



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

Wednesday, July 17, 2019

7:00 PM

Council Chambers

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

Mayor Meerbott called the meeting to order at 7:03 PM. Deputy Town Clerk Mauricio Melinu called the roll. Mayor Meerbott led the Pledge of Allegiance.

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

- A.**
- Mayor Meerbott July 2019 Report
 - Vice Mayor Loyzelle July 2019 Report
 - Council Member Duncan July 2019 Report
 - Council Member Callahan July 2019 Report
 - Council Member Coriat July 2019 Report
 - Council Member Coriat-IHAT Institute Discussion Item

Council Member Coriat spoke on the In-Home Addiction Treatment Institute (IHAT) and its desire to expand to other parts of Florida.

3. PUBLIC COMMENTS

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

4. REPORTS

A. TOWN MANAGER'S REPORT

- Town Manager Monthly Report July 2019

Town Manager Rafael Casals requested a vote from the Town Council to extend the Police Interlocal Agreement ninety (90) days in order to allow time to combine and finalize the new Interlocal Agreement.

A motion was made by Council Member Coriat, seconded by Council Member Callahan to extend the Police Interlocal Agreement ninety (90) days. Mayor Meerbott called for the vote and the motion passed 5-0.

Town Manager Rafael Casals announced he will be on vacation from August 1st through August 8th.

- CITT-Update on the Peoples Transportation Plan

Citizens' Independent Transportation Trust (CITT) Executive Director Javier Betancourt provided an overview on the People's Transportation Plan.

There was discussion on federal government grants, the plan to expand bus transit to the south corridor, the possibility of light rail or metro if ridership increases, the convenience of Uber transportation, transportation for seniors, and future funding for on demand services.

B. TOWN ATTORNEY'S REPORT

There was no Town Attorney's Report.

C. TOWN CLERK'S REPORT

There was no Town Clerk's Report.

5. CONSENT AGENDA

Council Member Coriat pulled items B, C and E from the Consent Agenda.

Council Member Callahan pulled item I from the Consent Agenda.

A motion was made by Council Member Coriat, seconded by Council Member Duncan, to approve items A, D, F, G, H and J on the Consent Agenda. Mayor Meerbott called for the vote and the motion passed 5-0.

APPROVAL OF MINUTES

- A. · June 19 2019 Local Planning Agency Minutes
- June 19 2019 Regular Town Council Minutes
- June 27 2019 Town Council Workshop Minutes

This Minutes was approved on Consent.

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPOINTING A NEW MEMBER TO THE FLOODPLAIN MITIGATION PLAN ADVISORY COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Meerbott read the title of the Resolution. Ms. Danielle Maschinot introduced herself to the Town Council.

A motion was made by Council Member Callahan, seconded by Vice Mayor Loyzelle, 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, APPOINTING A NEW MEMBER TO THE YOUTH COUNCIL COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Meerbott read the title of the Resolution. Mr. Niloy Bhattacharyya introduced himself to the Town Council.

A motion was made by Council Member Duncan, seconded by Council Member Coriat, that this Resolution be adopted. Mayor Meerbott called for the vote and the motion passed 5-0.

- D.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AN AWARD OF \$7,500.00 IN GRANT FUNDING FROM THE CUTLER BAY COMMUNITY FUND TO SUPPORT LOCAL NOT-FOR-PROFIT ORGANIZATIONS IN FURTHERING THE EDUCATIONAL DEVELOPMENT OF THE TOWN'S YOUTH; PROVIDING FOR AUTHORIZATION; 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, APPOINTING A MEMBER TO THE COMMUNITIES FOR A LIFETIME COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Meerbott read the title of the Resolution. Ms. Melyssa Sueiro introduced herself to the Town Council.

A motion was made by Council Member Duncan, seconded by Vice Mayor Loyzelle, that this Resolution be adopted as amended. Mayor Meerbott 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, AUTHORIZING THE TOWN MANAGER TO ISSUE A PURCHASE ORDER TO H & R PAVING, INC. FOR PHASE VI 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, SELECTING ELECTRICAL CONTRACTING SERVICES, INC. FOR THE CUTLER RIDGE PARK LIGHTING IMPROVEMENTS PROJECT CONTINGENT UPON RECEIPT OF ADDITIONAL GRANT FUNDING; 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, URGING THE UNITED STATES SENATE TO APPROVE SENATE BILL 788, ALSO KNOWN AS "THE EQUALITY ACT," WHICH WILL SERVE TO EXTEND FEDERAL ANTI-DISCRIMINATION PROTECTIONS TO LESBIAN, GAY, BISEXUAL, AND TRANSGENDER, ("LGBT") AMERICANS, BY PROVIDING THEM WITH EQUAL PROTECTION UNDER THE LAW; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- I.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING THE LEGALIZATION OF MARIJUANA FOR RECREATIONAL USE; PROVIDING FOR TRANSMITTAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Meerbott read the title of the Resolution.

Council Member Callahan spoke regarding concerns with the potential location of marijuana dispensaries close to schools.

Council Member Coriat spoke in favor of the item.

Vice Mayor Loyzelle spoke in opposition of the item, and in support of research and studies of marijuana in the State of Florida.

