

**TOWN OF BAY HARBOR ISLANDS
MINUTES OF A REGULAR MEETING**

A Regular Council Meeting of the Town Council was held on Monday August 13, 2018 at 7:02 p.m. in the Council Chambers. Upon roll call the following members responded:

Mayor Stephanie Bruder	
Vice Mayor Joshua Fuller	Council Member Jordan Leonard
Council Member Kelly Reid	Council Member Isaac Salver
Council Member Elizabeth Tricoche	Council Member Robert Yaffe

SPECIAL PRESENTATION:

Item 1. MPS SuperHero Foundation

Edwin & Monica representatives of the MPS SuperHero Foundation came forward to provide a small presentation of the Foundation.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

Council Member Reid deferred Item #11 on utility billing to research other cities guidelines.

Council Member Tricoche would like to see a future agenda item to fund a mental health counselor for the school.

Council Member Yaffe pulled Item # 3 e through I moved to the September Council Meeting.

- e. December 11, 2017 - Public Hearing
- f. January 8, 2018 - Regular Council Meeting
- g. February 12, 2018 - Regular Council Meeting
- h. March 12, 2018 - Regular Council Meeting
- i. April 16, 2018 - Organizational Meeting

Council Member Leonard pulled items 5, 6 and 7 for discussion.

Mayor Bruder requested a future agenda item to discuss Town Hall facility renovation.

TOWN MANAGER'S REPORT:

Item 2. Vacation Rentals

Town Manager Wasson reported that to date the Town has issued an estimated 30 licenses for vacation rentals. He received an inquiry from a resident to change the occupancy regulations that currently limited 2 occupants per room. The question was if a property owner had a much larger room, could he possibly add more occupants. He asked the Town Council if they would like to have a discussion on the maximum occupancy.

There was no consensus from the Town Council to discuss the Town Code on room occupancy.

- Report on Investments Performance – Charles Sachs, BNY Mellon

Charles Sachs of BNY Mellon came forward to report on the Town investment performance.

COUNCIL REPORTS: Each Council Member will be afforded two (2) minutes to make their reports.

Council Member Tricoche thanked staff for working on the her concerns for a school resource officer and reminded the residents of the Halouver Skate Park.

Council Member Reid reported she attended the grand opening of the Haulover Skate Park and will be attending the Florida League of Cities Conference in Hollywood this week.

Council Member Salver reported he attended the Miami Dade County School Board Audit Committee to discuss the next fiscal year. He added that the school board will have question on the ballot on teacher pay. On July 30th he attended a session on sexual harassment in Miami Dade County; Miami Dade County League of Cities monthly meeting and the grand opening of the Haulover Skate Park.

Council Member Leonard reported he attended the Halouver Skate Park opening and will be attending the Florida League Cities conference this week.

Council Member Yaffe reported he attended the Skate Park Dedication; the monthly meeting from Miami Dade County League of Cities and will be attending the Florida League of Cities Conference and Finance and Taxation Committee meetings.

Vice Mayor Fuller encourage all the residents to use the new Skate Park and the Miami Shores Aquatic facility. He reported to have attended Pizza with the Police and will be attending the Florida League of Cities Conference this week.

Mayor Bruder thanked Council Member Leonard for working so hard to get the Skate Park and reminded residents that school will be back in session this coming Monday.

PUBLIC COMMENT: There is a three (3) minute time limit for each speaker during public comment and a two (2) minute time limit for each speaker during all other agenda items. Your cooperation is appreciated in observing the three (3) minute rule. If you have a matter you would like to discuss which requires more than three (3) minutes, please arrange a meeting with the Town Manager or appropriate administrative official. A request form is available from staff; please fill it in and return it to the Town Clerk prior to the start of the meeting if you would like to speak during public comment. Please come forward to the podium, give your name and address, and the name and address of the organization you are representing if any.

Kathleen Kennedy, 9901 W. Bay Harbor Drive, came forward and would have liked for all of the kids to in attendance for the students of the year recognition at the June Meeting. She suggested keeping the older boat from police department to show the marine life to young kids.

Frances Neuhut, 1060 Kane Concourse, came forward and felt that the Town was becoming taxation without representation. She stated that the County was raising taxes.

COMMITTEE REPORTS:

CONSENT AGENDA: (Consent agenda items are those which are routine, do not require discussion or explanation prior to Town Council action, or have already been discussed and/or explained and do not require further discussion or explanation. Items can be removed from the consent agenda by the request of an individual Council member for independent consideration provided such request is made prior to the vote on the consent agenda.)

