



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, May 17, 2017

7:00 PM

Council Chambers

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

Mayor Bell called the meeting to order at 7:13PM. Town Clerk Debra Eastman called the roll. Mayor Bell spoke on the scheduling of a future workshop to discuss items on the Manager's Report.

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

A. TOWN COUNCIL ANNOUNCEMENTS, BOARD AND COMMITTEE REPORTS

Council Member Callahan announced the construction project and bid award for Cutler Bay Middle School will be on the Miami-Dade County School Board agenda in May, the monthly Bite Nite event on May 19, the 9th Annual Cutler Bay Open Golf Tournament on July 8, and the ongoing 2017 Town of Cutler Bay Summer Camp at Cutler Ridge Park registration ending on June 9.

Council Member Callahan provided a report on the Unified Bylaws Committee. There was discussion on providing the bylaws for adoption by all committees, and the possibility of amending the Town Code.

Vice Mayor Loyzelle announced the installation of a crosswalk by Miami-Dade County at Perdue Hospital on Old Cutler Road, reported on a presentation by ABC Adult Day Care in Homestead at the recent Community for a Lifetime Committee meeting, and Community for a Lifetime Committee booths at the Armed Forces Day event on May 20 and at the "Recognizing and Preventing Elderly Abuse in the Community" seminar on June 6. Vice Mayor Loyzelle announced new classes for the Cutler Bay Adult Education Program, the Wellness Class and Healthy Happy Hour Event on May 25, the Cutler Ridge Pool Swimming Hours, a six-week Living Healthy Workshop by Florida Health Networks, and the Active Adults Trip event on July 19.

Council Member Mixon announced her re-appointment to the Florida League of Cities Utilities Natural Resources Public Works Committee.

Council Member Coriat reported on the Education Advisory Committee new

meeting dates for the next two Education Advisory Committee meetings on June 15 and July 13, and a Mosquito Control Workshop on June 15.

· Mayor Bell Monthly Report April 12 - May 9 2017

Mayor Bell spoke on traffic concerns and announced a Traffic Calming Master Plan Workshop on May 23. Mayor Bell expressed gratitude to Florida Senators Jack Latvala and Jose Javier Rodriguez and Florida State Representatives Kionne McGhee and Daisy Baez for their support on proposed funding for the Sub Basin Water Quality Improvement Project. Mayor Bell announced fitness classes taking place at Town Hall on Mondays, Tuesdays, Wednesdays and Fridays, and announced receipt of a letter from Miami-Dade County Public Schools denying the Town's Requests.

Mayor Bell suggested a workshop to discuss basketball courts for the Town. Vice Mayor Loyzelle requested to add the topic of basketball courts to the proposed annexation workshop. A motion was made by Vice Mayor Loyzelle, and it was seconded by Council Mayor Coriat, to add the topic of basketball courts to the proposed annexation workshop. Mayor Bell called for the vote and the motion passed 5-0.

Mayor Bell spoke on the proposed opening of a bridge on 87th Avenue in Palmetto Bay and suggested a Town Hall meeting in June for resident input.

3. PUBLIC COMMENTS

Mayor Bell opened Public Comments. Ernest Sochin spoke in support of a Louise Lockwood Memorial Butterfly Garden. Michele Craven spoke in support of a bridge on 87th Avenue. Steve Zarzecki spoke in support of a Louise Lockwood Butterfly Garden and would like to donate pine straw to be used instead of mulch in the garden. Barbara Condon spoke in support of a Louise Lockwood Butterfly Garden. Eduardo Varona spoke in support of land acquisition. There being no one else wishing to speak, Mayor Bell closed Public Comments.

4. REPORTS

A. TOWN MANAGER'S REPORT

Town Manager Rafael Casals reported on the Cutler Bay Property-Assessed Clean Energy (PACE) Projects, and reported on the Code Compliance Office having 413 cases since January 2017, and progress on feedback received from residents during the first Open Mic Night. He announced the International Council of Shopping Centers event in Las Vegas from May 20th through the 24th, 2017, and the Executive Intern Appreciation Luncheon on May 26, 2017.

Vice Mayor Loyzelle expressed appreciation to the Building and Code Compliance office for their actions regarding damage done to the roadways over Mother's Day weekend, and also expressed appreciation to the Police Department for their efforts in meeting with local residents regarding an issue pertaining to an evicted family.

