

# TOWN OF BAY HARBOR ISLANDS

March 14, 2016

## AGENDA

### STATEMENT OF DECORUM

*All comments must be addressed to the Council as a body and not to individuals. Any person making a racial or slanderous remark or who becomes boisterous while addressing the Town Council, staff, etc. shall be barred from the audience by the presiding officer. No profanity, shouting, heckling, verbal outbursts or disruptive behavior in support of or opposition to a speaker or his/her remarks is permitted. Please mute or turn off your cell phone or other electronic devices at the start of the meeting. Failure to do so may result on being barred from the meeting. Persons exiting the Chambers shall do so quietly.*

**CALL TO ORDER:** 7:00 p.m.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**SPECIAL PRESENTATION:**

1. Presentation of Service Recognition Award to Bobby Chieves

**REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:**

**TOWN MANAGER'S REPORT:**

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

**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.*

**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.)*

2. **Approval** of Minutes for a Regular Council Meeting held on January 11, 2016.
3. **Approval** of a charity donation in the amount of \$500 requested by Council Member Reid to the Pelican Harbor Seabird Station for their 2016 Pelican Party fund raising event. The event will be held on April 30, 2016. Enclosed find a copy of the funding request form and proposed budget for the event.

4. **Approval** of a resolution updating and adopting new values for Town owned TDR (Transfer of Development Rights) units. Enclosed find a copy of the proposed resolution and supporting documents.

**STAFF RECOMMENDATION:** Approval

#### **ORDINANCES ON SECOND READING:**

5. **Approval** of an ordinance on **second** reading requested by Mayor Leonard amending Section 11 of the Town Code entitled land development regulations to create a new Green / Sustainable Building Program. Enclosed find 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'S CODE OF ORDINANCES; AMENDING CHAPTER 11 ENTITLED LAND DEVELOPMENT REGULATIONS; CREATING A NEW ARTICLE V TO BE ENTITLED SUSTAINABLE BUILDING PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**STAFF RECOMMENDATION:** Council Discretion.

**POLL VOTE**

6. **Consideration** and **Approval** on an ordinance on **second** reading requested by Council Member Salver amending Chapter 2 of the Town Code to prohibit contracting with a business which engages in boycott of a person, or entity based on race, color, religion, gender, sexual orientation, marital status or national origin. Enclosed find a copy of the proposed ordinance.

**AN ORDINANCE OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE BAY HARBOR CODE OF ORDINANCES BY CREATING SECTION 2-4, "CONTRACTING WITH THE TOWN", OF CHAPTER 2 "ADMINISTRATION" OF THE TOWN CODE, PROHIBITING THE TOWN AND PENSION FUND FROM PROCURING GOODS OR SERVICES FROM, OR OTHERWISE CONTRACTING WITH A BUSINESS WHICH ENGAGES IN THE BOYCOTT OF A PERSON OR ENTITY BASED ON RACE, COLOR, RELIGION, GENDER, SEXUAL ORIENTATION, MARITAL STATUS, OR NATIONAL ORIGIN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**STAFF RECOMMENDATION:** Council Discretion.

**POLL VOTE**

#### **ORDINANCES ON FIRST READING:**

##### **DEFERRED ITEMS:**

7. **Approval** of a resolution and an inter local agreement with Miami Dade County to join the Miami-Dade County Library Taxing District to provide library services to the Town's residents. Enclosed find a copy of the proposed resolution and Inter local agreement.

**STAFF RECOMMENDATION:** Approval.

8. **Discussion** requested by Council Member Reid regarding the noise ordinance. Enclosed a report submitted by Seibein Associates and a copy of the town's noise ordinance.

**STAFF RECOMMENDATION:** Approval.

9. **Discussion** and **adoption** of the Town's Street Tree Master Plan requested by Council Member Fuller. Attached is a copy of the draft Master Plan prepared by Michael Miller's office.

**STAFF RECOMMENDATION:** Approval.

10. **Approval** of award contract to Airstron, Inc in the amount of \$97,568 for emergency repairs to Air Conditioning System for Town Hall. Enclosed find a copy of the bids that were received and a Memo from Town Engineer, Randy Daniels.

**STAFF RECOMMENDATION:** Approval

**POLL VOTE**

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

11. **Discussion** and **possible action** requested by Town Manager Wasson to approve a proposal from Kimley Horn and Associates for a professional services agreement in the amount of \$49,900. The proposal will evaluate the existing Town Hall facilities to determine the cost and feasibility of renovating the site.

**STAFF RECOMMENDATION:** Approval.

**DISCUSSION ITEMS:**

12. **Discussion** requested by Council Member Marano on the possibility of televising all of the Citizen's Committee Meetings on the Town's website and Channel 77.

**STAFF RECOMMENDATION:** Council Discretion.

13. **Discussion** requested by Council Member Marano regarding the parking requirements for new multi-family development.

**STAFF RECOMMENDATION:** Council Discretion

**ADJOURNMENT:** Set for 11:00 p.m. *(Any items not addressed by 11:00 PM, will be continued to the following day at 7:00 PM)*

*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**

March 14, 2016

**ITEM NUMBER: 2.**

**ITEM: Approval** of Minutes for a Regular Council Meeting held on January 11, 2016.

**DESCRIPTION:**

**RECOMMENDED ACTION:**

Approval

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**FINANCIAL ANALYSIS:**

**BUDGET IMPACT:**

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Submitted By: Alba Chang, Deputy Town Clerk

### **ATTACHMENTS**

|    |                 |                     |
|----|-----------------|---------------------|
| 1. | 1-11-16 Minutes | 1-11-16 DRAFT M.pdf |
|----|-----------------|---------------------|



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

A Regular meeting of the Town Council was held on Monday, January 11, 2016 at 7:00 p.m. in the Council Chambers. Upon Roll call the following member responded:

|                             |                              |
|-----------------------------|------------------------------|
| Mayor Jordan Leonard        |                              |
| Vice Mayor Stephanie Bruder | Council Member Joshua Fuller |
| Council Member Doris Marano | Council Member Kelly Reid    |
| Council Member Issac Salver | Council Member Robert Yaffe  |

Mayor Leonard presented a certificate of Appreciation to Joseph Kurt for leading the Pledge of Allegiance.

At this time Item #16 was pulled out of order.

**Item 16. Consideration and Approval of a proposal from Miami Dade County Public Library System to establish a library branch at the Bay Harbor Islands Community Center.**

There was a detailed discussion from the Town Council on the proposed options from the Miami-Dade County Public Library System. The Town Council suggestions to have the Community Center open on weekends; different proposal options; senior activities; furniture; equipment; and hours of operation.

**PUBLIC COMMENT**

Victor Maya, 1155 103 Street and Kathleen Kennedy, 9900 W. Bay Harbor Drive, supported the proposal from the Miami Dade County Library System.

**CLOSED PUBLIC COMMENT**

Consensus was for Staff to work with Miami Dade County Library System on the Inter local Agreement that would modify Option A, to included flexible hours of operation, number of available staff and equipment.

**ACTION:** Council Member Fuller made a motion to approve Option A modified. Council Member Reid seconded the motion and it passed unanimously.

At this time Item #22 was taken.

**Item 22. Discussion requested by Council Member Salver to discuss possible legislation to prohibit contracting with a business which engages in boycotting of a person or entity based on race, color, religion, gender, or national origin.**

Council Member Salver introduced Council Member Gabriel Grossman of the Village of Bal Harbour.

Council Member Gabriel Grossman came forward and explained that the proposed ordinance was a big movement nationally which addressed discrimination.

There was a brief discussion from the Town Council on the subject matter and the suggestion to include every class to the proposed legislation.

**PUBLIC COMMENT**

Victor Maya, 1155 103 Street, came forward and was opposed to drafting an ordinance and suggested a Resolution pending the state legislation action.

**CLOSED PUBLIC COMMENT**

**ACTION:** Consensus was for staff to prepare an ordinance for first reading to include all classes.

**REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:**

Town Attorney Sherman pulled Item 11 from the Agenda and stated the Item would be brought to the Council at a later date.

Item #6 and 7 was pulled from Consent Agenda for discussion.

**COUNCIL REPORTS:**

Council Member Marano felt that the Mayor's message for the December Newsletter was offensive and asked for the Mayor to be remove from his position.

There was a brief discussion on the way the meetings were being run by Mayor Leonard, and how the residents address the Council.

**ACTION:** Council Member Marano made a motion to remove Mayor Leonard from office. Council Member Reid seconded the motion and it failed 2-5, with Council Member Marano and Reid in favor.

**TOWN MANAGER'S REPORT:**

**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.

Frances Neuhut, 1060 Kane Concourse, came forward and stated that in 2008 her Husband Dr. Neuhut ran for Town Council and had to obtain legal counsel because of Ethics Complaints. She felt that the Mayor was targeting residents.

Kathleen Kennedy, 9900 W. Bay Harbor Dr, came forward and felt that no respect has been given by some members of the community.

Laurie Swedroe, 1500 Biscayne Drive, came forward and asked the Town Council to refund her \$220 for money spent in tolls because she did not receive a renewal notice in the mail. Town Manager Wasson stated that notices have not been mailed out in 2 year and there were no refunds issue for commuters using the bridge that did not renew the Annual pass.

Victor Maya, 1155 103 St., He felt insulted by the Mayor message on the newsletter regarding and suggested a Mayor's run for office.

Jeff Koster, 1135 103 St., came forward and stated that there were residents that have made attack on him and the Town Council. He also suggested for a sidewalk expansion on the bridge.

Former Mayor, 1231 95 St., Linda Zilber, came forward to address the Council and stated that it was time to move on and work for the residents.

**COMMITTEE REPORTS:**

**Item 1. Consideration of a request for Appointment to the Parks and Recreation Committee by Ms. Kathleen Kennedy.**

**PUBLIC COMMENT**

Yaya Legrand, 9900 W. Bay Harbor Drive and Frances Neuhut, 1060 Kane Concourse, respectfully asked the Town Council consideration to appoint Ms. Kennedy to the Committee.

**CLOSED PUBLIC COMMENT**

**ACTION:** Council Member Yaffe made a motion to appoint Ms. Kennedy to the Parks and Recreation Committee. Vice Mayor Bruder seconded the motion and it passed 5-2 with Council Member Salver and Mayor Leonard opposed.

**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 2. Approval of the following Meeting Minutes:**

- a. Minutes of a Regular Council held August 10, 2015
- b. Minutes of a Budget Public Hearing held on September 16, 2015
- c. Minutes of a Public Hearing held on September 16, 2015
- d. Minutes of a Regular Council held on September 16, 2015
- e. Minutes of a Public Hearing held on October 16, 2015.

**Item 3. Consideration and Approval of a request from the David L. Singer Memorial Foundation, Inc. for renewal of the Town's customary charity donation of \$500.00 to the 34th Anniversary of the Special Olympics, Summer Games. The next event will be held on February 28th. 2016.**

**Item 4. Consideration and Approval of a proposal from The Bancorp to lease four (4) new patrol vehicles in the amount of \$22,863.80 per year.**

**Item 5. Consideration and Approval of a renewal for a Mutual Aid Agreement with the Town of Surfside Police Department and the Town of Bay Harbor Islands Police Department.**

**Item 6. Approval of the 2016 Regular Council Meetings Calendar. Enclosed find a copy of the proposed calendar.**

Consensus was to amend the meetings calendar to hold the October Regular Meeting on October 17<sup>th</sup>, 2016.

**ACTION:** Council Member Salver made a motion to approve the consent agenda. Vice Mayor Bruder seconded the motion and it passed by unanimous poll vote.

**Item 7. Consideration and Approval of a proposal from Online Solutions, LLC ("CitizenServe") for the software upgrade to the Code Compliance, Building Permits, and Business Tax Receipt Programs and other miscellaneous databases.**

There was a brief discussion regarding the software public access; search engine; service offer and users.

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

**ORDINANCES ON SECOND READING:**

**Item 8. Consideration and Approval of an ordinance on second reading requested by Council Member Yaffe amending Section 5-19.2 of the Town Code relating to driveways in the RD single-family district. Enclosed find 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 AS RELATED TO DRIVEWAYS IN THE RD SINGLE-FAMILY DISTRICT; AMENDING SECTION 5-19.2 OF THE BUILDINGS AND CONSTRUCTION CODE TO PROVIDE REGULATIONS FOR SECURITY GATES AT DRIVEWAY ENTRANCES FOR HOMES ALONG KANE CONCOURSE, TO MODIFY REGULATIONS FOR ALLOWABLE DRIVEWAY WIDTHS, AND TO MODIFY THE LIST OF PERMITTED AND PROHIBITED DRIVEWAY MATERIALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

There was a brief discussion on the propose ordinance driveway materials; green space percentage and if there was a requirement to hold an LPA meeting for this amendment.

**PUBLIC COMMENT**

Frances Nuehut, 9920 W. Broadview Dr, was opposed to the proposed ordinance.

**CLOSED PUBLIC COMMENT**

**ACTION:** Vice Mayor Bruder made a motion to approve the proposed ordinance. Council Member Yaffe seconded the motion and it passed by unanimous poll vote.

**ORDINANCES ON FIRST READING:**

**Item 9. Re-consideration and Approval of an ordinance on first reading requested by Mayor Leonard amending Section 11 of the Town Code entitled land development regulations to create a new Green / Sustainable Building Program.**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES; AMENDING CHAPTER 11 ENTITLED LAND DEVELOPMENT REGULATIONS; CREATING A NEW ARTICLE V TO BE ENTITLED SUSTAINABLE BUILDING PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

There was a brief discussion on the proposed ordinance fiscal impact, detail analyses; fees and how it will impact the tax revenue.

**PUBLIC COMMENT**

Victor Maya, 1155 103 St., came forward to address the Council. He felt that the Florida Building Code already require new developments to build to a greener standard.

**CLOSED PUBLIC COMMENT**

**ACTION:** Vice Mayor Bruder made a motion to approve the proposed ordinance. Council member fuller seconded the motion and it passed 5-2 poll vote, with Council Member Marano and Council Member Reid opposed.

**Item 10. Consideration and Approval on an ordinance on first reading requested by Council Member Reid amending Section 24-12 the Town Code relating to air conditioning units and other mechanical equipment on balconies.**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO THE REGULATION OF THE USES ON EXTEIOR BALCONIES; AMENDING SECTION 24-12 OF THE ZONING AND PLANNING CODE TO PROHIBIT AIR CONDITIONING UNITS AND OTHER MECHANICAL EQUIPMENT ON BALCONIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

There was a brief discussion on the new developments proposing summer kitchens; the current code on balconies and what was allowed on the roof.

**PUBLIC COMMENT**

Residents Jeff Koster, 1135 103 St.; Victor Maya, 1155 103 St; Vincent Martino, 1050 93 St supported the proposed ordinance and were concerned with noise levels on the balconies.

**CLOSED PUBLIC COMMENT**

**ACTION:** Vice Mayor Bruder made a motion to approve the proposed ordinance. Council Member Fuller seconded the motion and it passed 6-1 by poll vote, with Council Member Salver opposed.

**Item 11. Consideration and Approval of an ordinance on first reading requested by Council Member Reid amending Section 23 of the Town Code entitled zoning and planning to regulate vacation rentals on the East Island.**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA; AMENDING THE TOWN'S CODE OF ORDINANCES; AMENDING CHAPTER 23 ENTITLED ZONING AND PLANNING TO CREATE ARTICLE VI. TO BE ENTITLED VACATION RENTALS; PROVIDING FOR THE REGULATION OF VACATION RENTALS; PROVIDING DEFINITIONS; PROVIDING REQUIREMENTS AND STANDARDS FOR SAFETY AND OPERATION OF VACATION RENTALS; PROVIDING FOR ISSUANCE OF CERTIFICATES OF COMPLIANCE, ADMINISTRATION, PENALTIES, AND ENFORCEMENT; UPDATING THE PERMITTED USES IN THE RM-1, RM-2, AND RM-3 ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**ACTION:** Item defer to a later date.

**DEFERRED ITEMS:** (Items listed on previous agendas that were postponed due to time constraints)

**Item 12. Discussion and possible action of Community Showcase Video Program to enhance the Bay Harbor Islands Web Site with community promotions, special events, professional marketing and local BHI business advertising.**

**There was a brief discussion on the proposed showcase video program; fees; advertisement for local businesses; possible advertisement by the marketing company.**

**PUBLIC COMMENT**

Residents Victor Maya, 1155 103 St., and Jeff Koster, 1135 103 St., were opposed to the proposed showcase video program and suggested for staff to seek other options.

**ACTION:** Not approved.

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

**Item 13. Consideration and Approval of a Transfer of Developments Rights (TDR) transaction of the transfer of two (2) dwelling units from Oceanus Condominium, Inc (1060 92nd Street) to Bay Harbor Hotel, LLC (9601 East Bay Harbor Drive).**

**ACTION:** Council Member Yaffe made a motion to approve the private TDR transaction. Council Member Salver seconded the motion and it passed 5-1, with Council Member Reid opposed and Vice Mayor Bruder out of the dias.