Item 3. Approval of the following Meeting Minutes:

- a. September 25, 2017 - Budget Public Hearing
- b. October 24, 2017 - Special Council Meeting
- c. November 13, 2017 - Regular Council Meeting
- d. November 20, 2017 - Special Council Meeting
- e. ~~December 11, 2017 - Public Hearing~~
- f. ~~January 8, 2018 - Regular Council Meeting~~
- g. ~~February 12, 2018 - Regular Council Meeting~~
- h. ~~March 12, 2018 - Regular Council Meeting~~
- i. ~~April 16, 2018 - Organizational Meeting~~

Item 4. Consideration and Approval for the purchase of a new police marine patrol vessel for \$194,485.00 from Brunswick Commercial and Government Products. The purchase will be through the Florida Sheriffs 1122 Program which piggybacks a federally negotiated pricing/contract. Bids were requested from six (6) boat manufacturers. Documents explaining the program and other quotes are attached.

Item 8. Approval of inland marine insurance policy for the Shepard Broad Causeway Bridge for the year beginning July 15, 2018 to July 14, 2019 in the amount of \$133,539. Enclosed is a memorandum from Finance Director, Melissa Cruz.

ACTION: Vice Mayor Fuller made a motion to approve the Consent Agenda. Council Member Yaffe seconded the motion and it passed by unanimous poll vote.

Item 5. Approval of an agreement with the Miami Dade County School Board for an address verification system. The agreement will put in place a process to verify address for students attending RKBHK-8 and would require reporting to the Town.

ACTION: Mayor Bruder made a motion to approve the agreement with the following changes:

1. Section 1f change of date to October 15th.

2. Include all military branches, Army, Marines, Navy.
3. Section 2a, change language, if they are negligence in anyway.
4. Letter to be sent regular mail.

Council Member Tricoche seconded the motion and it passed unanimously.

Item 6. Approval of a Memorandum of Understanding between the Miami Dade County School Board through the School Board Police Department and the Town of Bay Harbor Islands Police Department establishing guidelines for the placement of school based law enforcement officers (SBLEOs) at Miami-Dade County Public School.

Council Member Leonard stated that the Council should have received a revise agreement and clarified that this was a multiple year agreement with an estimated \$7,000 budget impact.

ACTION: Council Member Yaffe made a motion to approve the proposed agreement as revised. Council Member Tricoche seconded the motion and it passed unanimously.

Item 7. Approval of a Memorandum of Understanding between the Town of Surfside, Bal Harbour Village and the Town of Bay Harbor Islands to share costs to provide a police officer (resource officer) at RKBHK-8.

ACTION: Council Member Yaffe made a motion to approve the Memorandum of Understanding. Council Member Tricoche seconded the motion and it passed unanimously.

ORDINANCES ON SECOND READING:

Item 9. Consideration and Approval of an ordinance on second reading amending the Town Code to provide enhanced outdoor lighting requirements.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 10 OF THE TOWN'S CODE OF ORDINANCES ENTITLED HOUSING BY MODIFYING SECTIONS 10-1 AND 10-2; AMENDING CHAPTER 23 ENTITLED ZONING AND PLANNING BY MODIFYING SECTION 23-19 TO PROVIDE ENHANCED OUTDOOR LIGHTING REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Council Member Yaffe requested that a correction to typo on page 2 section B2.

ACTION: Council Member Reid made a motion to approve the proposed ordinance on second reading. Council Member Yaffe seconded the motion and it passed by unanimous poll vote.

Item 10. Approval of an ordinance on second reading requested by Council Member Yaffe amending Section 5-23.01 providing for staggered terms for the members of the Planning and Zoning Board.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 5 OF THE TOWN'S ADOPTED CODE OF ORDINANCES ENTITLED BUILDINGS AND CONSTRUCTION, BY AMENDING SECTION 5-23.01 TO PROVIDE FOR A STAGGERED PLANNING AND

ZONING BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and asked why the ordinance was being changed to have staggered terms.

CLOSED PUBLIC COMMENT

ACTION: Council Member Leonard made a motion to approve the proposed ordinance on second reading. Council Member Yaffe seconded the motion and it passed by unanimous poll vote.

~~Item 11. Approval of an ordinance on second reading amending Chapter 20 of the town code relating to utility billing and collections. Enclosed is a copy of the proposed ordinance.~~

~~AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 20 OF THE TOWN'S ADOPTED CODE OF ORDINANCES ENTITLED UTILITIES, BY AMENDING SECTIONS 20-7, 20-11, AND 20-15.1 TO PROVIDE FOR UNIFORM BILLING, PAYMENT, COLLECTION, AND THE FILING OF LIENS IN CONNECTION WITH UTILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.~~

ORDINANCES ON FIRST READING:

Item 12. Consideration and Approval of an ordinance on first reading requested by Council Member Yaffe amending Chapter 23 relating to vehicle parking lifts. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 23 OF THE TOWN'S ADOPTED CODE OF ORDINANCES ENTITLED ZONING AND PLANNING, BY ADDING SECTION 23-24(H) ENTITLED VEHICLE PARKING LIFTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Council Member Yaffe made a motion to discuss. Council Member Reid seconded the motion.

Council Member Yaffe was concerned with the safety operation of the parking lifts and clarified that the proposed code amendment would only apply to new developments.

Council Member Reid stated she attended the demonstration of the mechanical parking lifts and felt that the mechanism was too noisy and was audible from approximately 20 feet away.

