

NOTE: There is a three-minute time limit on all comments from the public, regardless of the subject matter. A request form is available from the Deputy Town Clerk; please fill it in and return it to her prior to the start of the meeting if you would like to speak during public comment. When you speak, you must come to the podium in the front and clearly state your name and address for the record. Please turn off or mute your cell phone or pager at the start of the meeting. Thank you.

TOWN OF BAY HARBOR ISLANDS

SPECIAL COUNCIL MEETING AGENDA

July 19, 2018

CALL TO ORDER: 6:00 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

1. Brief presentation by representatives of B H Investment LLC, the owners of the property located 1135 103 Street, with regard to the proposed Charter amendment.
2. Consideration and approval of a resolution directing the Town Attorney to prepare a charter amendment for consideration at the Special Election to be held in conjunction with the General Election on Tuesday, November 6, 2018. Enclosed is a copy of the proposed resolution.
3. Consideration and approval of a resolution calling for a special election and setting forth the question to be included on the upcoming November Ballot. The question that will be posed is whether Article V of the Charter of the Town of Bay Harbor Islands should be amended to provide for maximum building and structure heights of 11 stories or 120 feet, whichever is less, on the six Tracts A through F on the northern and southern tips of the East Island.

ADJOURNMENT: Approximately 7:00 p.m.

Pursuant to Florida Statutes 286.0105, the Town hereby advises the public that should any person decide to appeal any decision of the Town Council with respect to any matter to be considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AGENDA ITEM REPORT

July 19, 2018

ITEM NUMBER: 1.

ITEM:

Brief presentation by representatives of B H Investment LLC, the owners of the property located 1135 103 Street, with regard to the proposed Charter amendment.

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Marlene Siegel, Town Clerk

ATTACHMENTS

1. Letter- Akerman



Neisen O. Kasdin

Akerman LLP
Three Brickell City Centre
98 Southeast Seventh Street
Suite 1100
Miami, FL 33131

July 16, 2018

T: 305 374 5600
F: 305 374 5095

The Honorable Stephanie Bruder, Mayor and Members of the Council
Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

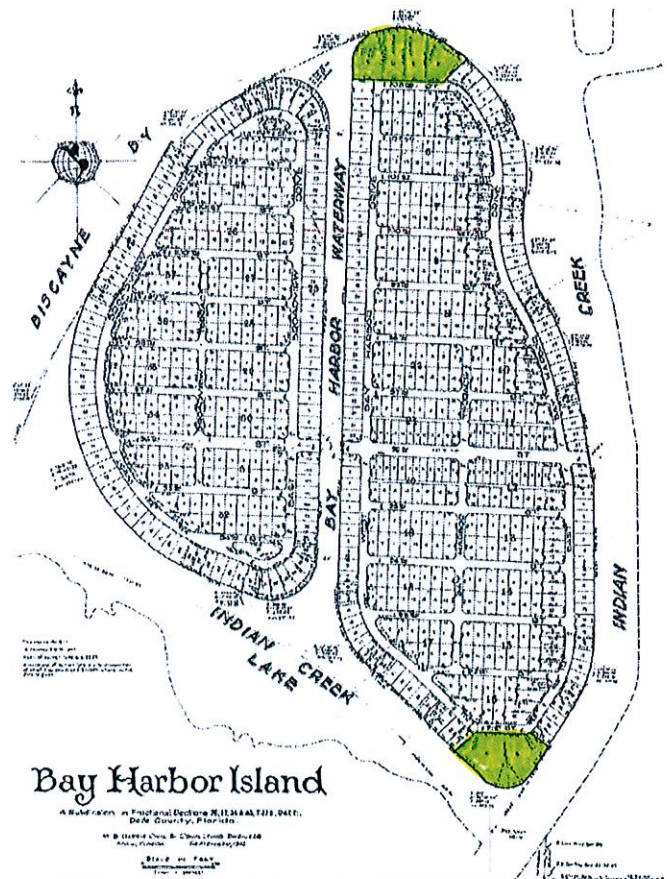
Re: Proposed Charter Amendments

Dear Mayor Bruder and members of the Town Council of Bay Harbor Islands:

We represent B H Investment LLC ("BHI"), whose principals are Valerio Morabito and Ugo Colombo. They recently purchased the property located at 1135 103rd Street (the "Property"), located in the Town of Bay Harbor Islands (the "Town").