**Item 14. Consideration and Approval of a Transfer of Development Rights (TDR) transaction of three (3) dwelling units from 9350 BHI, LLC (9350 Bay Harbor Terrace) to Bay Harbor Hotel, LLC (9601 East Bay Harbor Drive).**

**ACTION:** Council Member Fuller made a motion to approve the private TDR transaction. Council Member Fuller seconded the motion and it passed 5-1 vote, with Council Member Reid opposed and Vice Mayor Bruder out of the dias.

**Item 15. Consideration and Approval of a Transfer of Developments Rights (TDR) transaction of the transfer of fifteen (15) dwelling unit from the Town TDR Bank for construction of a previously approved project on November 11, 2015, to be located at 9601 East Bay Harbor Drive.**

There was a detailed discussion on the current price for Town owned TDR's; market price for private TDR's; efforts by the applicant to try to obtain from the private market; possible change of price on the proposed transaction.

**PUBLIC COMMENT**

Frances Neuhut, 1060 Kane Concourse, came forward to address the Council, she was opposed to the sale transaction and felt that not many private building were not selling because of the price increase.

**CLOSED PUBLIC COMMENT**

**ACTION:** Council Member Salver made a motion to approve the public TDR transaction, at a price of \$72,500 each TDR unit. Council Member Yaffe seconded the motion and it passed 6-1 vote, with Council Member Reid opposed.

**Item 18. Consideration and Approval of expenditure for \$123,036.92 for all emergency equipment to retrofit three (3) current vehicles and nine (9) new police vehicles.**

**ACTION:** Council Member Yaffe made a motion to approve the expenditure. Council Member Reid seconded the motion and it passed unanimously, with Council Member Yaffe out of the dias.

At this time council member salver left the meeting.

**DISCUSSION ITEMS:**

**Item 19. Additional discussion requested by Council Member Marano regarding the concept presented at last month's meeting of a cohesive plan for the Causeway Island, which includes an entrance feature and a some passive park features on the island's median. Enclosed is information provided by Council Member Marano. Attached is a sample message sign, to be placed on Kane Concourse, which ties in with the concept at Causeway Island and photographs provided by Assistant Manager JC Jimenez at the request of the Council.**

There was a detail discussion regarding possible suggestion for the Causeway Island; reflection pond; information signs; pedestrian benches, art rocks, and the proposed signs.

**ACTION:** Council Member Marano made a motion to have 2 benches and rocks on the Causeway Island.

**PUBLIC COMMENT**

Frances Neuhut, 1060 Kane Concourse, came forward to address the Council and felt that the information signs would be helpful during Election time.

**CLOSED PUBLIC COMMENT**

At this time Council Member Marano withdrew her motion.

**ACTION:** No action taken.

**Item 20. Discussion requested by Council Member Marano on creating a Business District Committee.**

There was a brief discussion on a possible creating of a new Business District Committee; planning of local events; local businesses only; variety of businesses and advertisement on the newsletter.

**ACTION:** Council Member Yaffe made a motion to create Business District Committee for local businesses only. Vice Mayor Bruder seconded the motion and it passed unanimously.

**Item 21. Discussion requested by Vice Mayor Bruder and Council Member Salver pertaining to the ground floor use on Kane Concourse.**

**ACTION:** Item defer to next meeting.

There being no further business to discuss meeting was adjourned at 10:50 p.m.

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**MAYOR**

**ATTEST**

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**TOWN CLERK**

## AGENDA ITEM REPORT

March 14, 2016

### ITEM NUMBER: 3.

**ITEM: Approval** of a charity donation in the amount of \$500 requested by Council Member Reid to the Pelican Harbor Seabird Station for their 2016 Pelican Party fund raising event. The event will be held on April 30, 2016. Enclosed find a copy of the funding request form and proposed budget for the event.

### DESCRIPTION:

The Pelican Harbor Seabird Station respectfully asked for a charity donation in the amount of \$500 for the Pelican Party fund raising event will be held on April 30th, 2016. The event is held annually to raise funds to support the wildlife rescue and rehabilitation program for the orphaned pelicans and other native wildlife.

Enclosed find a copy of the request form and proposed budget for the program.

### RECOMMENDED ACTION:

Approval.

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### FINANCIAL ANALYSIS:

### BUDGET IMPACT:

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Submitted By: Alba Chang, Deputy Town Clerk

### ATTACHMENTS

|    |                      |                              |
|----|----------------------|------------------------------|
| 1. | Funding request form | Pelican Charity Donation.pdf |
|----|----------------------|------------------------------|





## TOWN OF BAY HARBOR ISLANDS

### FUNDING REQUEST FORM

1. Name of Organization: Pelican Harbor Seabird Station 2. Amount Requested: \$500  
Address: 1279 NE 79th St Cswy Miami, FL 33138 Phone: 305-751-9840  
(city / state / zip code)

3. Mission Statement: PHSS is dedicated to the rescue, rehabilitation and release of sick, injured or orphaned brown pelicans and other native wildlife; and the preservation and protection of these species through educational and scientific means.

4. Tax Status: 501(C)(3) 5. Employer Identification # 59-2137331

6. Purpose of Request (Name of the Project this request will fund): 2016 Pelican Party

7. Anticipated Project Start Date: April 30, 2016 Anticipated Project Completion Date: April 30, 2016

8. Total Cost of the Project (A detailed budget must be attached): \$                     

9. Have any other cities or private entities donated money to this project? YES / ~~NO~~ ~~XX~~

9 b. If yes, please list those cities or entities with the amounts donated by each: North Miami - \$500

Miami Shores - \$500

10. Will this request have a direct impact on the Town of Bay Harbor Islands? YES / ~~NO~~ ~~XX~~

10 b. If yes, how? Bay Harbor Islands is surrounded by water and many of the pelicans and seabirds we help are picked up within the town limits.

11. Will this be a reoccurring request (Is a future donation request likely)? YES / ~~NO~~ ~~XX~~

11 b. If yes, please explain why? The Pelican Party is our main fund raising event and is held annually.

The funds raised will support our wildlife rescue & rehabilitation program. The need for our services is evidenced by the ever increasing numbers of animals we treat each year. In 2015 we treated 2,011 animals. Many would not survive without treatment. We are their second chance at life.

Jan Pye , Operations Manager  
Name and Title of Individual Filing Request  
(please print)

[Signature]  
Signature

2/15/16  
Date

\* Please note: All Organizations who are awarded funding, will be required to provide a follow-up report no later than two weeks after project completion.

**Pelican Harbor Seabird Station**  
**Budget Overview: 2016 Budget - FY16 P&L**  
January - December 2016

|                                               | <u>Total</u>         |
|-----------------------------------------------|----------------------|
| <b>Income</b>                                 |                      |
| 1600 Donations - General                      | 161,000.00           |
| 1610 Special Events 1                         |                      |
| 1611 5 K Run                                  | 20,000.00            |
| 1615 Pelican Party 1                          | 80,000.00            |
| 1617 Seabirds on the Bay                      | 7,200.00             |
| 1618 Give Miami Day                           | 15,000.00            |
| Total 1610 Special Events 1                   | <u>\$ 122,200.00</u> |
| 1620 Newsletter Income                        |                      |
| 1621 1st Newsletter                           | 0.00                 |
| 1622 2nd Newsletter                           | 0.00                 |
| 1623 3rd Newsletter                           | 0.00                 |
| 1624 4th Newsletter                           | 18,000.00            |
| Total 1620 Newsletter Income                  | <u>\$ 18,000.00</u>  |
| 1630 Grants 1                                 | 158,000.00           |
| 1635 Sage Matching Funds 1                    | 3,500.00             |
| 1650 Donations related to Promo Items 1       | 3,500.00             |
| Total Income                                  | <u>\$ 466,200.00</u> |
| Gross Profit                                  | <u>\$ 466,200.00</u> |
| <b>Expenses</b>                               |                      |
| 1000 Advertising/Promotional                  |                      |
| 1001 Advertising                              | 9,000.00             |
| 1002 Promotional Items                        | 2,500.00             |
| Total 1000 Advertising/Promotional            | <u>\$ 11,500.00</u>  |
| 1200 Food                                     | 0.00                 |
| 1201 Fish                                     | 14,500.00            |
| 1202 Patient food-other than fish             | 6,500.00             |
| Total 1200 Food                               | <u>\$ 21,000.00</u>  |
| 1250 Information Technology                   |                      |
| 1251 IT- Equipment                            | 800.00               |
| 1252 IT - Repair & Support plus website maint | 3,500.00             |
| 1253 IT - Software                            | 500.00               |
| Total 1250 Information Technology             | <u>\$ 4,800.00</u>   |
| 1270 Occupancy 1                              | 1,332.00             |
| 1271 Rent                                     | 300.00               |
| Total 1270 Occupancy 1                        | <u>\$ 1,632.00</u>   |
| 1280 Insurance 1                              |                      |
| 1281 Auto Insurance                           | 3,200.00             |
| 1282 Commercial Property Insurance            | 924.00               |
| 1283 Directors & Officers Insurance           | 894.00               |
| 1284 Dishonesty Bond                          | 384.00               |

|                                            |                      |
|--------------------------------------------|----------------------|
| 1285 General Liability Insurance           | 525.00               |
| 1286 Volunteer Accident Insurance          | 163.00               |
| 1287 Watercraft Liability Insurance        | 898.00               |
| 1289 Wind Insurance                        | 8,732.00             |
| <b>Total 1280 Insurance 1</b>              | <b>\$ 15,720.00</b>  |
| 1300 Depreciation 1                        | 15,168.00            |
| 1320 Office Expense                        |                      |
| 1321 Cleaning Supplies                     | 500.00               |
| 1322 Office Supplies                       | 4,000.00             |
| <b>Total 1320 Office Expense</b>           | <b>\$ 4,500.00</b>   |
| 1323 Small Equipment                       | 1,416.00             |
| 1360 Labor Costs                           |                      |
| 1361 Salaries                              | 199,476.00           |
| 1362 Payroll Admin Costs                   | 10,920.00            |
| 1363 Workers Comp Insurance                | 14,028.00            |
| 1365 Health Insurance                      | 7,000.00             |
| 1366 Dental Insurance                      | 1,500.00             |
| 1367 Retirement Plan                       | 5,000.00             |
| 1369 Payroll Taxes                         | 13,124.00            |
| <b>Total 1360 Labor Costs</b>              | <b>\$ 251,048.00</b> |
| 1380 Permits, Fees & Dues                  |                      |
| 1382 Dues                                  | 500.00               |
| 1383 Permits                               | 750.00               |
| 1384 Bank Charges                          | 500.00               |
| 1385 Merchant Fees                         | 500.00               |
| <b>Total 1380 Permits, Fees &amp; Dues</b> | <b>\$ 2,250.00</b>   |
| 1390 Professional Services                 |                      |
| 1392 Accountant                            | 5,500.00             |
| <b>Total 1390 Professional Services</b>    | <b>\$ 5,500.00</b>   |
| 1400 Postage & Shipping 1                  | 2,000.00             |
| 1410 Repair & Maintenance                  | 5,000.00             |
| 1420 Special Event Expenses                |                      |
| 1421 5 K Run                               | 15,000.00            |
| 1425 Pelican Party Expenses                | 28,000.00            |
| 1427 Seabirds on the Bay Expenses          | 6,400.00             |
| <b>Total 1420 Special Event Expenses</b>   | <b>\$ 49,400.00</b>  |
| 1440 Staff Expense                         |                      |
| 1441 Seminars, Travel, Training            | 5,000.00             |
| 1444 Staff Appreciation                    | 300.00               |
| 1445 Staff Uniforms                        | 1,800.00             |
| <b>Total 1440 Staff Expense</b>            | <b>\$ 7,100.00</b>   |
| 1460 Telephone & Internet                  | 4,000.00             |
| 1480 Auto & Boat Expense                   |                      |
| 1481 Auto/Boat Fuel                        | 1,500.00             |
| 1482 Auto Repairs                          | 750.00               |
| <b>Total 1480 Auto &amp; Boat Expense</b>  | <b>\$ 2,250.00</b>   |
| 1490 Clinic Operation                      |                      |

|                                           |                      |
|-------------------------------------------|----------------------|
| 1492 Veterinarian                         | 10,400.00            |
| 1494 Veterinary Supplies                  | 11,482.00            |
| 1496 Veterinary Medicenes                 | 0.00                 |
| <b>Total 1494 Veterinary Supplies</b>     | <b>\$ 11,482.00</b>  |
| 1498 Raptor Med                           | 1,000.00             |
| 1499 Preventative Vaccinations            | 4,500.00             |
| <b>Total 1490 Clinic Operation</b>        | <b>\$ 27,382.00</b>  |
| 1520 Fund raising                         |                      |
| 1521 Donor Acknowledgement                | 2,000.00             |
| 1522 Fund Raising Programs                | 0.00                 |
| <b>Total 1520 Fund raising</b>            | <b>\$ 2,000.00</b>   |
| 1550 Educational Programming              |                      |
| 1552 Operation Rescue                     | 1,000.00             |
| 1553 Van Signage                          | 1,500.00             |
| <b>Total 1552 Operation Rescue</b>        | <b>\$ 2,500.00</b>   |
| 1555 Educational Supplies                 | 13,973.00            |
| 1557 Educational Newsletter               | 14,000.00            |
| 1558 Nestcam                              | 0.00                 |
| <b>Total 1550 Educational Programming</b> | <b>\$ 30,473.00</b>  |
| 1570 Volunteer Expense                    |                      |
| 1571 Volunteer Appreciation               | 1,500.00             |
| <b>Total 1570 Volunteer Expense</b>       | <b>\$ 1,500.00</b>   |
| 1580 Intern Expense                       |                      |
| 1582 Intern Uniforms                      | 500.00               |
| <b>Total 1580 Intern Expense</b>          | <b>\$ 500.00</b>     |
| <b>Total Expenses</b>                     | <b>\$ 466,139.00</b> |
| <b>Net Operating Income</b>               | <b>\$ 61.00</b>      |
| Other Income                              |                      |
| 1640 Interest Income 1                    | 2,000.00             |
| 1655 Bequests 1                           | 0.00                 |
| <b>Total Other Income</b>                 | <b>\$ 2,000.00</b>   |
| <b>Net Other Income</b>                   | <b>\$ 2,000.00</b>   |
| <b>Net Income</b>                         | <b>\$ 2,061.00</b>   |

Monday, Feb 22, 2016 10:06:27 AM PST GMT-5 - Accrual Basis

## **AGENDA ITEM REPORT**

March 14, 2016

### **ITEM NUMBER: 4.**

### **ITEM:**

**Approval** of a resolution updating and adopting new values for Town owned TDR (Transfer of Development Rights) units. Enclosed find a copy of the proposed resolution and supporting documents.

### **DESCRIPTION:**

Staff has seen the price of private TDR transactions increase in the last couple of months and per the Town Council's previous requests it was time to update the appraisal report. Therefore, we ordered an appraisal to review the price of the TDRs (attached). The last time the value of the TDRs was changed it was September 2015.

The current appraisal report recommends that the prices for the public TDR units should be raised as follows:

\$62,000 for non-waterfront

\$70,000 for waterfront

### **RECOMMENDED ACTION:**

Approval

---

### **FINANCIAL ANALYSIS:**

### **BUDGET IMPACT:**

---

Submitted By: Marlene Siegel, Town Clerk

### **ATTACHMENTS**

|    |                                  |                                  |
|----|----------------------------------|----------------------------------|
| 1. | Proposed Resolution - TDR values | TDR - town owned units value.pdf |
| 2. | TDR Appraisal                    | TDR Appraisal 2-2016.pdf         |



**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
BAY HARBOR ISLANDS, FLORIDA, UPDATING AND ADOPTING  
NEW VALUES FOR THE TOWN-OWNED TDR DWELLING UNITS;  
PROVIDING FOR SEVERABILITY; PROVIDING FOR  
CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Bay Harbor Islands is a municipality located within Miami-Dade County, Florida; and

**WHEREAS**, the Town has adopted amendments to its Comprehensive Plan that included, among other items, a Density Averaging System that provides for a Transfer of Development Rights (TDR) program; and

**WHEREAS**, the Florida Department of Community Affairs (DCA) found the Town's Phase 1 EAR-Based Comprehensive Plan amendments "in Compliance" on March 21<sup>st</sup>, 2005; and

**WHEREAS**, the Town adopted Land Development Regulations to implement the provisions contained within the adopted Comprehensive Plan including a Density Monitoring System (DMS) and Transfer of Development Rights (TDR) program; and

**WHEREAS**, as part of the implementation of the new Land Development Regulations, the Town is required to adopt a methodology and establish the value of Town-owned dwelling units that are capable of being conveyed through the Transfer of Development Rights (TDR) program to private parties; and

**WHEREAS**, the Town adopted a methodology to determine the value of a Town-owned Transfer of Development Rights (TDR) dwelling units in 2006 and established initial values for Town-owned TDR units; and

**WHEREAS**, the methodology includes provisions to periodically review and update the values for town-owned TDR units to reflect real estate market trends; and

**WHEREAS**, the Town retained a qualified professional Appraiser to assist the Town in analyzing current real estate sales, comparable values, other municipal TDR programs and establishing a value for Town-owned TDR dwelling units; and

**WHEREAS**, the Town Council has considered the staff input and the findings and recommendations found in the Appraiser's dated February 2016 TDR study and held a public meeting to consider the proposed Transfer of Development Rights (TDR) valuation methodology and updated values and took public input.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:**

**SECTION 1.** The Town Council hereby adopts the updated TDR values set forth in the attached Exhibit A.

**SECTION 2. Severability.** That a decision by a court of competent jurisdiction declaring invalid any section, paragraph, sentence, clause, phrase or other part of this Resolution shall not affect the validity of this Resolution as a whole or any parts thereof, other than the part so declared to be invalid.