· Robert Daddario, Finance Department- Quarterly Financial Report

Town Manager Rafael Casals invited Finance Director Robert Daddario to provide the second quarter of 2017 financial report to date.

- CFAL Age-Friendly Action Plan Fiscal Impact

Town Manager Rafael Casals provided background information on the Communities for a Lifetime Age-Friendly Action Plan and its creation. Mayor Bell suggested the plan go to a proposed workshop for committees and also an upcoming workshop for budget visioning. Vice Mayor Loyzelle stated she would like to move forward with the plan and bring the item to a vote. There was discussion on Community for a Lifetime Committee budget expenses, and items requested in the action plan. There was also discussion on committee action plans and policy decisions on committee member travel. At the request of Council Member Callahan, Community for a Lifetime Committee Chair Jose Rodriguez spoke on the need for items requested in the action plan. Mayor Bell expressed concern that committee structure is being changed to action committees. There was discussion on the history of the strategic master plan and the Senior Needs Assessment. Town Attorney Mitchell Bierman suggested there is a misunderstanding as to what the advisory committee and the Council are supposed to do in regards to the plan, and that it seems it needs further development at the Council level.

A motion was made by Vice Mayor Loyzelle, seconded by Council Member Callahan to approve the top three items totaling \$3,000.00 towards getting information for outreach at the community booths. There was discussion on a brochure, polo shirts, a pop-up sign and promotional cards. Council Member Mixon expressed concern with negotiating items on a Manager's Report. After discussion, an amended motion was made by Vice Mayor Loyzelle, seconded by Council Member Callahan, to approve six (6) custom committee polo shirts. Mayor Bell called for the vote and the motion passed 5-0.

There was discussion on presenting the Community for a Lifetime Age-Friendly Action Plan at a future workshop for committees. Town Manager Rafael Casals thanked Town staff for their efforts on the action plan.

- Town Council Priority Properties

Town Manager Rafael Casals provided a report on the Town Council priority properties. Vice Mayor Loyzelle informed the Town Manager she would like to add an additional property to the list. There was discussion on the next steps in the process. Vice Mayor Loyzelle made a motion to have the Town Manager move forward with reaching the property owners and seeing if they are willing to sell and providing a report to the Council. Mayor Bell made an amendment to the motion to allow her to work with the Town Manager and Town Attorney. Council Member Coriat seconded the amended motion. Mayor Bell called for the vote and the motion passed 5-0.

Town Manager Rafael Casals introduced Gary Ratay from Kimley Horn and Associates who provided an update on the Caribbean Boulevard Gap 2 Project.

- Proposed Memorial Butterfly Garden

Town Manager Rafael Casals provided a report on the fiscal impact of the proposed memorial butterfly garden at Whispering Pines Park. Council Member Callahan provided a report on behalf of the Parks and Recreation Advisory Committee. Vice Mayor Loyzelle expressed appreciation to Adam Skowronski, Public Works Director Alfredo Quintero, and Stormwater Utility Manager Yenier Vega for their efforts with the butterfly garden. Vice Mayor Loyzelle spoke on the concept of the butterfly garden and volunteer maintenance. Town Manager

Rafael Casals reported on park improvements and playground equipment installation at Whispering Pines Park to be completed by Memorial Day weekend. There was discussion on exploring alternative ways to honor Louise Lockwood. Mayor Bell requested that Vice Mayor Loyzelle refrain from speaking in order to move forward with comments from other Council Members and used the gavel to rule her out of order. Vice Mayor Loyzelle disagreed and appealed the ruling of the Mayor. Town Attorney Mitchell Bierman called for a vote of the Council in favor of Vice Mayor Loyzelle continuing to speak. There were no votes. Town Attorney Mitchell Bierman called for a vote in favor of Mayor's ruling. All were in favor, with no vote from Vice Mayor Loyzelle. Council Member Mixon expressed concern on voting on an item contained in a Manager's Report. Town Attorney Mitchell Bierman advised the Council with respect to reports, and explained if the Council intends to take action it might be best for it to be in the form of a Resolution. Vice Mayor Loyzelle spoke in favor of the butterfly garden.

B. TOWN ATTORNEY'S REPORT

There was no Town Attorney Report.

