



# 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, August 26, 2020

7:00 PM

Council Chambers

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

Mayor Tim Meerbott called the meeting to order at 7:08 p.m. Town Clerk Debra Eastman called the roll and provided the announcements.

**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. PUBLIC COMMENTS**

Mayor Meerbott opened Public Comments. Town Clerk Debra Eastman read the instructions to participate. There being no one wishing to speak, Mayor Meerbott closed Public Comments.

## **3. TOWN COUNCIL ANNOUNCEMENTS, BOARD & COMMITTEE REPORTS**

- A.**
- Mayor Meerbott August 2020 Report
  - Vice Mayor Loyzelle August 2020 Report
  - Council Member Duncan August 2020 Report
  - Council Member Callahan August 2020 Report
  - Council Member Coriat August 2020 Report

Vice Mayor Loyzelle announced the Town's receipt of the Florida Chapter of American Planning Association's Age Friendly Planning Award, and thanked the Communities For a Lifetime Committee, Town Council and Staff for their efforts.

## **4. REPORTS**

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

· Town Manager Monthly Report August 2020

Town Manager Rafael Casals reported on approval from the Miami-Dade County Public Works Department to install an always four (4) way stop sign at the intersection of Cutler Ridge Drive and Franjo Road. He also provided an update on the Caribbean Boulevard Bridge Project and the Canoe/Kayak Launch project. Town Manager Casals also provided information on the Franjo Road Joint Participation Agreement and possible public involvement meetings in September 2020, the on-demand shuttle service possibly beginning in November or December 2020, COVID-19 expenses incurred by the town through August 2020, and Miami-Dade County Mayor Gimenez issuing Executive Orders relaxing indoor dining requirements for restaurants.

Council Member Coriat spoke on the progress of the Canoe/Kayak Launch Project.

Vice Mayor Loyzelle thanked Council Member Duncan and Town Staff for their work on getting a four(4) way stop approved at the intersection of Cutler Ridge Drive and Franjo Road.

## B. TOWN ATTORNEY'S REPORT

Town Attorney Mitch Bierman spoke on the Canoe.Kayak Launch Project, and the work Town Attorney's have done with Miami-Dade County Environmental Resources Management (DERM) on a project to eventually connect and be able to kayak from the north side of the Town all the way to the south side of the Town.

## C. TOWN CLERK'S REPORT

Town Clerk Debra Eastman reported on the General Election taking place on November 3 and the candidates that qualified for the vacant seats of Vice Mayor and Town Council Seat 2. She also announced that Miami-Dade County Elections is currently looking for Poll Workers for the November 3 General Election.

Town Clerk Eastman provided information on the increased fee collections in the Town Clerk's Office on Lien Searches in the amount of \$129,000.00 since the beginning of Fiscal Year 2019-2020, and thanked the Town Council for their support on passing a Resolution to increase fees earlier in the year.

## 5. CONSENT AGENDA

Mayor Meerbott asked if there were any pulls on the Consent Agenda. There being no pulls, Mayor Meerbott asked for a motion.

A motion was made by Council Member Coriat, seconded by Council Member Duncan to approve the Consent Agenda. Mayor Meerbott called for the vote and the motion passed 5-0.

## APPROVAL OF MINUTES

- A.     ·     July 15 2020 Local Planning Agency Minutes  
          ·     July 29 2020 Town Council Workshop Minutes  
          ·     July 29 2020 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, APPROVING AN INTERLOCAL AGREEMENT FOR FEDERALLY-FUNDED SUBAWARD WITH MIAMI-DADE COUNTY FOR THE REIMBURSEMENT OF EXPENSES INCURRED DUE TO THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19) PURSUANT TO THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT; 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, APPROVING THE SELECTION OF eSCRIBE SOFTWARE LTD. TO PROVIDE AN AGENDA AND MEETING MANAGEMENT SOLUTION; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**This Resolution was adopted on Consent.**

## **6. QUASI-JUDICIAL HEARINGS (PUBLIC HEARING REQUIRED)**

**There were no Quasi-Judicial Hearings.**

## **7. PUBLIC COMMENTS**

**Mayor Meerbott opened Public Comments. Town Clerk Debra Eastman the telephone number to participate. There being no one wishing to speak, Mayor Meerbott closed Public Comments.**

## **8. 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 SECTIONS 3-141 - "GENERAL PRINCIPALS" AND 3-142 - "PARKING SPECIFICATIONS" RELATING TO PARKING, DRIVEWAY, AND LOADING AREA REQUIREMENTS; 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. Council Member Callahan provided background information on the item.**

**A motion was made by Council Member Callahan, seconded by Council Member Coriat, 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**

- B.** 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” RELATING TO IMPERVIOUS AREA, OPEN SPACE, AND ROADWAY STANDARDS; 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. Council Member Duncan provided background information on the item. Council Member Coriat thanked Council Member Duncan for bringing the item before the Council.

