



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, March 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 the close of the Local Planning Agency Meeting at 7:10 p.m.

Town Clerk Debra Eastman provided roll and all members of the Town Council were still in attendance.

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

Mayor Meerbott called attention to the monthly reports of the Mayor and Council Members which appear in the agenda. Vice Mayor Loyzelle spoke of the Community for a Lifetime Committee and reported on the election of officers as Chair Jose Rodriguez, Marilyn Rams Vice Chair and new member Irene Royston as Secretary. She reported that the next meeting of the CFAL will be held on April 3 at 6 p.m. Vice Mayor Loyzelle further announced the awarding of a proclamation by Miami Dade County Board of County Commissioners to the Town of Cutler Bay and the Community for a Lifetime for their work on the Age Friendly Action Plan. Mayor Meerbott thanked Vice Mayor Loyzelle for her service and announced that the Florida Legislature will be recognizing Cutler Bay, for the accomplishment of the Age Friendly Plan, during the upcoming Dade Days in Tallahassee in April.

Council Member Michael Callahan announced his attendance as the new Liaison at the quarterly meeting of the Flood Plain Mitigation Committee.

- A.**
- Mayor Meerbott March 2019 Report
 - Vice Mayor Loyzelle March 2019 Report
 - Council Member Duncan March 2019 Report
 - Council Member Callahan March 2019 Report
 - Council Member Coriat March 2019 Report

3. PUBLIC COMMENTS

Mayor Meerbott opened Public Comments. Stephanie Keime introduced herself as the Chair of the Education Advisory Committee and reported that the Committee discussed item 5C on the consent agenda, a resolution opposing Senate Bill 7030, and that the Committee voted to recommend that the Town Council adopt the resolution. She offered her own personal concerns with the idea of arming teachers.

There being no further public comment, Mayor Meerbott closed public comment.

4. REPORTS

A. TOWN MANAGER'S REPORT

With regard to Resolution 18-83 adopted by the Town Council, Town Manager Rafael Casals requested that the Town Council make a motion to extend an additional 90 days. A motion was made by Vice Mayor Loyzelle and received a second from Council Member Duncan. Mayor Meerbott called for the vote and the motion passed 5-0.

Town Manager Casals called attention to the Town Manager's monthly report included in the meeting agenda.

Town Manager Casals called upon Finance Director Robert Daddario to provide the quarterly financial report for the fourth quarter of 2018. Mr. Daddario reported that the quarter is currently under audit and reported that, subject to FEMA approval for a portion, the year will end with a surplus of \$671,000. He reported that revenues were strong, the Town received some insurance payments, there were budgeted expenditures deferred or cancelled and the Town also received FEMA reimbursements. The Town Council thanked the Town Manager and Finance Director for their diligent efforts.

Town Manager Casals reported on the upcoming Mobility Hubs Workshop to be held on April 30, 2019.

- Town Manager Monthly Report March 2019
- Robert Daddario, Finance Department-Quarterly Financial Report
- Mobility Hubs Project Update Report

B. TOWN ATTORNEY'S REPORT

There was no report from the Town Attorney.

C. TOWN CLERK'S REPORT

Town Clerk Debra Eastman provided a reminder of the Committee Appreciation and Training Day being held on Saturday, March 23.

5. CONSENT AGENDA

Council Member Roger Coriat requested to pull item 5C and Council Member Michael Callahan requested to pull item 5H from the Consent Agenda. A motion was made by Council Member Coriat to adopt the balance of the Consent Agenda. The motion received a second from Council Member Callahan. Mayor Meerbott called for the vote and the motion was adopted 5-0.

APPROVAL OF MINUTES

- A. · February 20 2019 Local Planning Agency Minutes
 · February 20 2019 Regular Town Council Minutes

The 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 H & R PAVING, INC. FOR TOWN-WIDE SIDEWALK REPAIRS; 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, EXPRESSING OPPOSITION TO FLORIDA SENATE BILL 7030 WHICH PROPOSES TO IMPLEMENT THE MARJORY STONEMAN DOUGLAS COMMISSION REPORT RECOMMENDATIONS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. Council Member Coriat reported that the Education Advisory Board participated in a good discussion regarding this at their last meeting, that he has a stake in the legislation and that he understands that Senator Rodriguez is going to oppose the bill when it gets to the floor.

Vice Mayor Loyzelle spoke in opposition to the Senate Bill and Mayor Meerbott spoke in favor of funding mental health issues instead. A motion was made by Council Member Coriat, seconded by Council Member Callahan, that this Resolution be adopted. The motion carried by an unanimous vote. (5-0)