Original Vision for the Northern and Southern Tips of the Island and Additional Background

In studying options for creating a high quality development on the Property, we learned that *Shepard Broad's original vision for the northern and southern tips of the East Island* contemplated more important buildings appropriate for the larger lots in prominent locations. This vision was implemented in the adoption of zoning ordinances in the 1950s, which permitted development of buildings up to 11 stories (in some instances more) on the tips of the Island (Tracts A through F).¹ Island Pointe, the Mediterranean and, Blair House were built under these regulations. This zoning, with slight variation was in effect for over 50 years.



¹ The map to the right highlights Tracts A through F.

In 1995, the Town adopted a Planned Residential Development ("PRD") Overlay to its zoning code. Certain buildings were built under the PRD regulations on other parts of the East Island (not Tracts A through F). In response, the Charter amendment limiting all building heights to 75 feet was adopted in 2002.

As a result of concern over development restrictions implemented by the charter amendment limiting building heights to 75 feet, the Town commissioned a Community Vision and Urban Design Study (the "Study") by Glatting Jackson (dated February 2003). The purpose of the Study was to facilitate a public process to evaluate alternative building height and street character scenarios for the East Island. The Study contains massing models, and describes conclusions that were reached at public workshops, including ***support for "Buildings at the northern and southern tips of the Island [to] extend to a maximum height of 12 stories"***² (while still limiting the rest of the East Island to 75 feet). The Study concluded that the Town's Comprehensive Plan should reflect the preferred development alternatives, including varying building heights.³

Proposed Charter Amendment

The proposed charter amendment ("Charter Amendment") would maintain the 75 foot height limit throughout the Town, except for the six (6) Tracts A through F on the northern and southern tips of the East Island, which would be permitted to build up to eleven (11) stories or 120 feet, whichever is less, only upon approval by the Town Council at a public hearing.

The Charter Amendment would allow the construction of ***high quality residential projects*** at the northern and southern tips of the East Island, with adequate floor to ceiling heights and generous setbacks. This represents the kind of quality projects Ugo Colombo and Valerio Morabito are known for and desire to bring to the Town.

The proposed Charter update would have ***limited applicability*** to Tracts A through F located on the northern and southern tips of the East Island, effectively applicable only to four existing buildings and one vacant lot. Three of the four buildings already utilize the historic 1950s regulations.

Further, a companion amendment to the zoning code could contemplate a public benefit program associated with the additional height.

² See Section 7.4 of the Study.

³ See Section 8 of the Study.

Existing Buildings

Three of the four buildings located on the northern and southern tips of the East Island are taller than the currently permitted 75 feet. Therefore, they are non-conforming and not in compliance with the current zoning regulations. The proposed charter amendment would legalize the existing buildings at the ends of the East Island, granting greater flexibility in the event of a natural disaster. See below summary of applicable Tracts A through F:

Tract/s	Address	Building	Conforming/Non-Conforming (with respect to height)
A	9100 West Bay Harbor Drive	Blair House	Non-Conforming
B	9101 East Bay Harbor Drive	Mediterranean	Non-Conforming
C-D	10350 West Bay Harbor Drive	Island Pointe	Non-Conforming
E	1155 103rd Street	Bay Harbor Club	Conforming (as to height)
F	1135 103rd Street	Vacant	N/A

Conclusion

We urge you to renew the vision of the Town's founder and renew the best planning principles by allowing the voters to amend the Charter.

Sincerely,



Neisen O. Kasdin

cc: Vice Mayor Josh Fuller
Council Member Jordan W. Leonard
Council Member Robert Yaffe
Council Member Isaac Salver
Council Member Elizabeth Tricoche
Council Member Kelly Reid
Valerio Morabito, Founder Morabito Properties
Ugo Colombo, Founder CMC Group

Amendments to the Town of Bay Harbor Islands
Zoning and Planning Code – Chapter 23 Re: RM-3 “Family Residential District”

Section 23-11(D)

...