A motion was made by Council Member Duncan, seconded by Council Member Coriat, 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

- C.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$3,100,000.00 OF TAXABLE CAPITAL IMPROVEMENTS REVENUE BONDS OF THE TOWN OF CUTLER BAY, FLORIDA FOR THE PURPOSE OF FINANCING A PORTION OF THE COST OF PROPERTY PURCHASED FROM GCF INVESTMENTS, INC; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SAID BONDS; PROVIDING THAT THE BONDS MAY BE ISSUED AS A SEPARATE SERIES OF BONDS AS PART OF THE SAME OFFERING OF THE BONDS AUTHORIZED BY ORDINANCE NO. 20-09 ADOPTED ON AUGUST 26, 2020; PROVIDING FOR AUTHORIZATION FOR NEGOTIATIONS; 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 introduced Town Attorney Lori Smith-Lalla and Town Financial Advisor Lourdes Aberdine to present the item.

A motion was made by Council Member Coriat, seconded by Council Member Callahan, 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 FIRST READING (PUBLIC HEARING REQUIRED)**

- A.** 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 COMPREHENSIVE PLAN FROM MEDIUM DENSITY RESIDENTIAL WITH RESIDENTIAL CONSERVATION OVERLAY TO INSTITUTIONAL ON PROPERTY LOCATED AT 8165 SW 210TH STREET CONSISTING OF APPROXIMATELY 8.45 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE. \*previously deferred per August 26, 2020 Regular Town Council Meeting to date certain September 16, 2020 Regular Town Council Meeting.

Town Clerk Debra Eastman read the titles of Item 9A and 9B on the agenda.

Town Attorney Chad Friedman suggested hearing the Comprehensive Plan item first since the other item is a Quasi-Judicial Item.

Town Manager Rafael Casals introduced Community Development Director Jared Munster, who was joined by Town Consultant Scarlett Hammonds with Calvin Giordano and Associates to provide the Town Report on item 9A.

Town Manager Rafael Casals introduced Applicant Attorney Miguel Diaz De La Portilla who provided a presentation on the item.

Mayor Meerbott opened the Public Hearing. Town Clerk Debra Eastman read the instruction on how to participate. There being no one wishing to speak, Mayor Meerbott closed the Public Hearing.

Council Member Coriat questioned the current zoning and the number of units and number of trips per day based on acreage.

At the request of Vice Mayor Loyzelle, Traffic Engineer Eric Czerniejewski with the Corradino Group and Consultant Scarlett Hammonds with Calvin Giordano and Associates provided information on why the entire twenty (20) acres were considered in the traffic study when only five (5) acres are available for development on the project.

Council Member Coriat spoke on the conditions of the property and the potential impact to coastal wetlands.

Vice Mayor Loyzelle questioned if the buffer requirements had been met, and spoke on the project being an improvement to the area.

Council Member Duncan the possible environmental impacts of the project, the needs for senior living and senior assisted living facilities in the Town, and finding a balance between the environmental impacts and the needs of the Town.

Council Member Callahan commended the Town Council and Committees on their work on behalf of seniors for the Town. He also spoke on the global need for senior living, and concerns on the possibility of making a change in the current zoning.

Town Attorney Chad Friedman provided an explanation that changing the Future Land Use Map (FLUM) does not create a precedent, it being a legislative change

and not a policy change, and that the item requires two readings.

Applicant Attorney Miguel Diaz De La Portilla spoke on the environmental impacts due to the parcel being abandoned and used as a dumping ground, the work done with DERM to clean up the site, and the opportunity to provide senior housing, clean up the property, and provide for permanent maintenance of 15 acres of wetland.

Mr. De La Portilla also provided a proffer by the applicant to convey to public use, using whatever mechanism, whether it be a declaration of restrictions, to ensure that the 15 acres of wetlands remain in pristine condition in perpetuity.

