



# 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, February 19, 2020

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 7:07 p.m. Town Clerk Debra Eastman called the roll and all members of the Town Council were still present with Vice Mayor Loyzelle attending via telephone as approved by the members of the Town Council.

**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 February 2020 Report
  - Vice Mayor Loyzelle February 2020 Report
  - Council Member Duncan February 2020 Report
  - Council Member Callahan February 2020 Report
  - Council Member Coriat February 2020 Report

Mayor Meerbott introduced visitor Betty Hart, City Council Member of Bardstown, Kentucky and welcomed her to the Town of Cutler Bay. Town Attorney Mitch Bierman, former Kentucky resident, also welcomed Ms. Hart.

Mayor Meerbott announced that item 7a on the agenda will be heard prior to item 6a and announced meetings that he has attended regarding flood mitigation and also with Miami-Dade County Mayor Gimenez with regard to traffic and connectivity of the 87th Avenue bridge, along with the Freebie last mile service.

**B. · 2020 CFAL Age Friendly Action Plan Update**

The annual update of the Community for a Lifetime Action Plan was presented to the Town Council by Community for a Lifetime Committee Members and Chair Jose Rodriguez, Charlotte Marvez, Melyssa Sueiro, Marilyn Rams, and Irene Rosyston. Vice Mayor Loyzelle, Liaison to the CFAL Committee thanked them for their continued hard work, service and dedication. The Town Council agreed that the Committee come forward with future updates at a time convenient. Council Member Callahan thanked the Committee and invited them to join with the Parks and Recreation Committee meetings.

**3. PUBLIC COMMENTS**

Members of the Town Council again welcomed Council Member Hart of Kentucky and took photos. There was no public comment.

**4. REPORTS****A. TOWN MANAGER'S REPORT****· Town Manager Monthly Report February 2020**

Town Manager Ralph Casals introduced representatives Roy McClure and Jesse Munoz from FEMA who presented a plaque to Mayor Meerbott for the Town for outstanding work with the Community Rating System for Floodplain Management, which has provided huge flood insurance discounts to the property owners. They thanked Town Manager Ralph Casals, Public Works Director Alfredo Quintero, Stormwater Manager Yenier Vega and Floodplain Mitigation Committee Liaison Council Member Michael Callahan and the members of the Floodplain Mitigation Committee. Council Member Michael Callahan also thanked former Town Council Member Mary Ann Mixon who served as Town Council Liaison for her work in this regard. It was stated that the savings to the property owners is estimated to be 1.9 million dollars.

Town Manager Ralph Casals thanked Finance Director Robert Daddario for again winning a Certificate of Achievement for Excellence in Financial Reporting for the fiscal year ending 9/30/2018.

**B. TOWN ATTORNEY'S REPORT**

Town Attorney Mitch Bierman introduced his Associate Roger Poh, Esq. who is now with Weiss Serota Helfman Cole & Bierman, P.L.

**C. TOWN CLERK'S REPORT**

Town Clerk Debra Eastman reminded the Town Council of the upcoming Town Council Workshop on February 26, 2020 and of important dates related to the March 17, 2020 Presidential Preference Primary.

**5. CONSENT AGENDA**

Council Member Robert Duncan pulled item 5D from the Consent agenda. Council Member Roger Coriat made a motion to adopt the Consent Agenda and the motion received a second from Council Member Michael Callahan. Mayor Meerbott called for the vote and the motion carried 5-0.

**APPROVAL OF MINUTES**

- A.     ·     January 15 2020 Local Planning Agency Minutes  
       ·     January 15 2020 Regular Town Council Minutes  
       ·     January 22 2020 Town Council Workshop Minutes

**This Minutes were approved on Consent.**

- B.     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 OF THE FRANJO ROAD ROADWAY IMPROVEMENTS (FROM OLD CUTLER ROAD TO S.W. 184 STREET) PROJECT; 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 AND DIRECTING THE TOWN TO JOIN IN THE FILING OF AN AMICUS BRIEF TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT OPPOSING THE ENVIRONMENTAL PROTECTION AGENCY'S AFFORDABLE CLEAN ENERGY RULE; URGING LOCAL GOVERNMENT SUPPORT OF THE BRIEF; PROVIDING FOR TRANSMITTAL; 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, URGING THE FLORIDA LEGISLATURE TO APPROVE SENATE BILL 182, ALSO KNOWN AS "PREEMPTION OF RECYCLABLE AND POLYSTYRENE MATERIALS," AND ANY COMPANION HOUSE BILLS RELATING TO THE REPEAL OF SECTIONS 403.7033 AND 500.90, FLORIDA STATUTES REGARDING THE USE OR SALE OF SINGLE-USE PLASTIC BAGS AND POLYSTYRENE MATERIALS AND PREEMPTION OF LOCAL LAWS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

**Town Clerk Debra Eastman read the title of the Resolution. Council Member Robert Duncan spoke in favor of the resolution and urged adoption. A motion was made by Council Member Duncan, seconded by Council Member Coriat, that this Resolution be adopted. The motion carried by an unanimous vote. (5-0)**

