



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, September 18, 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 following the conclusion of the LPA meeting at 7:07 p.m.

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

Vice Mayor Loyzelle reminded of the Health Fair and Encompass Health on September 21, 2019 and encouraged participation.

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

3. PUBLIC COMMENTS

Mayor Meerbott called for public comments and there were none.

4. REPORTS

A. TOWN MANAGER'S REPORT

Town Manager Ralph Casals reported that Miami Dade County Transportation Planning Organization approved 9 million dollars for a "complete streets" project on Franjo Road. The final decision will be made by the Miami-Dade County Board of County Commissioners at their meeting on Dec. 26, 2019 at 2 p.m. He also reported on the great number of registrations received for the Senior Games.

- Town Manager Monthly Report September 2019
- Robert Daddario, Finance Department-Quarterly Financial Report

Finance Director Robert Daddario provided the Quarterly Financial Report which indicated a possible \$908,000 surplus as compared to the same period in other years. Town Manager Casals also reported that the Canoe/Kayak project is underway and the status of LED lighting at Cutler Ridge Park.

B. TOWN ATTORNEY'S REPORT

There was no report.

C. TOWN CLERK'S REPORT

Town Clerk Debra Eastman reminded the Town Council of the Second Budget Hearing planned for September 24, 2019 at 7 p.m.

Council Member Coriat requested to speak about a revision of the Future Land Use Map. He discussed that he would like to work with staff on two revisions and bring them back to the Town Council. The Town Council provided consensus for the Council Member to move forward with working with staff on this project.

5. CONSENT AGENDA

Mayor Meerbott asked for pulls from the Consent Agenda. Vice Mayor Loyzelle pulled item J. A motion was made by Council Member Coriat to approve the balance of the Consent Agenda. The motion received a second from Council Member Callahan. The motion was adopted 5-0.

Mayor Meerbott introduced Steve Naiman, new appointment to the Parks and Recreation Committee and Ralph Geronimo, new appointment to the Economic Growth Committee.

APPROVAL OF MINUTES

- A.
 - July 17 2019 Regular Town Council Minutes
 - July 29 2019 Special Call Meeting Minutes
 - July 29 2019 Town Council Workshop Minutes

The minutes were approved on Consent.

- B. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPOINTING A MEMBER TO THE PARKS AND RECREATION ADVISORY COMMITTEE; 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, ACCEPTING MULTIPLE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT ALLOCATIONS FROM THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT FOR TRAINING AND OUTREACH CONDUCTED BY THE CUTLER BAY POLICING UNIT; 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, RATIFYING ACCEPTANCE OF A \$2,500.00 MINI-GRANT FROM THE MIAMI-DADE COUNTY AGE-FRIENDLY INITIATIVE FOR A COMPUTER LAB AT MARILYN HOPE'S PLACE; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- E. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CONFIRMING A DECLARATION OF STATE OF EMERGENCY DUE TO HURRICANE DORIAN; 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, ACCEPTING A GRANT FROM THE MIAMI-DADE COUNTY DEPARTMENT OF CULTURAL AFFAIRS FOR THE 2019 CUTLER BAY-WHISPERING PINES 4TH OF JULY CELEBRATION; 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, ACCEPTING A GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT); APPROVING THE LOCAL AGENCY PROGRAM (LAP) AGREEMENT FDOT FOR THE BIKE/PEDESTRIAN FACILITIES IMPROVEMENTS PROJECT; 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 QUALIFICATIONS (RFQ) FOR PROFESSIONAL ENGINEERING SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- I. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AN AGREEMENT WITH ENVIROWASTE SERVICES GROUP, INC. FOR MISCELLANEOUS ROADWAY AND DRAINAGE IMPROVEMENTS; PROVIDING FOR AUTHORIZATION; 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 AGREEMENT WITH BELL TOWER CONSULTING GROUP, LLC FOR GRANT WRITING AND ADMINISTRATION SERVICES; WAIVING COMPETITIVE BIDDING DUE TO IMPRACTICABILITY; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. Vice Mayor Loyzelle explained the reason for the waive of competative bid in this circumstance. She thanked the departing Grant Writer Lakeesha Morris for her service and for working with us in the future as a contractor. 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)

- K. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A STATEWIDE MUTUAL AID AGREEMENT WITH THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- L. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPOINTING A MEMBER TO THE ECONOMIC GROWTH COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- M. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, URGING THE FLORIDA LEGISLATURE TO PROPOSE AN AMENDMENT TO FLORIDA STATUTE § 403.7033 TO ALLOW LOCAL LEGISLATIVE EFFORTS TO ADDRESS AND REGULATE AUXILIARY CONTAINERS, WRAPPINGS, AND DISPOSABLE BAGS AND ADOPT THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S "RETAIL BAGS REPORT FOR THE FLORIDA LEGISLATURE"; PROVIDING FOR TRANSMITTAL; AND PROVIDING AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- N.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO COORDINATE WITH LOCAL GROUPS OF VOLUNTEERS TO RELOCATE SAW PALMETTO SHRUBS TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT'S OLD CUTLER WETLAND RESTORATION SITE; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

