



# Town of Cutler Bay

Town Hall  
10720 Caribbean Blvd  
Cutler Bay, FL 33189

## Meeting Minutes

### 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*

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Wednesday, June 19, 2019

7:00 PM

Council Chambers

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

Mayor Meerbott called the meeting to order at 7:05PM. Town Clerk Debra Eastman called the roll.

Vice Mayor Loyzelle arrived at 7:25PM.

**Present:** 5 - Mayor Tim Meerbott, Vice Mayor Sue Ellen Loyzelle, Council Member Robert "BJ" Duncan, Council Member Michael P. Callahan and Council Member Roger Coriat

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

Council Member Callahan provided an update on the last Floodplain Mitigation Plan Advisory Committee and explained the new flood insurance rating of class four (4) which will be effective October 1, 2019. Town Manager Rafael Casals provided additional details on the class change.

Council Member Coriat announced the Education Advisory Committee rescheduled the July Meeting to July 11, 2019 due to the July 4 holiday.

## 3. PUBLIC COMMENTS

Mayor Meerbott opened Public Comments. Dennis Sytsma spoke in opposition of urban development. Sydney Robinson spoke in favor of a moratorium. Michelle Craven spoke in favor of a moratorium. Orin Linquist spoke on traffic congestion. Mary Waters spoke in favor of a moratorium. Fernando Perez spoke in favor of item 8A. Paula Mesley spoke on traffic from Old Cutler Road cutting through neighborhoods. Mayor Meerbott closed Public Comments.

## 4. REPORTS

- A.**
- Mayor Meerbott June 2019 Report
  - Vice Mayor Loyzelle June 2019 Report
  - Council Member Duncan June 2019 Report
  - Council Member Callahan June 2019 Report
  - Council Member Coriat June 2019 Report

Vice Mayor Loyzelle announced there would be no meeting in July for the Communities For a Lifetime Committee, and the meeting scheduled for August 7, 2019 will be held at Pinewood Villas.

#### **A. TOWN MANAGER'S REPORT**

- 2019 State Legislative Session Report

Town Manager Rafael Casals introduced Town Lobbyist Fausto Gomez and Florida State Representative Javier Fernandez, who provided a report on the 2019 Florida State Legislative Session.

- 2018 CAFR and Governance Letter

Andrew Fierman, partner with Caballero, Fierman, Llerena and Garcia, LLP, presented the Comprehensive Annual Financial Report for Fiscal Year 2017-2018.

- Town Manager Monthly Report June 2019

#### **B. TOWN ATTORNEY'S REPORT**

There was no Town Attorney Report.

#### **C. TOWN CLERK'S REPORT**

Town Clerk Debra Eastman announced vacancies on the Communities For a Lifetime Advisory Committee, Floodplain Mitigation Plan Advisory Committee, and the Economic Growth Advisory Committee.

#### **5. CONSENT AGENDA**

Council Member Coriat pulled item 5B from the Consent Agenda. A motion was made by Council Member Coriat, seconded by Council Member Duncan, to adopt items 5A, C and D on the Consent Agenda. Mayor Meerbott called for the vote and the motion passed unanimously, 5-0.

#### **APPROVAL OF MINUTES**

- A.**
- May 15 2019 Town Council Workshop Minutes
  - May 15 2019 Local Planning Agency Minutes
  - May 15 2019 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, AMENDING RESOLUTION 12-63 CHANGING THE NUMBER OF YOUTH COUNCIL COMMITTEE MEMBERS; REAPPOINTING 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. Council Member Duncan 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 Meerbott 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, AMENDING RESOLUTION 06-97 BY RETIRING THE AT LARGE SEAT ON THE PARKS AND RECREATION ADVISORY COMMITTEE; DECREASING THE NUMBER OF COMMITTEE MEMBERS FROM ELEVEN (11) TO TEN (10); REAPPOINTING THE FORMER AT LARGE MEMBER; APPOINTING A MEMBER TO THE COMMITTEE; 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, SELECTING MUNICIPAL CODE CORPORATION ("MUNICODE") FOR TOWN WEBSITE REDESIGN, IMPLEMENTATION, HOSTING, MAINTENANCE AND SUPPORT SERVICES; PROVIDING FOR WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

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

- 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 TWENTY-NINE (29) 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 Manager Rafael Casals withdrew the Resolution from the agenda due to staff not having sufficient time to review a late arriving report from the Miami-Dade County Department of Environmental Resources Management (DERM) and revised plans from the applicant. Town Clerk Debra Eastman read the title of the Resolution.