- (9) ***Maximum building height.*** No building shall exceed 75 feet in height (“Standard Height”), ~~unless otherwise approved by the town residents and town council in accordance with section 86 of the Town Charter, but in no case more than 120 feet in height, which includes, including the primary building, parking garage or any other accessory structure, but does not including rooftop mounted structures as defined in subsection 23-12(11). The town council reserves the right, as part of any consideration to allow a building to exceed 75 feet in height, to require site plan modifications, project mitigation and/or tradeoffs (including but not limited to off-site improvements, on-site improvements, pedestrian walkways, enhanced view vistas to adjoining waterways, etc.).~~ Notwithstanding the above, buildings or portions of buildings in the district may be increased with bonus height up to a maximum of 120 feet in height or 11 stories, whichever is less, (“Maximum Height”), upon the submission of a written application setting forth the proposed participation and contribution into the Town’s Public Benefit Program (“Application”) as set forth below, provided:

a) The Town Council approves the Request after a public hearing, and

b) The developer participates and contributes to the Town’s Public Benefits Program as set forth herein.

(9.1) Public Benefits Program – The intent of the Public Benefits Program established in this section is to allow bonus building height in the RM-3 Family Residential District up to the Maximum Height upon the Applicant’s binding commitment to provide contributions to specified programs that provide benefits to the public. The bonus height may be permitted if the proposed development contributes toward the specified public benefits, in the manner and amount set forth herein.

(9.2) The bonus height may be permitted above the Standard Height up to the Maximum Height upon the Applicant’s binding commitment to provide contributions to the Town for the following public benefits:

- Affordable / workforce housing equal to at least 25% of the number of dwelling units proposed (sales or rental costs 120% or less of the median family income of Miami-Dade County), as adjusted from time to time;
- Dedication and construction of Public Parks and Open Space (land or facilities) of a size, location, and types of facilities acceptable to the Town;

- Undergrounding electrical, telecommunication and other overhead wire and pole facilities (minimum underground one (1) complete platted block in the business district, or payment in lieu of the cost to the Town thereof);
- Green Buildings;
- Excess parking spaces above the minimum Code requirements for the project that are available and open for general public use (at least 25), or alternatively, mobility options such as city bicycle sharing stations;
- Public buildings, land and facilities conveyed to the Town or improvements to existing buildings or facilities owned by the Town;
- Public infrastructure projects listed in the Town's Capital Improvement Plan (CIP); or
- Any other contribution(s) acceptable to the Town Council, provided that the contribution(s) serves a public purpose and mitigates an impact of the proposed development.

AGENDA ITEM REPORT

July 19, 2018

ITEM NUMBER: 2.

ITEM:

Consideration and approval of a resolution directing the Town Attorney to prepare a charter amendment for consideration at the Special Election to be held in conjunction with the General Election on Tuesday, November 6, 2018. Enclosed is a copy of the proposed resolution.

DESCRIPTION:

The proposed date of the Special Election is November 6th, 2018 and if it's approved it will be held at the same time as the County's General Election and will be included in their ballot. The resolution calling for the Bay Harbor Islands Special Election has to be approved prior to the County's deadline of August 7th for the question to be added to the November ballot.

The owner's representative will attend the meeting and give an overview of the proposed charter amendment.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Marlene Siegel, Town Clerk

ATTACHMENTS

1. BHI Resolution Directing Town Attorney (2)

RESOLUTION NO. ____

A RESOLUTION OF THE TOWN OF BAY HARBOR ISLANDS, WITH ATTACHMENT(S), DIRECTING THE TOWN ATTORNEY TO PREPARE AN AMENDMENT TO THE CHARTER FOR CONSIDERATION AT THE SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2018, PROPOSING, UPON APPROVAL OF THE ELECTORATE, TO AMEND ARTICLE V OF THE CHARTER OF THE TOWN OF BAY HARBOR ISLANDS ENTITLED "HEIGHT LIMITATIONS" TO PROVIDE FOR MAXIMUM BUILDING AND STRUCTURE HEIGHTS OF 11 STORIES OR 120 FEET, WHICHEVER IS LESS, ON THE SIX TRACTS A THROUGH F ON THE NORTHERN AND SOUTHERN TIPS OF THE EAST ISLAND, COMPARABLE TO 1950S HEIGHT LIMITS ON THOSE TRACTS, ONLY UPON APPROVAL BY THE TOWN COUNCIL AFTER PUBLIC HEARING INSTEAD OF BY REFERENDUM.

