



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, February 20, 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 7:08 p.m. Town Clerk Debra Eastman called the roll.

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 2019 Report
 - Vice Mayor Loyzelle February 2019 Report
 - Council Member Duncan February 2019 Report
 - Council Member Callahan February 2019 Report
 - Council Member Coriat February 2019 Report

Mayor Meerbott explained that the Council Members reports have been made a part of the agenda. Council Member Coriat announced that the March 7 Education Advisory Committee meeting will be changed to March 14, 2019. Vice Mayor Loyzelle explained that she won a complimentary registration fee to the Florida Council on Aging conference in August which is a saving to the Town.

3. PUBLIC COMMENTS

Juan Jimenez spoke about his chain link fence and asked that the Town Code be amended to allow for this type of fencing.

Adam Skoronsky spoke about the butterfly garden and informed the Council that he can no longer voluntarily maintain the garden. Town Manager Ralph Casals stated that he has reached out to the elementary school to see if they are interested in volunteering to care for the garden.

Alva Royston spoke on the need for speed monitoring on Franjo Road and suggested speed bumps on Old Cutler Road and traffic circle.

LaVette Novack spoke about the neighbors constant over-feeding of birds, the excessive birds it has attracted, as well as, other animals and the amount of excrement in her yard resulting from the neighbor's action.

4. REPORTS

A. TOWN MANAGER'S REPORT

Town Manager Ralph Casals reminded the Town Council that the Town hosting the Miami Dade County League of Cities Board of Directors Meeting on March 7 and that the Town has been nominated for the R.E.A.L Awards.

Mr. Casals announced the report of the areas on Lincoln City Park that are pine rockland and are transitioning to a hardwood hammock and discussed possible rehabilitation. Mr. Casals updated the status of the property swap and discussed the appraisals that are in the process.

- Town Manager Monthly Report February 2019

B. TOWN ATTORNEY'S REPORT

There was no report.

C. TOWN CLERK'S REPORT

Town Clerk Debra Eastman provided details on the upcoming Advisory Board Information and Appreciation Meeting planned for Saturday, March 23 at 10 a.m.

5. CONSENT AGENDA

Council Member Coriat requested to pull item 5 H. Council Member Callahan requested to pull item 5E. A motion was made by Council Member Coriat to approve the balance of the Consent Agenda. Council Member Duncan provided a second and the motion adopted. (5-0)

APPROVAL OF MINUTES

- A. · January 9 2019 Town Council Workshop Minutes
- January 16 2019 Regular Town Council Minutes
- January 17 2019 Town Council Workshop Minutes
- January 17 2019 Zoning Workshop Minutes

These 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 SUBMIT AN APPLICATION FOR THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT'S HAZARD MITIGATION GRANT PROGRAM; 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, SELECTING H & R PAVING, INC. FOR THE CONSTRUCTION OF THE TOWNWIDE ROADWAY RESURFACING & SIDEWALK IMPROVEMENTS; PROVIDING FOR AUTHORIZATION; 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, AUTHORIZING THE ISSUANCE OF AN INVITATION TO BID (ITB) FOR CONSTRUCTION SERVICES FOR THE GULFSTREAM ROAD COMPLETE STREETS PROJECT (GULFSTREAM ROAD FROM CARIBBEAN BOULEVARD TO SW 211 STREET); 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 ELECTRICAL CONTRACTING SERVICE, INC. FOR THE FRANJO PARK ATHLETIC FIELDS LIGHTING PROJECT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. Council Member Callahan asked for clarification regarding some items on the bid form. Town Manager Casals explained that they will build what is in the set of plans and the prebid meeting process. Council Member Callahan made a motion to adopt the resolution. Council Member Coriat provided the second. Mayor Meerbott called for the vote and the motion was adopted. (5-0)

- F.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE ASSIGNMENT AND ASSUMPTION OF THE CONTINUING PROFESSIONAL SERVICES AGREEMENT WITH KEITH AND SCHNARS, P.A. TO KCI TECHNOLOGIES, INC.; PROVIDING FOR AUTHORIZATION; 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 SML, INC. TO DEVELOP A COMPREHENSIVE RECORDS MANAGEMENT PLAN AND PROVIDE RECORDS MANAGEMENT PLAN CONSULTING AND IMPLEMENTATION SERVICES; 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, APPOINTING AND REAFFIRMING MEMBERS TO THE TOWN OF CUTLER BAY BOARDS; APPOINTING NEW TOWN COUNCIL LIAISONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. Council Member Coriat made a motion to adopt the resolution. Council Member Loyzelle provided the second. Mayor Meerbott called for the vote and the resolution was adopted. (5-0)

New Committee members Irene Royston and Gabriel Medina were invited to speak with the Town Council who thanked them for their willingness to serve the community. New Member Yeyry Garcia was unable to attend.

- I. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING A NONDISCRIMINATION POLICY AND THE INCLUSION OF A LIMITED ENGLISH PROFICIENCY PLAN REQUIRED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- J. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR ON-DEMAND TRANSPORTATION SERVICES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was on Consent.