There was discussion on data, regulation, the effects of legalization on law enforcement, and the potential boosts to the economy from legalization.

After discussion, Council Member Coriat suggested an amendment to the Resolution to read "Supporting the regulation and legalization of marijuana for recreational use".

A motion was made by Council Member Coriat, seconded by Council Member Duncan that the Resolution be approved as amended. Mayor Meerbott called for the vote and the motion passed 4-1, with Vice Mayor Loyzelle voting in opposition.

- J. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A FIRST AMENDMENT TO THE AUDIT AGREEMENT WITH CABALLERO FIERMAN LLERENA & GARCIA, LLP (FORMERLY KNOWN AS ALBERNI CABALLERO & FIERMAN, LLP); PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

6. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)

There were no Quasi-Judicial Hearings.

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

There were no Ordinances for First Reading, No Public Hearing Required.

8. ORDINANCES FOR FIRST READING (PUBLIC HEARING REQUIRED)

There were no Ordinances for First Reading, Public Hearing Required.

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, "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.

Deputy Town Clerk Mauricio Melinu read the title of the Ordinance.

Council Member Callahan and Council Member Duncan spoke in favor of the item.

Mayor Meerbott opened the Public Hearing. There being no one wishing to speak, Mayor Meerbott closed the Public Hearing.

A motion was made by Council Member Callahan, seconded by Council Member Duncan, 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

- 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.

Deputy Town Clerk Mauricio Melinu read the title of the Ordinance.

Mayor Meerbott opened the Public Hearing. Former Mayor Peggy Bell spoke in favor of the item and thanked the Town Council for consideration of the item. Mr. Sean Greene spoke in favor of the item. Mayor Meerbott closed the Public Hearing.

A motion was made by Council Member Coriat, seconded by Council Member Callahan, 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

- C.** 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.

Deputy Town Clerk Mauricio Melinu read the title of the Ordinance.

Mayor Meerbott opened the Public Hearing. Mr. Craig Schaffer questioned the intention of the item. Mayor Meerbott closed the Public Hearing.

Mayor Meerbott spoke on architectural designs and concerns on traffic and environmental impacts.

At the request of Town Attorney Chad Friedman, the Town Council clarified that an amendment should be added to the Ordinance to include an exemption for interior renovations that do not exceed fifty-one percent (51%) of the value of the building.

A motion was made by Council Member Coriat, seconded by Vice Mayor Loyzelle, that this Ordinance be adopted as amended. 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

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, DETERMINING THE PROPOSED MILLAGE RATE, AND THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE TOWN CLERK AND TOWN MANAGER TO FILE THIS RESOLUTION, IF REQUIRED, WITH THE MIAMI-DADE COUNTY PROPERTY APPRAISER; AUTHORIZING THE TOWN MANAGER TO CHANGE BUDGET HEARING DATES IF NEEDED; AND PROVIDING AN EFFECTIVE DATE.

Deputy Town Clerk Mauricio Melinu read the title of the Resolution. Town Manager Rafael Casals announced the proposed dates for the first and second budget hearings as September 10, 2019 and September 24, 2019, and announced an upcoming budget workshop on July 29, 2019.

Town Manager Rafael Casals explained that a supermajority vote would be required to pass the budget at the proposed millage rate, and that Town staff are working to try and lower the millage rate to require only a majority vote.

A motion was made by Council Member Coriat, seconded by Council Member Duncan, that this Resolution be adopted. Mayor Meerbott 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, SELECTING VISUALSCAPE, INC. FOR LANDSCAPE MAINTENANCE SERVICES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Deputy Town Clerk Mauricio Melinu read the title of the Resolution. Town Manager Rafael Casals provided information on the bidding process.

A motion was made by Council Member Coriat, seconded by Vice Mayor Loyzelle, 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, SELECTING VISUALSCAPE, INC. FOR PARKS LANDSCAPE/GROUNDS MAINTENANCE SERVICES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE. (*previously deferred per July 17, 2019 Regular Town Council Meeting to date certain July 29, 2019 Special Town Council Meeting.)

Deputy Town Clerk Mauricio Melinu read the title of the Resolution. Town Manager Rafael Casals provided information on the bidding process.

There was discussion on the cost of the current bid, the additional scope of work for the bid, the drawbacks of awarding both contracts to the same company, the possibility of negotiating between bidders and splitting the scope of services, the possibility of changing the scope of work to get separate bids, the option to reject all bids and go through the procurement process again, and the scoring of the bids if cost was not a factor.

There was also discussion on the cost increase from the current contract and the possibility of extending the current contract to allow the Council more time to look at the bid and scope of services.

After discussion, a motion was made by Council Member Coriat, seconded by Council Member Callahan, that this Resolution be tabled until the Special Call Town Council Meeting scheduled immediately prior to the Town Council Budget Workshop on July 29, 2019. Mayor Meerbott called for the vote and the motion passed 5-0.

11. PUBLIC COMMENTS

Mayor Meerbott opened Public Comments. Mr. Peter Pounovic spoke on public transportation. Mayor Meerbott closed Public Comments.

12. ADJOURNMENT

The meeting adjourned at 8:53 PM.