- D. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ACCEPTING AN URBAN AND COMMUNITY FORESTRY MATCHING GRANT IN THE AMOUNT OF \$10,000; APPROVING A FEDERAL FINANCIAL ASSISTANCE SUBRECIPIENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES; 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, AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) FOR LANDSCAPE MAINTENANCE SERVICES FOR VARIOUS RIGHT-OF-WAY MEDIANS, SWALES, AND CUL-DE-SAC AREAS LOCATED WITHIN THE TOWN; 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 THE CUTLER RIDGE PARK LIGHTING ENHANCEMENT PROJECT; 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, AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) FOR PARKS LANDSCAPE/GROUNDS MAINTENANCE SERVICES FOR PARKS AND PARKWAYS LOCATED WITHIN THE TOWN; 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, DESIGNATING LINCOLN CITY PARK AS A NATURAL PRESERVE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Callahan explained that the Parks and Recreation Committee has been working on this project and that Council previously provided direction to the Town Manager to hire an organization who could determine the viability of the park. He explained that there are places where the pine rocklands can be restored and that he would like to see a resolution to expend funds for the restoration. Council Member Coriat spoke in favor. A motion was made by Council Member Callahan, seconded by Council Member Coriat, that this Resolution be adopted. The motion carried by an unanimous vote. (5-0)

6. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)

Applicant's Attorney Graham Penn requested a deferral of this item to give the applicant time to discuss the shared driveway with abutter Drew Peterson. A motion was made by Council Member Coriat to defer this item to the April 17, 2019 Town Council meeting at a time certain of 8 p.m. The motion received a second from Vice Mayor Loyzelle. Mayor Meerbott called for the vote and all were in favor.

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE FROM SECTION 3-59(5) OF THE TOWN CODE TO PERMIT 24.89% BUILDING FRONTAGE WHERE 75% IS REQUIRED ALONG A SECONDARY STREET FOR FRONTIER DEVELOPMENT LLC LOCATED AT 19875 SOUTH DIXIE HIGHWAY CONSISTING OF APPROXIMATELY .99 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE. (*previously deferred per March 20, 2019 Regular Town Council Meeting to date certain April 17, 2019 Regular Town Council Meeting; previously deferred per April 17, 2019 Regular Town Council Meeting to date certain May 15, 2019 Regular Town Council Meeting)

A motion was made by Council Member Coriat, seconded by Vice Mayor Loyzelle, that this Resolution be deferred . The motion carried by an unanimous vote. (5-0)

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A SITE PLAN FOR FRONTIER DEVELOPMENT LLC TO PERMIT A COMMERCIAL MIXED-USE DEVELOPMENT CONSISTING OF 8,370 SQUARE FEET ON PROPERTY LOCATED AT 19875 SOUTH DIXIE HIGHWAY, CONSISTING OF APPROXIMATELY .99 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE. (*previously deferred per March 20, 2019 Regular Town Council Meeting to date certain April 17, 2019 Regular Town Council Meeting; previously deferred per April 17, 2019 Regular Town Council Meeting to date certain May 15, 2019 Regular Town Council Meeting)

A motion was made by Council Member Coriat, seconded by Vice Mayor Loyzelle, that this Resolution be deferred . The motion carried by an unanimous vote. (5-0)

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

There were no ordinances for first reading that did not require a public hearing.

- A.** AN ORDINANCE OF THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 36, "UTILITIES" OF THE TOWN CODE OF ORDINANCES TO PROVIDE FOR STORMWATER MANAGEMENT REGULATIONS AND A FACILITY INSPECTION PROGRAM; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Debra Eastman Town Clerk read the title of the ordinance. Director of Public Works Alfredo Quintero provided the explanation of the recently adopted Watershed Master Plan. He explained that adoption of this resolution relates to the flood insurance cost savings as discussed. A motion was made by Council Member Callahan, seconded by Council Member Coriat, 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)

There were no ordinances for first reading where a public hearing is 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 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 Tim Meerbott opened the public hearing. There being no one wishing to speak, the public hearing was closed. A motion was made by Council Member Callahan, seconded by Vice Mayor Loyzelle, 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, 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. Mayor Meerbott opened the public hearing. There being no one wishing to speak, Mayor Meerbott closed the public hearing. A motion was made by Vice Mayor Loyzelle, 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

- 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. Mayor Meerbott opened the public hearing. Peggy Schuler questioned the intention of the ordinance and about vacation rentals. Mayor Meerbott and Vice Mayor Sue Loyzelle explained the process of adopting an ordinance and the intention of this item. There being no further comment, Mayor Meerbott closed the public hearing. Council Member Callahan and Vice Mayor Loyzelle explained they held a publically advertised Sunshine Meeting, which included simultaneous telephonic guidance from the Town Attorney, to discuss this item in detail and their agreed upon issues are included in this ordinance for second reading. Council Member Duncan pointed out scrivener's errors for correction. A motion was made by Council Member Callahan, seconded by Vice Mayor Loyzelle, 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

- 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. (*previously deferred per March 20, 2019 Regular Town Council Meeting to date certain April 17, 2019 Regular Town Council Meeting)

A motion was made by Council Member Coriat, seconded by Council Member Duncan, that this Ordinance be deferred to a later date. The motion carried by an unanimous vote. (5-0)

10. RESOLUTIONS

There were no Resolutions.

11. PUBLIC COMMENTS

Mayor Meerbott opened public comments and there were none.

12. ADJOURNMENT

There being no further business, the meeting adjourned at 7:57 p.m.