**SECTION 3. Conflict.** That all Sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions, or parts of Resolutions, in conflict are hereby repealed to the extent of such conflict.

**SECTION 4. Effective Date.** This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED this 14th day of March, 2016.**

---

**JORDAN W. LEONARD, MAYOR**

**ATTEST:**

---

**MARLENE M. SIEGEL, TOWN CLERK**

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

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**CRAIG B. SHERMAN, TOWN ATTORNEY**



**EXHIBIT A**

**TOWN OF BAY HARBOR ISLANDS**

**TRANSFER OF DEVELOPMENT RIGHT (TDR) DWELLING UNIT VALUES**

The Town of Bay Harbor Islands, Florida hereby adopts the following values for each Town-owned Transfer of Development Rights (TDR) dwelling unit:

**Town-owned TDR dwelling units transferred to Waterfront properties:**

**\$70,000.00**

**Town-owned TDR dwelling units transferred to Non-waterfront properties:**

**\$62,000.00**

# **APPRAISAL REPORT**

## **TRANSFERABLE DEVELOPMENT RIGHTS**

### **LOCATED AT:**

**BAY HARBOR ISLANDS, FLORIDA**

### **PREPARED FOR:**

**TOWN OF BAY HARBOR ISLANDS  
9665 BAY HARBOR TERRACE  
BAY HARBOR ISLANDS, FLORIDA**

### **AS OF:**

**FEBRUARY 17, 2016**

### **PREPARED BY:**

**QUINLIVAN APPRAISAL, P.A.  
7300 NORTH KENDALL DRIVE – SUITE 530  
MIAMI, FLORIDA 33156**

**QUINLIVAN APPRAISAL**  
A PROFESSIONAL ASSOCIATION  
7300 NORTH KENDALL DRIVE, SUITE 530  
MIAMI, FLORIDA 33156

J. Mark Quinlivan, MAI  
State Certified General Appraiser  
RZ 0000112

Telephone (305) 663-6611  
Fax (305) 670-4330  
jmqmai@aol.com

Thomas F. Magenheimer, MAI  
State Certified General Appraiser  
RZ 0000553

February 19, 2016

Ronald J. Wasson, Town Manager  
Town of Bay Harbor Islands  
9665 Bay Harbor Terrace  
Bay Harbor Islands, Florida 33154

Dear Mr. Wasson:

In accordance with your request and authorization, I have prepared this Appraisal Report to estimate the Market Value of the Transfer of Development Rights for dwelling units for the Town of Bay Harbor Islands.

The Town of Bay Harbor Islands has implemented a program allowing unused public and private development rights to be sold. Transfer of Development Rights (TDR) refers to the method of transferring the "right to develop" from one site to another. With the use of TDRs, sites would be able to build to a higher density while the maximum overall density of the Town would not exceed that allowed by the Town's adopted Comprehensive Plan and Land Development Regulations. Currently, the maximum density on the Eastern Island is thirty-four dwelling units per acre for the sites zoned Medium-High Density Residential.

The Appraisal Report that follows sets forth the assumptions and limiting conditions, pertinent facts about the area, comparable data, the results of the investigations and analyses, and the reasoning leading to the conclusions set forth. The client has requested appraisal services to assist the town in determining the value of Town-owned dwelling units that could be transferred to receiver sites.

The value of a property can be estimated by various methods which include Direct Sales Comparison, Allocation, Extraction, Development Approach, Land Residual or Ground Rent Capitalization. However, the Direct Sales Comparison Approach is the most preferred and utilized technique when sales of comparable sites are available. The other methodologies are indirect techniques which are generally used when an area is mostly developed and sales of comparable sites are scarce.

**Mr. Ronald J. Wasson, Town Manager**  
**Town of Bay Harbor Islands**  
**February 19, 2016**  
**Page 2**

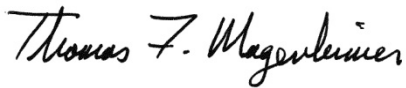
The Direct Sales Comparison Method was utilized in valuing the Transfer of Development Right (TDR) dwelling units due to the availability of recent sales and sales contracts. In the Direct Sales Comparison Method, sales of similar recently sold properties with a similar highest and best use as the subject property are analyzed, compared and adjusted by time, property characteristics and location to indicate the Market Value of a Transfer of Development Right dwelling unit. Additionally, sales of multiple family residential land sites are researched, analyzed and adjusted to estimate the value of the subject TDRs. The land sales are analyzed on a price paid per dwelling unit.

Based on the investigation and analyses undertaken, I have formed the opinion that the Transferable Development Rights had a Market Value as of February 17, 2016 as follows:

**TRANSFERABLE DEVELOPMENT RIGHTS**

|                             |                                   |
|-----------------------------|-----------------------------------|
| <b>NON-WATERFRONT SITES</b> | <b>\$62,000 PER DWELLING UNIT</b> |
| <b>WATERFRONT SITES</b>     | <b>\$70,000 PER DWELLING UNIT</b> |

Respectfully submitted,



**Thomas F. Magenheimer, MAI**  
State-Certified General Appraiser  
Certification Number: RZ0000553

TFM/jb  
(16-003)

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**ASSUMPTIONS AND LIMITING CONDITIONS**

**QUALIFICATIONS**

**CLIENT LIST**

## ***CERTIFICATION OF VALUE***

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The undersigned hereby certifies that, to the best of my knowledge and belief:

- (A) The statements of fact contained in the report are true and correct.
- (B) The reported analyses, opinions and conclusions are limited only by the assumptions and limiting conditions set forth, and are my personal, unbiased professional analyses, opinions and conclusions.
- (C) I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.
- (D) I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- (E) My engagement in this assignment is not contingent upon developing or reporting predetermined results.
- (F) The appraiser's compensation for completing this assignment is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal. Furthermore, the appraisal assignment is not based on a requested minimum valuation, a specific valuation or the approval of a loan.
- (G) The appraiser's analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice, the requirements of the State of Florida for state-certified appraisers, the Uniform Appraisal Standards for Federal Land Acquisition and the Uniform Act 49 Code of Federal Regulations Part 24B.
- (H) Use of this report is subject to the requirements of the State of Florida relating to review by the Real Estate Appraisal Subcommittee of the Florida Real Estate Commission.
- (I) Thomas F. Magenheimer has made a personal inspection of the property that is the subject of this report.

- (J) No one provided significant professional assistance to the person signing this report.
- (K) The reported analyses, opinions, and conclusions are developed, and this report is prepared, in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.
- (L) The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- (M) The undersigned performed appraisal services concerning the property dated May 8, 2015 and September 4, 2015.

As of the date of this report, Thomas F. Magenheimer has completed the requirements under the continuing education program for The Appraisal Institute.

Based on the inspection of the property and the investigation and analyses undertaken, subject to the assumptions and limiting conditions set forth in the Addendum of this report, I have formed the opinion, as of the date of valuation, the subject property had a Market Value of:

**TRANSFERABLE DEVELOPMENT RIGHTS**

|                      |                            |
|----------------------|----------------------------|
| NON-WATERFRONT SITES | \$62,000 PER DWELLING UNIT |
| WATERFRONT SITES     | \$70,000 PER DWELLING UNIT |



**THOMAS F. MAGENHEIMER, MAI**  
**STATE-CERTIFIED REAL ESTATE APPRAISER**  
**CERTIFICATION NUMBER: RZ0000553**

## **SUMMARY OF SALIENT FACTS AND CONCLUSIONS**

|                           |                             |
|---------------------------|-----------------------------|
| Purpose of Appraisal      | Market Value                |
| Property Rights Appraised | Fee Simple                  |
| Location                  | Bay Harbor Islands, Florida |
| Final Estimate of Value   |                             |
| Non-Waterfront TDRs       | \$62,000 per dwelling unit  |
| Waterfront TDRs           | \$70,000 per dwelling unit  |
| Date of Value Estimate    | February 17, 2016           |
| Date of Report            | February 19, 2016           |



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## ***INTRODUCTION***

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## **INTRODUCTION**

### **IDENTIFICATION OF THE PROPERTY**

Waterfront and non-waterfront transferrable development rights

### **LOCATION**

Town of Bay Harbor Islands, Florida

### **PURPOSE AND DATE OF APPRAISAL**

The purpose of this Appraisal is to estimate the Market Value of waterfront and non-waterfront transferrable development rights within the Town of Bay Harbor Islands, as of February 17, 2016.

### **INTENDED USE AND USER OF APPRAISAL**

The intended use of this appraisal is to estimate the market value of the property for future development planning. The intended user is the Town of Bay Harbor Islands.

### **PROPERTY RIGHTS APPRAISED**

The property is appraised in fee simple: a fee without limitations to any particular class of heirs or restrictions, but subject to the limitations of eminent domain, escheat, police power and taxation, as well as utility easements of record.

## **DEFINITION OF MARKET VALUE**

**Market Value** means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- (1) buyer and seller are typically motivated;
- (2) both parties are well informed or well advised and acting in what they consider their own best interest;
- (3) a reasonable time is allowed for exposure to the open market;
- (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- (5) the price represents a normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

Source: Interagency Appraisal and Evaluation Guidelines, December 10, 2010, Federal Register, Volume 75, No. 237, Page 77472

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## ***SCOPE OF THE APPRAISAL***

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## **SCOPE OF THE APPRAISAL**

Transfer of Development Rights refers to the method of transferring the “right to develop” from one site to another. In this report, the Market Value for a Transfer of Development Right dwelling units were estimated for both waterfront lots and non-waterfront lots based on a sales comparison approach.

The value of a property can be estimated by various methods which include Direct Sales Comparison, Allocation, Extraction, Development Approach, Land Residual or Ground Rent Capitalization. However, the Direct Sales Comparison Approach is the most preferred and utilized technique when sales of comparable sites are available. The other methodologies are indirect techniques which are generally used when an area is primarily built-up and sales of comparable TDRs are scarce.

The Direct Sales Comparison Method of valuing the Transfer of Development Rights (TDRs) was relied on due to the availability of recent sales. In the Direct Sales Comparison Method, sales of similar recently sold TDRs and sales contracts from TDRs with a similar highest and best use as the subject property are analyzed, compared and adjusted by time, property characteristics and location to indicate the Market Value of the subject property as though unimproved. The reliability of this approach is dependent upon the availability of comparable sales data, the verification of the sales data, the degree of comparability and the absence of non-typical conditions affecting the sale. Additionally, sales of multiple family residential land sites are researched, analyzed and adjusted to estimate the value of the subject TDRs. The land sales are analyzed on a price paid per dwelling unit.

Sales prices are typically confirmed with a party to the transaction, i.e. buyer, seller, real estate agent, municipal officials or attorney to the transaction.

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## ***LOCATION ANALYSIS***

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## **COUNTY DATA**

### **Miami-Dade County - Location and Size**

Miami-Dade County, which comprises the metropolitan area of Miami, is situated on the southeast tip of the state of Florida. It is bordered on the east by the Atlantic Ocean, on the west by Monroe and Collier Counties, on the north by Broward County, and on the south by Monroe County (the Florida Keys).

Miami-Dade County, the largest county in area and population in the state of Florida, covers an area of 2,054 square miles with an altitude ranging from sea level to 25 feet. Water covers 354 square miles of the County.

Although the County is relatively large, approximately half of the total area is comprised of the Everglades, which is a natural area that will not be developed. Therefore, only the eastern section of Miami-Dade County encompasses the area which is currently developed or available for future development.

Miami-Dade County's location, its southern latitude and proximity to the Gulf Stream provide for mild winters and pleasant summers.

### **Population**

The state of Florida has increased rapidly in population from 9,740,000 in 1980 to 12,937,926 in 1990 and 15,982,378 in 2000. The 2010 population of Florida was 18,801,310, an increase of 17.6% over the 2000 population.

Miami-Dade County's population increased from 1,626,000 in 1980 to 1,937,094 in 1990, reflecting an average annual compounded growth rate of 1.77%, compared with 2.88% for the state of Florida. By 2000, Miami-Dade County's population increased to approximately 2,253,362. The population grew to 2,496,435 by the Year 2010, an increase of 10.8% over the 2000 population. By the Year 2014 the population increased to 2,604,265, an increase of 4.3% over the 2010 population.

Miami-Dade County's population growth during the last four decades has been dramatic especially in relation to national trends. From 1950 to 1990 the United States population increased by 60% while the population of Miami-Dade County has almost quadrupled from 495,084 to 1,937,000. During this period, the state of Florida was elevated from the 20<sup>th</sup> most populous state to the 4<sup>th</sup> in 1990 and continues to be the fourth most populous state.

During the 1960s, the major increase in Miami-Dade County's population was due to the large immigration of Cubans. Today, Cuban and other Spanish speaking people comprise approximately 62% of Miami-Dade County's population. The increase in Hispanic population has had favorable effects on the local economy and has helped to create a multi-national cultural environment in the area.

The overall population of Miami-Dade County is well dispersed throughout the entire area, yet has several key areas of concentration. During the 1960s, several sub-areas accounted for approximately 70% of the growth. These areas include Hialeah, northern Miami-Dade County, the Beach area, the Miami River area, the area southwest of Miami International Airport, as well as the Kendall and Cutler Ridge areas. In the first half of the 1970s, population growth continued in an uneven fashion especially in the urban fringes.

Since 1970, approximately three-fourths of the total population growth for the County has occurred in the unincorporated areas. The older centrally located cities such as Miami, Miami Beach and Coral Gables have grown at modest rates from 1970 to 1990. Unincorporated Miami-Dade County has evidenced the most rapid growth which continues to occur in areas in northeast Miami-Dade County (Aventura), as well as the currently expanding southwest area, especially in sections of Flagler Street, S.W. 8<sup>th</sup> Street, North Kendall Drive and Homestead.

Population trends indicate that most of the population growth in Miami-Dade County between 2010 and 2015 will occur in outlying areas such as North Miami Beach, the Kendall area west of the Florida Turnpike, the S.W. 8<sup>th</sup> Street area west of the Florida Turnpike, the Hialeah-Miami Lakes area, as well as those areas both east and west of U.S. Highway 1 between Cutler Ridge and Florida City.

### **Employment Trends**

The dominant characteristic of Miami-Dade County is that it is primarily trade and service based. Personal, business and repair services have had a substantial increase in importance in the economic base over the last decade. The major sectors of the economy include services, wholesale and retail trade, transportation, communications, public utilities, government and manufacturing. The most dominant industries which form the County's economic base are construction and tourism.

Tourism is Miami-Dade County's biggest industry with an estimated 13.9 million visitors in 2012 contributing to more than 50 percent of the area's economy. Aviation and related industries are responsible for another large segment of the economy.

The largest employer in Miami-Dade County is the Miami-Dade County School Board, followed by Miami-Dade County, Federal Government, State of Florida, Jackson Health System, American Airlines, University of Miami, Baptist Health Systems of South Florida, AT&T, and Florida Power and Light. Assuming additional importance is the growing prominence of Miami-Dade County as a center for international trade, finance and tourism. The establishment of Miami as the "Gateway of the Americas" should provide the area with a much needed degree of economic diversification. This should enable Miami-Dade County to weather slowdowns in the national economy by an increase of trade through the Port of Miami, growth of international arrivals at the airport, the Free Trade Zone, and the substantial foreign investment in the local economy, particularly in real estate.

In October of 2015, Florida's unemployment rate was 5.1 percent, down from 13.7 percent in November of 2014 and a high of 10.7 percent in March of 2011. The unemployment rate for Miami-Dade County in October of 2015 was 6.2 percent, down from 8.1 percent a year earlier.



