



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, May 15, 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 approximately 7:15 p.m. Town Clerk Debra Eastman called the roll with the following members in attendance: Mayor Tim Meerbott, Vice Mayor Sue Loyzelle, and Council Members Michael Callahan, Roger Coriat and Robert Duncan. Mayor Meerbott called for a moment of silence for long-time Cutler Bay resident and Parks and Recreation Committee member Mark Parets.

Town Clerk Debra Eastman announced that the agenda had been updated to reflect that items previously published as Quasi-Judicial items 6D and E have been moved on the agenda to Ordinances for first reading, public hearing required items 8A and 8B.

Council Member Callahan requested a moment of privilege. He made a motion to amend resolution 06-97 and 06-113 to allow for the retirement of the at large seat in honor of Mark Parets, the at large position would move to the Mayor and that would leave ten (10) positions on the Parks and Recreation Committee. The motion received a second from Council Member Coriat. There being no discussion the motion carried 5-0.

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

Vice Mayor Loyzelle reported on the AARP summit which she attended and that on the next day there will be an age friendly summit that she will attend.

3. PUBLIC COMMENTS

Mayor Meerbott opened Public Comment. Ed Varona thanked Council Member Coriat for bringing forward the proposed ordinance for first reading regarding set backs. Tom Condon spoke in agreement with Ed Varona. Bill Kessel spoke about traffic and the opportunity to select a new County Commissioner.

4. REPORTS

A. TOWN MANAGER'S REPORT

A. · Town Manager Monthly Report May 2019

Town Manager Rafael Casals reported that his written report is available in the back of the room.

B. · Robert Daddario, Finance Department-Quarterly Financial Report

Town of Cutler Bay Finance Director Robert Daddario provided his quarterly financial report for this fiscal year.

C. · MDCTPWD Update South Corridor Rapid Transit Project

Frank Guyamier Deputy Director of MDCDTPW provided a report regarding their application for small start financing, asking for 100 million dollars from the Federal Government. When done, Congress will look at studies and determine the value. Current members of US Congress are assisting in guiding the process. Mr. Guyamier stated that he is requesting a resolution in support from the Town Council to attach to the application when it is submitted. He also updated the Town Council about moving forward with the design criteria on this project. He expects that they will have the shovel in ground by December. He further requested that each municipality select a representative to sit on a committee to select the architectural concepts. The Town's appointment will be needed soon.

B. TOWN ATTORNEY'S REPORT

There was no report from the Town Attorney.

C. TOWN CLERK'S REPORT

There was no report from the Town Clerk.

5. CONSENT AGENDA

Council Member Callahan moved to pull item 5E from Consent. Council Member Coriat made a motion to approve the Consent Agenda. The motion received a second from Council Member Callahan. Mayor Meerbott called for the vote and the motion carried 5-0.

APPROVAL OF MINUTES

- A.** · April 17 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, URGING THE MIAMI-DADE COUNTY TRANSPORTATION AND PUBLIC WORKS DEPARTMENT TO EXPAND THE VILLAGE OF PALMETTO BAY'S NEIGHBORHOOD ACCESS TRAFFIC STUDY TO INCLUDE THE TOWN'S PORTION OF THE SW 87 AVENUE CORRIDOR; PROVIDING FOR TRANSMITTAL; 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 V ENGINEERING & CONSULTING CORP. FOR THE LAKES BY THE BAY CANOE/KAYAK LAUNCH PROJECT; 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 TOWN MANAGER TO ISSUE A PURCHASE ORDER TO MARLIN ENGINEERING, INC. FOR CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR THE LAKES BY THE BAY PARK CANOE/KAYAK LAUNCH PROJECT; AND PROVIDING 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, ESTABLISHING THE "CUTLER BAY ENVIRONMENTAL STEWARDSHIP AWARD" RECOGNITION PROGRAM; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Meerbott read the title into the record. Council Member Callahan discussed the veto of the Governor which would otherwise have banned municipalities to control the use of plastic straws, etc. Town Manager Ralph Casals explained that he will provide another resolution at the next meeting allowing the Town Council to ban the use of plastic straws. 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)