WHEREAS, the six (6) Tracts (A through F) (the "Tracts") are located on the northern and southern tips of the eastern island; and

WHEREAS, the height limits for those Tracts in the 1950s permitted development of buildings up to 11 stories; and

WHEREAS, consistent with those regulations, several buildings were constructed and continue to exist at those heights; and

WHEREAS, subsequent charter revisions have hindered development on those certain Tracts, notwithstanding the historical regulations and existing building heights; and

WHEREAS, the original vision for those Tracts at the most northern and southern points of the East Island contemplated taller development on such Tracts; and

WHEREAS, historically there has been support for height variability throughout the island and height increases at the tips of the East Island; and

WHEREAS, several existing buildings on those Tracts are legally non-conforming and such an amendment to the Charter would bring those existing buildings into compliance with the Charter and Town Code,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS THAT:

Section 1. Recitals. The forgoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2. Direction to Town Attorney. The Town Attorney is directed to prepare a proposed amendment to the Charter for consideration at the special election

to be held in conjunction with a general election on Tuesday, November 6, 2018, proposing approval by the electorate, to amend Article V of the Charter of the Town of Bay Harbor Islands, Entitled "Height Limitations" to provide for maximum building and structure heights of 11 stories or 120 feet, whichever is less, on the six Tracts A through F on the northern and southern tips of the East Island, comparable to 1950s height limits on those Tracts, only upon approval by the Town Council after public hearing instead of by referendum.

Section 3. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this ____ day of July, 2018.

By:

Stephanie Bruder, Mayor

ATTEST:

Marlene Siegel
Town Clerk

APPROVED AS TO FORM:

Frank C. Simone, Esq.
Assistant Town Attorney

AGENDA ITEM REPORT

July 19, 2018

ITEM NUMBER: 3.

ITEM:

Consideration and approval of a resolution calling for a special election and setting forth the question to be included on the upcoming November Ballot. The question that will be posed is whether Article V of the Charter of the Town of Bay Harbor Islands should be amended to provide for maximum building and structure heights of 11 stories or 120 feet, whichever is less, on the six Tracts A through F on the northern and southern tips of the East Island.

DESCRIPTION:

This change will only apply to the RM3 District which are the properties located on the northern and southern tips of the East Island.

This resolution sets forth the language to be used on the ballot as follows:

"Official Ballot"

General Election

Tuesday, November 6, 2018

for Approval or Disapproval of the following question:

Approval of Building and Structure Heights on Certain Tracts

Shall Article V of the Charter of the Town of Bay Harbor Islands be amended to provide for maximum building and structure heights of 11 stories or 120 feet, whichever is less, on the six Tracts A through F on the northern and southern tips of the East Island, comparable to 1950s height limits on those Tracts, only upon approval by the Town Council after public hearing instead of by referendum.

YES

NO

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Marlene Siegel, Town Clerk

ATTACHMENTS

1. BHI Resolution Submitting Charter Amendment to Electorate - Rev

RESOLUTION NO. ____

A RESOLUTION OF THE TOWN OF BAY HARBOR ISLANDS, WITH ATTACHMENT(S), APPROVING, SETTING FORTH, AND SUBMITTING TO THE ELECTORATE A PROPOSED AMENDMENT TO THE CHARTER OF THE TOWN OF BAY HARBOR ISLANDS ("CHARTER"), SPECIFICALLY PROPOSING TO AMEND ARTICLE V OF THE CHARTER ENTITLED "HEIGHT LIMITATIONS" TO PROVIDE FOR MAXIMUM BUILDING AND STRUCTURE HEIGHTS OF 11 STORIES OR 120 FEET, WHICHEVER IS LESS, ON THE SIX TRACTS A THROUGH F ON THE NORTHERN AND SOUTHERN TIPS OF THE EAST ISLAND, COMPARABLE TO 1950S HEIGHT LIMITS ON THOSE TRACTS, ONLY UPON APPROVAL BY THE TOWN COUNCIL AFTER PUBLIC HEARING INSTEAD OF BY REFERENDUM ("CHARTER AMENDMENT") ; CALLING FOR A SPECIAL ELECTION IN THE TOWN OF BAY HARBOR ISLANDS, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2018; DESIGNATING AND APPOINTING THE TOWN CLERK AS THE OFFICIAL REPRESENTATIVE OF THE TOWN COUNCIL WITH RESPECT TO THE USE OF VOTER REGISTRATION BOOKS AND RECORDS SUCH THAT THE CHARTER AMENDMENT WILL BE AVAILABLE TO ELECTORS NOT LESS THAN 30 DAYS BEFORE THE ELECTION; FURTHER DIRECTING THE TOWN CLERK TO CAUSE A CERTIFIED COPY OF THE HEREIN RESOLUTION TO BE DELIVERED TO THE SUPERVISOR OF ELECTIONS OF MIAMI-DADE COUNTY, PURSUANT TO APPLICABLE LAW AND NO LATER THAN AUGUST 7, 2018; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; PROVIDING AN IMMEDIATE EFFECTIVE DATE FOR THIS RESOLUTION.

