

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

A Regular Meeting of the Town Council was held on Monday September 17, 2018 at 7:08 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. Dr. Martin Karp, Miami-Dade County School Board - District 3

Mayor Bruder announced that Dr. Karp could not be in attendance at the meeting but welcomed School Assistant Superintendent Jose Bueno and Ruth K. Broad Principal Mr. Scott Saperstein.

Assistant Superintendent Jose Bueno came forward and reported that School Board was working together with the Town to finalize the verification agreement which was under legal review. The Town has provided a list of the vacant properties in Town so the school can use as reference for any future students registration. The school Board reported 12 – 18 students tried to register to the school but were unsuccessful because they were unable to provide the address validation documents.

There was a detailed discussion on number of kids currently attending Ruth K. Broad K-8 Center; emergency notification for the parents; possible addition of a VPK class; school board policy on removing a student that was out of school boundaries; and there were no reports of any students remove from school as of date.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

Council Member Leonard requested a future agenda item for the Town to host a Classical Musical Concert at the end of the year.

Vice Mayor Fuller pulled item # 7 a, b, and d for comments.

Item 7. Approval of the following Meeting Minutes:

- a. October 16, 2017 - Regular Council Meeting**
- b. December 11, 2017 - Public Hearing**
- d. February 12, 2018 - Regular Council Meeting**

Council Member Leonard pulled item # 8 for discussion.

Council Member Reid requested a future agenda item to discuss the Town regulations on a /c units to add split to wall units.

TOWN MANAGER'S REPORT:

Town Manager Wasson reported on the burglary over Labor Day Weekend after following the leads, Detective Castellanos work diligently on the case. The Bay Harbor Police met worked together with the New York City Police Department and were able to apprehend a suspect trying to flee to Canada.

Mayor Bruder requested an article in the Town Newsletter on safety tips to prevent robberies in our Community.

Item 2. Report on seawall assessment

Town Manager Wasson stated the Town will be notifying all property owners on the inspection results to their seawall. Property owners will be advised of their requirements and timeline for compliance.

Item 3. Town Clerk's report on Town Elections

Town Clerk Siegel reported that at the request of a local resident the Town will coordinate with Miami Dade County Elections department for an assessment to move precinct # 8 to the Community Center.

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

Council Member Leonard reported the Miami Dade County League of Cities will be hosting the Best Practices Conference.

Council Member Yaffe attended the Florida League of Cities Policy and Taxation Committee in Orlando.

Vice Mayor Fuller attended the Florida League of Cities Annual Conference; the Florida League of Cities Land Use and Growth Committee and the 9/11 Ceremony.

Council Member Tricoche reminded the residents on the Town upcoming events such as the Car Show and the Halloween Event.

Council Member Reid attended the Florida League of Cities Annual Conference; the Municipal Participation Committee and the 9/11 Ceremony.

Council Member Salver attended the Children's Trust Meeting; Miami Dade County League of Cities monthly meeting; Florida League Cities Annual Conference and will also join the Florida Insurance Loan Committee.

Mayor Bruder attended the 9/11 Ceremony and reminded the residents of the upcoming event such as the Car Show and Halloween Event.

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 wished everyone a Happy New Year. She contacted the Elections Department and made the suggestion to move the precinct to the community center and suggested water activities for the local residents.

Frances Neuhut, 1060 Kane Concourse, came forward and was concerned if the Town was budgeting for another parking garage and asked if the Town was losing revenue due the religious institution?

COMITEE REPORTS:

Item 4. Report from the Parks and Recreation Committee.

Assistant Town Manager Jimenez reported that a resident proposed paddle board activities on the water. The estimated cost was approximately about \$1,500. The location has not been determinate.

Consensus was for staff to continue to explore possible locations for the water activities.

Item 5. Consideration and Approval of a request for appointments to the Parks and Recreation Committee. The Committee currently has one vacant seat.

ACTION: Council Member Leonard made a motion to appoint April Griffin to the Parks and Recreation Committee. Vice Mayor Fuller seconded the motion and it passed unanimously.

Item 6. Consideration and Approval of a request for appointments to the Sustainability & Resiliency Committee.

Town Clerk Siegel recommended the Committee appointments be for one year term until all other resident Committees come up for re-appointment next year.

