



# 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*

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Wednesday, April 22, 2020

7:00 PM

Council Chambers

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

The Town Council of the Town of Cutler Bay held it's first virtual meeting of the Town Council via the MeetingOne AdobeConnect platform on Wednesday, April 22, 2020. Governor Ron De Santis declared Emergency Orders in conjunction with Miami-Dade County Mayor Gimenez and Town Manager Rafael Casals which allowed for the conduct of Town business virtually at this time during the COVID-19 pandemic. Notice of the meeting and instructions on virtual participation were posted at Town Hall, advertised in the Miami Herald and published on the Town's website. Public comments were received in advance of the meeting via email and voice message and were provided to the members of the Town Council in advance of the meeting and are part of the public record. Mayor Tim Meerbott called the meeting to order at 7 p.m. Town Clerk Debra Eastman called the roll with Council Member Michael Callahan, Council Member Roger Coriat, Council Member Robert "BJ" Duncan, Vice Mayor Sue Ellen Loyzelle and Mayor Tim Meerbott in attendance virtually on the AdobeConnect platform.

Also on the platform was Town Attorneys Mitchell Bierman, Esq. and Chad Friedman, Esq., Town Manager Rafael G. Casals and Town Clerk Debra Eastman.

**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 April 2020 Report
  - Vice Mayor Loyzelle April 2020 Report
  - Council Member Duncan April 2020 Report
  - Council Member Callahan April 2020 Report
  - Council Member Coriat April 2020 Report

Mayor Meerbott stated that the Council reports are part of the agenda. State Representative Javier Fernandez was recognized via telephone and thanked the Town Council for their assistance with the Food Drive. Vice Mayor Loyzelle thanked State Representative Javier Fernandez for the recent food drive and further discussed the issues being encountered with re-employment services. She suggested options to the online application.

### **3. PUBLIC COMMENTS**

Town Clerk Debra Eastman reviewed instructions for members of the public to participate via telephone or in writing on the Adobe platform. Former Mayor Peggy Bell spoke about item 10D and asked the Town Council to defer the item due to the current pandemic and financial crisis. Terry Long spoke in opposition to item 10D. Ed Verona spoke in favor of item 10D. County Commissioner Daniella Levine Cava spoke via telephone and thanked the Town for their work during this pandemic and underscored that she is there to assist the public.

### **4. REPORTS**

#### **A. TOWN MANAGER'S REPORT**

- Town Manager Monthly Report April 2020

Town Manager Rafael Casals provided a report on the various Emergency Orders declared by the Miami-Dade County Mayor and by himself on the behalf of the Town of Cutler Bay, remote workings of staff, activity to enforce orders of the Governor for business and other closings and on-going collaboration of agencies.

#### **B. TOWN ATTORNEY'S REPORT**

Mitchell Bierman, Esq., Town Attorney provided information to the Town Council regarding working with the Town Manager on the Town's ability to the gradual reopening of facilities and also the development of protocols and procedures by his firm for quasi-judicial items virtually should the need arise.

#### **C. TOWN CLERK'S REPORT**

Town Clerk Debra Eastman provided a report on remote activity and thanked the Council and staff for their unity and collaboration during this time.

### **5. CONSENT AGENDA**

A motion was made by Council Member Coriat to approve the Consent agenda. The motion received a second from Council Member Duncan. Mayor Meerbott called for the vote and the motion carried 5-0.

**APPROVAL OF MINUTES**

- A.     ·   February 19 2020 Local Planning Agency Minutes  
       ·   February 19 2020 Regular Town Council Minutes  
       ·   February 26 2020 Town Council Workshop Minutes  
       ·   March 4 2020 Special Town Council Meeting Minutes

**This Minutes were approved on Consent.**

- B.     A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A FIRST AMENDMENT TO THE LANDSCAPE MAINTENANCE SERVICES (RIGHT-OF-WAYS) AGREEMENT WITH VISUALSCAPE, INC. FOR ADDITIONAL SCOPE OF SERVICES WITHIN TOWN DESIGNATED RIGHT-OF-WAYS FOR AN ANNUAL AMOUNT OF \$5,700.00; PROVIDING FOR AUTHORIZATION; 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, RELATING TO PROFESSIONAL SERVICES; APPROVING THE QUALIFICATIONS OF THE FIRMS TO PROVIDE PROFESSIONAL ENGINEERING SERVICES TO THE TOWN; AUTHORIZING THE TOWN MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH SUCH QUALIFYING FIRMS; AND PROVIDING FOR AN EFFECTIVE DATE.

