor Loyzelle requested to amend the motion to allow approval. Council Member Callahan did not accept the amendment and restated that his motion is clearly to deny. Vice Mayor Loyzelle inquired of procedure to the Town Attorney. Town Attorney Chad Friedman stated that if the resolution is denied then the applicant would be precluded from coming back for a year unless a new plan was substantially different than this one. Mayor Bell stated her objections to the site plan.

There being no further discussion, Mayor Bell called for the vote. 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

Vice Mayor Loyzelle made a motion to waive the one year requirement for the applicant to come back before the Town Council. The motion received a second from Council Member Coriat. Council Member Mixon questioned why the Town Council would waive this provision. After discussion, Mayor Bell called for the vote and the motion carried 3-2 with Council Member Mixon and Council Member Callahan voting in opposition.

Mayor Bell called for a break at 12:38 a.m. At 12:45 a.m., Mayor Bell called the meeting back to order.

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

There were no Ordinances for First Reading No Public Hearing.

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, SECTION 3-59 TRC, TRANSIT CORRIDOR DISTRICT, AND SECTION 3-60 TC, TOWN CENTER DISTRICT TO CHANGE THE LIST OF PERMITTED CONDITIONAL AND PROHIBITED USES TO ADDRESS PHARMACIES AND MEDICAL MARIJUANA DISPENSARIES AND TO PROVIDE CERTAIN REGULATIONS FOR SUCH USES; AND BY AMENDING SECTION 3-261, DEFINITIONS, TO PROVIDE NEW DEFINITIONS; 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. A motion was made by Council Member Mixon, seconded by Council Member Coriat, that this Ordinance be approved on first reading. Mayor Bell opened the Public Hearing and stated for the record that there was no one in attendance from the Public Mayor Bell closed the Public Hearing and called for the vote. 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

- B.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION" OF THE TOWN CODE, DESIGNATING THE OFFICIAL SEAL AND TOWN LOGO OF THE TOWN OF CUTLER BAY; AMENDING ARTICLE II OF CHAPTER 2 BY THE REVISIONS OF SECTIONS 2-40 "TOWN SEAL" AND 2-75 "TOWN LOGO"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Ordinance. Mayor Bell opened the Public Hearing. There was no Public and Mayor Bell closed the Public Hearing. A motion was made by Vice Mayor Loyzelle, seconded by Council Member Mixon, 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

9. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED)

There were no Ordinances for Second Reading Public Hearing Required.

10. RESOLUTIONS

There were no Resolutions.

11. PUBLIC COMMENTS

There being no one from the public in attendance, there were no Public Comments.

12. ADJOURNMENT

The meeting adjourned at 1:20AM.