- F.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, URGING THE STATE LEGISLATURE AND FEDERAL GOVERNMENT TO INITIATE A STUDY OF THE HEALTH EFFECTS OF SMALL CELL TOWERS BUILT TO ACCOMMODATE 5G TECHNOLOGY AND TO DEVELOP INSTALLATION GUIDELINES PROTECTING THE HEALTH AND WELFARE OF RESIDENTS; PROVIDING FOR TRANSMITTAL; 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, APPROVING AN AGREEMENT WITH ACOSTA TRACTORS, INC. FOR THE CONSTRUCTION OF THE GULFSTREAM ELEMENTARY COMPLETE STREETS PROJECT (GULFSTREAM ROAD FROM CARIBBEAN BOULEVARD TO SW 211 STREET); 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, AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) FOR EMERGENCY DEBRIS ROAD CLEARING SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

6. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)

Town Clerk Debra Eastman read the titles of items A and B into the record. Town Attorney Mitch Bierman provided the instructions for the Quasi-judicial proceedings. Town Clerk Debra Eastman gave the oath to those wishing to speak on any quasi-judicial item. Town Consultant Alex David reported that the applicant is requesting a deferral of the items. Attorney for the applicant Graham Penn stated that they are still working on the driveway issues. Council Member Sue Loyzelle made a motion to defer items 9A and B. The motion received a second from Council Member Callahan. There was discussion about the deferral. Vice Mayor Loyzelle amended her motion to include that the deferral will be to no date certain. Council Member Callahan again provided a second. Town Clerk Debra Eastman called the roll for deferral of both items to no date certain and the motion was adopted 3-2 with Council Member Coriat and Mayor Meerbott voting in opposition.

- 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)

Town Clerk Debra Eastman read the titles of items A and B . A motion was made by Vice Mayor Loyzelle, seconded by Mayor Meerbott, that this Resolution be deferred to no date certain. The motion carried by the following vote:

Yes: 3 - Vice Mayor Sue Ellen Loyzelle, Council Member Robert Duncan and Council Member Michael Callahan

No: 2 - Mayor Tim Meerbott and Council Member Roger Coriat

- B.** 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 Vice Mayor Loyzelle, seconded by Mayor Meerbott, that this Resolution be deferred to no date certain. The motion carried by the following vote:

Yes: 3 - Vice Mayor Sue Ellen Loyzelle, Council Member Robert Duncan and Council Member Michael Callahan

No: 2 - Mayor Tim Meerbott and Council Member Roger Coriat

- C.** 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. Town Consultants Alex David and Kristin Nowicki gave a summary of staff review. Attorney John Herin stated he was available for questions. Mayor Meerbott opened the public hearing. Mr. Philips, Luis Perez, Dr. Anthony Perez and James Burkett spoke in favor. There being no one else wishing to speak, Mayor Meerbott closed the public hearing. There was no presentation from the applicant. A motion was made by Vice Mayor Loyzelle, seconded by Council Member Callahan, that this Resolution be adopted. 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 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.

This item was not Quasi-judicial in nature and was heard as Item 8A. Ordinance for first reading, public hearing required. Debra Eastman Town Clerk read the title of Item 8A and 8B. Town Consultant Sylvia Vargas explained the items. There was a discussion regarding the DERM correspondence throughout the process. The applicant's attorney Juan Mayol provided a detailed explanation of the steps leading up to a site plan. A motion was made by Council Member Callahan, seconded by Council Member Coriat, that this Ordinance be denied. 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

- E.** 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 item was not Quasi-judicial in nature and was heard as Item 8B and discussed in unison with item 8A. A motion was made by Council Member Callahan, seconded by Council Member Coriat, that this Ordinance be denied. 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