WHEREAS, the six (6) Tracts (A through F) (the "Tracts") are located on the northern and southern tips of the eastern island; and

WHEREAS, the height limits for those Tracts in the 1950s permitted development of buildings up to 11 stories; and

WHEREAS, consistent with those regulations, several buildings were constructed and continue to exist at those heights; and

WHEREAS, subsequent charter revisions have hindered development on those certain Tracts, notwithstanding the historical regulations and existing building heights; and

WHEREAS, the original vision for those Tracts at the most northern and southern points of the East Island contemplated taller development on such Tracts; and

WHEREAS, historically there has been support for height variability throughout the island and height increases at the tips of the East Island; and

WHEREAS, several existing buildings on those Tracts are legally non-conforming and such an amendment to the Charter would bring those existing buildings into compliance with the Charter and Town Code,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS THAT:

Section 1. The forgoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2. In accordance with the provisions of Section 1-12 of the Charter and Section 6.03 of the Miami-Dade County Code, a special election in the Town of Bay Harbor Islands (the "Town") is hereby called and shall be held in conjunction with a General Election on Tuesday, November 6, 2018 from 7:00 A.M until 7:00 P.M., for the purpose of submitting to the qualified electors of the Town of Bay Harbor Islands for their approval or disapproval of the proposed Charter Amendment.

Section 3. Article V of the Charter entitled "Height Limitations" is proposed to be amended in the following manner:¹

Article V. - Height Limitations.

- (a) The maximum height for all new buildings and structures in the Town shall be seventy-five (75) feet, except for the six (6) Tracts A through F on the northern and southern tips of the East Island, which may be approved by the Town Council after public hearing for heights up to eleven (11) stories or 120 feet, whichever is less. Any other proposed structure or building greater than seventy-five (75) feet in height must be approved by a majority of the registered voters of the Town as a condition precedent to final governmental approval.

Section 4. The Special Election shall be held at the polling places in the precincts designated by the Supervisor of Elections of Miami-Dade County, Florida ("Supervisor of Elections") in conformity with the provisions of the general laws of the State of Florida ("State"). The Precinct Election Clerks and Inspectors to serve at said polling places on said Special Election date shall be those designated by the Supervisor of Elections for such purpose in accordance with the general laws of the State. A

¹ Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged.

description of the registration books and records which pertain to Special Election precincts wholly or partly within the Town and which the Town is adopting and desires to use for holding such Special Election is all voter information cards, registration books, records, and certificates pertaining to electors of the Town and established and maintained as official by the Supervisor of Elections in conformity with the provisions of the general laws of the State are hereby adopted and declared to be, and shall hereafter be recognized and accepted as, official voter information cards, registration books, records, and certificates of the Town.

Section 5. In compliance with Section 100.342, Florida Statutes (2016), regarding any Special Election not otherwise provided for, there shall be at least thirty (30) days' notice of the Special Election by publication in a newspaper of general circulation in the Town. The Town Clerk is authorized and directed to publish notice of the adoption of this Resolution and of the provisions hereof at least twice - once in the fifth week and once in the third week prior to the week in which the aforesaid Special Election is to be held - in newspaper(s) of general circulation in the Town which notice shall be substantially in the following form:

NOTICE OF SPECIAL ELECTION
TO AMEND THE TOWN OF BAY HARBOR ISLANDS CHARTER
TO BE HELD ON TUESDAY, NOVEMBER 6, 2018
IN THE TOWN OF BAY HARBOR ISLANDS, FLORIDA

Please take notice that, pursuant to Resolution No. ____, the following question shall be submitted to the qualified electors of the Town of Bay Harbor Islands, Florida at a special election held in conjunction with the General Election on November 6, 2018.