There was a brief discussion on safety training for people utilizing the parking lifts; existing developments that currently have the parking lifts would not apply; list of properties that currently have parking lifts and should the parking lifts be regulated or ban.

PUBLIC COMMENT

Jerome Gavcovich, 1251 97 Street, came forward and was opposed to the parking lift ordinance. He felt that the parking lift reduces the amount of parking for new developments.

CLOSED PUBLIC COMMENT

At this time Council Member Yaffe withdrew his motion from the table and suggested for staff work to redefine the language.

Item 13. Consideration and approval of a proposed ordinance on first reading amending the Town Code with regard zoning and planning regulations to address the minimum open space requirements and second story building area requirements in the RD Single-Family District. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA; AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO ZONING AND PLANNING REGULATIONS TO ADDRESS MINIMUM OPEN SPACE REQUIREMENTS AND SECOND STORY BUILDING AREA REQUIREMENTS IN THE RD SINGLE-FAMILY DISTRICT; AMENDING CHAPTER 23-1 OF THE ZONING AND PLANNING CODE ENTITLED DEFINITIONS; AMENDING CHAPTER 23-11 OF THE ZONING AND PLANNING CODE ENTITLED LAND DEVELOPMENT REGULATIONS; PROVIDING REQUIREMENTS AND STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

PUBLIC COMMENT

Jerome Gavcovich, 1251 95 Street, came forward and felt that it was important that you limit the size of a one story home.

CLOSED PUBLIC COMMENT

ACTION: Council Member Leonard made a motion to approve the proposed ordinance on first reading. Council Member Tricoche seconded the motion and it passed by 5-2 poll vote with Mayor Bruder and Vice Mayor Fuller opposed.

DEFERRED ITEMS:

TOWN MANAGER ITEMS: (Town business items requiring Council approval)

At this time Council Member Yaffe recused himself for items 14 and 15.

Item 14. Consideration and Approval of a private Transfer of Development Rights (TDR) transaction for one (1) dwelling unit from the Villas at Bay Harbor Condo Association (1166 98th Street) to Atlantis 103, LLC (10281 West Bay Harbor Drive).

ACTION: Council Member Salver made a motion to approve the proposed private TDR transaction. Council Member Tricoche seconded the motion and it passed unanimously.

Item 15. Consideration and Approval of a private Transfer of Development Rights (TDR) transaction for four (4) dwelling units from Northern Start Condo Association (9725-9745 Bay Harbor Terrace) to Atlantis 103, LLC (10281 West bay Harbor Drive).

ACTION: Council Member Salver made a motion to approve the proposed private TDR transaction. Vice Mayor Fuller seconded the motion and it passed unanimously.

At this time Council Member Yaffe returned to the dias.

Item 16. Consideration and approval of Contract award to Arrow Asphalt and Engineering Inc. in the amount of \$225,000.00, for resurfacing roadways in Zone 2.

ACTION: Council Member Leonard made a motion to approve the contract award to Arrow Asphalt and Engineering Inc. Council Member Tricoche seconded the motion and it passed by unanimous poll vote.

Item 17. Consideration and approval of 95th Street Park Project budget in the total amount of \$181,000 and Contract award to West Construction, Inc. for construction of the 95th Street Park.

ACTION: Council Member Leonard made a motion to approve the contract award to West Construction Inc. Council Member Tricoche seconded the motion and it passed by unanimous poll vote.

Item 18. Approval of contract award to Brute Proof LLC. in the amount of \$29,750 to purchase a HyperV Terminal Server for the administrative computer network.

ACTION: Council Member Leonard made a motion to approve contract award to Brute Proof, LLC. Council Member Tricoche seconded the motion it passed by unanimous poll vote.

DISCUSSION ITEMS:

Item 19. Discussion requested by Council Member Yaffe regarding the meeting date for the Charter and Ordinance Review Committee. The next date of the committee is set by resolution to review the Charter every 10 years, 2022 with the committee becoming active 12 months prior.

Council Member Yaffe stated that there were citizens of the community that would like to further discuss the structure of the Towns' Charter. He would like for the committee to be structure differently so there was enough time for the committee to meet. He felt that the process of amending the Charter takes a lot of time for discussion and suggested for the committee to reopen sooner.

There was a brief discussion on how the committee is to be structure; amount of members; amount of time for committee to process amendments; Council discussion prior to committee discussion; and the current process how the Town or voters can proposed an amendment to the charter.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and asked for the Council to consider amending the Charter to have an Election for Mayor.

Victor Maya, 1155 103 Street, came forward and asked why was the Council in a rush to put a request from a developer to place a question on the November 2018 Ballot that could have increase the height to new developments to the RM3 district. He asked the Council to listen to the citizens' request to discuss the election of a Mayor.

CLOSED PUBLIC COMMENT

There being no further business to discuss meeting was adjourned at 9:42 p.m.

MAYOR

ATTEST

TOWN CLERK

DRAFT