



# 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, ICMA-CM, CFM*

*Town Clerk Debra E. Eastman, MMC*

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Wednesday, October 17, 2018

7:00 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. Town Clerk Debra Eastman called the roll with the following in attendance: Council Member Roger Coriat, Council Member Michael Callahan, Council Member Mary Ann Mixon, Vice Mayor Sue Loyzelle and Mayor Peggy Bell.

Mayor Bell led the Pledge of Allegiance.

Council Member Mary Ann Mixon made a motion to take Consent Agenda Item 5A out of order at this point. The motion received a second from Council Member Roger Coriat. Mayor Bell called for the vote and the motion carried 5-0. Mayor Peggy Bell announced that she would like to introduce an additional resolution with an appointment to the CFAL Committee and would like to introduce it after item 5A. Council Member Coriat made a motion to accommodate Mayor Bell and a second was received from Council Member Mixon. Mayor Bell called for the vote and the motion was adopted 5-0.

**Present:** 4 - Mayor Peggy Bell, Vice Mayor Sue Ellen Loyzelle, Council Member Michael P. Callahan and Council Member Roger Coriat

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

Vice Mayor Loyzelle reported on the Senior Games that took place this past week, culminating with the awards luncheon.

Council Member Mixon reported on the work of the Floodplain Mitigation Committee and the positive effect upon Cutler Bay homeowners.

Council Member Coriat reported on the EAC and that are cancelling the November, 2018 meeting.

- 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

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

Chair of the Economic Growth Committee, Marshall Steingold introduced the members to the Town Council. Mayor Bell thanked them for their work on preparing and presenting a strategic marketing plan. The Vice Mayor and Council Members thanked them.

Mayor Bell made a motion to take up public comments at this time. The motion received a second from Vice Mayor Loyzelle and the motion carried 5-0.

**3. PUBLIC COMMENTS**

Dr. Nancy Kirsner spoke regarding item 9A in favor of changing restrictions for businesses.

Adam Skaronski spoke about a recent auto accident and problems with traffic volume in that area.

**4. REPORTS****A. TOWN MANAGER'S REPORT**

- Robert Daddario, Finance Department-Quarterly Financial Report

Finance Director, Robert Daddario provided 9 month report ending June 30 and specifics regarding insurance proceeds and FEMA reimbursements received, shared revenues, and utility taxes.

- Town Manger Monthly Report October 2018

**B. TOWN ATTORNEY'S REPORT****C. TOWN CLERK'S REPORT**

Town Clerk Debra Eastman reported on the upcoming November 6 election, early voting dates, canvassing board schedule and sample ballots.

**5. CONSENT AGENDA**

Mayor Bell sponsored the following add on item on the dais: Town Clerk Debra Eastman read the title of the resolution as follows: 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.

Mayor Peggy Bell made a motion to appoint Sandra Wong to the CFAL committee. Council Member Callahan provided the second. Mayor Bell called for the vote and the motion was adopted 5-0.

- 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.**

Town Clerk Debra Eastman read the title of the resolution. Mayor Bell explained that the committee met last night. A motion was made by Council Member

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Mixon, seconded by Council Member Coriat, that this Resolution be adopted .  
The motion carried by an unanimous vote. (5-0)

- 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.

This Resolution was adopted on Consent.

- 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.

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.**

Town Attorney Chad Friedman read the quasi statement. Town Clerk Debra Eastman gave the oath to those wishing to testify. Town Clerk Debra Eastman read the titles of items 6A through 6H. Town Planner Kathryn Lyon presented the application to the Town Council. Scarlet Hammons of Coradino Group provided the staff report. Attorney for the applicant Hugo Arza provided a lengthy report explaining each of the variance requests, banyan tree issue and out parcels. Mayor Bell opened the public hearing. Javier Giraud spoke in opposition. Barbara Condon spoke in opposition. Ed Varona spoke in opposition. Bruce Ford spoke in support.

Tom Condon spoke in opposition. Kevin Rafferty spoke in opposition. Natalie DaCapuli spoke in opposition.

Ellen Peer spoke in favor. There being no one else wishing to speak, Mayor Bell closed the hearing.

There were questions and discussion from the Town Council and Mr. Arza regarding the placement and schedule of when each building would be built, landscaping, monument signs, size of Publix building, drive thru, length of construction, green building codes, ease of entry and exit for elderly and handicapped, overhang, benches, possible message board, changing retention area to french drains with flat landscaping, out buildings and maintenance of lot area before the building of additional buildings.

Council Member Callahan made a motion to extend the meeting past 11 p.m.

Vice Mayor Loyzelle provided the second and the motion carried 5-0.