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**TABLE 1**

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**ESTIMATES OF MIAMI-DADE COUNTY TOURIST TRENDS**

|             | INTERNATIONAL | DOMESTIC  | TOTAL      |
|-------------|---------------|-----------|------------|
| <b>2008</b> | 6,169,043     | 6,662,546 | 12,831,589 |
| <b>2009</b> | 5,684,400     | 6,251,564 | 11,935,964 |
| <b>2010</b> | 6,060,100     | 6,544,000 | 12,604,100 |
| <b>2011</b> | 6,461,900     | 6,908,600 | 13,370,600 |
| <b>2012</b> | 6,801,200     | 7,102,032 | 13,903,232 |
| <b>2013</b> | 7,131,700     | 7,087,200 | 14,218,900 |
| <b>2014</b> | 7,260,000     | 7,303,200 | 14,563,200 |

Source: Greater Miami Convention and Visitors Bureau, Tourism Facts and Figures

Figures for 2014 indicate 14,563,200 overnight visitors came to Miami-Dade County, a 2.4% increase from 2013. In 2013, the total overnight visitors increased to 14,218,900, an increase of 2.2% over 2012.

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**TABLE 2**

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**ESTIMATES OF DOMESTIC VISITORS BY REGION**

| DOMESTIC MARKET       | 2010  | 2011  | 2012  | 2013  | 2014  |
|-----------------------|-------|-------|-------|-------|-------|
| <b>NEW YORK</b>       | 25.5% | 25.3% | 25.5% | 25.9% | 26.0% |
| <b>CHICAGO</b>        | 5.9%  | 5.9%  | 5.8%  | 5.9%  | 5.9%  |
| <b>PHILADELPHIA</b>   | 5.8%  | 5.7%  | 5.7%  | 5.6%  | 6.0%  |
| <b>BOSTON</b>         | 4.3%  | 4.3%  | 4.3%  | 4.3%  | 4.3%  |
| <b>ATLANTA</b>        | 3.7%  | 3.8%  | 3.9%  | 3.9%  | 3.9%  |
| <b>WASHINGTON, DC</b> | 2.8%  | 2.8%  | 2.8%  | 2.8%  | 2.8%  |
| <b>DALLAS</b>         | 2.6%  | 2.6%  | 2.7%  | 2.7%  | 2.7%  |
| <b>DETROIT</b>        | 2.1%  | 2.1%  | 2.1%  | 2.0%  | 1.9%  |
| <b>LOS ANGELES</b>    | 1.9%  | 2.0%  | 1.9%  | 2.1%  | 2.1%  |
| <b>HOUSTON</b>        | 1.7%  | 1.8%  | 1.8%  | 1.8%  | 1.8%  |

Source: Greater Miami Convention and Visitors Bureau, Tourism Facts and Figures

Table 2 indicates that the bulk of domestic visitors to Miami-Dade County originate from the New York (26%), Chicago (5.9%) and Philadelphia (6.0%) market areas. Of the top ten domestic market visitors, the majority (48.2%) are from northeastern market areas.

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**TABLE 3**

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**ESTIMATES OF INTERNATIONAL VISITORS BY REGION**

| <b>REGION</b>                     | <b>2010</b> | <b>2011</b> | <b>2012</b> | <b>2013</b> | <b>2014</b> |
|-----------------------------------|-------------|-------------|-------------|-------------|-------------|
| <b>EUROPEAN COUNTRIES</b>         | 21.6%       | 20.2%       | 20.0%       | 19.2%       | 19.7%       |
| <b>CARIBBEAN COUNTRIES</b>        | 11.4%       | 10.8%       | 10.5%       | 10.0%       | 10.4%       |
| <b>CENTRAL AMERICAN COUNTRIES</b> | 8.7%        | 8.3%        | 8.0%        | 7.8%        | 8.2%        |
| <b>SOUTH AMERICAN COUNTRIES</b>   | 46.8%       | 49.2%       | 50.3%       | 52.1%       | 50.4%       |
| <b>CANADA</b>                     | 9.7%        | 9.7%        | 9.4%        | 9.2%        | 9.5%        |
| <b>OTHER COUNTRIES</b>            | 1.8%        | 1.8%        | 1.8%        | 1.7%        | 1.8%        |
| <b>TOTAL</b>                      | 100%        | 100%        | 100%        | 100%        | 100%        |

Source: Greater Miami Convention and Visitors Bureau, Tourism Facts and Figures

Table 3 shows that the bulk of international visitors to Miami-Dade County originate from Central and South American Countries (58.6%), followed by European Countries (19.7%) and Caribbean Countries (10.4%). England and Germany accounted for the largest proportion of European visitors.

In 2014 there were a total of 4.939 million passengers passing through the Port of Miami. During 2014, the number of Port of Miami passengers increased 21.1% from 2013. The passenger count for 2015 is expected to increase to nearly 5.0 million with the introduction of three new ships to the port. Through June of 2015 approximately 11,051,259 passengers arrived through Miami International Airport. The passengers arriving at the airport increased 6.2% from the same period the previous year. The arrivals at the airport are fairly evenly distributed between international and domestic passengers. Through June 2015, domestic arrivals totaled 5,732,473 and international arrivals totaled 5,318,786.

There are approximately 50,901 motel and hotel rooms in 392 lodging facilities in Greater Miami and the Beaches. The area had an occupancy rate of 80.8 percent in 2015, down 0.2% from 2014. The airport area had the highest occupancy rate as of June 2015 at around 90.2%. The average room rate for hotel rooms in Miami-Dade County was \$217.62 in 2015, up from \$202.20 in 2014. Therefore, the average hotel room rates in 2015 indicate an increase of 7.6% over the 2014 rate.

The first in a series of new luxury properties opened in February 2004 when the 380-room Ritz Carlton opened in Miami Beach. In May of 2005, the 210-room Le Meridian opened in Sunny Isles Beach. Three other new hotels with a total of 271 rooms opened in Miami Beach during 2005. In 2014, new hotel openings included the Courtyard Cadillac Miami Beach Hotel (93-rooms) in Miami Beach, EB Hotel Miami (133-rooms) in Miami Springs, and the Grand Beach Hotel (268-rooms) in Surfside. New hotels expected to open in 2015 include Aloft South Beach (235-rooms) in Miami Beach, East Hotel (263-rooms) in the Brickell Financial District, The Feena Hotel (169-rooms) in Miami Beach, the Nautilus (251-rooms) in Miami Beach, and Langford (126-rooms) in downtown Miami.

### **Miami-Dade Financial Resources**

Over the course of the last decade, Greater Miami has evolved into a major international financial center. Domestic and international businesses find convenient access to a full array of services provided by locally-based state and national commercial banks, savings and loan associations, foreign banks, non-depository credit institutions, securities and commodities brokers and insurance companies.

Greater Miami has the largest concentration of domestic and international banks south of New York City. With more than 90 percent of the state's foreign banks operating offices in Miami, this market dominates international banking in Florida.

Overall, about 150 domestic banks, foreign banks and Edge Act banks operate in Greater Miami. The greatest concentration is located along Brickell Avenue in downtown Miami.

### **Transportation**

Miami-Dade County has an extensive expressway system with access to all points in the County. However, due to the rapidly increasing population, some of the expressways, especially Interstate 95, are becoming overburdened. In 1985 Miami-Dade County completed a 20.5 mile elevated rapid transit system. This system originally extended southward from downtown Miami to Dadeland, paralleling U.S. Highway 1 and northwesterly from downtown Miami to Hialeah. In 1999, the system was extended about a mile from Hialeah to the Palmetto Expressway at NW 74<sup>th</sup> Street. An expansion to the Miami International Airport opened in 2013. In conjunction with this system, there is a Downtown People Mover Automated Transit system which encircles the central business district of Miami and extends south to the Brickell area and north to the Omni area.

Miami-Dade County is served by the CSX and Florida East Coast Railroads for freight and Amtrak Rail, Greyhound and Trailways Interstate bus lines for passenger service.

Miami International Airport, one of the nation's largest and busiest, had 307,503 aircraft arrivals and departures through September 2015, an increase of 2.14% over the previous year. The airport is currently undergoing a \$5.4 billion expansion. A South Terminal has recently been completed and a North Terminal completed in 2013 and a fourth runway has been constructed.

Miami has become a port of embarkation for airlines and ships bound for Central and South American Countries. The Port of Miami, besides being the largest passenger port in the nation, is also important as a cargo center with a 2014 annual tonnage of approximately 7.7 million, down 3.5% from 7.981 million in 2013. The port's traditional customer base has been Europe, China, Latin America and the Caribbean, accounting for 65% of the port's total volume.

Miami's comprehensive transportation system and its strategic location have enabled it to become an important international transportation center, providing commercial access to Latin America and the Caribbean.

### **Government**

Miami-Dade County is comprised of unincorporated areas, as well as 36 municipalities, the largest of which is the city of Miami.

Miami-Dade County is governed under a modified two-tier metropolitan government. The purpose of this type government was to establish one governing body for the county, and to establish one supply of services such as fire, police, etc. for the county. The upper tier is the County, which provides broad "regional" or county functions, such as metropolitan planning, welfare, health and transit services. The thirty-six municipalities represent the lower tier of government, providing a varying array of services within their jurisdictional boundaries. The County also maintains lower tier functions, such as the provision of municipal-type services, including police and fire, to the unincorporated areas and certain municipalities on a negotiated basis.

The County operates under the Commission-Manager form of government. Legislative and policy-making authority is vested in the elected thirteen-member Board of County Commissioners; the Commission appointed County Manager is the chief administrator. Miami-Dade County has operated under the metropolitan form of government since 1957, when the Home Rule Charter was passed by the local electorate. Prior to Home Rule, the County had to rely on the State Legislature for the enactment of its laws.

County government had not been able to respond to the tremendous demand for municipal services in this rapidly urbanizing area, which is larger than the State of Rhode Island or Delaware. The need to combine services duplicated by the County and numerous cities was also clearly evident. The Charter permitted the limited County government to reorganize into a general purpose "municipal-type" government capable of performing the full range of public functions into an area wide operation.

### **Real Estate**

The Miami-Dade County Office Market contains approximately 47.337 million square feet of office space. Approximately 31.0% of this space is located in the Miami central business district and adjacent Brickell Avenue, 25% in the Airport West area, and 15% in Coral Gables. The vacancy rate of office buildings in Miami-Dade County declined during the second quarter of 2015 to about 12.8%, down from 14% in 2013. During 2015, 804,359 square feet of office space

is under construction in Miami-Dade County. During the second quarter of 2015, 328,500 square feet of office space was absorbed. Through the second quarter of 2015 a total of 804,360 square feet was absorbed in the market.

Office rental rates in new buildings typically range from \$23.00 to \$43.00 per square foot. The low end of the range is for office space in the suburban markets. The upper end of the range is for first class office space in Downtown Miami, Brickell Avenue, Coconut Grove and Coral Gables.

The Greater Miami Industrial Market consists of approximately 230.11 million square feet of industrial space in 8,808 buildings.

The approximate percentage location of this space is as follows:

| <b>MARKET AREA</b>       | <b>% OF TOTAL MARKET SPACE</b> |
|--------------------------|--------------------------------|
| <b>AIRPORT WEST</b>      | 29.6%                          |
| <b>HIALEAH</b>           | 25.6%                          |
| <b>MEDLEY</b>            | 16.7%                          |
| <b>MIAMI LAKES</b>       | 3.3%                           |
| <b>NORTHEAST DADE</b>    | 4.8%                           |
| <b>NORTHCENTRAL DADE</b> | 14.9%                          |
| <b>SOUTH DADE</b>        | 5.1%                           |
| <b>TOTAL</b>             | 100%                           |

The county's vacancy rate for the overall Miami-Dade County industrial market as of the end of 2015 was 4.7%. The county's overall vacancy rate has fallen from a high of 10% in 2008. Airport West, the largest industrial area, had a vacancy rate of 5.3% as at the end of 2015. Industrial rental rates generally average \$8.77 per square foot in the fourth quarter of 2014, up from an average of \$8.39 per square foot in 2014. New industrial space under constructed in the third quarter of 2015 totaled 599,946 square feet, down from the 761,879 square feet under construction in the fourth quarter of 2014.

Miami-Dade's single-family home sales increased 1.0% in August of 2015 in comparison with August of 2014 according to the Miami Association of Realtors. A total of 1,145 homes were reported sold in August of 2015. Through August of 2015, 9,599 homes sold in the county, which is on pace to exceed the 13,521 homes sold in 2014. In August of 2015, the median sales price for single-family units was \$260,500, up 6.3% from the previous year.

Existing condo sales showed an increase of 6.5% in August of 2015 from August of 2014 according to the Miami Association of Realtors. A total of 1,334 condo units were reported sold in August of 2015. The median sales price for condos increased to \$204,000 or an increase of 11% during the same period.

Marcus & Millichap Apartment Research Market Report shows a vacancy rate of 2.8% for rental apartment buildings in the Fourth Quarter of 2015, 30 basis points lower than in 2013. The vacancy rate had been declining steadily since 2006 due to the reduction of inventory caused by the large amount of condominium conversions. Since 2007 many ownership housing units, including both condominiums and single family houses, were placed into the rental market by developers and individual owners. Apartment rents in Miami-Dade County indicated an increase of 3.6% during 2015. New apartment construction during 2014 was nearly 2,500 units. New apartment construction during 2015 is expected to reach nearly 8,900 units.

The Miami-Dade County retail market contains approximately 125.98 million square feet in 10,003 buildings. The major retail markets in Miami-Dade County include Hialeah, Coral Gables/South Miami-Dade, Aventura and Kendall. Rental rates typically range from \$15.25 to \$48.76 per square foot with rates in the \$80 to \$120 per square foot on South Beach. The overall Miami-Dade County vacancy rate for the third quarter of 2015 was approximately 3.4%, which is marginally up from 3.3% in the third quarter of 2014. As of the third quarter of 2015, 1,749,313 square feet of retail space was under construction.

### **Conclusions**

In the future, one of the principal growth areas for Miami-Dade County is expected to be the international sector. Miami-Dade County, because of its geographic location and excellent transportation facilities, is well-suited to attract both business individuals and tourists from Latin America. It is already one of the principal shopping markets for Central and South Americans visiting the United States and one of the principal export points for goods and services destined for Latin America.

The existence of major financial institutions, retail outlets, corporations and other business entities, coupled with its geographic location, transportation systems and planned international trade centers give Miami-Dade County an excellent opportunity for continued growth as an international center.

During the next 12 months all segments of the commercial real estate market should continue to experience decreasing vacancy rates and increasing rental rates. With decreasing inventories for both single family residences and condominium apartment units, sales activity is expected to rise during the next 12 months.

## LOCATION MAP



## **NEIGHBORHOOD DATA**

The subject property is located in Bay Harbor Islands, approximately nine miles northeast of the central business district of Miami.

The town of Bay Harbor Islands is located west of the cities of Bal Harbour and Surfside across Indian Creek. Bay Harbor Island is bordered to the north and west by the Intracoastal Waterway, to the east by Indian Creek Waterway and to the south by Indian Creek Lake.

The town of Bay Harbor Islands is approximately one-half mile in length and one-quarter mile in width. The town was founded in 1947 by local attorney, Shepard Broad. Bay Harbor Islands contains approximately 0.37 square miles of land area and has a population as of 2010 of approximately 5,628. The population of the town increased 9.4% since 2000. Bay Harbor Islands has a total of 3,103 housing units, of which 1,235 are renter-occupied.

Bay Harbor Islands is connected to Miami via the Broad Causeway which crosses the Intracoastal Waterway and joins with N.E. 123<sup>rd</sup> Street in North Miami.

96<sup>th</sup> Street (Kane Concourse) is the primary east/west traffic artery in the town of Bay Harbor Islands. Various restaurants, retail stores and office buildings are located along 96<sup>th</sup> Street. The buildings were constructed primarily in the 1950s and 1960s and are generally in good condition.

The cities of Bal Harbour and Surfside, which are located along the Atlantic Ocean, are primarily tourist oriented. Mid- and high-rise hotels and condominium apartment buildings constructed in the 1950s and 1960s front Collins Avenue. Collins Avenue (State Road A1A) is a primary traffic artery along the east side of Miami-Dade County. Collins Avenue extends northerly from the south tip of Miami Beach to Broward County.

Bal Harbour Shops, located five blocks east of town, is an attractive specialty shopping mall containing 410,000 square feet and anchored by the department stores Neiman-Marcus, and Saks Fifth Avenue.

Single-family residences and multi-family apartment buildings are located to the north and south of the subject. The single-family residences, constructed primarily during the 1950s and 1960s, generally range in sale price from \$500,000 to \$850,000 for non-waterfront residences. Waterfront houses generally range in sale price from \$1,150,000 to \$3,500,000.

In summary, the subject neighborhood is a fully developed area containing commercial properties, single-family residences, apartments and hotels. This is a desirable area which should remain stable for several years into the future.



**NEIGHBORHOOD MAP**



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## ***LAND SALES ANALYSIS***

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## **LAND SALES ANALYSIS**

A value estimate is concluded by comparing the subject site to comparable land sales. Generally, the comparable land sales are adjusted by time, property, and location to indicate the Market Value of the subject site as though unimproved. This process is known as the Direct Sales Comparison Method.

