

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

A Regular Meeting of the Town Council was held on Monday August 12, 2019 at 7:00 p.m. in the Council Chambers. Upon roll call the following members responded:

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

SPECIAL PRESENTATION:

Item 1. Scholarship presented to Police Explorer - Chief Sean Hemingway

Chief Hemingway and Mayor Bruder presented Gisselle Estopian with a Police Explorer Scholarship.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

TOWN MANAGER'S REPORT:

- Held a special training "stop the bleeding" today for Police Department and Staff.
- The Community Center After School Program will start earlier, Monday Aug 19th.

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

The Town Council Congratulated Council Member Salver on his installation as president to the Florida of Cities.

Council Member Reid stated she will welcome committee nominations to the Florida League of Cities for her to represent the Town.

Council Member Tricoche reported she attended the Council goal setting meeting, and Budget Workshop. She also reminded the resident of there will be a Teddy Bear Clinic at the Community Center co-sponsored by Aventura Hospital.

Council Member Salver was humble and grateful to the Town Council on their warm words on his installation to the Florida League of Cities.

Mayor Bruder reminded the residents that school will be back in session this coming Monday, August 19th and suggested to have a staff member to be present for after school registration for the kids.

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.

Vincent Martino, 1050 93 Street, came forward and was concerned with the new developments that have been abandoned due to non-sufficient funding. Leaving the construction site unfinished and creating an eyesore to the Town and surrounding residents. Can the Town do anything to prevent an eyesore?

Assistant Town Attorney Simone suggested that the Town Council could amend the Town Code to require a demolition bond for new developments. This would require a demolition bond for a new development should a project cease or abandoned construction.

There was a brief discussion on ongoing complaints from other projects that have file for foreclosure; code compliance follow up procedure for construction site; and addressing the mosquitos in standing water.

Consensus was for staff to bring back an ordinance on first to require a demolition bond for new developments.

Frances Neuhut, 1060 Kane Concourse, came forward and was concerned with the nonconforming uses on Kane Concourse.

Kathleen Kennedy, 9180 W. Bay Harbor Drive, came forward and urged the Town Council to reconsider a treadmill machine for the Community Center.

Town Manager Jimenez was opposed to the purchase of a treadmill and was concerned with the liability of someone getting hurt.

Mayor Bruder suggested the Town Council wait until staff obtains a quote from the insurance company to cover additional liability for the treadmill.

COMMITTEE REPORTS:

Item 2. Review of Citizen's Committee's appointments / re-appointments for the Parks & Recreation Committee and the Resiliency and Sustainability Committee. Enclosed is a list of residents that seek a appointment.

ACTION: The following residents were re-appointed to the Parks and Recreation Committee: Megan Blenet; April Griffin, Kathleen Kennedy, Marjorie Milberg, Aileen McDermott, Kamm Trumble, and Linda Zilber.

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 April 8th, 2019 Organizational Meeting.

Item 4. Consideration and Approval of a resolution authorizing the Town Manager to enter into a Statewide Mutual Aid Agreement with the Florida Division of Emergency Management to provide emergency aid and assistance in the event of a disaster or emergency.

Item 5. Consideration and Approval of a Resolution of the Town Council updating the Title VI program plan as required by Miami-Dade Transit and the Federal Transit Administration as part of the grant agreement which funded the Town's bus shelters.

Item 6. Consideration and Approval of a resolution to accept a grant from the Florida Department of Environmental Protection in the amount of \$70,000 to conduct a Flood Vulnerability Assessment. Enclosed is a copy of the resolution and grant agreement.

Item 7. Approval of inland marine insurance policy for the Shepard Broad Causeway Bridge for the year beginning July 15, 2019 to July 14, 2020 in the amount of \$110,039. Enclosed is a copy of a memorandum from Melissa Cruz, Assistant Town Manager/Finance Director.

Item 8. Consideration and Approval of a Memorandum of Understanding to implement the Nurse Enhancement Initiative for the 2019/2020 school year.

Item 9. Consideration and Approval of a Memorandum of Understanding between the Town; Town of Surfside, and the Village of Bal Harbour to equally share the employee contribution for a new Part Time Employee to administer the Address Verification Plan at the Ruth K. Broad K-8 Center.

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

ORDINANCES ON SECOND READING:

Item 10. Consideration and approval of an ordinance on second reading amending Section 5-20 of the Town Code to require reimbursement to perform a traffic study in connection with a development application. This item was requested at a previous meeting by Council Member Leonard.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S BUILDING AND CONSTRUCTION CODE TO MODIFY PROVISIONS RELATED TO THE CONTENTS OF A PRELIMINARY DEVELOPMENT PLAN APPLICATION, INCLUDING THE SUBMITTAL OF AN IMPACT ANALYSIS REPORT (IAR) DEMONSTRATING COMPLIANCE WITH THE TOWN ADOPTED LEVEL OF SERVICE (LOS) CRITERIA, SPECIFICALLY RELATED TO TRAFFIC IMPACTS; AMENDING SECTION 5-20 OF THE TOWN'S CODE OF ORDINANCES TO REITERATE THAT A TRAFFIC IMPACT LEVEL OF SERVICE ANALYSIS IS REQUIRED AS PART OF PRELIMINARY PLAN SUBMISSION; ADDING A NEW PROVISION IN SECTION 5-20 THAT AUTHORIZES THE TOWN MANAGER TO RETAIN AN ENGINEERING CONSULTANT TO PREPARE A FULL-SCALE TRAFFIC STUDY FOR CERTAIN MAJOR LAND DEVELOPMENT PROJECTS THAT ARE EXPECTED TO GENERATE A SIGNIFICANT AMOUNT OF NEW TRAFFIC OR MAY CREATE NEGATIVE NEIGHBORHOOD IMPACTS AT THE APPLICANT'S EXPENSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward and asked on the provision that refers to the concurrency levels and assigns it to the Planning & Zoning Board. She was concerned with the proposed Church by the Sea Project and its traffic impact.