- K. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, REAFFIRMING SUPPORT FOR A STATE BAN ON TEXT MESSAGING WHILE OPERATING A MOTOR VEHICLE; PROVIDING FOR TRANSMITTAL; 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.

There was no quasi-judicial item.

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 3 OF THE TOWN CODE, "LAND DEVELOPMENT REGULATIONS," BY AMENDING SECTION 3-158, "SHEDS" TO AMEND THE MAXIMUM NUMBER OF SHEDS PERMITTED; 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. Mayor Meerbott and Town Planner Kathryn Lyon explained the proposed ordinance. Vice Mayor Loyzelle made a motion to adopt the ordinance on first reading. The motion received a second from Council Member Duncan. Town Planner Kathryn Lyon explained the lot area required to allow more than one shed. Town Clerk Debra Eastman called the roll and 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, AMENDING CHAPTER 3 OF THE TOWN CODE, "LAND DEVELOPMENT REGULATIONS"; AMENDING SECTION 3-30 "GENERAL REQUIREMENTS FOR APPLICATIONS" RELATING TO ADVERTISING AND NOTICE REQUIREMENTS; AMENDING SECTION 3-34 "SITE PLAN MODIFICATION; MINOR MODIFICATIONS" RELATING TO SETBACKS; AMENDING SECTION 3-60(4) "TC, TOWN CENTER DISTRICT" CORRECTING A SCRIVENER'S ERROR RELATING TO THE FLOOR AREA RATIO WITH GREEN BONUS; AMENDING SECTION 3-144 "MINIMUM PARKING RATIOS" RELATING TO HOUSING FOR OLDER PERSONS; AMENDING SECTION 3-155 "PROPERTY MAINTENANCE REQUIREMENTS" RELATING TO STORMWATER MANAGEMENT SYSTEM REQUIREMENTS; AMENDING SECTION 3-261, "DEFINITIONS" CREATING A DEFINITION FOR BUILDING FRONTAGE; 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 Planner Kathryn Lyon explained the updates and corrections proposed, such as the applicant being responsible for posting, ads and notices, correcting scrivener's errors and adding definitions. Vice Mayor Sue Loyzelle requested that the parking regulations as they apply to senior housing be amended. Town Attorney Bierman agreed that this could be done and added to the advertising on second reading. Vice Mayor Loyzelle made a motion to adopt the ordinance on first reading as amended. The motion received a second from Council Member Callahan. Town Clerk Debra Eastman called the roll and 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, AMENDING CHAPTER 3 OF THE TOWN CODE, "LAND DEVELOPMENT REGULATIONS," BY CREATING A SECTION 3-178.8, "VACATION RENTALS" TO PROVIDE REGULATIONS FOR SUCH USES; AMENDING SECTION 3-261, "DEFINITIONS" TO PROVIDE NEW DEFINITIONS RELATED TO VACATION RENTALS; 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 Callahan made a motion to adopt the ordinance. The motion received a second from Council Member Duncan. Council Member Duncan suggested that in addition to asking for the phone number of the rental agent, the town also obtain the email address, discussed the maximum occupancy and the definition of a family, that the hours of noise coincide with the current Town Code as it applies to residents and inquired about the expiration date of the registration. Vice Mayor Loyzelle stated that she has some concerns and that she would like to discuss with Council Member Callahan and requested that they meet in a Sunshine Meeting. Council Member Callahan agreed and they will inform the Town Clerk of the date and time for posting purposes. Town Attorney Mitch Bierman explained how violations of this ordinance would be handled by using Code Enforcement. Mayor Meerbott proposed an escalating fine system. The Town Attorney explained that there is a limit and that he will review. There being no further discussion, Town Clerk Debra Eastman called the roll and 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

- D.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 24-43 OF THE TOWN CODE, "PURCHASES OF MORE THAN \$5,000.00 BUT LESS THAN \$25,000.00;" 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. Vice Mayor Loyzelle explained that she brought this forward as a second check for vendors that may be a sole source. She would like the Town Attorney to verify the sole source as recommended by the Town Manager, before the item goes before the Town Council for approval. Mayor Meerbott asked Mr. Bierman if he has an objection and he did not. After discussion, Town Clerk Debra Eastman called the roll and 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, MODIFYING RESOLUTION 17-06 TO PROVIDE FOR A REVISED TOWN COUNCIL AGENDA FORMAT TO PROVIDE FOR RULES OF DECORUM; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. Mayor Meerbott explained and spoke in favor of the changes. Council Member Callahan stated that he is a co-sponsor. Council Member Callahan made a motion to adopt the resolution. The motion received a second from Vice Mayor Loyzelle. Mayor Meerbott called for the vote and the resolution was adopted 5-0.

11. PUBLIC COMMENTS

Adam Skoronsky spoke about the butterfly garden, that rain barrels are available to collect water, and that he is of the opinion that the elementary school would not be able to care for the butterfly garden.

12. ADJOURNMENT

There being no further business to come before the meeting, it adjourned at 8:29 p.m.