The Direct Sales Comparison Method is a process of analyzing sales of similar recently sold land parcels in order to derive an indication of the most probable sales price of the site being appraised. The reliability of this approach is dependent upon the availability of comparable sales data, the verification of the sales data, the degree of comparability and the absence of non-typical conditions affecting the sale.

The following pages contain sales of similar land sites which have recently sold. Several other sales were considered, but were not included because there was too wide a difference in physical factors, location and time.

Various analytical techniques may be used to identify and measure adjustments. The techniques of comparative analysis can be grouped into two categories: quantitative and qualitative.

When quantitative analytical techniques are applied, mathematical processes are used to identify which elements of comparison require adjustment and to measure the amount of these adjustments.

The primary quantitative techniques, **Paired Data Analysis**, is a process in which two or more market sales are compared to derive an indication of the size of the adjustment for a single characteristic. Ideally, the sales being compared will be identical in all respects except for the element being measured.

Although paired data analysis is a theoretically sound method, it is sometimes impractical because only a narrow sampling of sufficiently similar properties may be available and it is difficult to quantify the adjustments attributable to all the variables.

The primary qualitative techniques, **Relative Comparison Analysis**, is the study of the relationship indicated by market data without recourse to quantification. This technique is utilized because it reflects the imperfect nature of real estate markets. To apply the technique, the appraisers analyze comparable sales to determine whether the comparables' characteristics are inferior, superior, or equal to those of the subject property.

A search is made of real estate market for all sales within the subject or competitive locations. While many sales were reviewed, the sales contained herein are considered most comparable to the subject properties as to all major factors of comparison.

A detailed breakdown of each sale, a summary of the sales, a sales map and a value conclusion follows herein.

## **LAND SALE 1**

DATE: March 8, 2013

PRICE: \$5,000,000

TYPE INSTRUMENT: Warranty Deed

RECORDATION: O. R. Book 28562, Page 1188

FOLIO NUMBERS: 13-2227-001-0630  
13-2227-001-0640  
13-2227-001-0650

GRANTOR: New Bay Harbor, LLC

GRANTEE: Bay Harbor Residences, LC

LEGAL: Lots 16, 17 & 18, Block 3, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46 Page 5 of the Public Records of Miami-Dade County, Florida.

LOCATION: 9960 West Bay Harbor Drive  
Bay Harbor Islands, Florida

SITE DESCRIPTION:

Dimensions: 150 feet x 225 feet  
Size: 33,750 Square Feet  
0.77 Acres

Zoning: RM-1, Multifamily District

Maximum Legal Density: 60 dwelling units (including 34 TDRs)

Current Use: Vacant

UNIT PRICE: \$148.15 per square foot of land area  
\$83,333 per dwelling unit

FINANCING: Cash.

REMARKS: This is a waterfront site. This site sold previously in September of 2012 for \$2,450,000, prior to the acquisition of 34 TDRs.



**SALE 1**

## **LAND SALE 2**

DATE: March 15, 2013

PRICE: \$6,200,000

TYPE INSTRUMENT: Warranty Deed

RECORDATION: O. R. Book 28591, Page 4567

FOLIO NUMBERS: 13-2227-001-0230  
13-2227-001-0240

GRANTOR: Monarch at Bay Harbor, LLC

GRANTEE: Bay Village Condos, LLC

LEGAL: Lots 1, 2 & 3, Block 2, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46 Page 5 of the Public Records of Miami-Dade County, Florida.

LOCATION: 9540 West Bay Harbor Drive  
Bay Harbor Islands, Florida

SITE DESCRIPTION:

Dimensions: 139 feet x 224 feet  
Size: 31,141 Square Feet  
0.71 Acres

Zoning: RM-1, Multifamily District  
G, Gateway District

Maximum Legal Density: 96 dwelling units (including 12 TDRs)

Current Use: Vacant

UNIT PRICE: \$199.09 per square foot of land area  
\$64,583 per dwelling unit

FINANCING: Purchase money mortgage of \$1,900,000.

REMARKS: This is a waterfront site.





**SALE 2**

### **LAND SALE 3**

DATE: April 29, 2015

PRICE: \$3,200,000

TYPE INSTRUMENT: Warranty Deed

RECORDATION: O. R. Book 29605, Page 2913

FOLIO NUMBER: 13-2227-001-3890  
13-2227-001-3760

GRANTOR: Frieda Liebowitz

GRANTEE: Elyse Homes, LLC

LEGAL: Lots 1 & 16, Block 22, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46 Page 5 of the Public Records of Miami-Dade County, Florida.

LOCATION: 9720 Bay Harbor Terrace  
Bay Harbor Islands, Florida

SITE DESCRIPTION:

Dimensions: 75 feet x 300 feet  
Size: 22,500 Square Feet  
0.52 Acres

Zoning: RM-2, Multifamily District

Maximum Legal Density: 18 dwelling units

Current Use: Two apartment buildings with 12 units built in 1952

UNIT PRICE: \$142.22 per square foot of land area  
\$177,778 per dwelling unit

FINANCING: Cash.

REMARKS: This is a non-waterfront site. The legal density of the site is 18 units. The site is the end of a block.





**SALE 3**

## **LAND SALE 4**

DATE: June 23, 2015

PRICE: \$1,250,000

TYPE INSTRUMENT: Warranty Deed

RECORDATION: O. R. Book 29677, Page 2973

FOLIO NUMBER: 13-2227-001-3150

GRANTOR: Leonora Blanco

GRANTEE: 1130 93 St, LLC

LEGAL: Lot 3, less the North 11 feet, Block 17, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46 Page 5 of the Public Records of Miami-Dade County, Florida.

LOCATION: 1130 – 93<sup>rd</sup> Street  
Bay Harbor Islands, Florida

SITE DESCRIPTION:

Dimensions: 75 feet x 139 feet  
Size: 10,425 Square Feet  
0.24 Acres  
Zoning: RM-2, Multifamily District  
Maximum Legal Density: 8 dwelling units  
Current Use: A four unit apartment building built in 1955

UNIT PRICE: \$119.90 per square foot of land area  
\$156,250 per dwelling unit

FINANCING: Cash.

REMARKS: This is a non-waterfront site. The legal density of the site is eight units.



## SALE 4

## **LAND SALE 5**

DATE: July 10, 2015

PRICE: \$3,230,000

TYPE INSTRUMENT: Warranty Deed

RECORDATION: O. R. Book 29709, Page 1177

FOLIO NUMBER: 13-2227-001-3840

GRANTOR: Roger Chicly

GRANTEE: Harbor International Group, LLC

LEGAL: Lots 10 & 11, Block 22, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46 Page 5 of the Public Records of Miami-Dade County, Florida.

LOCATION: 1175 – 97<sup>th</sup> Street  
Bay Harbor Islands, Florida

SITE DESCRIPTION:

Dimensions: 150 feet x 150 feet  
Size: 22,500 Square Feet  
0.52 Acres

Zoning: RM-2, Multifamily District

Maximum Legal Density: 18 dwelling units

Current Use: Two apartment buildings with 11 units built in 1947-51

UNIT PRICE: \$143.56 per square foot of land area  
\$179,444 per dwelling unit

FINANCING: Purchase money mortgage of \$1,600,000 at 6% interest with a one year balloon payment.

REMARKS: This is a non-waterfront site. The legal density of the site is 18 units.



## SALE 5

## **LAND SALE 6**

DATE: August 19, 2015

PRICE: \$3,320,000

TYPE INSTRUMENT: Warranty Deed

RECORDATION: O. R. Book 29749, Page 3754

FOLIO NUMBERS: 13-2227-001-3040  
13-2227-001-3020

GRANTOR: Pro-Nan IV, LLC

GRANTEE: Harbor International Group 3, LLC

LEGAL: Lot 3, less the South 11 feet and all of Lot 4, Block 16, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46 Page 5 of the Public Records of Miami-Dade County, Florida.

LOCATION: 1050 – 92<sup>nd</sup> Street  
Bay Harbor Islands, Florida

SITE DESCRIPTION:

Dimensions: Irregular  
Size: 21,676 Square Feet  
0.50 Acres

Zoning: RM-2, Multifamily District

Maximum Legal Density: 17 dwelling units

Current Use: A eight unit apartment buildings built in 1955 & 1958

UNIT PRICE: \$153.16 per square foot of land area  
\$195,294 per dwelling unit

FINANCING: Cash.

REMARKS: This is a non-waterfront site.





**SALE 6**

## **LAND SALE 7**

DATE: September 8, 2015

PRICE: \$3,500,000

TYPE INSTRUMENT: Warranty Deed

RECORDATION: O. R. Book 29773, Page 3172

FOLIO NUMBER: 13-2227-001-1970

GRANTOR: Genia Enterprises, Inc.

GRANTEE: Tross Infinity, LLC

LEGAL: Lots 13 & 14, Block 9, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46 Page 5 of the Public Records of Miami-Dade County, Florida.

LOCATION: 1175 – 98<sup>th</sup> Street  
Bay Harbor Islands, Florida

SITE DESCRIPTION:

Dimensions: 139 x 139  
Size: 19,321 Square Feet  
0.44 Acres  
Zoning: RM-2, Multifamily District  
Maximum Legal Density: 15 dwelling units  
Current Use: 24-unit apartment building built in 1957

UNIT PRICE: \$181.15 per square foot of land area  
\$233,333 per dwelling unit

FINANCING: Purchase money mortgage of \$2,000,000.

REMARKS: This is a non-waterfront site.





**SALE 7**

## **LAND SALE 8**

DATE: November 13, 2015

PRICE: \$3,650,000

TYPE INSTRUMENT: Special Warranty Deed

RECORDATION: O. R. Book 29855, Page 2527

FOLIO NUMBER: 13-2227-001-1110

GRANTOR: BP Harbor North, LLC

GRANTEE: Olimpus Investments, LLC

LEGAL: Lots 1 & 2, Block 5, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46 Page 5 of the Public Records of Miami-Dade County, Florida.

LOCATION: 10290 East Bay Harbor Drive  
Bay Harbor Islands, Florida

SITE DESCRIPTION:

Dimensions: Irregular  
Size: 26,400 Square Feet  
0.61 Acres

Zoning: RM-2, Multifamily District

Maximum Legal Density: 21 dwelling units

Current Use: A 12-unit apartment complex built in 1947

UNIT PRICE: \$138.26 per square foot of land area  
\$173,809 per dwelling unit

FINANCING: Cash.

REMARKS: This is a non-waterfront site.



**SALE 8**

## **LAND SALE 9**

DATE: February 6, 2016

PRICE: \$1,653,800

TYPE INSTRUMENT: Special Warranty Deed

RECORDATION: O. R. Book 29955, Page 4814

FOLIO NUMBER: 13-2227-001-2620

GRANTOR: Ellner Realty, Inc.

GRANTEE: Pro-Nan Investments IV, LLC

LEGAL: Lot 15, less the South 11 feet, Block 22, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46 Page 5 of the Public Records of Miami-Dade County, Florida.

LOCATION: 1035 – 94<sup>th</sup> Street  
Bay Harbor Islands, Florida

SITE DESCRIPTION:

Dimensions: 75 feet x 139 feet  
Size: 10,425 Square Feet  
0.24 Acres  
Zoning: RM-2, Multifamily District  
Maximum Legal Density: 8 dwelling units  
Current Use: Apartment buildings with six units built in 1957

UNIT PRICE: \$158.64 per square foot of land area  
\$177,778 per dwelling unit

FINANCING: Cash.

REMARKS: This is a non-waterfront site.



**SALE 9**

## **LAND SALE 10**

DATE: February 9, 2016

PRICE: \$2,021,300

TYPE INSTRUMENT: Special Warranty Deed

RECORDATION: O. R. Book 29955, Page 4816

FOLIO NUMBER: 13-2227-001-2630

GRANTOR: Ellner Realty, Inc.

GRANTEE: Pro-Nan Investments IV, LLC

LEGAL: Lot 16, Block 22, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46 Page 5 of the Public Records of Miami-Dade County, Florida.

LOCATION: 1029 – 94<sup>th</sup> Street  
Bay Harbor Islands, Florida

SITE DESCRIPTION:

Dimensions: 75 feet x 150 feet  
Size: 11,250 Square Feet  
0.26 Acres

Zoning: RM-2, Multifamily District

Maximum Legal Density: 9 dwelling units

Current Use: Apartment building with 12 units built in 1951

UNIT PRICE: \$179.67 per square foot of land area  
\$224,589 per dwelling unit

FINANCING: Cash.

REMARKS: This is a non-waterfront site.





**SALE 10**

## LAND SALE MAP





**—QUINLIVAN APPRAISAL**



## SUMMARY OF LAND SALES

| CHARACTERISTIC    | SALE 1                   | SALE 2                   | SALE 3                  | SALE 4           | SALE 5           |
|-------------------|--------------------------|--------------------------|-------------------------|------------------|------------------|
| DATE OF SALE      | 3/8/13                   | 3/15/13                  | 4/29/15                 | 6/4/15           | 7/10/15          |
| SALE PRICE        | \$5,000,000              | \$6,200,000              | \$3,200,000             | \$1,250,000      | \$3,230,000      |
| O.R. BOOK/PAGE    | 28562/1188               | 28591/4567               | 29605/2913              | 29677/2972       | 29709/1177       |
| ADDRESS           | 9960 W. Bay Harbor Drive | 9450 W. Bay Harbor Drive | 9720 Bay Harbor Terrace | 1130 – 93 Street | 1175 – 97 Street |
| LAND SIZE (SF)    | 33,750                   | 31,141                   | 22,500                  | 10,245           | 22,500           |
| LAND SIZE (ACRES) | 0.77                     | 0.71                     | 0.52                    | 0.24             | 0.52             |
| ZONING            | RM-1                     | RM-1                     | RM-2                    | RM-2             | RM-2             |
| MAXIMUM DENSITY   | 60                       | 96                       | 18                      | 8                | 18               |
| CURRENT USE       | Vacant                   | Vacant                   | Apartments              | Apartments       | Apartments       |
| WATERFRONT        | Yes                      | Yes                      | No                      | No               | No               |
| PRICE PAID/SF     | \$148.15                 | \$199.09                 | \$142.22                | \$119.90         | \$143.56         |
| PRICE PAID/UNIT   | \$83,333                 | \$64,583                 | \$177,778               | \$156,250        | \$179,444        |

## SUMMARY OF LAND SALES

| CHARACTERISTIC    | SALE 6           | SALE 7           | SALE 8                    | SALE 9           | SALE 10          |
|-------------------|------------------|------------------|---------------------------|------------------|------------------|
| DATE OF SALE      | 8/19/15          | 9/8/15           | 11/13/15                  | 2/5/16           | 2/9/16           |
| SALE PRICE        | \$3,320,000      | \$3,500,000      | \$3,650,000               | \$1,653,800      | \$2,021,300      |
| O.R. BOOK/PAGE    | 29749/3754       | 29773/3172       | 29855/2527                | 29955/4814       | 29955/4816       |
| ADDRESS           | 1050 – 92 Street | 1175 – 98 Street | 10290 E. Bay Harbor Drive | 1036 – 94 Street | 1029 – 94 Street |
| LAND SIZE (SF)    | 21,676           | 19,321           | 26,400                    | 10,425           | 11,250           |
| LAND SIZE (ACRES) | 0.50             | 0.44             | 0.61                      | 0.24             | 0.26             |
| ZONING            | RM-2             | RM-2             | RM-2                      | RM-2             | RM-2             |
| MAXIMUM DENSITY   | 17               | 15               | 21                        | 8                | 9                |
| CURRENT USE       | Apartments       | Apartments       | Apartments                | Apartments       | Apartments       |
| WATERFRONT        | No               | No               | No                        | No               | No               |
| PRICE PAID/SF     | \$153.16         | \$181.15         | \$138.26                  | \$158.64         | \$179.67         |
| PRICE PAID/UNIT   | \$195,294        | \$233,338        | \$173,809                 | \$206,725        | \$224,589        |

## **ANALYSIS OF LAND SALES**

The land sales range in unit price from \$119.90 to \$199.09 per square foot of land area. The prices per dwelling unit range from \$64,583 to \$233,338. The sales range in time from March of 2013 to February of 2016.

### **Property Rights**

The fee simple interest is the property right of the subject property being valued. The comparable sales involved the same type of property rights.

### **Financing**

The financing of the sales does not indicate any adjustments of their prices for favorable/below market financing.

### **Conditions of Sale**

All of the sales were arm's-length transactions. An arm's-length transaction is defined as a transaction freely arrived at in the open market unaffected by abnormal pressure or by the absence of normal competitive negotiation as might be true in the case between related parties.

### **Date of Sale (Market Conditions)**

The sales occurred between March of 2013 and February of 2016. An upward trend in price is evident in this market area over this time period.