Shall Article V of the Charter of the Town of Bay Harbor Islands be amended to provide for maximum building and structure heights of 11 stories or 120 feet, whichever is less, on the six Tracts A through F on the northern and southern tips of the East Island, comparable to 1950s height limits on those Tracts, only upon approval by the Town Council after public hearing instead of by referendum?

All qualified electors residing within the boundaries of the Town of Bay Harbor Islands shall be eligible to vote YES or NO for these proposals.

The polls shall be opened from 7:00 A.M. until 7:00 P.M. on the day of the special election, in the Town of Bay Harbor Islands, Florida, at the polling places designated by the Town. This special election shall be conducted in accordance with applicable laws of the State with respect to special elections.

Section 6. The official ballot to be used at said General Election shall be in full compliance with the laws of the State with respect to vote-by-mail ballots and to the use of the mechanical voting machines or the Computer Election System. The question shall appear on the ballot in substantially the following form:

"Official Ballot"
General Election
Tuesday, November 6, 2018
for Approval or Disapproval of the following question:

Approval of Building and Structure
Heights on Certain Tracts

Shall Article V of the Charter of the Town of Bay Harbor Islands be amended to provide for maximum building and structure heights of 11 stories or 120 feet, whichever is less, on the six Tracts A through F on the northern and southern tips of the East Island, comparable to 1950s height limits on those Tracts, only upon approval by the Town Council after public hearing instead of by referendum

YES

NO

Section 7. The form of the ballot shall be in accordance with requirements of general election laws. Electors desiring to vote in approval of the Question described above shall be instructed to vote their selection next to the word "YES" within the ballot containing the statement relating to the Question. Electors desiring to vote to disapprove the Question shall be instructed to vote their selection next to the word "NO" within the ballot containing the statement relating to the Question. Once individuals are satisfied with their choice, they shall press the "Vote" button and the ballot shall be cast.

Section 8. The Town Clerk shall cause to be prepared vote-by-mail ballots containing the Question set forth in Section 6 above for the use of vote-by-mail electors entitled to cast such ballots in said Special Election.

Section 9. All qualified electors of said Town shall be permitted to vote in said Special Election and the Supervisor of Elections is hereby requested,

authorized, and directed to furnish, at the cost and expense of the Town, a list of all qualified electors residing in the Town as shown by the registration books and records of the Office of said Supervisor of Elections and duly certify the same for delivery to and for use by the election officials designated to serve at the respective polling places in said general election precincts.

Section 10. For the purpose of enabling persons to register who are qualified to vote in said Special Election on Tuesday, November 6, 2018 and who have not registered under the provisions of the general laws of the State and Section 6.01 of the Charter as amended, or who have transferred their legal residence from one voting precinct to another in the Town, they may register Monday through Friday from 8:00 A.M. to 5:00 P.M. at the Miami-Dade County Elections Department located at 2700 Northwest 87th Avenue, Doral, Florida within such period of time as may be designated by the Supervisor of Elections. In addition to the above place and times, qualified persons may register at such branch offices, obtain a registration form at Town Hall, and may also use any mobile registration van for the purpose of registration in order to vote in the herein described Special Election during such times and on such dates as may be designated by the Supervisor of Elections. The County registration books remain open until 29 days prior to the date of such election, at which time registration books will close in accordance with the provisions of general election laws.

Section 11. Marlene Siegel, the Town Clerk, or her duly appointed successor, is hereby designated and appointed as the official representative of the Town Council in all transactions with the Supervisor of Elections related to matters pertaining to the use of the registration books.

Section 12. The Town Clerk shall deliver a certified copy of this Resolution to the Supervisor of Elections no later than August 7, 2018.

Section 13. Subject to the special election described herein to be held on November 6, 2018, Article V of the Charter of the Town of Bay Harbor Islands shall be amended to provide for maximum building and structure heights of 11 stories or 120 feet, whichever is less, on the six Tracts A through F on the northern and southern tips of the East Island, only upon approval by the Town Council after public hearing instead of by referendum.

Section 14. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this ____ day of July, 2018.

By:

Stephanie Bruder, Mayor

ATTEST:

Marlene Siegel
Town Clerk

APPROVED AS TO FORM:

Frank C. Simone, Esq.
Assistant Town Attorney