

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

A Regular Meeting of the Town Council was held on Monday May 13, 2019 at 7:00 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. Legislative Update - Senator Jason Pizzo

Senator Pizzo came forward and provided a legislative update on the recent legislation proposed at a state level. Among the bills proposed was a ban on plastic straws; building condominiums and reported that Miami Dade County opened a new division regulate condominiums. He stated that he was concerned with the utility companies placing their equipment on the public land and accidents to water mains.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

TOWN MANAGER'S REPORT:

- Introduce Mrs. Melissa Cruz as the new Assistant Town Manager / Finance Director.
- All Public Meetings were now being live streamed.
- The Town new website will be launch as soon as the PDF documents are ADA compliant.
- The Miami Dade County School Board requested an extended hour of construction for the weekend, they are schedule for completion in October.
- Patrick Prendergast, Code Director, will conduct inspections of all properties that need Tree trimming in anticipation of the upcoming Hurricane Season.
- Florida League of Cities Conference will be taking place in August.

The Town Attorney Report

Town Attorney Sherman reported that Antony and Robin Sieden have complied with all of requirements as requested by the Town relating to the variance approval. The Town Special Master levied \$20,000 in code violations fines which have been paid. They have also executed a resolution for a covenant running with the land.

~~**Item 2. Report of the Town investment performance for the period ending March 31, 2019.**~~

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

Council Member Reid reported she attended the quarterly Retirement Board Meeting.

Council Member Salver reported he received the Florida League of Cities Home Rule Hero Award.

Council Member Leonard reported he attended the Miami Dade County League of Cities Installation Gala.

Council Member Yaffe reported he attended the Founder Day Event.

Council Member Fuller reported attending several meetings with state legislators to lobby for Town funds.

Mayor Bruder thanked Captain Noel; Lieutenant Johnson and the entire Police Department for obtaining re-accreditation of the Police Department.

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, 9180 W. Bay Harbor Drive, came forward and thanked the staff for a great Founder's Day Event and reported that parking issues at the Bank of America Lot, the property owners are towing vehicles anyone not there for business.

Council Member Tricoche suggested to put signs and communicate to the school for parents to park in the Town Parking Garage for free.

John Vetter, 10350 W. Bay Harbor Drive, came forward and was concerned with the 1177 KC project. He was opposed to the proposed project and felt that there was no public benefit to the Town.

Kathy Srur, 10350 W. Bay Harbor Drive, was concerned with the recent traffic study for the 1177 Kane Concourse and felt that there would be a big parking problem.

Frances Neuhut, 1060 Kane Concourse, came forward and requested for the Town broadcasting channel be put back on TV so meetings can be televised.

Joyce Green, 1360 99 Street, came forward and felt that there was an overcrowding problem at the local school and asked for the Town to be more involved.

CLOSED PUBLIC COMMENT

COMITEE REPORTS:

At this time Item 4, 5 and 7 were taken out of consent agenda for discussion.

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 January 14th, 2019 Meeting Minutes. Enclosed is a copy of the draft Minutes.

Item 5. Consideration and Approval of a resolution requested by Council Member Leonard to become a member of the American Flood Coalition.

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

The following are items that were taken out of consent agenda for discussion.

Item 4. Consideration and Approval of a Resolution re-appointing the Town Attorney and Assistant Town Attorneys.

There was a brief discussion on the inconsistency on the Town Attorney monthly billing and the retainer fees and other matters did not reflect the amount as set per resolution; proposed increase to the retainer fees; hourly fees; will provide credits on prior billing and to remove a 3% fee.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and stated that the voters did not have a say on how the council appoints the Town Clerk and the Town Attorneys. She disagreed with the Assistant Town Attorney attitude.

CLOSED PUBLIC COMMENT

ACTION: Council Member Yaffe made a motion to approve the agreement. Council Member Tricoche seconded the motion and it passed 6-1, with Council Member Reid opposed.

Item 6. Consideration and Approval to extend the Program Grant Agreement for Address Verification Plan between the Town and the School Board of Miami-Dade County for an additional two (2) schools years. Enclosed is a copy of the request for extension request and other supporting documents.

There was a brief discussion on the proposed extension for the address verification agreement with the school board; the amount of kids attending the school; the process being utilized to find students who are attending the school outside of their school boundaries; class sizes; and the school construction.

PUBLIC COMMENT

Vincent Martino, 1050 93 ST, came forward and suggested the installation of cameras and to scan the vehicle plates. He felt that the school was overwhelmed with the amount of kids.

Frances Neuhut, 1060 Kane Concourse, came forward and was frustrated with the amount of kids attending the school.

CLOSED PUBLIC COMMENT

Council Member Leonard explained that the School Board was exempt from coming to the Town building department. Florida Statute allows them to utilize their own Building Department.

ACTION: Council Member Leonard made a motion to approve and extend the Plan Agreement for the Address Verification Plan. Council Member Tricoche seconded the motion and it passed unanimously.