CLOSED PUBLIC COMMENT

ACTION: Council Member Salver 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 11. Consideration and Approval of an ordinance on first reading amending Section 23-1 of the Town Code to modify the definition for swimming pools by adding hot tubs, Jacuzzi and spas. And amending Section 23-12(15) to modify regulations for swimming pools, by adding provisions for hot tubs, jacuzzi and spas.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO SWIMMING POOLS, HOT TUBS, JACUZZI, AND SPAS; AMENDING SECTION 23-1 OF THE ZONING AND PLANNING CODE TO ADD NEW DEFINITIONS; AMENDING SECTION 23-12(15) OF THE ZONING AND PLANNING CODE TO MODIFY REGULATIONS FOR SWIMMING POOLS, BY ADDING PROVISIONS FOR HOT TUBS, JACUZZI AND SPAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

PUBLIC COMMENT

Frances Neuhut, 9920 W. Broadview Drive, felt that there were regulations that the Town was not following on pervious surfaces.

CLOSED PUBLIC COMMENT

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

DEFERRED ITEMS:

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

Item 12. Approval of a 3 year contract award to Christmas Designers for Holiday Lighting and Decorations Design and Display Services in the amount of \$70,000 per year. Staff is also recommending the extra option for an additional cost of \$9,650.

Town Manager Jimenez explained that the Town advertised for Request for Proposals for Holiday Lighting Decorations. Staff evaluated all the bids and agreed that Christmas Designers was the best possible bidder based on their proposal that included lighting, stars, snowflakes and lighting decorations to cover Town Hall.

PUBLIC COMMENT

Vincent Martino, 1050 93 Street, came forward and suggested light pole banners for branding the Town.

Kathleen Kennedy, 9180 W. Bay Harbor Drive, came forward and was in favor of the proposed Christmas holiday lighting.

CLOSED PUBLIC COMMENT

ACTION: Council Member Tricoche made a motion to approve the proposal from Christmas Designers. Council Member Yaffe seconded the motion and it passed by unanimous poll vote.

Item 13. Consideration and Approval of a proposal from Rep Services, Inc. in the amount of \$228,600.63 for materials and construction services to add two (2) shade structures; new flexible surfacing and a new tree fort play feature at the Tot Lot Park. The Town will "piggyback" off a Clay County, Florida contract for the services. Enclosed is a copy of the proposal and other supporting documents.

ACTION: Council Member Leonard made a motion to approve a proposal from Rep Services Inc. in the amount of \$228,600.63. Council Member Tricoche seconded the motion and it passed by unanimous poll vote.

Item 14. Consideration and approval of Contract award BHI 201 to Miguel Lopez Jr. Inc. in the amount of \$42,895.00 to resurface and re-stripe the 100th Street Municipal Parking Lot.

PUBLIC COMMENT

Frances Neuhut, 9920 W. Broadview Drive, came forward and stated that she did not want the same contractors that previously performed work on the West Island.

CLOSED PUBLIC COMMENT

ACTION: Council Member Leonard made a motion to approve the contract award BHI 201 to Miguel Lopez Jr. Inc. Council Member Tricoche seconded the motion and it passed by unanimous poll vote.

Item 15. Consideration and Approval of Contract award BC 154 to Heavy Civil Inc. in the amount of \$1,067,846.40 for the Broad Causeway Corridor Enhancements Project. Enclosed is a copy of the bid report and other supporting documents.

ACTION: Council Member Leonard made a motion to approve contract award BC 154 to Heavy Civil Inc. Council Member Yaffe seconded the motion and it passed by unanimous poll vote.

DISCUSSION ITEMS:

Item 16. Discussion requested by Council Member Leonard and co-sponsored by Council Member Reid to prohibit single use plastic which include plastic bags, straws, eating utensils, plates, bowls, glasses, cups, etc. Enclosed is a copy of ordinance from the Village of Bal Harbour.

Council Member Reid explained that North Bay Village passed a similar ordinance on the subject which suggested other alternatives that included non-degradable products and wood utensils made from bamboo.

Council Member Tricoche suggested a provision for religious packaging food such as Kosher food that was package and sealed with plastic.

Council Member Leonard asked the Council to be cautious and reminded them that the Town of Surfside was put on notice with regards to plastic bags ban.

Council Member Reid suggested promoting reusables bags at future Town events and provide the residents other alternatives such as paper bags.

Consensus was for staff to bring an ordinance on first reading to be effective January 1st 2020 to allow business owners an opportunity to prepare for the code amendment.

There being no further business to discuss meeting was adjourned at 8:16 p.m.

MAYOR

ATTETST

TOWN CLERK

DRAFT