- 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.

**A motion was made by Council Member Mixon, seconded by Council Member Callahan, that this Resolution be adopted as amended and outlined in the executed resolution. The motion carried by the following vote:**

**Yes:** 5 - Mayor Peggy Bell, Vice Mayor Sue Ellen Loyzelle, Mary Ann Mixon, Council Member Michael Callahan and Council Member Roger Coriat

- 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.

**A motion was made by Council Member Mixon, seconded by Council Member Callahan, that this Resolution be adopted. The motion carried by the following vote:**

**Yes:** 5 - Mayor Peggy Bell, Vice Mayor Sue Ellen Loyzelle, Mary Ann Mixon, Council Member Michael Callahan and Council Member Roger Coriat

- 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.

**A motion was made by Council Member Coriat, seconded by Council Member Mixon, that this Resolution be adopted. The motion carried by the following vote:**

**Yes:** 5 - Mayor Peggy Bell, Vice Mayor Sue Ellen Loyzelle, Mary Ann Mixon, Council Member Michael Callahan and Council Member Roger Coriat

- 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.

**A motion was made by Council Member Coriat, seconded by Council Member Mixon, that this Resolution be adopted. The motion carried by the following vote:**

**Yes:** 5 - Mayor Peggy Bell, Vice Mayor Sue Ellen Loyzelle, Mary Ann Mixon, Council Member Michael Callahan and Council Member Roger Coriat

- 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.

**A motion was made by Council Member Coriat, seconded by Council Member Mixon, that this Resolution be adopted. The motion carried by the following vote:**

**Yes:** 5 - Mayor Peggy Bell, Vice Mayor Sue Ellen Loyzelle, Mary Ann Mixon, Council Member Michael Callahan and Council Member Roger Coriat

- 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.

**A motion was made by Council Member Mixon, seconded by Vice Mayor Loyzelle, that this Resolution be adopted. The motion failed by the following vote:**

**Yes:** 1 - Vice Mayor Sue Ellen Loyzelle

**No:** 4 - Mayor Peggy Bell, Mary Ann Mixon, Council Member Michael Callahan and Council Member Roger Coriat

- 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.

**A motion was made by Council Member Mixon, seconded by Council Member Callahan, that this Resolution be adopted as amended in he executed resolution. The motion carried by the following vote:**

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

**No:** 1 - Council Member Roger Coriat

- 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.

A motion was made by Council Member Callahan, seconded by Vice Mayor Loyzelle, that this Resolution be adopted as amended. The motion carried by the following vote:

Yes: 5 - Mayor Peggy Bell, Vice Mayor Sue Ellen Loyzelle, Mary Ann Mixon, Council Member Michael Callahan and Council Member Roger Coriat

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

There were none.

## 8. ORDINANCES FOR FIRST READING (PUBLIC HEARING REQUIRED)

There were none.

## 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.....

Town Clerk Debra Eastman read the title of the ordinance. Town Planner Kathryn Lyon provided her report. Mayor Bell opened the public hearing. There being on one wishing to speak, Mayor Bell closed the public hearing. A motion was made by Council Member Coriat, 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, Mary Ann Mixon, Council Member Michael Callahan and Council Member Roger Coriat

- 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.

It now being 1 a.m. on Thursday, Oct. 18, 2018 Mayor Bell called for a 5 minute break. A motion was made to move up the hearing of the ordinance. The motion received a second from Council Member Mixon. Mayor Bell called for the vote and it was adopted 5-0.

Town Clerk Debra Eastman read the title of the ordinance. Town Manager Ralph Casals explained the agreement and indicated some scrivener error changes. Mr. Baldwin English of FPL had no further comments. Mayor Bell opened the public hearing. There being no one wishing to speak, she closed the public

hearing.

Mr. English explained to the Town Council that he is working with public works to see where lights can be placed on 87th Ave.

A motion was made by Council Member Coriat, seconded by Council Member Mixon, that this Ordinance be adopted as amended. The motion carried by the following vote:

Yes: 5 - Mayor Peggy Bell, Vice Mayor Sue Ellen Loyzelle, 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, 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.

Town Clerk Debra Eastman read the title of the resolution. Mayor Bell provided explanation of the purpose. A motion was made by Council Member Mixon, seconded by Council Member Callahan, that this Resolution be adopted. The motion carried by an unanimous vote. (5-0)

## 11. PUBLIC COMMENTS

Mayor Bell opened public comments. There being no one in attendance, Mayor Bell closed public comments.

## 12. ADJOURNMENT

The meeting adjourned at 1:45 a.m. on Oct. 18, 2018.