**This Resolution was adopted on Consent.**

**6. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)****7. ORDINANCES FOR FIRST READING (NO PUBLIC HEARING REQUIRED)****8. ORDINANCES FOR FIRST READING (PUBLIC HEARING REQUIRED)****9. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED)****10. RESOLUTIONS**

- A.     A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CONFIRMING A DECLARATION OF STATE OF EMERGENCY AND EMERGENCY ORDERS NO. 20-01, 20-02, AND 20-03 DUE TO CORONAVIRUS DISEASE 2019 (COVID-19) PANDEMIC; AND PROVIDING FOR AN EFFECTIVE DATE.

**Town Clerk Debra Eastman read the title 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)**

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, INVOKING THE ZONING IN PROGRESS OR PENDING ORDINANCE DOCTRINE FOR THE ADOPTION OF COMPREHENSIVE AMENDMENTS TO THE TOWN'S CODE OF ORDINANCES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. Chad Friedman, Esq. Town Attorney explained the meaning of the zoning in progress. A motion was made by Council Member Coriat, seconded by Vice Mayor Loyzelle, 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, SELECTING STONEHENGE CONSTRUCTION, LLC. FOR THE FRANJO PARK IMPROVEMENTS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

(\* previously deferred per February 19, 2020 Regular Town Council Meeting to date certain March 18, 2020 Regular Town Council Meeting-Cancelled)

Town Clerk Debra Eastman read the title of the Resolution. Town Manager Ralph Casals explained that this item was deferred by the Town Council at the February 19, 2020 meeting and that the March 18, 2020 meeting was cancelled due to COVID-19. He further explained that the bidder has extended his pricing. Council Member Callahan explained that the damage had been done by Hurricane Irma and the Town now has an obligation to bring the park up to current code requirements. 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)

- D.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE PURCHASE OF PROPERTY FROM CUTLER PROPERTIES, LC, CONSISTING OF APPROXIMATELY 8.45 ACRES, AND LOCATED AT 18551 OLD CUTLER ROAD; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. Chad Friedman, Esq. Town Attorney explained the journey of denied development and the events leading to the interest to purchase the property. He further explained the structure of the proposed real estate agreement. Town Manager Rafael Casals explained the possibility of some funding to assist. Vice Mayor Loyzelle asked about an appraisal and the possibility of recouping funds paid from a bond. A motion was made by Council Member Coriat, seconded by Vice Mayor Loyzelle, that this Resolution be adopted. Town Clerk Debra Eastman called the roll. 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.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, INDICATING THE OFFICIAL INTENT OF THE TOWN TO ISSUE TAX-EXEMPT BONDS OR NOTES IN THE AMOUNT OF UP TO \$8,550,000 TO FINANCE THE COSTS OF ACQUISITION OF VACANT LAND FOR PARK, CONSERVATION AND RESILIENCY PURPOSES AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS OR NOTES TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the Resolution. Chad Friedman, Esq., Town Attorney explained the possible reimbursement of the purchase price from a future bond. A motion was made by Vice Mayor Loyzelle, seconded by Council Member Duncan, that this Resolution be adopted. Town Clerk Debra Eastman called the roll. 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

## **11. PUBLIC COMMENTS**

Town Clerk Debra Eastman read the instructions for anyone wishing to call in to the meeting to make a voice comment or any participant to make a voice or written public comment.

Mayor Meerbott called for public comments and there were none.

## **12. ADJOURNMENT**

The meeting adjourned at 8:39 p.m.