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

- A.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 14, "ENVIRONMENTAL PROTECTION" OF THE TOWN CODE OF ORDINANCES TO CREATE SECTION 14-2, "PROHIBITION ON DISTRIBUTION, SALE OR USE OF PLASTIC STRAWS"; AMENDING CHAPTER 8, "CODE ENFORCEMENT," SECTION 8-10, "SCHEDULE OF CIVIL PENALTIES" TO PROVIDE PENALTIES FOR VIOLATIONS OF SECTION 14-1, "PROHIBITIONS REGARDING SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY TOWN CONTRACTORS" AND SECTION 14-2; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Ordinance. Council Member Callahan provided background information on the item and spoke in support. Council Member Duncan also spoke in support of the item. There was discussion on exceptions.

A motion was made by Council Member Callahan, seconded by Council Member Duncan, that this Ordinance be approved on first reading. The motion carried by the following vote:

**Yes:** 5 - Mayor Tim Meerbott, Vice Mayor Sue Ellen Loyzelle, Council Member Robert Duncan, 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, APPROVING THE PURCHASE OF PROPERTY FROM GCF INVESTMENTS INC., CONSISTING OF APPROXIMATELY 16 ACRES, AND GENERALLY LOCATED NORTH OF S.W. 212 STREET, SOUTH OF MARLIN DRIVE, EAST OF OLD CUTLER ROAD, AND WEST OF S.W. 92ND PLACE; APPROVING THE SALE OF PROPERTIES TO GCF INVESTMENTS INC. (OR AN AFFILIATED ENTITY), CONSISTING OF APPROXIMATELY 4.95 ACRES, AND LOCATED AT 10720 CARIBBEAN BLVD; PROVIDING FOR AUTHORIZATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Ordinance. Town Attorney Chad Friedman provided a summary on the item, explaining the process leading up to the Ordinance and the terms of the Letter of Intent.

Mayor Meerbott, Vice Mayor Loyzelle, Council Member Callahan, Council Member Duncan and Council Member Coriat all spoke in favor of the item. Town Manager Rafael Casals recognized members of GCF Investments, Inc. in the audience and thanked them.

A motion was made by Council Member Coriat, seconded by Vice Mayor Loyzelle, that this Ordinance be approved on first reading. The motion carried by the following vote:

**Yes:** 5 - Mayor Tim Meerbott, Vice Mayor Sue Ellen Loyzelle, Council Member Robert Duncan, Council Member Michael Callahan and Council Member Roger Coriat

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

- A.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, PROVIDING FOR A MORATORIUM ON DEVELOPMENT WITHIN THE TOWN; PROVIDING FOR WAIVERS; PROVIDING PROCEDURES FOR VESTED RIGHTS AND JUDICIAL REVIEW; PROVIDING FOR EXEMPTIONS; PROVIDING FOR A TERM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Ordinance. Mayor Meerbott opened the Public Hearing.

Dennis Seats spoke on projects that take away agricultural land and spoke on KAPOW South Florida and the need for volunteers. Sydney Robinson spoke on Town Council Meetings not made available on Miami-Dade County streaming. Mayor Meerbott closed the Public Hearing.

A motion was made by Vice Mayor Loyzelle, seconded by Council Member Coriat, that this Ordinance be approved on first reading. The motion carried by the following vote:

**Yes:** 5 - Mayor Tim Meerbott, Vice Mayor Sue Ellen Loyzelle, Council Member Robert Duncan, Council Member Michael Callahan and Council Member Roger Coriat

## **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 3-54, "ER, ESTATE RESIDENTIAL DISTRICT" RELATING TO TABLE OF STANDARDS; AMENDING SECTION 3-55, "SR, SINGLE FAMILY RESIDENTIAL DISTRICT" RELATING TO TABLE OF STANDARDS; AMENDING SECTION 3-56, "MR, MULTIFAMILY RESIDENTIAL DISTRICT" RELATING TO TABLE OF STANDARDS; 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 Consultant and Interim Community Development Director Alex David provided a staff report on the item.

Mayor Meerbott opened the Public Hearing. Eduardo Varona spoke in favor of the item and would like a way to increase the setback more. Mayor Meerbott closed the Public Hearing.

A motion was made by Vice Mayor Loyzelle, seconded by Council Member Coriat, that this Ordinance be approved on second reading. The motion carried by the following vote:

**Yes:** 5 - Mayor Tim Meerbott, Vice Mayor Sue Ellen Loyzelle, Council Member Robert Duncan, Council Member Michael Callahan and Council Member Roger Coriat

## **10. RESOLUTIONS**

There were no Resolutions.

**11. PUBLIC COMMENTS**

Mayor Meerbott opened Public Comments. Adam Skowronski spoke on the Whispering Pines Butterfly Garden, plastic on roads and bus stops, and a request for recycling bins in public areas. Dennis Sytsma spoke in favor of environmental clean up. Mayor Meerbott closed Public Comments.

**12. ADJOURNMENT**

The meeting adjourned at 8:35PM.