### **Location**

The subject property is located on an island between the mainland of Florida and Miami Beach known as Bay Harbor Islands. The sale sites are similarly located in Bay Harbor Islands. The locations of the sale sites are considered similar to the location of the subject.

### **Land Size**

The sale sites range in size from 10,245 to 33,750 square feet. The sizes of the sale sites do not appear to affect the unit prices.

### **Zoning**

The subject is zoned for multiple family residential usage. The sale sites all are zoned for multiple family use. The zoning of the sale sites is similar to the zoning of the subject site.

## **Conclusion**

The land sales range in unit price from \$119.90 to \$199.09 per square foot of land area.

Two conclusions can be drawn from an analysis of the sales. Firstly, sales of waterfront sites indicate higher unit prices than sales of non-waterfront sites. Secondly, there has been an upward trend in sale prices since 2013.

The correlation between the price per dwelling unit of the land sales and the value of a Transferable Development Right is not direct. The land of development site includes land area required for parking and landscaped open space. Therefore, the value of a Transferable Development Right should be less than the value per dwelling unit of land site.

While Transferable Development Rights increase the maximum density of a site, the application of Transfer Development Right dwelling units to a site does not increase the land size of the site. Since the land which can be used for parking and other accessory uses remains the same as the maximum density of the site increases, the added value of each subsequent dwelling unit decreases with each added dwelling unit by Transferable Development Rights. The Sale 1 property sold in September of 2012 with the development rights for 26 units at a price equivalent to \$94,231 per dwelling unit and \$72.59 per square foot of land area. After the sale, the buyer acquired 34 TDRs, increasing the density to 60 dwelling units. The property then re-sold in March of 2013 at a price equivalent to \$83,333 per dwelling unit and \$148.15 per square foot of land area. The increase in density through the application of TDRs effectively increased the indicated price per square foot of land area, but decreased the price per dwelling unit.

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## ***TDR SALES ANALYSIS***

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## **SALES ANALYSIS – TRANSFERRABLE DEVELOPMENT RIGHTS (TDRs)**

A value estimate is concluded by comparing the subject TDRs to comparable TDR sales. Generally, the comparable sales are adjusted by time, property, and location to indicate the Market Value of the subject TDRs. This process is known as the Direct Sales Comparison Method.

The Direct Sales Comparison Method is a process of analyzing sales of similar recently sold or under contract TDRs in order to derive an indication of the most probable sales price of the site being appraised. The reliability of this approach is dependent upon the availability of comparable sales data, the verification of the sales data, the degree of comparability and the absence of non-typical conditions affecting the sale.

The following pages contain sales of similar TDRs which have recently sold or are under contract to sell. Several other sales were considered, but were not included because there was too wide a difference in physical factors, location and time.

Various analytical techniques may be used to identify and measure adjustments. The techniques of comparative analysis can be grouped into two categories: quantitative and qualitative.

When quantitative analytical techniques are applied, mathematical processes are used to identify which elements of comparison require adjustment and to measure the amount of these adjustments.

The primary quantitative techniques, **Paired Data Analysis**, is a process in which two or more market sales are compared to derive an indication of the size of the adjustment for a single characteristic. Ideally, the sales being compared will be identical in all respects except for the element being measured.

Although paired data analysis is a theoretically sound method, it is sometimes impractical because only a narrow sampling of sufficiently similar properties may be available and it is difficult to quantify the adjustments attributable to all the variables.

The primary qualitative techniques, **Relative Comparison Analysis**, is the study of the relationship indicated by market data without recourse to quantification. This technique is utilized because it reflects the imperfect nature of real estate markets. To apply the technique, the appraisers analyze comparable sales to determine whether the comparables' characteristics are inferior, superior, or equal to those of the subject property.

A search is made of real estate market for all sales within the subject or competitive locations. While many sales were reviewed, the sales contained herein are considered most comparable to the subject properties as to all major factors of comparison.

A detailed breakdown of each sale, a summary of the sales, a sales map and a value conclusion follows herein.

## **TDR SALE 1**

DATE: April 13, 2014

PRICE: \$157,500

TYPE INSTRUMENT: Warranty Deed

RECORDATION: O. R. Book 29137, Page 4187

GRANTOR: Claude Rolle, et ux

GRANTEE: 1150 – 101 BH, LLC

DONOR SITE LEGAL: Lot 15, Block 6, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.

DONOR SITE LOCATION: 1145 – 101 Street  
Bay Harbor Island, Florida

RECEIVER SITE LEGAL: Lot 7, Block 7, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.

RECEIVER SITE LOCATION: 1150 – 101 Street  
Bay Harbor Island, Florida

NUMBER OF TDRs: 5

UNIT PRICE: \$31,500 per TDR

REMARKS: The receiver site is a non-waterfront site. The donor site is subject to review and approval by the town for zoning compliance. The sale contract was executed in October of 2013.



## **TDR SALE 2**

|                         |                                                                                                                                                                               |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DATE:                   | July 24, 2014                                                                                                                                                                 |
| PRICE:                  | \$186,000                                                                                                                                                                     |
| TYPE INSTRUMENT:        | Warranty Deed                                                                                                                                                                 |
| RECORDATION:            | O. R. Book 29267, Page 3883                                                                                                                                                   |
| GRANTOR:                | 9350 Condo Association                                                                                                                                                        |
| GRANTEE:                | Beau Rivage, LLC                                                                                                                                                              |
| DONOR SITE LEGAL:       | Lots 11, 12 & 13, Block 8, <b>BAY HARBOR ISLAND</b> , according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida. |
| DONOR SITE LOCATION:    | 9350 West Bay Harbor Island Drive<br>Bay Harbor Island, Florida                                                                                                               |
| RECEIVER SITE LEGAL:    | Lot 28, Block 4, <b>BAY HARBOR ISLAND</b> , according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.           |
| RECEIVER SITE LOCATION: | 9781 East Bay Harbor Drive<br>Bay Harbor Island, Florida                                                                                                                      |
| NUMBER OF TDRs:         | 4                                                                                                                                                                             |
| UNIT PRICE:             | \$46,500 per TDR                                                                                                                                                              |
| REMARKS:                | The receiver site is a waterfront site. The donor site is subject to review and approval by the town for zoning compliance.                                                   |

### **TDR SALE 3**

DATE: July 24, 2014

PRICE: \$165,000

TYPE INSTRUMENT: Warranty Deed

RECORDATION: O. R. Book 29288, Page 4929

GRANTOR: 9350 Condo Association

GRANTEE: Furmanos, LLC

DONOR SITE LEGAL: Lots 11, 12 & 13, Block 8, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.

DONOR SITE LOCATION: 9350 West Bay Harbor Island Drive  
Bay Harbor Island, Florida

RECEIVER SITE LEGAL: Lots 4 & 5, Block 17, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.

RECEIVER SITE LOCATION: 1170 – 93<sup>rd</sup> Street  
Bay Harbor Island, Florida

NUMBER OF TDRs: 4

UNIT PRICE: \$41,250 per TDR

REMARKS: The receiver site is a non-waterfront site. The donor site is subject to review and approval by the town for zoning compliance.

## **TDR SALE 4**

|                         |                                                                                                                                                                                            |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DATE:                   | December 4, 2014                                                                                                                                                                           |
| PRICE:                  | \$630,000                                                                                                                                                                                  |
| TYPE INSTRUMENT:        | Warranty Deed                                                                                                                                                                              |
| RECORDATION:            | O. R. Book 29416, Page 1458                                                                                                                                                                |
| GRANTOR:                | Town of Bay Harbor Island                                                                                                                                                                  |
| GRANTEE:                | Bayview 102 Realty, LLC                                                                                                                                                                    |
| DONOR SITE LEGAL:       | Town of Bay Harbor TDR bank                                                                                                                                                                |
| DONOR SITE LOCATION:    | Bay Harbor Island, Florida                                                                                                                                                                 |
| RECEIVER SITE LEGAL:    | Lots 12 & 13, Block 5, <b>BAY HARBOR ISLAND</b> , according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.                  |
| RECEIVER SITE LOCATION: | 1133 – 102 Street<br>Bay Harbor Island, Florida                                                                                                                                            |
| NUMBER OF TDRs:         | 18                                                                                                                                                                                         |
| UNIT PRICE:             | \$35,000 per TDR                                                                                                                                                                           |
| REMARKS:                | The receiver site is a non-waterfront site. Since the donor site are TDRs from a nonspecific site, the donor site is not subject to review and approval by the town for zoning compliance. |

## **TDR SALE 5**

|                         |                                                                                                                                                                                        |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DATE:                   | February 2, 2015                                                                                                                                                                       |
| PRICE:                  | \$690,000                                                                                                                                                                              |
| TYPE INSTRUMENT:        | Warranty Deed                                                                                                                                                                          |
| RECORDATION:            | O. R. Book 29491, Page 2766                                                                                                                                                            |
| GRANTOR:                | Town of Bay Harbor Island                                                                                                                                                              |
| GRANTEE:                | BH 98, LLC                                                                                                                                                                             |
| DONOR SITE LEGAL:       | Town of Bay Harbor TDR bank                                                                                                                                                            |
| DONOR SITE LOCATION:    | Bay Harbor Island, Florida                                                                                                                                                             |
| RECEIVER SITE LEGAL:    | Lots 25 & 26, Block 4, <b>BAY HARBOR ISLAND</b> , according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.              |
| RECEIVER SITE LOCATION: | 9821 East Bay Harbor Drive<br>Bay Harbor Island, Florida                                                                                                                               |
| NUMBER OF TDRs:         | 23                                                                                                                                                                                     |
| UNIT PRICE:             | \$30,000 per TDR                                                                                                                                                                       |
| REMARKS:                | The receiver site is a waterfront site. Since the donor site are TDRs from a nonspecific site, the donor site is not subject to review and approval by the town for zoning compliance. |

## **TDR SALE 6**

DATE: February 11, 2015

PRICE: \$80,000

TYPE INSTRUMENT: Warranty Deed

RECORDATION: O. R. Book 29508, Page 2940

GRANTOR: 9300 West Bay Harbor Drive Condominium, Inc.

GRANTEE: Island Club Towers, LLC

DONOR SITE LEGAL: Lots 14 & 15, Block 2, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.

DONOR SITE LOCATION: 9300 West Bay Harbor Island Drive  
Bay Harbor Island, Florida

RECEIVER SITE LEGAL: Lots 19-22, Block 22, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.

RECEIVER SITE LOCATION: 9551 East Bay Harbor Drive  
Bay Harbor Island, Florida

NUMBER OF TDRs: 2

UNIT PRICE: \$40,000 per TDR

REMARKS: The receiver site is a waterfront site. The donor site is subject to review and approval by the town for zoning compliance

## **TDR SALE 7**

DATE: February 17, 2015

PRICE: \$80,000

TYPE INSTRUMENT: Warranty Deed

RECORDATION: O. R. Book 29508, Page 2952

GRANTOR: Ana G. White, et al

GRANTEE: Island Club Towers, LLC

DONOR SITE LEGAL: Lots 14 & 15, Block 2, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.

DONOR SITE LOCATION: 9300 West Bay Harbor Drive  
Bay Harbor Island, Florida

RECEIVER SITE LEGAL: Lots 19 & 20, Block 1, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.

RECEIVER SITE LOCATION: 9161 East Bay Harbor Drive  
Bay Harbor Island, Florida

NUMBER OF TDRs: 2

UNIT PRICE: \$40,000 per TDR

REMARKS: The receiver site is a waterfront site. The donor site is subject to review and approval by the town for zoning compliance. The sale contract was executed in October of 2013.

## **TDR SALE 8**

DATE: February 17, 2015

PRICE: \$344,000

TYPE INSTRUMENT: Warranty Deed

RECORDATION: O. R. Book 29508, Page 2763

GRANTOR: Trio Commons Community Association Inc.

GRANTEE: Island Towers, LLC

DONOR SITE LEGAL: Lot 1, Block 8, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.

DONOR SITE LOCATION: 9970 East Bay Harbor Island Drive  
Bay Harbor Island, Florida

RECEIVER SITE LEGAL: Lots 19-22, Block 22, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.

RECEIVER SITE LOCATION: 9551 East Bay Harbor Drive  
Bay Harbor Island, Florida

NUMBER OF TDRs: 8

UNIT PRICE: \$43,000 per TDR

REMARKS: The receiver site is a waterfront site. The donor site is subject to review and approval by the town for zoning compliance.

## **TDR SALE 9**

DATE: March 2, 2015

PRICE: \$540,000

TYPE INSTRUMENT: Warranty Deed

RECORDATION: O. R. Book 29524, Page 204

GRANTOR: BH South Island, LLC

GRANTEE: JCG Bay Harbor, LLC

DONOR SITE LEGAL: Lots 3 & 4, Block 1, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.

DONOR SITE LOCATION: 9521 East Bay Harbor Island Drive  
Bay Harbor Island, Florida

RECEIVER SITE LEGAL: Lots 3 & 4, Block 1, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.

RECEIVER SITE LOCATION: 9521 East Bay Harbor Island Drive  
Bay Harbor Island, Florida

NUMBER OF TDRs: 18

UNIT PRICE: \$30,000 per TDR

REMARKS: The receiver site is a waterfront site. The donor site is a waterfront site. The donor site is subject to review and approval by the town for zoning compliance. The existing improvements had excess density above the density permitted by zoning



## **TDR SALE 10**

|                         |                                                                                                                                                                                 |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DATE:                   | June 8, 2015                                                                                                                                                                    |
| PRICE:                  | \$105,000                                                                                                                                                                       |
| TYPE INSTRUMENT:        | Warranty Deed                                                                                                                                                                   |
| RECORDATION:            | O. R. Book 29647, Page 4348                                                                                                                                                     |
| GRANTOR:                | Town of Bay Harbor Island                                                                                                                                                       |
| GRANTEE:                | 1150 – 101 BH, LLC                                                                                                                                                              |
| DONOR SITE LEGAL:       | Town of Bay Harbor TDR bank                                                                                                                                                     |
| DONOR SITE LOCATION:    | 1150 – 101 Street<br>Bay Harbor Island, Florida                                                                                                                                 |
| RECEIVER SITE LEGAL:    | Lot 7, Block 7, <b>BAY HARBOR ISLAND</b> , according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.              |
| RECEIVER SITE LOCATION: | 1150 – 101 Street<br>Bay Harbor Island, Florida                                                                                                                                 |
| NUMBER OF TDRs:         | 3                                                                                                                                                                               |
| UNIT PRICE:             | \$35,000 per TDR                                                                                                                                                                |
| REMARKS:                | The receiver site is a dry site. Since the donor site TDRs are from a nonspecific site, the donor site is not subject to review and approval by the town for zoning compliance. |

## **TDR SALE 11**

DATE: October 30, 2015

PRICE: \$325,000

TYPE INSTRUMENT: Warranty Deed

RECORDATION: O. R. Book 29837, Page 2121

GRANTOR: 9201 WBH, LLC

GRANTEE: Island Club Towers, LLC

DONOR SITE LEGAL: Lot 7, Block 17, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.

DONOR SITE LOCATION: 9201 East Bay Harbor Island Drive  
Bay Harbor Island, Florida

RECEIVER SITE LEGAL: Lots 19-21, Block 1, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.

RECEIVER SITE LOCATION: 9161 East Bay Harbor Island Drive  
Bay Harbor Island, Florida

NUMBER OF TDRs: 5

UNIT PRICE: \$65,000 per TDR

REMARKS: The receiver site is a waterfront site. The donor site is a waterfront site. The donor site is subject to review and approval by the town for zoning compliance.

## **TDR CONTRACT 1**

CONTRACT DATE: March 15, 2015

PRICE: \$237,500

GRANTOR: Town of Bay Harbor Island

GRANTEE: JCG Bay Harbor, LLC

DONOR SITE LEGAL: Town of Bay Harbor TDR bank

DONOR SITE LOCATION: Bay Harbor Island, Florida

RECEIVER SITE LEGAL: Lots 3 & 4, Block 1, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.

RECEIVER SITE LOCATION: 9521 East Bay Harbor Drive  
Bay Harbor Island, Florida

NUMBER OF TDRs: 5

UNIT PRICE: \$47,500 per TDR

REMARKS: The receiver site is a waterfront site. Since the donor site are TDRs from a nonspecific site, the donor site is not subject to review and approval by the town for zoning compliance.

## **TDR CONTRACT 2**

DATE: June 6, 2015

PRICE: \$208,000

GRANTOR: TPCP Corp.

GRANTEE: Verzaca Group

DONOR SITE LEGAL: Lots 17 & 18, Block 4, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.

DONOR SITE LOCATION: 10001 East Bay Harbor Island Drive  
Bay Harbor Island, Florida

RECEIVER SITE LEGAL: Lots 7 & 8, Block 6, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.