- E.     A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SELECTING H.G. CONSTRUCTION, DEVELOPMENT AND INVESTMENT, INC. FOR THE CONSTRUCTION OF THE BIKE/PEDESTRIAN FACILITIES IMPROVEMENTS PROJECT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**This Resolution was adopted on Consent.**

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

- A.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE REQUEST OF COUGAR HOLDINGS, LLC TO PERMIT A REZONING FROM SR (SINGLE- FAMILY RESIDENTIAL DISTRICT) TO NC-1 (NEIGHBORHOOD CENTER 1 DISTRICT) ON PROPERTY GENERALLY LOCATED AT 8495 S.W. 200 STREET (FOLIO NO. 36-6003-035-0060 & 36-6003-002-0040) AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY +/- .82 NET ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.( \* previously deferred per January 15, 2020 Regular Town Council Meeting to date certain February 19, 2020 Regular Town Council Meeting. )

**Agenda item 7A, Ordinance amending the Town's Comprehensive Plan Future Land Use Map for this property was denied upon vote by the Town Council, therefore, no action could be taken on agenda item 6A.**

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, GRANTING FINAL PLAT APPROVAL FOR MARLIN ESTATES FOR PROPERTY GENERALLY LOCATED WEST OF BELVIEW DRIVE AND SOUTHWEST OF S.W. 191 STREET, AS LEGALLY DESCRIBED IN EXHIBIT "A" ON APPROXIMATELY 1.25 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. The Town Attorney read the quasi-judicial procedure instructions. The Town Clerk gave the oath to those wishing to speak. Interim Community Development Director Alex David explained the process and recommended approval by the Town Council. Town Attorney Mitch Bierman explained that this is a ministerial act. Mayor Meerbott opened the public hearing. There was no one wishing to speak and Mayor Meerbott closed the public hearing. A motion was made by Council Member Coriat, seconded by Council Member Duncan, that this Resolution be adopted. The motion carried by an unanimous vote. (5-0)

**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 THE TOWN'S COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR PROPERTY LOCATED AT OLD CUTLER ROAD AND SW 200 STREET (FOLIO NO. 36-6003-035-0060) FROM LOW DENSITY RESIDENTIAL TO MIXED USE; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (\* previously deferred per January 15, 2020 Regular Town Council Meeting to date certain February 19, 2020 Regular Town Council Meeting.)

Town Clerk Debra Eastman read the title of the Ordinance. This item was deferred from the January 15, 2020 Regular Town Council meeting to a time certain of the Regular Town Council Meeting, February 15, 2020. Town Attorney Mitch Bierman explained that this item must be heard prior to taking up item 6A. If this item is not approved, item 6A will not be heard. Interim Community Development Director Alex David explained the deferral and called upon Consultant Scarlett Hammond. Ms. Hammond explained the details of the project. Town Attorney Bierman cautioned the Town Council that this item is a Comp Plan amendment. Questions were asked of the consultant by members of the Town Council. The applicant explained the request. Mayor Meerbott opened the public hearing. There being no one wishing to speak, Mayor Meerbott closed the public hearing. Vice Mayor Sue Loyzelle made a motion to approve the item. The motion failed on lack of a second.

A motion was made by Council Member Coriat, seconded by Council Member Callahan, that this Ordinance be denied. The motion carried by the following vote:

**Yes:** 4 - Mayor Tim Meerbott, Council Member Robert Duncan, Council Member Michael Callahan and Council Member Roger Coriat

**No:** 1 - Vice Mayor Sue Ellen Loyzelle

- B.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, COMPREHENSIVELY UPDATING AND REVISING CHAPTER 3, "LAND DEVELOPMENT REGULATIONS" OF THE TOWN CODE OF ORDINANCES RELATING TO MOBILITY REGULATIONS; DISSOLVING THE MORATORIUM IMPOSED BY ORDINANCE NO. 19-13 AS TO MOBILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Ordinance. Interim Community Development Director Alex David explained that this completes one portion of changes from the moratorium. A motion was made by Council Member Duncan, seconded by Council Member Callahan, 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)**

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

## 10. RESOLUTIONS

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING THE CUTLER BAY MOBILITY HUBS PLAN; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. Cutler Bay Public Works Director Alfredo Quintero introduced representatives of Marlin Engineering and thanked them for their work in putting together the report. A motion was made by Council Member Coriat, seconded by Council Member Duncan, that this Resolution be adopted. The motion carried by an unanimous vote. (5-0)

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SELECTING STONEHENGE CONSTRUCTION, LLC. FOR THE FRANJO PARK IMPROVEMENTS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

(\* previously deferred per February 19, 2020 Regular Town Council Meeting to date certain March 18, 2020 Regular Town Council Meeting)

Town Clerk Debra Eastman read the title of the resolution. Town Manager Ralph Casals explained the bid process and process going forward. A motion was made by Council Member Callahan, seconded by Council Member Coriat, that this Resolution be deferred. The motion carried by an unanimous vote. (5-0)

## 11. PUBLIC COMMENTS

Mayor Meerbott opened public comments. Alexis Hendricks of Palmetto Bay spoke regarding the deferred Franjo Park improvements item. There being no one else wishing to speak, Mayor Meerbott closed public comments.

## 12. ADJOURNMENT

The meeting adjourned at 8:58 p.m.