



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, July 15, 2020

7:00 PM

Council Chambers

1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE, & MOMENT OF SILENCE

Mayor Tim Meerbott called the meeting being held virtually via Adobe Connect to order at 7:07 p.m. at the close of the Local Planning Agency meeting. Town Clerk Debra Eastman called the roll and provided announcements and instructions.

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 July 2020 Report
 - Vice Mayor Loyzelle July 2020 Report
 - Council Member Duncan July 2020 Report
 - Council Member Callahan July 2020 Report
 - Council Member Coriat July 2020 Report

Vice Mayor Loyzelle provided information on qualification for the newly announced Miami-Dade County Emergency Rental Assistance Program (ERAP).

3. PUBLIC COMMENTS

Mayor Meerbott opened public comments. Town Clerk Debra Eastman provided instructions for those wishing to participate in the meeting.

Eduardo Varona thanked Mayor Meerbott, Vice Mayor Loyzelle and Council Member Coriat for attending the Land Acquisition Selection Committee (LASC) presentation.

There being no one else wishing to speak, Mayor Meerbott closed public comments.

4. REPORTS

A. TOWN MANAGER'S REPORT

- 2019 CAFR and Governance Letter

Town Manager Casals introduced Town Auditor Andrew Fierman, with Caballero, Fierman, Llerena & Garcia, to present the 2019 Comprehensive Annual Financial Report (CAFR) and Governance letter.

- Town Manager Monthly Report July 2020

Town Manager Rafael Casals provided information on the Franjo Road Roadway Improvement Project, the Land

Acquisition Selection Committee (LASC) presentation and what comes next, the appraisal regarding the Cutler Properties land purchase coming in higher than the negotiated purchase price, the Franjo Park Restoration Project, and the neighborhood resurfacing and sidewalk replacement project taking place on Southwest 184th Street.

Town Manager Casals requested a Special Council Meeting on July 22 to discuss more pending items, suggested dates for budget workshops on August 10 and August 19, and also suggested the possibility of another Council Meeting to immediately follow an August 19 Budget Workshop.

Vice Mayor Loyzelle thanked Mayor Meerbott for his work representing the Town Council.

B. TOWN ATTORNEY'S REPORT

Town Attorney Mitchell Bierman provided information on working with the Miami-Dade County Mayor's Office on maximum Coronavirus Aid, Relief, and Economic Security (CARES) Act distribution of funding to the Town. Attorney Bierman also thanked the Town Council for their positive evaluations of the Town Attorney's Office.

C. TOWN CLERK'S REPORT

Town Clerk Debra Eastman provided a reminder that the Qualifying Period for the vacant seats of Vice Mayor and Town Council Seat 2 begins on Friday, July 24th at 12 p.m., and ends on Friday, August 7th at 12 p.m.

5. CONSENT AGENDA

Mayor Meerbott requested any pulls from the Consent Agenda. Council Member Callahan requested that item C be pulled. Council Member Coriat made a motion to adopt the balance of the Consent Agenda. It received a second from Council Member Duncan. The motion carried by an unanimous vote. (5-0)

APPROVAL OF MINUTES

- A. · June 17 2020 Local Planning Agency Minutes
- June 17 2020 Regular Town Council Minutes

These Minutes were approved on Consent.

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, THANKING ALL FIRST RESPONDERS, THE HEALTH CARE COMMUNITY AND CRITICAL ESSENTIAL EMPLOYEES FOR THEIR BRAVE RESPONSE TO THE CORONAVIRUS DISEASE 2019 PANDEMIC.

This Resolution was adopted on Consent.

- C.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, URGING THE FLORIDA DEPARTMENT OF HEALTH AND/OR MIAMI-DADE COUNTY TO DEVELOP OR PROCURE A CONTACT TRACING SMARTPHONE APPLICATION; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. At the request of Council Member Callahan, Council Member Duncan provided background information on the item.

There was discussion on prior opposition to contact tracing, individual users having to opt-in to sharing information, end to end encryption of data, current contact tracing applications, the possibility of having each individual state or municipality create their own application, the possibility of the Town Council urging the State of Florida or Miami-Dade County Department of Health to create its own application, and available websites that allow an individual to do their own contact tracing.

After discussion, a motion was made by Council Member Callahan, seconded by Council Member Duncan, 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, AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) FOR TOWNWIDE TREE TRIMMING MAINTENANCE SERVICES; 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 A TOWNWIDE TREE PLANTING PROGRAM; 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, SELECTING SFM SERVICES, INC. FOR STREET SWEEPER SERVICES; 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, AUTHORIZING THE TOWN MANAGER TO DEVELOP A CONTACTLESS PLAN FOR CUSTOMER SERVICE DELIVERY AND TECHNOLOGICAL SYSTEMS ADVANCEMENTS IN RESPONSE TO THE CORONAVIRUS DISEASE 2019 ("COVID-19") PANDEMIC; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution was adopted on Consent.

6. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)

Town Attorney Mitchell Bierman provided the Quasi-Judicial Statement.

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE APPLICATION FROM THE PROVISIONS OF SEC. 3-168 (1) AND (2) OF THE TOWN CODE OF ORDINANCES RELATING TO FENCES FOR PROPERTY LOCATED AT 9600 DOMINICAN DRIVE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Debra Eastman read the title of the Resolution. Town Manager Rafael Casals introduced Interim Community Development Director Alex David to provide the staff report on the item and recommended denial on the variance application.

Town Clerk Debra Eastman provided the oath to those wishing to speak on the item. Variance applicant John Brannon spoke in favor of the variance application to maintain the six foot height due to safety concerns regarding the pool, and also proffered to install a finished fence on the neighbor's side rather than asking for a variance.

Council Member Callahan spoke in favor of approving the variance for the six foot fence height due to safety concerns with the applicant's pool, and of the applicant's proffer of installing a finished fence on the neighbor's side.

At the request of Vice Mayor Loyzelle, Applicant John Brannon spoke on the issue of not pulling a permit immediately after the hurricane for the fence installation, his willingness to pull a permit now, the timeline from when the fence was damaged by the hurricane and when it was re-installed, and the distance of the pool from the fence.

Vice Mayor Loyzelle spoke in favor of working with the Council on conditions to approving the height variance provided the applicant installs a finished fence on the neighbor's side.

Council Member Duncan spoke on concerns coming from an approval of the variance, and would feel comfortable moving forward if the Council re-examines the specific Town Code issue regarding what establishes the front of a property and make necessary changes to the Town Code.

At the request of Council Member Coriat, Interim Community Development Director Alex David and Town Attorney Mitchell Bierman explained that the Town Council could bifurcate the two variances and vote on them separately, along with the applicant having the right to withdraw the variance application if he is not satisfied with it.

Mayor Meerbott verified with the applicant that he will amend the resolution and waive the variance of the unfinished side of the fence, install a finished side of the fence on the neighbor's side, and maintain the variance application on the height issue.

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 Callahan, seconded by Vice Mayor Loyzelle, that this Resolution be adopted as amended, approving the variance for height and the applicant withdrawing the variance for keeping a dirty side of the fence. 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.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A MODIFICATION TO A CONDITION IN RESOLUTION 16-37 FOR MATER ACADEMY CUTLER BAY, LOCATED AT 22025 SW 87 AVENUE, AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 44.03 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. Town Manager Rafael Casals introduced Interim Community Development Director Alex David to present the staff report on the item and recommending approval with an additional condition that all students be fully contained in the existing building. At the request of Vice Mayor Loyzelle, Alex David confirmed all prior conditions had been met by the applicant with the exception of the left turn lane due to complications with Miami-Dade County.

Town Clerk Eastman reaffirmed Alex David's oath, and also provided the oath to those wishing to speak on the item.

Attorneys Hugo Arza and Alex Arias with Holland and Knight provided a presentation on the item on behalf of the applicant.

Town Clerk Eastman provided the oath to Mater Academy Principal Brenda Cruz, who spoke in favor of the item.

Mayor Meerbott opened the Public Hearing. Town Clerk Eastman provided the call in number for those wishing to speak on the item. There being no one wishing to speak, Mayor Meerbott closed the public hearing.

There was discussion on the total population of students that can be housed at the school, the school adding an additional traffic circle to help with traffic in the Town, the addition of high school to the Kindergarten through Eighth grade currently available at the school, all prior conditions remaining in place, the percentage of students traveling by private transportation versus bussing, the amount of students on the waiting list for enrollment and by which grade level, and the progression of opening the high school grade levels every year.

After discussion, A motion was made by Vice Mayor Loyzelle, seconded by Council Member Duncan, 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

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, "LAND DEVELOPMENT REGULATIONS," ARTICLE III, "SIGN REGULATIONS," OF THE TOWN CODE OF ORDINANCES TO PROVIDE FOR AMENDMENTS TO THE TOWN'S SIGN REGULATIONS RELATED TO INSURING CONTENT NEUTRALITY AND CONFORMANCE WITH APPLICABLE CASE LAW RELATING TO SIGN REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Ordinance. Town Attorney Mitchell Bierman provided background information on the item.