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 SECTION 3-54, "ER, ESTATE RESIDENTIAL DISTRICT" RELATING TO TABLE OF STANDARDS; AMENDING SECTION 3-55, "SR, SINGLE FAMILY RESIDENTIAL DISTRICT" RELATING TO TABLE OF STANDARDS; AMENDING SECTION 3-56, "MR, MULTIFAMILY RESIDENTIAL DISTRICT" RELATING TO TABLE OF STANDARDS; 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 Coriat thanked staff for assisting with this ordinance. He pointed out that the chart on page 9 needs to be corrected to be 10 and not 25. He explained the purpose of the ordinance. A motion was made by Council Member Coriat, seconded by Council Member Duncan, 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)

- A.** AN ORDINANCE OF THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 2, "ADMINISTRATION" OF THE TOWN CODE OF ORDINANCES TO PROVIDE FOR THE PROHIBITION OF BOARD, COMMITTEE, OR TASK FORCE MEMBERS FROM CONDUCTING ANY BUSINESS TRANSACTIONS WITH THE TOWN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title. Vice Mayor Sue Loyzelle amended Division 1. Generally, Sec. 2-281. to read as follows: "If a committee member has participated in their capacity and made a recommendation through the committee task force or board and then resigns or is removed from said committee task force or board, then said person may not bid on any project or do business within the town for a period of 12 months after departure of the committee." 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 Callahan, that this Ordinance be approved on second reading as amended. 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 THE TOWN CODE OF ORDINANCES BY REPEALING AND REPLACING CHAPTER 18, "FLOODS"; ADOPTING FLOOD HAZARD MAPS, DESIGNATING A FLOODPLAIN ADMINISTRATOR, ADOPTING PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND ADOPTING TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; 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 Council Member Coriat, 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 2, ARTICLE V, ENTITLED "LOBBYIST REGISTRATION," BY ADDING SECTION 2-238 ENTITLED "PROHIBITING LOBBYING BY CAMPAIGN CONSULTANTS," BY PROHIBITING CAMPAIGN CONSULTANTS AND CERTAIN AFFILIATED PERSONS OR ENTITIES FROM LOBBYING TOWN COUNCIL MEMBERS FOR A PERIOD OF TIME AFTER AN ELECTION; PROVIDING FOR DEFINITIONS AND LIMITED EXEMPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title. Council Member Coriat explained that at the last reading, Vice Mayor Loyzelle made an amendment to Sec. 2-238(2). The Town Clerk read the new language as "No lobbyist registered with the Town shall provide campaign consulting services for a candidate during the same calendar year in which that lobbyist is registered." 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 Callahan, that this Ordinance be approved on second reading as amended. 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

10. RESOLUTIONS

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AN AMENDMENT TO THE TOWN'S PLANNING AND ZONING FEE SCHEDULE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title. There was discussion regarding traffic studies and that this item addresses fees and that the methodology will be discussed at a later time. 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)

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING ADDITIONAL PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAMS WITH THE FLORIDA GREEN FINANCE AUTHORITY, THE FLORIDA RESILIENCY AND ENERGY DISTRICT, AND THE FLORIDA PACE FUNDING AGENCY; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

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

- C.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, URGING THE MIAMI-DADE COUNTY TRANSPORTATION AND PUBLIC WORKS DEPARTMENT TO COMPLETE THE NORTH AND SOUTH ROADWAY GRID ANALYSIS ON SW 77 AVENUE, SW 87 AVENUE, AND SW 97 AVENUE FOR ROADWAY CONNECTIVITY; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title. Mayor Meerbott spoke in favor of the resolution. 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)

11. PUBLIC COMMENTS

Mayor Meerbott opened public comments. Vice Mayor Sue Loyzelle spoke about hurricane season and the importance of preparedness for senior citizens. She expressed her concern for certain facilities and asks that the Town Manager work with them to obtain information regarding their emergency operation plans.

12. ADJOURNMENT

The meeting was adjourned at 9:37 PM