Town Attorney Chad Friedman explained that even if the property was sold to someone else, the new owner would be restricted to the recorded covenants as the covenants would run with the land.

Applicant Attorney Miguel Diaz De La Portilla explained they would create an evacuation plan, and would accept it as a condition of approval.

After discussion, a motion was made by Vice Mayor Loyzelle that this Ordinance be approved. There was no second.

A motion was made by Vice Mayor Loyzelle to defer the item to date certain September 16, 2020. There was no second.

A motion was made by Council Member Coriat that this Ordinance be denied. There was discussion on the change in the current zoning to institutional to allow assisted living facilities, maximum density on the five and one half acres, and the maximum number of units allowed under institutional zoning. After discussion, Council Member Coriat withdrew his motion to deny the Ordinance.

A motion was made by Vice Mayor Loyzelle, seconded by Council Member Callahan, that this Ordinance be deferred to date certain September 16, 2020. Mayor Meerbott called for the vote. 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. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE ZONING MAP FROM NEIGHBORHOOD RESIDENTIAL TO INSTITUTIONAL ON PROPERTY LOCATED AT 8165 SW 210TH STREET CONSISTING OF APPROXIMATELY 8.45 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE. \*previously deferred per August 26, 2020 Regular Town Council Meeting to date certain September 16, 2020 Regular Town Council Meeting. (QUASI-JUDICIAL)**

A motion was made by Council Member Callahan, seconded by Vice Mayor Loyzelle, that this Ordinance be deferred to date certain September 16, 2020. Mayor Meerbott called for the vote. 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

**10. ORDINANCES FOR SECOND READING (PUBLIC HEARING REQUIRED)**

- A.** AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA UPDATING THE TOWN WATER SUPPLY PLAN AND ADOPTING WATER SUPPLY PLAN RELATED AMENDMENTS TO THE TOWN GROWTH MANAGEMENT PLAN; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; 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. 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. Mayor Meerbott called for the vote. 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 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.

Mayor Meerbott opened the Public Hearing. There being no one wishing to speak, Mayor Meerbott closed the Public Hearing.

Town Manager Rafael Casals introduced Community Development Director Jared Munster to present the staff report on the item. Town Staff proposed that the Council make an amendment to this section to change it to a maximum of not to exceed 12 square ft. to ensure the residents the Town have the ability to express themselves through noncommercial signage.

On behalf of Council Member Callahan, Town Attorney Chad Friedman explained the ordinance was a reaction to the Reed versus Gilbert case from a couple of years ago.

A motion was made by Vice Mayor Loyzelle, seconded by Council Member Coriat, that this Ordinance be adopted. Mayor Meerbott called for the vote. 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 AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$15,250,000.00 OF CAPITAL IMPROVEMENTS REVENUE BONDS OF THE TOWN OF CUTLER BAY, FLORIDA FOR THE PURPOSE OF FINANCING THE COSTS OF IMPROVEMENTS TO FRANJO PARK, ACQUIRING VACANT LAND FOR PRESERVATION, CONSERVATION AND RESILIENCY PURPOSES, AND REIMBURSING THE TOWN FOR THE ACQUISITION OF VACANT LAND FOR THE SITE OF A NEW CIVIC CENTER AND PUBLIC PARK; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SAID BONDS; PROVIDING FOR AUTHORIZATION FOR NEGOTIATIONS; 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 the Public Hearing.

Mr. Sean Savitt spoke on the Town running a \$1.5 million deficit next year, the current deficit of \$570,000, and the budget shortfall due to COVID-19 of \$900,000. He also questioned the Town's reserves, how much new debt the Town is adding, the minimum amount of reserve required by the Town Charter, and how much of the bond is available for use on development versus simply replenishing the depleted reserves.

Town Manager Rafael Casals introduced Finance Director Robert Daddario to answer Mr. Savitt's questions and to provide background information on the item.

Mayor Meerbott spoke on the Town projects, the ability to acquire green space for the Town, and repairing Franjo Park.

Mayor Meerbott closed the Public Hearing.

A motion was made by Council Member Coriat, seconded by Council Member Duncan, that this Ordinance be adopted. Mayor Meerbott called for the vote. 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. RESOLUTIONS

There were no Resolutions.

## 12. ADJOURNMENT

The meeting adjourned at 8:55 p.m.