C. TOWN CLERK'S REPORT

Town Clerk Debra Eastman reported committee vacancies, and announced the Budget Visioning Workshop on June 6 and a potential workshop on annexation for July 31.

Mayor Bell suggested doing something on July 4th in honor of Louise Lockwood. Council Member Callahan spoke in favor of calling for a vote on the butterfly garden. There was discussion on an alternate location for the butterfly garden and on the possibility of alternate ways to honor Louise Lockwood.

A motion was made by Council Member Callahan, seconded by Council Member Coriat to extend the meeting past 11:00 PM. Mayor Bell called for the vote and the motion passed 5-0.

Town Clerk Debra Eastman reported on the 2018 Election run-off dates and requested Council feedback and reported on lobbyist registrations. Town Clerk Debra Eastman requested consensus on direction regarding the creation of the Deputy Clerk position. There was consensus among the Council to move forward with the creation and funding of a Deputy Clerk position. Town Clerk Debra Eastman reported on the possibility of an elected officials ethics training to take place at Town Hall.

Mayor Bell suggested adding discussion of the butterfly garden to the scheduled budget visioning workshop. There was discussion on a time certain of 6:30 PM to 7 PM to discuss the butterfly garden. There was consensus among the Council to add discussion of the butterfly garden to the budget visioning workshop on June 6, 2017.

5. CONSENT AGENDA

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

A. APPROVAL OF MINUTES

- April 17 2017 Sunshine Meeting Minutes
- April 19 2017 Regular Town Council Minutes

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 MARLIN ENGINEERING, INC. FOR DESIGN SERVICES FOR THE LAKES BY THE BAY PARK CANOE/KAYAK LAUNCH PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. Vice Mayor Loyzelle suggested a change to the Manager's Memo that in lieu of two Parks and Recreation Advisory Committee Meetings, have two public meetings, there be one Parks and Recreation Advisory Committee Meeting and one Town Council Workshop to allow for Council input. Vice Mayor Loyzelle proposed an amendment in the seventh "Whereas" of the Resolution, to change "installation" to "design". Town Manager Rafael Casals provided background information on the item. A motion was made by Vice Mayor Loyzelle, seconded by Council Member Coriat, that this Resolution be adopted as amended. Mayor Bell 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, APPROVING AN AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE TOWN FOR THE LAKES BY THE BAY PARK CANOE/KAYAK LAUNCH PROJECT; AUTHORIZING THE TOWN MANAGER TO EXECUTE AND IMPLEMENT THE SAME; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- D.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CO-PERMITTEES NAMED IN NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT NO. FLS000003; AUTHORIZING THE TOWN MANAGER TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. At the request of Vice Mayor Loyzelle, Town Manager Rafael Casals provided clarification on the contract annual fee paid to Miami-Dade County, and the Town's liability for equipment and property damage. At the request of Council Member Mixon, Town Manager Rafael Casals provided clarification on water being discharged into canals and trash associated with it. A motion was made by Council Member Mixon, seconded by Council Member Coriat, that this Resolution be adopted. Mayor Bell called for the vote and the motion passed 5-0.

- E.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATION (RFQ) FOR GENERAL PLANNING SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- F. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SELECTING ACOSTA TRACTORS INC. FOR THE CONSTRUCTION OF SAFE ROUTES TO SCHOOL CUTLER BAY MIDDLE SCHOOL PROJECT; PROVIDING FOR RATIFICATION OF INVITATION TO BID NO. 17-03; AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

6. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)

Town Attorney Mitchell Bierman read the quasi-judicial statement. Town Attorney Mitchell Bierman reminded the Council to disclose any ex-parte communications prior to the hearing. Town Clerk Debra Eastman provided the oath to those wishing to speak.

(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 MODIFICATIONS TO CERTAIN CONDITIONS IN RESOLUTION 16-37 FOR MATER ACADEMY CUTLER BAY LOCATED AT 22025 SW 87 AVENUE, AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 44.03 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. Town Clerk Debra Eastman informed the Council she was in receipt of the meeting log from the Registered Lobbyist. Town Manager Rafael Casals introduced Planning and Zoning Director Kathryn Lyon who presented the item. Consultant Alex David with Calvin Giordano and Associates provided a staff report. Applicant Attorney Hugo Arza of Holland & Knight, LLC presented the applicant report.