- O.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, URGING THE MIAMI-DADE COUNTY FIRE RESCUE DEPARTMENT TO STUDY THE NEED FOR A RESCUE/TRANSPORT UNIT AT FIRE STATION 55 LOCATED IN SAGA BAY; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

6. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE SITE PLAN OF CEDAR HOLDING, LLC TO PERMIT A TWO HUNDRED THIRTY-SIX (236) UNIT RESIDENTIAL APARTMENT BUILDING AT THE POINT ROYALE SHOPPING CENTER, WHICH IS ON PROPERTY LOCATED AT 18901 SOUTH DIXIE HIGHWAY (FOLIOS # 36-6005-070-0010 AND 36-6005-014-0010), AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 4.25 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.
(* previously deferred per September 18, 2019 Regular Town Council Meeting to date certain October 16, 2019 Regular Town Council Meeting)

Town Attorney Mitch Bierman read the Quasi-Judicial statement and Town Clerk Debra Eastman gave the oath to those wishing to speak. The Town Clerk read the title of the Ordinance.

Town Consultant Alex David gave an introduction and Consultant Kristen Nowicki provided a presentation of the project and the results of her review, and answered questions from the Town Council.

Graham Penn of Bercow Radell Fernandez and Larkin presented the site plan for 236 residential apartments building at the Point Royale Shopping Center.

Mayor Meerbott opened the public hearing. Yohan Lafont, Tom Condon, Mary Ann Mixon, Eduardo De Aragon, Marc Bailey-Jones, Barbara Condon, Jean Walsh, Eduardo Varona, Gregg Guilford, Melinda Smith, Ronald Mitro, William Anello, Stephanie Bean, Luana Ayala, Adam Skowronski, Juan Baez, Peter Zamora, Kenneth Batz and Lourdes Mitchell all spoke in opposition to approval of the site plan. There being no one else wishing to speak, Mayor Meerbott closed the public hearing.

The Town Council discussed and asked questions regarding parking, it being designated a green building, traffic and traffic patterns around the mall parking lot and area.

A motion was made by Vice Mayor Loyzelle, seconded by Mayor Meerbott, that this Resolution be deferred to the October 16, 2019 Town Council meeting. The motion carried by the following vote: (3-2)

Yes: 3 - Mayor Tim Meerbott, Vice Mayor Sue Ellen Loyzelle and Council Member Michael Callahan

No: 2 - Council Member Robert Duncan 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 CHAPTER 26 "PROPERTY MAINTENANCE AND CONTROL" OF THE TOWN CODE OF ORDINANCES RELATING TO THE REGISTRATION OF ABANDONED REAL PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT, AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the ordinance. Town Manager Ralph Casals explained the process and that in 2017 there were 1800 properties affected and today there is only 293 registered.

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)

- 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 MAP FOR PROPERTY LOCATED AT 20851 SW 97 AVENUE (FOLIO NO. 36-6009-000-0160) FROM LOW DENSITY RESIDENTIAL TO INSTITUTIONAL; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (* previously deferred per September 18, 2019 Regular Town Council Meeting to date certain October 16, 2019 Regular Town Council Meeting)

A motion was made by Vice Mayor Loyzelle, seconded by Council Member Coriat, that this Ordinance be deferred per the vote at the preceding LPA meeting to October 16, 2019. 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, APPROVING THE REQUEST OF CENTRO EVANGELISTICO LA ROCA, INC. TO PERMIT A REZONING FROM SR (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO INT (INSTITUTIONAL DISTRICT) ON PROPERTY LOCATED AT 20851 SW 97 AVENUE (FOLIO NO. 36-6009-000-0160), AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 4.2 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE. (* previously deferred per September 18, 2019 Regular Town Council Meeting to date certain October 16, 2019 Regular Town Council Meeting)

A motion was made by Vice Mayor Loyzelle, seconded by Council Member Coriat, that this Ordinance be deferred per the vote at the preceding LPA meeting to October 16, 2019. 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 LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 3-60 TC, TOWN CENTER DISTRICT TO PERMIT MEDICAL MARIJUANA DISPENSARIES WITHIN THE TC, TOWN CENTER EDGE SUB-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. Town Planning Consultant Alex David explained the reason for the amendment. 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

9. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED)

10. RESOLUTIONS

11. PUBLIC COMMENTS

Barbara Condon spoke regarding the proposed building at Point Royale Plaza. She asked that the Town Council take a close look at the complex, the traffic study and consider the traffic that could be going in the front of the existing plaza stores.

Vice Mayor Loyzelle requested that the Town Council request that the Town Manager have someone look closely at the proposed building so that there may be a traffic and safety study. Town Manager Casals understood the request and Town Attorney Mitchell Bierman explained that since the Town Manager has clear direction, no vote is necessary.

12. ADJOURNMENT

The meeting adjourned at 9:38 p.m.