



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, April 18, 2018

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 7:35 p.m. Town Clerk Debra Eastman called the roll with Council Members Callahan, Coriat and Mixon present, along with Vice Mayor Loyzelle and Mayor Bell.

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

Mayor Bell requested permission from the Council to move Item 2C on the agenda and for it to be heard after the Consent Agenda. Council Member Mixon made a motion to move item 2C to follow the consent agenda. The motion received a second from Council Member Coriat. Mayor Bell called for the vote and all were in favor. (5-0)

Due to the large audience attendance, Vice Mayor Loyzelle requested that item 8A and 8B be heard immediately following the time certain item, no matter what items are before the Council at that time. The motion received a second from Council Member Callahan. There was no discussion. Mayor Bell called for the vote and all were in favor. (5-0)

Members of the Youth Council Committee Zoe Storm, Derricha Taylor, Bryan Ruesca and Ms. LaShanda West appeared before the Town Council to thank them for facilitating and funding their recent trip to Tallahassee. Ms. West also thanked the Town Council for their on-going support and invited them to attend the upcoming Youth Council Committee Health Fair being held at Cutler Bay High School on Friday, April 27, 2018. Vice Mayor Loyzelle pointed out that there were funds donated by individuals toward the Youth Council Trip to Tallahassee and extended thanks to those families, as well.

Council Member Michael Callahan reported on the distribution of the report of the Parks and Recreation Committee recommendations for naming of park

facilities. He stated that he would like to meet with Vice Mayor Loyzelle in a Sunshine meeting to discuss a proposed criteria for the naming of Town facilities and bring the proposed criteria to the Town Council for their consideration. After discussion about whether it should be a Town Council Workshop, Council Member Callahan announced that he will work with Vice Mayor Loyzelle in a Sunshine meeting and bring the proposal back to a Town Council Workshop for discussion and from which they could sponsor a resolution.

Vice Mayor Loyzelle announced that the regularly schedule meeting of the Communities for a Lifetime Committee has been changed from May 2 to May 6 since she will be out of town at a conference.

Council Member Mixon announced that the Floodplain Mitigation Committee to which she is the Liaison has received notification from FEMA that the town homeowners now qualify for a 25 percent discount on flood insurance, Council Member Mixon thanked staff for their hard working in making this possible.

A. · Charter Revision Commission Final Report

Charter Review Commission Chair Terry Long appeared before the Town Council with the final report of the Commission. Ms. Long thanked the members of the Commission, the Town Clerk, Town Manager and Town Attorney for their assistance throughout the review process of the Town Charter. She noted that there are only a few recommendations for change and some clean up items on the final report. The Town Council decided to arrange a workshop to further discuss the recommendations of the Charter Revision Commission.

**B. · Mayor Bell April 2018 Report
· Vice Mayor Loyzelle April 2018 Report
· Council Member Mixon April 2018 Report
· Council Member Callahan April 2018 Report
· Council Member Coriat April 2018 Report**

Mayor and Council Member Reports were provided in writing in the agenda package.

C. · Town Council Efficiency/Decorum

Council Member Mary Ann Mixon expressed her pleasure with the the tone and decorum of the current meeting and read from a written statement regarding previous town council meeting efficiency and council member decorum following a Town Council meeting. There was discussion between Council Member Mixon and Vice Mayor Loyzelle regarding a previous encounter. Council Member Mixon asked the Town Council to schedule a public hearing on the matter and additionally asked that the behavior cease. There was no action taken.

3. PUBLIC COMMENTS

Bernard Wolff requested that the Town Council consider providing some funds to support the Sons of the American Revolution. Mayor Bell informed Mr. Wolff that there is a process for applying for funds through the Town's trust. Stephan Botbol spoke in opposition to building town homes and adding to traffic.

Council Member Roger Coriat introduced a resolution that had been adopted by the City of South Miami at their March meeting in opposition to extending the Urban Development Boundary (UDB) line further the the west and in opposition to extending SR-836. Council Member Coriat made a motion to urge Miami-Dade County Board of Commissioners to deny the request of the extension of SR-836 and to deny the extension of the UDB further to the west. The motion received a second from Council Member Mixon.