Mayor Bell opened the public hearing. There being no one wishing to speak, Mayor Bell closed the public hearing.

Council Member Callahan requested an additional condition be added limiting the ability of Mater Academy to create an academy that would directly compete with the current public school magnet academies. Town Attorney Chad Friedman advised the Council that in order to have a condition, it needs to be supported by evidence into the record and has to be a reasonable condition related to the impacts of the school. Town Attorney Mitchell Bierman explained the code and criteria for condition of approval regarding land use, and advised this is more of an operational issue instead of a land use issue. Vice Mayor Loyzelle spoke on potential partnerships with the school. Applicant Attorney Hugo Arza spoke in opposition of taking out a programmatic area as it would not be appropriate. At the request of Vice Mayor Loyzelle, Applicant Attorney Hugo Arza spoke on school enrollment numbers for the following school year.

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

A motion was made by Council Member Coriat, seconded by Vice Mayor Loyzelle, to move up items 8A and 8B on the agenda. Vice Mayor Loyzelle expressed concern about residents waiting to hear specific items on the agenda. Mayor Bell called for the vote and the motion passed 4-1, with Vice Mayor Loyzelle voting in opposition.

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 OF THE TOWN CODE TO INCLUDE SECTION 14-1, "PROHIBITIONS REGARDING SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY TOWN CONTRACTORS;" 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. Council Member Mixon spoke in favor of the item. A motion was made by Council Member Mixon, seconded by Council Member Coriat, that this Ordinance be approved on first reading. At the request of Vice Mayor Loyzelle, Town Attorney Mitchell Bierman provided clarification on imposing the new requirement on contracted vendors. There was discussion on adding language to the ordinance to impose the new requirement on contracted vendors, and on the possibility of negotiating with contracted vendors. 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

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 SECTION 3-60 OF THE CODE OF ORDINANCES RELATING TO MEDICAL OFFICE USES WITHIN TC, TOWN CENTER DISTRICT; 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. Council Member Callahan provided background information on the item and requested two additional elements in the Ordinance for restricting square footage and a limitation on vehicles. Planning and Zoning Director Kathryn Lyon provided a staff report on the item. After discussion Mayor Bell opened the public hearing. Kelly Mallette with Ronald L. Book, P.A. spoke in favor of the item. Mayor Bell closed the public hearing.

A motion was made by Vice Mayor Loyzelle, seconded by Council Member Callahan, 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

- B.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE TOWN'S COMPREHENSIVE PLAN BY CLARIFYING THE MIXED USE REQUIREMENTS WITHIN THE MIXED USE FUTURE LAND USE DISTRICT; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Ordinance. Town Attorney Chad Friedman provided background information on the item. Planning and Zoning Director Kathryn Lyon presented the item. Consultant Joe Corradino with The Corradino Group provided the staff report. At the request of Vice Mayor Loyzelle, Town Attorney Chad Friedman clarified a scrivener's error on page 2 under Low Density Residential, under Low Density Conservation the "5" should not be underlined as it was not a change.

Mayor Bell opened the public hearing. Stephen Zarzecki spoke in opposition of the residential component on Old Cutler Road. Eduardo Varona spoke on inevitability of increased traffic. Mayor Bell closed the public hearing.

A motion was made by Council Member Coriat, seconded by Council Member Mixon, that this Ordinance be approved on first reading. Vice Mayor Loyzelle spoke on the original intent of the item. After discussion, 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

At the request of Vice Mayor Loyzelle, Town Attorney Chad Friendman provided clarification on proposing changes to the Town's Comprehensive Plan as a separate item.

9. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED)

There were no Ordinances for Second Reading Requiring a Public Hearing.

10. RESOLUTIONS

There were no Resolutions.

11. PUBLIC COMMENTS

Mayor Bell opened Public Comments. Barbara Condon spoke in favor of the proposed memorial butterfly garden at Whispering Pines Park. There being no one else wishing to speak, Mayor Bell closed Public Comments.

12. ADJOURNMENT

The meeting adjourned at 12:45 AM.

For complete audio recording of this meeting, please visit www.cutlerbay-fl.gov or contact the Town Clerks Office at (305) 234-4262.