RECEIVER SITE LOCATION: 1150 - 102<sup>nd</sup> Street  
Bay Harbor Island, Florida

NUMBER OF TDRs: 4

UNIT PRICE: \$52,000 per TDR

REMARKS: The receiver site is a dry site. The donor site is a waterfront site. The donor site is subject to review and approval by the town for zoning compliance.

### **TDR CONTRACT 3**

DATE: June 6, 2015

PRICE: \$208,000

GRANTOR: TPCP Corp.

GRANTEE: Verzaca Group

DONOR SITE LEGAL: Lots 17 & 18, Block 4, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.

DONOR SITE LOCATION: 10001 East Bay Harbor Island Drive  
Bay Harbor Island, Florida

RECEIVER SITE LEGAL: Lots 7 & 8, Block 6, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.

RECEIVER SITE LOCATION: 1150 - 102<sup>nd</sup> Street  
Bay Harbor Island, Florida

NUMBER OF TDRs: 4

UNIT PRICE: \$52,000 per TDR

REMARKS: The receiver site is a dry site. The donor site is a waterfront site. The donor site is subject to review and approval by the town for zoning compliance.

## **TDR CONTRACT 4**

|                         |                                                                                                                                                                                        |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CONTRACT DATE:          | July 15, 2015                                                                                                                                                                          |
| PRICE:                  | \$95,000                                                                                                                                                                               |
| GRANTOR:                | Town of Bay Harbor Island                                                                                                                                                              |
| GRANTEE:                | Global Reach Investments, LLC                                                                                                                                                          |
| DONOR SITE LEGAL:       | Town of Bay Harbor TDR bank                                                                                                                                                            |
| DONOR SITE LOCATION:    | Bay Harbor Island, Florida                                                                                                                                                             |
| RECEIVER SITE LEGAL:    | Lot 16, Block 2, <b>BAY HARBOR ISLAND</b> , according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.                    |
| RECEIVER SITE LOCATION: | 9290 West Bay Harbor Drive<br>Bay Harbor Island, Florida                                                                                                                               |
| NUMBER OF TDRs:         | 2                                                                                                                                                                                      |
| UNIT PRICE:             | \$47,500 per TDR                                                                                                                                                                       |
| REMARKS:                | The receiver site is a waterfront site. Since the donor site are TDRs from a nonspecific site, the donor site is not subject to review and approval by the town for zoning compliance. |

## **TDR CONTRACT 5**

DATE: July 17, 2015

PRICE: \$145,500

GRANTOR: Oceanus Condominium, Inc.

GRANTEE: Bay Harbor Hotel, LLC

DONOR SITE LEGAL: Lot 5, Block 16, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.

DONOR SITE LOCATION: 1060 – 92<sup>nd</sup> Street  
Bay Harbor Island, Florida

RECEIVER SITE LEGAL: Lots 36 & 37, Block 4, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.

RECEIVER SITE LOCATION: 9601 East Bay Harbor Island Drive  
Bay Harbor Island, Florida

NUMBER OF TDRs: 2

UNIT PRICE: \$72,750 per TDR

REMARKS: The receiver site is a waterfront site. The donor site is a dry site. The donor site is subject to review and approval by the town for zoning compliance.

## **TDR CONTRACT 6**

DATE: November 18, 2015

PRICE: \$210,000

GRANTOR: 9350 BHJ, LLC.

GRANTEE: Bay Harbor Hotel, LLC

DONOR SITE LEGAL: Lot 1, Block 18, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.

DONOR SITE LOCATION: 9350 Bay Harbor Terrace  
Bay Harbor Island, Florida

RECEIVER SITE LEGAL: Lots 35, 36 & 37, Block 4, **BAY HARBOR ISLAND**, according to the Plat thereof, as recorded in Plat Book 46, Page 5 of the Public Records of Miami-Dade County, Florida.

RECEIVER SITE LOCATION: 9601 East Bay Harbor Island Drive  
Bay Harbor Island, Florida

NUMBER OF TDRs: 3

UNIT PRICE: \$70,000 per TDR

REMARKS: The receiver site is a waterfront site. The donor site is a dry site. The donor site is subject to review and approval by the town for zoning compliance.



## SUMMARY OF TDR SALES

| CHARACTERISTIC    | SALE 1              | SALE 2                 | SALE 3                 | SALE 4                     | SALE 5                     | SALE 6                               |
|-------------------|---------------------|------------------------|------------------------|----------------------------|----------------------------|--------------------------------------|
| DATE OF SALE      | 4/13/14             | 7/24/14                | 7/24/14                | 12/4/14                    | 2/2/15                     | 2/11/15                              |
| SALE PRICE        | \$157,500           | \$186,000              | \$165,000              | \$630,000                  | \$690,000                  | \$80,000                             |
| O.R. BOOK/PAGE    | 29137/4187          | 29267/3883             | 29288/4929             | 29416/1458                 | 29491/2766                 | 29508/2940                           |
| SELLER            | Claude Rolle, et al | 9350 Condo Assoc.      | 9350 Condo Assoc.      | Town of Bay Harbor Islands | Town of Bay Harbor Islands | 9300 W. Bay Harbor Drive Condo. Inc. |
| BUYER             | 1150 -101 BH, LLC   | Beau Rivage, LLC.      | Furmanos, LLC          | Bayview 102 Realty, LLC    | BH 98, LLC                 | Island Club Towers, LLC              |
| DONOR ADDRESS     | 1145- 101 Street    | 9350 W. Bay Harbor Dr. | 9350 W. Bay Harbor Dr. | Bay Harbor Island TDR Bank | Bay Harbor Island TDR Bank | 9300 W. Bay Harbor Dr.               |
| RECEIVER ADDRESS  | 1150 – 101 Street   | 9781 E. Bay Harbor Dr. | 1170 – 93 Street       | 1135 – 102 Street          | 9821 E. Bay Harbor Dr.     | 9551 E. Bay Harbor Dr.               |
| WATERFRONT        | No                  | Yes                    | Yes                    | No                         | Yes                        | Yes                                  |
| NUMBER OF TDRs    | 5                   | 4                      | 4                      | 18                         | 23                         | 2                                    |
| PRICE PAID/TDR    | \$31,500            | \$46,500               | \$41,250               | \$35,000                   | \$30,000                   | \$40,000                             |
| ADJUSTMENTS       |                     |                        |                        |                            |                            |                                      |
| PROPERTY RIGHTS   | =                   | =                      | =                      | =                          | =                          | =                                    |
| FINANCING         | =                   | =                      | =                      | =                          | =                          | =                                    |
| MARKET CONDITIONS | +                   | +                      | +                      | +                          | +                          | +                                    |
| CONDITONS OF SALE | =                   | =                      | =                      | =                          | =                          | =                                    |
| LOCATION          | =                   | =                      | =                      | =                          | =                          | =                                    |
| TOTAL ADJUSTMENTS | +                   | +                      | +                      | +                          | +                          | +                                    |

## SUMMARY OF TDR SALES

| CHARACTERISTIC     | SALE 7                     | SALE 8                                   | SALE 9                  | SALE 10                       | SALE 11                    |
|--------------------|----------------------------|------------------------------------------|-------------------------|-------------------------------|----------------------------|
| DATE OF SALE       | 2/17/15                    | 2/17/15                                  | 3/2/15                  | 6/8/15                        | 10/30/15                   |
| SALE PRICE         | \$80,000                   | \$344,000                                | \$540,000               | \$105,000                     | \$325,000                  |
| O.R. BOOK/PAGE     | 29508/2952                 | 29508/2763                               | 29524/204               | 29647/4348                    | 29837/2121                 |
| SELLER             | Ana G. White, et al        | Trio Commons<br>Community Assoc.<br>Inc. | BH South Island,<br>LLC | Town of Bay Harbor<br>Islands | 9201 WBH, LLC              |
| BUYER              | Island Club Towers,<br>LLC | Island Towers, LLC                       | JCG Bay Harbor,<br>LLC  | 1150-101 BH, LLC              | Island Club Towers,<br>LLC |
| DONOR ADDRESS      | 9300 W. Bay Harbor<br>Dr.  | 9970 E. Bay Harbor<br>Dr.                | 1135 – 99 Street        | Bay Harbor Island<br>TDR Bank | 9201 W. Bay Harbor<br>Dr.  |
| RECEIVER ADDRESS   | 9161 E. Bay Harbor<br>Dr.  | 9551 E. Bay Harbor<br>Dr.                | 1135 – 99 Street        | 1150 – 101 St.                | 9161 E. Bay Harbor<br>Dr.  |
| WATERFRONT         | Yes                        | Yes                                      | Yes                     | No                            | Yes                        |
| NUMBER OF TDRs     | 2                          | 8                                        | 18                      | 3                             | 5                          |
| PRICE PAID/TDR     | \$40,000                   | \$43,000                                 | \$30,000                | \$35,000                      | \$65,000                   |
| ADJUSTMENTS        |                            |                                          |                         |                               |                            |
| PROPERTY RIGHTS    | =                          | =                                        | =                       | =                             | =                          |
| FINANCING          | =                          | =                                        | =                       | =                             | =                          |
| MARKET CONDITIONS  | +                          | +                                        | +                       | +                             | +                          |
| CONDCTIONS OF SALE | =                          | =                                        | =                       | =                             | =                          |
| LOCATION           | =                          | =                                        | =                       | =                             | =                          |
| TOTAL ADJUSTMENTS  | +                          | +                                        | +                       | +                             | +                          |

## SUMMARY OF TDR CONTRACTS

| CHARACTERISTIC    | CONTRACT 1                 | CONTRACT 2              | CONTRACT 3              | CONTRACT 4                    | CONTRACT 5                     | CONTRACT 6              |
|-------------------|----------------------------|-------------------------|-------------------------|-------------------------------|--------------------------------|-------------------------|
| DATE OF CONTRACT  | 3/25/15                    | 6/6/15                  | 6/6/15                  | 7/15/15                       | 7/17/15                        | 11/18/15                |
| SALE PRICE        | \$237,500                  | \$208,000               | \$208,000               | \$95,000                      | \$145,500                      | \$210,000               |
| SELLER            | Town of Bay Harbor Islands | TPCP Corp.              | TPCP Corp.              | Town of Bay Harbor Islands    | Oceanus Condominium Inc.       | 9350 BHJ, LLC           |
| BUYER             | JCG Bay Harbor, LLC        | Verzasca Group          | Verzasca Group          | Global Reach Investments, LLC | Bay Harbor Hotel, LLC          | Bay Harbor Hotel, LLC   |
| DONOR ADDRESS     | Bay Harbor Island TDR Bank | 10001 E. Bay Harbor Dr. | 10001 E. Bay Harbor Dr. | Bay Harbor Island TDR Bank    | 1060 – 92 <sup>nd</sup> Street | 9350 Bay Harbor Terrace |
| RECEIVER ADDRESS  | 9521 E. Bay Harbor Dr.     | 1150 – 102 St.          | 1150 – 102 St.          | 9290 W. Bay Harbor Dr.        | 9601 E. Bay Harbor Dr.         | 9601 E. Bay Harbor Dr.  |
| WATERFRONT        | Yes                        | No                      | No                      | Yes                           | Yes                            | Yes                     |
| NUMBER OF TDRs    | 5                          | 4                       | 4                       | 2                             | 2                              | 3                       |
| PRICE PAID/TDR    | \$47,500                   | \$52,000                | \$52,000                | \$47,500                      | \$72,750                       | \$70,000                |
| ADJUSTMENTS       |                            |                         |                         |                               |                                |                         |
| PROPERTY RIGHTS   | =                          | =                       | =                       | =                             | =                              | =                       |
| FINANCING         | =                          | =                       | =                       | =                             | =                              | =                       |
| MARKET CONDITIONS | +                          | =                       | =                       | =                             | =                              | =                       |
| CONDITONS OF SALE | =                          | =                       | =                       | =                             | =                              | =                       |
| LOCATION          | =                          | =                       | =                       | =                             | =                              | =                       |
| TOTAL ADJUSTMENTS | +                          | =                       | =                       | =                             | =                              | =                       |

## **ANALYSIS OF TDR SALES**

The Transferrable Development Rights (TDR) sales range in unit price from \$30,000 to \$65,000 per unit. The sales range in time from April of 2014 to October of 2015. Pending sales contracts for TDRs range in unit price from \$47,500 to \$72,750 per unit. The pending sales contracts range in time from March of 2015 to November of 2015

### **Property Rights**

The fee simple interest is the property right of the subject property being valued. The comparable sales involved the same type of property rights.

### **Financing**

The financing of the sales does not indicate any adjustments of their prices for favorable/below market financing.

### **Conditions of Sale**

All of the sales were arm's-length transactions. An arm's-length transaction is defined as a transaction freely arrived at in the open market unaffected by abnormal pressure or by the absence of normal competitive negotiation as might be true in the case between related parties.

### **Date of Sale (Market Conditions)**

The sales occurred between April of 2014 and October of 2015. The unit prices of the TDRs require upward adjustments to reflect the increasing market conditions indicated by the fee simple land sales analyzed earlier in this report. The pending sale contracts were negotiated in the past. The transactions are not closed until the property owner files for a building permit with the city.

### **Location**

The subject property is located in the Town of Bay Harbor Islands, islands between the mainland of Florida and Miami Beach. The comparable sales are also located in Town of Bay Harbor Islands. The locations of the sales are considered similar to the location of subject.

A search for sales of TDRs in other municipalities in Miami-Dade County was conducted. However, the TDRs in most of the other municipalities in the county provide added density through buildable square footage instead of residential units. Therefore, sales from other municipalities in the county would not be directly comparable to the subject TDRs.

## **Conclusion**

The TDR sales range in unit price from \$30,000 to \$65,000 per unit. Pending sales contracts for TDRs range in unit price from \$47,500 to \$72,750 per unit.

The unit prices of most of the sales are considered lower limits of the current value for the subject TDRs. The sales were previously negotiated in 2013. As stated previously, the land sales in the Town of Bay Harbor Islands indicate an upward trend in sale prices. The current value of TDRs in the Town of Bay Harbor Islands should similarly reflect an increase in prices. Furthermore, the Town of Bay Harbor Islands has a limited number of TDRs to sell. After the completion of the transactions for the pending TDR sales, the town TDR bank will only have 134 TDRs remaining available. Therefore, as the number of available TDRs becomes less, scarcity should cause the value of the TDRs to increase.

The unit prices of all of the sales, are considered lower limits of the current value for the subject TDRs. The Sales range in price per TDR \$30,000 to \$65,000 per TDR. The pending sales contracts from \$47,500 to \$72,750 per unit. The pending sales contracts indicate a significant upward trend in price.

The pending sales contracts also indicate that sales of waterfront TDRs are higher than sales of non-waterfront TDRs. TDRs in the Town of Bay Harbor Island can be applied to waterfront or inland receiver sites. Sales of waterfront apartment units historically rent and sell at higher prices than inland apartment units due to waterfront amenities such as views and boat access. As indicated by the land sales analyzed previously in this report, waterfront land sites usually sell at a higher price per square foot of land area and price per dwelling unit. Therefore, logically, TDRs applied to waterfront sites would sell at a higher price than TDRs applied to inland sites.

Based on the above analysis of the sales and pending sales contracts of TDRs located in the Town of Bay Harbor Island, it is estimated that the TDRs for non-waterfront lots in the Town of Bay Harbor Islands have a value of \$62,000 per dwelling unit and the TDRs for waterfront lots in the Town of Bay Harbor Islands have a value of \$70,000 per dwelling unit.

**NON-WATERFRONT TRANSFERABLE DEVELOPMENT RIGHT VALUE INDICATION:   \$62,000**

**WATERFRONT TRANSFERABLE DEVELOPMENT RIGHT VALUE INDICATION:         \$70,000**

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## ***ADDENDA***

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## ***ASSUMPTIONS AND LIMITING CONDITIONS***

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This Appraisal Report has been made with the following general assumptions:

1. No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
2. The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
5. All engineering is assumed to be correct. The plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.
6. If no survey has been furnished to the appraisers, all measurements have been confirmed either in the field, in the plat book or by other reliable sources and are presumed to be accurate.
7. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
8. It is assumed that there is full compliance with all applicable federal, state and local environmental regulations and laws unless noncompliance is stated, defined and considered in the Appraisal Report.
9. It is assumed, unless a study has been provided otherwise, that no hazardous material such as asbestos, urea formaldehyde or other toxic waste exists in the property. The existence of a potentially hazardous material could have a significant effect on the value of the property.

10. In reference to proposed construction, the real estate taxes and other expenses are estimated. These amounts are not guaranteed.
11. It is assumed in the valuation of the subject land site, unless a compliance letter has been furnished to us, that the State of Florida Growth Management Act does not prevent the issuance of a building permit.
12. It is assumed that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
13. It is assumed that the utilization of the land and improvements is within the boundaries of property lines of the property described and that there is no encroachment or trespass unless noted in the report.