Council Member Mixon also made an amendment that staff prepare a resolution. Vice Mayor Loyzelle provided a second to the amendment. Council Member Coriat stated that he will provide a link for the distribution of the resolution. Mayor Bell called for the vote and all were in favor.

4. REPORTS

A. TOWN MANAGER'S REPORT

- Town Manager Monthly Report April 2018

Town Manager Ralph Casals reported that he has completed 37 press releases and that a conditional offer has been made to a full time Public Information Officer.

- Robert Daddario, Finance Department-Quarterly Financial Report

Finance Director, Robert Daddario provided the quarterly financial report.

B. TOWN ATTORNEY'S REPORT

There was none.

C. TOWN CLERK'S REPORT

Town Clerk Debra Eastman provided information regarding the Miami-Dade County League of Cities annual Gala and it was decided not to purchase a table but rather individual tickets.

The Town Clerk reviewed various tasks completed within the department during the last 3 weeks.

5. CONSENT AGENDA

Items 5F and 5H were pulled from the Consent Agenda. A motion was made by Council Member Coriat to approve the balance of the Consent Agenda. The motion received a second from Council Member Mixon. Mayor Bell called for the vote and the motion passed (5-0).

Council Member Coriat made a motion to extend the meeting beyond 11 p.m.

The motion received a second and the motion passed (5-0).

Mayor Bell recessed the meeting at 10:43 p.m. and called it back to order at 10:55 p.m.

APPROVAL OF MINUTES

- A. · March 14 2018 Special Call Meeting Minutes
- March 21 2018 Regular Town Council Minutes

- March 29 2018 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, AUTHORIZING THE TOWN MANAGER TO ISSUE A PURCHASE ORDER TO R.J. BEHAR & COMPANY, INC. FOR CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR THE SAGA BAY 1.2 SUB-BASIN WATER QUALITY IMPROVEMENT 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 THE TOWN MANAGER TO ISSUE A PURCHASE ORDER TO STANTEC CONSULTING SERVICES, INC. FOR FRANJO PARK LIGHTING IMPROVEMENTS; 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, APPROVING AN AWARD OF \$7,500 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, SELECTING ACOSTA TRACTORS, INC. FOR CONSTRUCTION OF THE SW 100 AVENUE STORMWATER RETROFIT PROJECT; PROVIDING FOR AUTHORIZATION; 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, AUTHORIZING THE ISSUANCE OF AN INVITATION TO BID (ITB) FOR CONSTRUCTION SERVICES FOR THE CANOE/KAYAK LAUNCH AT LAKES BY THE BAY PARK PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. Council Member Mixon asked about the budget, price and public involvement meetings. It was explained that the project had been bid and that there had been 4 public involvement meetings. A motion was made by Council Member Mixon, seconded by Council Member Coriat, that this Resolution be adopted. The motion carried by an unanimous vote. (5-0)

- G.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RATIFYING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH MAD 4 MARKETING, INC. FOR PUBLIC OUTREACH SERVICES RELATED TO THE TOWN'S GENERAL OBLIGATION BOND; 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 REQUESTING THE MIAMI-DADE COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS TO REDUCE THE SPEED LIMIT FROM 35 MPH TO 30 MPH ALONG THE S.W. 87TH AVENUE CORRIDOR BETWEEN OLD CUTLER ROAD AND S.W. 244TH STREET; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. Vice Mayor Loyzelle discussed the original speed limit and changes that have been made to date. A motion was made by Vice Mayor Loyzelle, seconded by Council Member Callahan, that this Resolution be adopted. The motion carried by an unanimous vote. (5-0)

