



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, November 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 conclusion of the LPA meeting at 7:06 p.m. with all of the members of the Town Council present. Mayor Meerbott presented an award to Town Manager Ralph Casals for 30 years of service as recognized by the International City County Managers' Association and thanked him for his continued service to the Town of Cutler Bay.

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

There were no further announcements or reports.

3. PUBLIC COMMENTS

Mayor Meerbott opened public comments. Piers Gisle, William Scott, Stacey Cusano and Sandra Wong spoke in opposition to item 10B, a resolution. Gabriella Espinosa spoke about sustainability and being involved in efforts along that line for the community. Robert Rosa spoke about a property that he feels is in bad condition and asked the Town Council to seek it out and take action. Bernardo Vilar spoke about climate control. Mayor Meerbott closed public comments.

4. REPORTS

A. TOWN MANAGER'S REPORT

- Town Manager Monthly Report November 2019
- 2018-19 Miami-Dade Transit Circulator Annual Report

Eric Zahn provided the Miami-Dade Transit Circulator Annual Report. The Mayor and Town Manager thanked him for his thorough presentation.

- 2019 Local Mitigation Strategy Annual Report

Cutler Bay Public Works Director Alfredo Quintero provided an update on the Town's CRS rating of 4 and also the receipt of over 31 million dollars in grants. Mayor Meerbott and members of the Town Council thanked Mr. Quintero for his continued endeavors.

- 2019 Flood Mitigation Project Annual Report

B. TOWN ATTORNEY'S REPORT

The Town Attorney had no report.

C. TOWN CLERK'S REPORT

The Town Clerk had no report.

5. CONSENT AGENDA

A motion was made by Council Member Coriat to adopt the consent agenda. The motion received a second from Council Member Duncan. Mayor Meerbott called for the vote and the motion was adopted.

APPROVAL OF MINUTES

- A.**
- October 16 2019 Local Planning Agency Minutes
 - October 28 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, AMENDING RESOLUTION 18-60, WHICH ADOPTED THE BUDGET FOR THE 2018/2019 FISCAL YEAR, BY REVISING THE 2018/2019 OPERATING AND CAPITAL BUDGET AS OUTLINED IN EXHIBIT "A" ATTACHED HERETO; AUTHORIZING THE TOWN MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS RESOLUTION; 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 H & R PAVING, INC. FOR TOWNWIDE SIDEWALK REPAIRS; 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 STANTEC CONSULTING SERVICES, INC. FOR DESIGN SERVICES OF THE CUTLER RIDGE SECTION 3 RESURFACING AND DRAINAGE IMPROVEMENTS PROJECT; 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, ACCEPTING A STANDARD GRANT AND AGREEMENT FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE AMOUNT OF \$200,000.00 FOR THE CUTLER RIDGE SECTION 3 RESURFACING AND DRAINAGE IMPROVEMENTS 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 A REQUEST FOR PROPOSALS (RFP) FOR STREET SWEEPER SERVICES; 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 ONE HUNDRED NINETY-NINE (199) 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), AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 3.58 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; previously deferred per October 16, 2019 Regular Town Council Meeting to date certain November 20, 2019 Regular Town Council Meeting)

Town Clerk Debra Eastman read the title of the resolution. Town Attorney Mitch Bierman provided the rules of the quasi judicial proceedings. Town Clerk Debra Eastman gave the oath to those wishing to speak on this matter and informed the Town Council that she is in receipt of the lobbyist meeting log. Interim Community Development Director Alex David presented the Town's review of the project along with KCI consultant for traffic, Heidi Siegel.

Attorney Graham Penn and consultants were introduced for the applicant. Mr. Penn gave a presentation on the project, along with recent updates. Mayor Meerbott opened the public hearing. Adam Skaronski, William Scott, Tom Condon, Desmaris Coffey, Lourdes Mitchell spoke in opposition to the project. Atty. Penn provided rebuttal.

Town Council Member Roger Coriat provided his misgivings about the traffic impact, logistics and lack of rail service. Council Member Duncan asked questions regarding the design and traffic. Vice Mayor Loyzelle expressed her concern about the owners property rights and her concerns about traffic and safety. Mayor Meerbott spoke about the green status of the property and whether this project complies. Council Member Coriat requested additional discussion prior to a vote. Town Attorney Chad Friedman explained the procedure for a project to come before the Town Council again. Attorney Graham Penn stated he would rather defer the project. Town Attorney Mitch Bierman advised that if a member of the Town Council prefers to move for deferral, that motion would take precedent over the motion on the floor. A motion was made by Council Member Callahan, seconded by Council Member Duncan, that this Resolution be denied. The motion carried by the following vote:

Yes: 3 - Mayor Tim Meerbott, Council Member Robert Duncan and Council Member Michael Callahan

No: 2 - Vice Mayor Sue Ellen Loyzelle and Council Member Roger Coriat

After the vote to deny the resolution was completed, Vice Mayor Loyzelle made a motion to waive the one year waiting period for the applicant to come before the Town Council again. The motion received a second from Council Member Coriat. The motion for the waiver passed 5-0.