ACTION: Mayor Bruder made a motion to appoint residents to the Sustainability and Resiliency Committee. Council Member Yaffe seconded the motion and it passed unanimously.

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 7. Approval of the following Meeting Minutes:

- c. January 8, 2018 - Regular Council Meeting
- e. March 12, 2018 - Regular Council Meeting
- f. April 16, 2018 - Organizational Meeting

Item 9. Approval of Modification #Z0040-1 to the Subgrant Agreement between the Town of Bay Harbor Islands and the Florida Department of Emergency Management increasing the Federal funding by \$43,544.86 and the State funding by \$2,419.16.

Item 10. Approval of a resolution authorizing deposits and withdrawals of the Town Funds in certain accounts pursuant to the authority given under Chapter 655.043, Florida Statutes.

ACTION: Council Member Leonard made a motion to approve the consent agenda. Council Member Yaffe seconded the motion and it passed unanimous poll vote.

Item 8. Consideration and Approval of a resolution continuing and extending the temporary moratorium on medical marijuana treatment centers and medical dispensing facilities within the Town.

Council Member Yaffe requested for the Town Council to discuss at the November Meeting if they would like to regulate or prohibit medical marijuana dispensing facilities.

ACTION: Council Member Yaffe made a motion to extend the temporary moratorium. Council Member Tricoche seconded the motion and it passed unanimously.

ORDINANCES ON SECOND READING:

Item 11. Consideration and approval of a proposed ordinance on second 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

Frances Neuhut, 1060 Kane Concourse, came forward and was concerned with all the proposed code amendments.

CLOSED PUBLIC COMMENT

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

ORDINANCES ON FIRST READING:

Item 12. Approval of an ordinance on first reading amending Chapter 20 of the town code relating to utility billing and collections.

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.

PUBLIC COMMENT

France Neuhut, 1060 Kane Concourse, came forward and felt that the property owner and tenant should both be notified on any past due utility bills.

CLOSED PUBLIC COMMENT

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

DEFERRED ITEMS:

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

Item 13. Approval of an expenditure in the amount of \$32,800 for the cost of Root Pruning around Royal Palms, additional soil, and new plants to upgrade the appearance of Kane Concourse.

ACTION: Mayor Bruder made a motion to approve the expenditure. Council Member Leonard seconded the motion and it passed by unanimous poll vote.

Item 14. Consideration and Approval of a private Transfer of Development Rights (TDR) transaction for two (2) dwelling unit from BH 101, LLC (1155 101 Street) to Congress Driftwood, LLC (9927-9955 E. Bay Harbor Drive).

ACTION: Council Member Leonard made a motion to approve the private TDR transaction. Mayor Bruder 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 form the Congress BHE, LLC (9781 East Bay Harbor Drive) to the Congress Driftwood, LLC (9955 E. Bay Harbor Drive).

ACTION: Council Member Yaffe made a motion to approve the private TDR transaction. Council Member Leonard seconded the motion and it passed unanimously.

Item 16. Consideration and Approval of a private Transfer of Development Rights (TDR) transaction for three (3) dwelling units from Congress BH, LLC (103001 E. Bay Harbor Drive) to Congress Driftwood, LLC (9927-9955 East Bay Harbor Drive). Consensus was for staff to draft an ordinance for first reading to establish lighting requirements for the new developments.

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

DISCUSSION ITEMS:

Item 17. Discussion requested by Mayor Bruder regarding possible Town Hall renovations/facility. Enclosed is information previously distributed to the Council by the Town Manager regarding the same subject.

Town Manager Wasson presented the Council with a recent study provided by Kimley, Horn and Associates on the feasibility to construct an addition, renovate or construct a new to Town Hall facility.

Mayor Bruder asked for the Council feedback on the subject and should the council consider renovating the current facility; a new building or a private partnership.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and read comments from Dr. Neuhut and he felt it would be less costly if the Town renovated the existing facility.

CLOSED PUBLIC COMMENT

There was a brief discussion on the cost estimate provided by Kimley, Horn & Associates; suggestions to obtain other cost estimates for a renovations and/or new building and research other cities process for public building renovations.

Mayor Bruder requested an update on the subject at the November meeting.

There being no further business to discuss meeting was adjourned at 9:25 p.m.

MAYOR

ATTEST

TOWN CLERK