- I. A RESOLUTION OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING THE 2018 LEGISLATIVE POSITIONS OF THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE (IACP) TO REDUCE FIREARMS VIOLENCE AND TARGET ILLEGAL GUNS; SUPPORTING LEGISLATION PROHIBITING THE POSSESSION OR TRANSFER OF CERTAIN FIREARM ACCESSORIES; SUPPORTING LEGISLATION OPPOSING CONCEAL CARRY RECIPROCITY LEGISLATION; OPPOSING THE SALE OF ARMOR-PIERCING AND TRACER AMMUNITION; SUPPORTING LEGISLATION OPPOSING THE REMOVALS OF SILENCERS (SUPPRESSORS) FROM THE NATIONAL FIREARMS ACT OF 1934; SUPPORTING THE NATIONAL VIOLENT DEATH REPORTING SYSTEM; PROVIDING FOR TRANSMITTAL; PROVIDING FOR IMPLEMENTATION; 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.

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING MODIFICATIONS TO CERTAIN CONDITIONS IN RESOLUTION 14-20 FOR EDUCATIONAL FACILITY USE IN THE SOUTHLAND MALL LOCATED AT 20505 SOUTH DIXIE HIGHWAY, AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 90.35 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. Town Attorney Chad Friedman read the quasi-judicial statement. Town Clerk Debra Eastman gave the oath to those wishing to speak. Town Planning Director Kathryn Lyon provided the staff report. The Town's consultant from Keith and Schnars, Kristen Norwicki provided expert testimony.

Janine Stuller from Southland Mall spoke in favor of the Resolution. Dr. James Burkett, President of Florida Technical College provided testimony in favor of approval of the project. There was discussion regarding the status of the mall's agreement to have public buses drop passengers at the mall door. The Town Council expressed disappointment that the mall has taken so long on this issue and there is still no agreement to allow it.

A motion was made by Mayor Bell, seconded by Council Member Mixon, that this Resolution be denied. The motion carried by the following vote:

Yes: 4 - Mayor Peggy Bell, Council Member Mary Ann Mixon, Council Member Michael Callahan and Council Member Roger Coriat

No: 1 - Vice Mayor Sue Ellen Loyzelle

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

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 THE TOWN'S COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT MIXED USE CATEGORY LAKES-BY-THE-BAY TO PERMIT RESIDENTIAL USES AS A PART OF A MIXED USE PROJECT; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title both ordinances 8A and 8B for first reading. Applicant's Attorney Juan Mayol provided a power point presentation to the Town Council explaining the elements of the proposal. Town of Cutler Bay consultant Alex David of Calvin, Giordano, Inc. provided the details of the review of the application and recommended approval. There was discussion regarding traffic and traffic study methodology, lack of community facilities, density, commercial uses and residential use.

Mayor Bell opened the Public Hearing. Ed Varona, Rizelda Ruiz, Antonia Bucacci, Stephan Botbol, Paul Mathieson, spoke in opposition. Luis Hernandez spoke in favor.

Attorney Juan Mayol rebutted in support of the project.

A motion was made by Council Member Callahan, seconded by Council Member Mixon, that this Ordinance be denied. There was discussion regarding amending the comprehensive plan to permit residential uses to be added and the impact upon already high traffic volume. After discussion, Mayor Bell called for the vote and 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 SECTION 3-58 OF THE CODE OF ORDINANCES NC, NEIGHBORHOOD CENTER DISTRICT REGARDING RESIDENTIAL USES AND RELATED LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING

FOR AN EFFECTIVE DATE.

This Ordinance was no action taken on this item.

9. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED)

10. RESOLUTIONS

11. PUBLIC COMMENTS

Mayor Bell opened public comments. Adam Skowronski spoke regarding the destruction of private fencing during the construction of turnpike walls. He asked about storm drains, storm shutters and bars on the windows. He asked about the feeding of wild animals and that he is reporting to the Town buildings without permits. He also has followed up the Louise Lockwood garden and will be sure it is all set for July 4.

There being no other comments, Mayor Bell closed public comments.

12. ADJOURNMENT

The meeting adjourned at 12:01 a.m.