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 2-236 "LOBBYISTS AND PRINCIPALS" OF THE TOWN CODE OF ORDINANCES RELATING TO THE REGISTRATION FEES OF LOBBYISTS AND PRINCIPALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title 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)

- 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; previously deferred per October 16, 2019 Regular Town Council Meeting to date certain November 20, 2019 Regular Town Council Meeting)

Town Clerk Debra Eastman read the title of the ordinance. Interim Community Development Director Alex David provided the staff report regarding the project. Attorney for the applicant Juan Mayol provided over 300 letters of support and a PowerPoint presentation as information regarding the project. Mayor Meerbott opened the public hearing. Reinaldo Castellanos spoke in favor on behalf of his HOA. Brooke Hyman, George Miller, Irving Bonilla, Patricia Camilo, Jimena Roman, Elizabeth Lara, Lourdes Rodriguez, Mary Kristina Gonzalez-Ledo, Arlene Gonzalez, Johnathan Gonzalez, Arlene Naranjo, Samantha Proebsting, Richard Padron, Nicole Carreno, Ileana Blanco Jimenez, Gertrudis Perez, Richard Rios, Christopher Plantada, David Bonilla were in favor. Opposed were Tom Condon, Demarius Coffey, Robert Bach, Eduardo Varona, Agustino Bouan. Barbara Condon expressed concern with the applicant proffering improvements to the HOA. Mayor Meerbott closed the public hearing. Attorney Juan Mayol requested time for rebuttal and provided further information on the discussion with the HOA and the applicants intent to solve the concerns of abutters. Member of the Town Council expressed concern with the receipt of letters of support with no time to review them, concern over student drop off and pick up time conflicting with Gulfstream Elementary, questioned the need for an additional school, a traffic study and the timing of such. A motion was made by Council Member Coriat, seconded by Council Member Callahan, 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

- 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; previously deferred per October 16, 2019 Regular Town Council Meeting to date certain November 20, 2019 Regular Town Council Meeting)

There was no action taken on this ordinance due to the denial of item 8A.

- C.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE FUTURE LAND USE MAP (FLUM) WITHIN THE TOWN'S GROWTH MANAGEMENT PLAN FROM ESTATE DENSITY-CONSERVATION AND LOW DENSITY-CONSERVATION TO CONSERVATION ON THE PROPERTIES GENERALLY DESCRIBED AS: (1) EAST OF OLD CUTLER ROAD, WEST OF BISCAYNE NATIONAL PARK, NORTH OF S.W. 188 STREET, AND SOUTH OF S.W. 184 STREET; AND (2) EAST OF S.W. 87 AVENUE, WEST OF BISCAYNE NATIONAL PARK, NORTH OF S.W. 232 STREET, AND SOUTH OF S.W. 216 STREET; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the ordinance. Town Council Member Roger Coriat explained that the ordinance change will remove the two parcels as residential and they will be conservation only. He explained that the item will come back to the Town Council for second reading in January.

Mayor Tim Meerbott opened the public hearing. There being no one wishing to speak, Mayor Meerbott closed the public hearing. Mayor Meerbott requested discussion from the Town Council and there was none.

Council Member Roger Coriat made a motion to adopt the ordinance on first reading. The motion received a second from Council Member Michael Callahan. Town Clerk Debra Eastman called the roll and the motion passed 5-0.

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, EXTENDING THE MORATORIUM ADOPTED BY ORDINANCE 19-13; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the ordinance. Town Manager Ralph Casals explained that the ordinance allows for an extension to the moratorium until April, 2020. Vice Mayor Loyzelle made a motion to adopt the ordinance and received a second from Council Member Coriat.

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)

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 3-40 OF THE LAND DEVELOPMENT REGULATIONS, RELATING TO GROWTH MANAGEMENT PLAN AMENDMENT APPLICATIONS; 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. Interim Community Development Director Alex David gave a presentation as to the reason for the change. 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 Callahan, 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, ESTABLISHING THE CANDIDATE QUALIFYING PERIOD FOR THE 2020 MUNICIPAL GENERAL ELECTION AND ESTABLISHING THE RUN-OFF DATE, IF NECESSARY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the ordinance. Mayor Meerbott opened public comments. There was no one wishing to speak and Mayor Meerbott closed public comments. A motion was made by Council Member Coriat, seconded by Council Member Callahan, 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

10. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING UPDATED LIEN SEARCH FEES; REPEALING RESOLUTION NO. 06-111; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title 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)

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN TO JOIN IN THE FILING OF A BRIEF AT THE FLORIDA SUPREME COURT SUPPORTING THE PLACEMENT ON THE BALLOT OF THE INITIATIVE PETITION ENTITLED "PROHIBITS POSSESSION OF DEFINED ASSAULT WEAPONS"; URGING LOCAL GOVERNMENT SUPPORT OF THE BRIEF; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. Council Member Robert "BJ" Duncan explained the purpose and why he is advocating for it. There was discussion from the Town Council and an update from Town Attorney Mitch Bierman.

At this point, a motion was made to extend the meeting after 11 p.m. by Council Member Coriat. The motion received a second from Council Member Callahan and the motion passed 5-0.

After further discussion as to the pros and cons of the resolution, a motion was made by Council Member Duncan to adopt the resolution. The motion did not receive a second and no action was taken.

- C.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A SETTLEMENT AGREEMENT WITH JUAN CARLOS GIL IN THE MATTER OF JUAN CARLOS GIL V. TOWN OF CUTLER BAY, FLORIDA (CASE NO.: 1:19-CV-21840-DPG); PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

11. PUBLIC COMMENTS

There was no one wishing to make public comments.

Vice Mayor Loyzelle announced that there is no meeting of the Communities for a Lifetime Committee in December and that they will meet on January 7, 2020. She informed the members of the Town Council that Miami-Dade County has adopted an ordinance relating to post disaster temporary permits. She informed the members of the Town Council that she intends to explore this and will provide them with further information. There were no objections.

12. ADJOURNMENT

The meeting adjourned at 11:25 p.m.