A motion was made by Council Member Coriat, seconded by Vice Mayor Loyzelle, 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 TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, COMPREHENSIVELY UPDATING AND REVISING CHAPTER 3, "LAND DEVELOPMENT REGULATIONS," CHAPTER 14, "ENVIRONMENTAL PROTECTION," AND CHAPTER 26, "PROPERTY MAINTENANCE AND CONTROL" OF THE TOWN CODE OF ORDINANCES RELATING TO ENVIRONMENTAL, RESILIENCY, AND SUSTAINABILITY REGULATIONS; DISSOLVING THE MORATORIUM IMPOSED BY ORDINANCE NO. 19-13 AS TO ENVIRONMENTAL, RESILIENCY, AND SUSTAINABILITY REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Ordinance. Town Manager Rafael Casals provided background information on the item, and explained changes proffered by Council Member Coriat to make the language consistent with the Army Corps of Engineers between first and second readings. Mayor Meerbott opened the public hearing. Town Clerk Eastman provided the call-in number for those wishing to speak. 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 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

- B.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, COMPREHENSIVELY UPDATING AND REVISING CHAPTER 3, "LAND DEVELOPMENT REGULATIONS OF THE TOWN CODE OF ORDINANCES RELATING TO ARCHITECTURAL AND LANDSCAPE REGULATIONS; DISSOLVING THE MORATORIUM IMPOSED BY ORDINANCE NO. 19-13 AS TO ARCHITECTURAL AND LANDSCAPE STANDARDS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Ordinance. Town Manager Rafael Casals provided background information on the item. Mayor Meerbott opened the public hearing. Town Clerk Eastman provided the call-in number for those wishing to speak. There being no one wishing to speak, Mayor Meerbott closed the public hearing. Council Member Callahan thanked the Town consultants for their work on the item. Vice Mayor Loyzelle spoke on continued work with the Town Manager on incentives for facade improvements and beautification. A motion was made by Council Member Callahan, seconded by Council Member Duncan, that this Ordinance 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

- C.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 3-169, "SPECIAL EVENTS," OF THE TOWN CODE OF ORDINANCES RELATING TO SPECIAL EVENT PERMIT PROCEDURES AND SPECIAL EVENTS FOR NOT-FOR-PROFIT ORGANIZATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Ordinance. Council Member Callahan explained only changes made between first and second reading were clerical for clarification.

Mayor Meerbott opened the public hearing. Town Clerk Eastman provided the call-in number for those wishing to speak. There being no one wishing to speak, Mayor Meerbott closed the public hearing.

Town Manager Casals announced the item was advertised in the Miami Herald Neighbors section on July 5th.

A motion was made by Council Member Callahan, seconded by Vice Mayor Loyzelle, that this Ordinance 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

10. RESOLUTIONS

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CONFIRMING EMERGENCY ORDER NO. 20-06, EMERGENCY ORDER NO. 20-07, AMENDMENT 1 TO EMERGENCY ORDER NO. 20-06, AND AMENDMENT NO. 1 TO EMERGENCY ORDER NO. 20-07 DUE TO THE CORONAVIRUS DISEASE 2019 (COVID-19) PANDEMIC; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. Town Manager Rafael Casals provided additional information on the item, announced the Town had spent \$236,000 on COVID-19 related expenses, a grant received in the amount of \$146,000 to help cover the expenses, provided information on the approximate reimbursement amount expected by the Town from the CARES Act funding, and the increase of Town police patrols to enforce compliance.

A motion was made by Council Member Coriat, seconded by Council Member Duncan, 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, DETERMINING THE PROPOSED MILLAGE RATE, AND THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE TOWN CLERK AND TOWN MANAGER TO FILE THIS RESOLUTION, IF REQUIRED, WITH THE MIAMI-DADE COUNTY PROPERTY APPRAISER; AUTHORIZING THE TOWN MANAGER TO CHANGE BUDGET HEARING DATES IF NEEDED; AND PROVIDING AN EFFECTIVE DATE. (*previously deferred per July 15, 2020 Regular Town Council Meeting to date certain July 29, 2019 Regular Town Council Meeting)

Mayor Meerbott explained the Town is still waiting on information from the state, and requested a motion to defer the item.

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

At the request of Council Member Coriat, Mayor Meerbott provided clarification on the potential dates of July 22nd or 27th for the next Council Meeting.

- C.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, MODIFYING RESOLUTION 10-75, AS AMENDED, TO PROVIDE FOR A REVISED TOWN COUNCIL AGENDA FORMAT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. Mayor Meerbott provided information on the item.

Town Attorney Mitchell Bierman explained that there is no requirement to have general public comments, however you are required to have a reasonable opportunity to be heard on any item prior to that item being finally adopted.

Council Member Callahan spoke in favor of removing the second opportunity for public comments in the agenda format.

Vice Mayor Loyzelle spoke in favor of maintaining the second opportunity for public comments in the agenda format.

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

Mayor Meerbott requested the Town Council revisit the possibility of beginning Town Council Meetings earlier at 6:30 p.m.

11. PUBLIC COMMENTS

Mayor Meerbott opened public comments. Town Clerk Debra Eastman provided the call-in number for those wishing to speak. There being no one wishing to speak, Mayor Meerbott closed public comments.

12. ADJOURNMENT

The meeting adjourned at 9:35 p.m.