ORDINANCES ON SECOND READING:

Item 7. Consideration and approval of an ordinance on second reading amending the Town Code to replace the current flood ordinance with a new model ordinance. The state has created a new “model” flood code for communities that participate in the FEMA NFIP program. Enclosed is a copy of the proposed ordinance and supporting documents.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN OF BAY HARBOR ISLANDS CODE OF ORDINANCES TO REPEAL THE TOWN’S EXISTING CHAPTER 7½ ENTITLED FLOOD DAMAGE PREVENTION; TO ADOPT A NEW UPDATED CHAPTER 7½ ENTITLED FLOOD DAMAGE PREVENTION; TO ADOPT UPDATED FLOOD PLAIN MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS; AND FOR OTHER PURPOSES; PROVIDING FOR APPLICABILITY; PROVING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

PUBLIC COMMENT

Vincent Martico, 1050 93 St, came forward and was in favor of the proposed ordinance.

CLOSED PUBLIC COMMENT

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

ORDINANCES ON FIRST READING:

Item 8. Consideration and Approval of an ordinance on first reading amending Section 23-11 of the Town Code regarding the open space requirements in the RD Single-Family District.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA; AMENDING THE TOWN’S CODE OF ORDINANCES AS RELATED TO OPEN SPACE REQUIREMENTS IN THE RD SINGLE-FAMILY DISTRICT; 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 stated that this section of the code was recently modified and asked why weren’t the amendments included then.

CLOSED PUBLIC COMMENT

ACTION: Council Member Leonard made a motion to approve the 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 9. Consideration and Approval of contract award BHI-202 to Persant Construction Co. Ltd. in the amount of \$22,700 for roadway milling and resurfacing for the intersection on 99th Street and East Bay Harbor Drive.

ACTION: Council Member Leonard made a motion to approve the contract BHI 202 to Persant Construction Co. Ltd. Council Member Tricoche seconded the motion and it passed by unanimous poll vote.

Item 10. Appointment of three Council Members to the Block 11 Parking Lot Lease Committee. The committee has not met in years, the last members were Council Member Salver and Council Members Yaffe. The committee originally had three members and it was a Council Committee (not open to resident participation).

PUBLIC COMMENT

Residents Vincent Martino and Frances Neuhut were opposed to the Committee not being open to residents.

CLOSED PUBLIC COMMENT

ACTION: Consensus was to appoint Council Member Leonard, Council Member Yaffe and Council Member Tricoche to serve on the Block 11 Committee.

DISCUSSION ITEMS:

Item 11. Discussion requested by Mayor Bruder to direct the Town Manager to budget for marketing, public relations, design guidelines, branding and/or other method of helping the Business District achieve the desire mixed of tenants and attract more people to the Town.

Mayor Bruder asked for the Town Manager to research ideas, prices, designs, and methods to revitalize the Town Business District.

There was a brief discussion on possibility to provide an incentive program; search for a Public Relations Firm; Chamber of Commerce; research prior years ideas on public relations; public / private partnership ideas and ways to better brand the Town.

PUBLIC COMMENT

Vincent Martino, 1050 93 Street, came forward and supported the idea of helping the Business District and agreed to discuss on what was needed moving forward.

Frances Neuhut, 1060 Kane Concourse, came forward and thanked Mayor Bruder for trying to enhance the Business District. She urged the Council to stop allowing non-conforming uses on the ground floor.

Ken Eskin 1310 99 Street, came forward and stated that people don't know where the Town was located.

CLOSED PUBLIC COMMENT

Consensus was for the Town Manager to bring back more information to the Council on Public Relations firms.

Item 12. Discussion requested by Vice Mayor Fuller regarding the change in flight pattern by the Federal Aviation Administration (FAA).

Vice Mayor Fuller updated the Council regarding the proposed change in flight pattern by the Federal Aviation Administration (FAA) and how it could impact Bay Harbor Islands. He explained that if the FAA approved the proposed pattern it could increase the number of airplanes over the Town by 50%, which will create noise. He will continue to monitor the FAA plans and will report back to the Council.

Item 13. Discussion requested by Council Member Leonard to renovate / enhance the 92th Street Park by re-sodding the green space.

Council Member Leonard asked for the Council consideration to renovate the 92 Street Park.

There was a brief discussion on the renovation options such as re-sodding or artificial turf; cost estimates; the quote to re-sod and concerns for the type of turf to be environmentally friendly.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and was concerned with the pesticides used on the grass.

CLOSED PUBLIC COMMENT

Mayor Bruder asked that the environmental information be included as part of their submission of the cost estimates.

Consensus was for staff to obtain cost estimates for artificial turf for the 92nd Street Park and to provide additional information on environmentally friendly turf.

There being no further business to discuss meeting was adjourned at 9:51 p.m.

MAYOR

ATTEST

TOWN CLERK