This Appraisal Report has been made with the following general limiting conditions:

1. The distribution, if any, of the total valuation of this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
2. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraisers, and in any event, only with proper written qualification and only in its entirety.
3. The appraisers herein by reason of this appraisal is not required to give further consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made.
4. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraisers, or the firm with which the appraisers are connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the appraisers.



# **QUALIFICATIONS OF THE APPRAISER**

**THOMAS F. MAGENHEIMER**

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## **Experience:**

|                  |                                                                                                                |
|------------------|----------------------------------------------------------------------------------------------------------------|
| 11/84 - Present  | <b>QUINLIVAN APPRAISAL, P.A.</b><br>7300 North Kendall Drive, Suite 530<br>Miami, Florida                      |
| 1/2007 – Present | President<br><b>T. F. MAGENHEIMER APPRAISAL, INC.</b><br>7300 North Kendall Drive, Suite 530<br>Miami, Florida |

## **Education:**

**University of Richmond**, Richmond, Virginia  
BA - Bachelor of Arts in History (1982)

## **Professional Affiliations:**

Member of the Appraisal Institute (MAI No. 09166)  
Real Estate Salesman - State of Florida - Certificate m 0344882  
Certified General Appraiser, State of Florida, License m RZ0000553  
Member Sigma Alpha Epsilon Fraternity

## **Qualified as an Expert Witness in the Following Courts:**

Miami-Dade County Circuit Court  
Broward County Circuit Court  
United States Bankruptcy Court

## **Other Activities:**

Admissions Committee - South Florida-Caribbean Chapter of the Appraisal Institute - (1992 - 1993)  
Newsletter Editor - South Florida-Caribbean Chapter of the Appraisal Institute - (1991 - 1995)  
President - South Florida-Caribbean Chapter of the Appraisal Institute - (1996)  
Board of Trustees - Palmer-Trinity School (1989 - 1993)

**Institutions and Corporations:**

AT&T  
Archdiocese of Miami  
Atlantic Security Bank  
The Bank of America  
Bank United  
Barry University  
Bessemer Trust Company  
California Bank and Trust  
Chevron Oil Company  
Chase Manhattan Bank  
Chemical Bank  
Citibank  
Citrus Bank  
City National Bank of Miami  
Coamerica Bank  
Coconut Grove Bank  
Commerce Bank  
Commercial Bank of Florida  
Consolidated Bank  
Colonial Bank  
County National Bank  
Eagle National Bank  
Eastern National Bank  
Equitable Bank  
Espirito Santo Bank  
Farm Credit of South Florida  
Fidelity Bank  
First International Bank  
First National Bank of South Miami  
Florida International University  
First Nationwide Bank  
Florida Memorial College  
Florida Power and Light Company  
Florida Rock Industries  
Great Eastern Bank of Florida  
Greyhound Lines  
HSBC  
Hemisphere National Bank  
Intercontinental Bank  
International Bank of Miami, N.A.  
Jefferson Bank  
LaSalle National Bank

Marine Midland Bank  
McDonalds Corp.  
Mellon United National Bank  
Metro Bank  
Miami-Dade County Community College  
Miami-Dade Water and Sewer Authority  
Northern Trust Bank of Florida  
Ocean Bank  
Pacific National Bank  
Pan American Bank  
Pointe Bank  
Shell Oil Company  
South Trust Bank  
SunTrust Bank  
TotalBank  
Trade National Bank  
Trust for Public Lands  
UniBank  
Union Planters National Bank  
University of Miami  
Wachovia  
Wal-Mart  
YMCA

**Governmental Agencies:**

City of Aventura  
City of Coral Gables  
City of Hialeah  
City of Miami  
City of Miami Parking Authority  
City of Miami Beach  
City of Miramar  
City of North Bay Village  
City of North Miami Beach  
City of South Miami  
City of Sunny Isles Beach  
Miami-Dade County Aviation Department  
Miami-Dade County Department of Development & Facilities Management  
Miami-Dade County HUD  
Miami-Dade County Property Appraisal Adjustment Board  
Miami-Dade County Public Schools  
Miami-Dade County Public Works Department  
Miami-Dade County Transportation Administration

Miami-Dade Water & Sewer Department  
South Florida Water Management District  
State of Florida, Attorney General's Office  
State of Florida, Department of Community Affairs  
State of Florida, Department of Corrections  
State of Florida, Department of Environmental Protection  
State of Florida, Department of Insurance  
State of Florida, Department of Rehabilitation and Liquidation  
State of Florida, Department of Transportation  
Town of Golden Beach  
United States Army Corps of Engineers  
United States Department of Justice  
United States Department of Commerce  
United States Department of the Interior  
United States General Services Administration  
Village of Islamorada  
Village of Key Biscayne  
Village of Pinecrest

**Law Firms:**

Akerman Senterfitt  
Greenberg, Traurig  
Daniels, Kashton, Downs and Robertson  
Holland and Knight, LLP  
Shutts & Bowen  
Ruden McClosky, LLP  
Steel, Hector & Davis, LLP  
Weiss, Serota, Helfman, Pastoriza, Guedes, Cole and Boniske, P.A.

**Types of Properties Appraised:**

|                                 |                   |
|---------------------------------|-------------------|
| Single Family Residences        | Vacant Land       |
| Apartment Buildings             | Hotel/Motels      |
| Office Buildings                | Warehouses        |
| Retail Stores                   | Nursing Homes     |
| Shopping Centers                | Mobile Home Parks |
| Condominium Apartment Buildings | Schools           |
| Golf Courses                    | Service Stations  |
| Residential Subdivisions        | Marinas           |
| Automobile Dealerships          | Wetlands          |

## AGENDA ITEM REPORT

March 14, 2016

### ITEM NUMBER: 5.

**ITEM: Approval** of an ordinance on **second** reading requested by Mayor Leonard amending Section 11 of the Town Code entitled land development regulations to create a new Green / Sustainable Building Program. Enclosed find a copy of the proposed ordinance and supporting documents.

### DESCRIPTION:

At the September 16th, Regular Meeting, Staff was instructed to draft a ordinance on first reading setting forth a Green / Sustainable Building Program for new developments. The program is geared to encourage new developments to design and built "greener" buildings. The initial draft ordinance would mandate Town buildings to be LEED certified and private development this would be optional, but incentives would be given to those who meet certain ratings. The ordinance was revised and approved on first reading at the January Council meeting.

Enclosed find a copy of the proposed ordinance and staff report from Town Planner, Michael Miller.

### RECOMMENDED ACTION:

Council Discretion.

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### FINANCIAL ANALYSIS:

### BUDGET IMPACT:

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Submitted By: Marlene Siegel, Town Clerk  
Jordan Leonard, Mayor

### ATTACHMENTS

|    |                              |                                                                           |
|----|------------------------------|---------------------------------------------------------------------------|
| 1. | Staff Report                 | BHI Green Program Staff Report.pdf                                        |
| 2. | Proposed Ordinance           | Sustainable Bldg Program (Clean Version) Revised Draft Ord Jan 5 2016.pdf |
| 3. | Memorandum from Town Manager | sustainability ordinance memo.pdf                                         |

**TOWN OF BAY HARBOR ISLANDS  
COMMUNITY DEVELOPMENT  
MEMORANDUM**

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**To:** Mayor and Town Council Members  
Town of Bay Harbor Islands

**CC:** Ronald J. Wasson - Town Manager  
Craig Sherman, Esq. - Town Attorney / Marlene Marante, CMC - Town Clerk

**From:** Michael J. Miller, AICP   
Consultant Town Planner

**Date:** January 5<sup>th</sup>, 2016

**Subject:** Town of Bay Harbor Islands, Florida  
Green / Sustainable Building Program  
Draft Land Development Regulations  
MMPA Acct. No. 01-0702-0800

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**ISSUE / ANALYSIS:**

The Town has recently been discussing ways to set forth the Town's desired objectives for "green / sustainable building programs". This topic has been in the forefront of government discussions for several years now, including the Federal, State, Counties and local levels. State law (Sec. 255.2575 F.S.) requires that county and municipal buildings must meet certain sustainable building ratings. For private development this is mostly optional, but incentives are given to encourage developers to meet certain ratings. There are several private groups that have developed sustainable building rating / incentive systems for designing and building "greener" buildings. In some cases incentives are given such as tax credits or fee reductions. Some "green initiatives" are simple such as using more energy efficient light bulbs or light sensors / timers, upgraded air-conditioning systems, fleet fuel changes or Landscape Codes that require shade trees. The Florida Building Code is one of the toughest in the world - it is estimated by most Building Officials / architects that new buildings built today would be equal to a "Bronze" LEED rating. Several local governments in South Florida have enacted various forms of Policy statements, action plans and land development regulations (LDRs), some of which are quite costly. Some of the local governments have very detailed / elaborate LDRs that require while others are more passive. Research was done of several other communities, including the City of Pinecrest, which was noted to have an advanced program. MMPA prepared a draft set of LDRs in Sept. 2015 based on the "Pinecrest Model" (mandatory for government / optional for private). Since the last discussion the Town Administration suggests a few revisions, which are now included. Attached is our latest revised draft Ordinance.

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES; AMENDING CHAPTER 11 ENTITLED LAND DEVELOPMENT REGULATIONS; CREATING A NEW ARTICLE V TO BE ENTITLED SUSTAINABLE BUILDING PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Town of Bay Harbor Islands adopted the first Zoning and Planning Code for the community in June 1957; and

**WHEREAS**, the Town Council periodically studies various land development trends and issues, and considers strategies and design guidelines to encourage the proper development and re-development of lands within the Town, and amends the Zoning and Planning Code accordingly; and

**WHEREAS**, the Town has retained the services of urban planning professionals to study land development activities and land development regulations and to recommend strategies and/or Code modifications to address identified problems; and

**WHEREAS**, Section 255.2575 of the Florida Statutes requires that county and municipal buildings meet certain sustainable building ratings such as the U.S. Buildings Council's LEED system, GBI's Green Globes, the Florida Green Building Coalition green building standards, or other nationally recognized building rating standard; and

**WHEREAS**, the Town Council also desires to promote and encourage the construction of sustainable buildings by the private sector; and

**WHEREAS**, the U.S. Green Building Council (USGBC) has developed the Leadership in Energy and Environmental Design (LEED) rating system that is a voluntary, multi-tiered certification program for sustainable buildings; LEED buildings conserve materials, energy, water, and other natural resources and provides occupants with healthier and more productive interior environments; and

**WHEREAS**, the Florida Green Building Coalition (FGBC), a non-profit corporation, has developed the Florida Green Building Residential and Remodeling Designation Standard, the Florida Green Commercial Designation Standard, the Florida Green Development Designation Standard, and Green Local Government standard providing

opportunities for development to “be green”, and providing examples and resources for achieving certification; and

**WHEREAS**, the University of Florida (UF) Institute of Food and Agriculture Sciences (IFAS) has developed a landscaping education and recognition program, Florida Yards and Neighborhoods, that addresses serious problems of pollution in storm-water runoff, water shortages, and disappearing habitats with environmentally conscious landscaping principles; and

**WHEREAS**, the U.S. Department of Energy (DEO) and U.S. Environmental Protection Agency (EPA) have developed the Energy Star labeling program to identify and promote energy-efficient products and programs to reduce greenhouse emissions; and

**WHEREAS**, a public hearing was held before the Local Planning Agency (LPA) of the Town to review the proposed modifications to the Town's Land Development Regulations; and

**WHEREAS**, the Town Council held duly advertised public hearings to consider the proposed modifications to the Town's Land Development Regulations.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:**

**Section 1:** That the Town of Bay Harbor Islands Land Development Regulations contained within Chapter 11 is hereby amended to add a new Article V, establishing a Sustainable Building Program, as more fully set forth in the attached Exhibit “A”, and by reference are made a part hereof.

**Section 2:** That is any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

**Section 3:** That it is the intention of the Town Council of the Town of Bay Harbor Islands, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word “Ordinance” shall be changed to “Section” or other appropriate word.



**Section 4:** That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

**Section 5:** That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

**PASSED on First Reading this 11<sup>th</sup> day of Janurary, 2016.**

**PASSED on Second Reading this 8<sup>th</sup> day of February, 2016.**

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**JORDAN W. LEONARD**  
Mayor

**ATTEST:**

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**MARLENE M. SIEGEL**  
Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

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**CRAIG SHERMAN, ESQ.**  
Town Attorney

## EXHIBIT “A”

The Town of Bay Harbor Islands, Florida Code of Ordinances  
is hereby amended as follows:

### CHAPTER 11

#### LAND DEVELOPMENT REGULATIONS

#### ARTICLE V. SUSTAINABLE BUILDING PROGRAM

##### Sec. 11-60. - Sustainable building program.

**(a) Purpose and intent.** The purpose is to establish goals, programs and procedures that will help the Town become a more sustainable community. This program shall establish new environmental goals for the Town, define a certification-based sustainable building program with incentives, and define new measurement parameters and reporting criteria to track the Town's performance toward its environmental goals. This program will promote economic and environmental health in the Town, through the design, construction, operation, and deconstruction of its own facilities and provide leadership to both the private and public sectors in the arena of sustainable building and development practices and resource efficiency. Specific practices are outlined below.

- (1) Promote a sustainable future that meets today's needs of a stable, diverse and equitable economy without compromising the ability of future generations to meet their needs by:
  - a. Protecting the quality of the air, water, land, and other natural resources;
  - b. Conserving native vegetation, wildlife and habitat;
  - c. Minimizing human impacts on local ecosystems and ecosystems worldwide;
  - d. Reducing greenhouse gas emissions.
- (2) Become a leader in setting policies and practicing service delivery innovations that promote environmental sustainability.
- (3) Create a sustainable community by delivering renewable energy and energy-efficient projects, developing green buildings and water-thrifty landscapes, resource education, and utilizing recycling and environmentally sound solid-waste services.
- (4) Establish a sustainable building program to:
  - a. Improve the economic and environmental health of the Town through measurable objectives;
  - b. Commit the Town to achieve green designations in a fiscally responsible manner;
  - c. Provide incentives for voluntary compliance;
  - d. Provide green building educational opportunities for the community; and
  - e. Assist the Town in meeting its overall goal of reducing emissions, energy needs, and water consumption.

##### **(b) Government leadership.**

- (1) To demonstrate the Town's commitment to a sustainable building program, the Town shall:
  - a. Strive to achieve a Gold Level FGBC Local Government designation. For any building or office project undertaken by the Town, the Town will participate in the sustainable building program; and

- (2) The Town recognizes USGBC, FGBC, and Energy Star as the official standards for the Town, and it shall be the policy of the Town to finance, plan, design, construct, manage, renovate and maintain its facilities and buildings to be sustainable. It is the Town's intent that all buildings constructed should attempt to meet criteria standards of USGBC LEED, Florida Green Building Coalition Green Building certification, Energy Star, or similar state or nationally recognized program certification standards.

**(c) Applicability.**

- (1) For all private construction projects, compliance with this Code is voluntary.
- (2) For all new buildings constructed and owned by the Town, and for all modifications to existing town-owned buildings where the total renovation includes more than 50 percent of the total building square footage, the Town is expected to design and construct buildings and modifications in accordance with the criteria and standards of USGBC LEED, Florida Green Building Coalition Green Building certification, Energy Star, or similar state or nationally recognized program certification standards unless the costs associated with participation significantly outweigh the benefits of participation.

**(d) Definitions.**

For purposes of this chapter, the following terms, words and phrases shall have the following meanings:

Energy Star means the U.S. Department of Energy (DOE) and U.S. Environmental Protection Agency (EPA) Energy Star labeling program.

FGBC is an acronym for the Florida Green Building Coalition, Inc., a non-profit corporation, whose mission is to establish and maintain a Florida system of statewide green building standards and third party certification programs with environmental and economic benefits.

GBI is an acronym for the Green Building Initiative, a non-profit organization whose mission is to accelerate the adoption of building practices that result in energy efficient, healthier, and environmentally sustainable buildings by promoting credible and practical green building approaches for residential and commercial construction.

GBI's Green Globes means the Green Building Initiative's Green Globes rating system.

LEED means the Leadership in Energy and Environmental Design Rating System of the U.S. Green Building Council.

Sustainable Building means generally the resource efficient design, construction, and operation of buildings by employing environmentally sensible construction practices, systems, and materials. Sustainable building also means an office, residential or Town structure which has obtained sustainable building certification.

Sustainable Building Certification means the final designation awarded to a program participant for a particular project for satisfying all requirements associated with LEED certification, GBI's Green Globes rating system, Energy Star, or FGBC's standards.

USGBC is an acronym for the U.S. Green Building Council, a non-profit organization whose mission is to transform the way buildings and communities are designed, built and operated, enabling an environmentally and socially responsible, healthy and prosperous environment that improves the quality of life.

**(e) Administration.**

- (1) The building department is responsible to ensure compliance with applicable requirements of this Code in the construction of new Town-owned buildings, when participation in the sustainable building program is authorized by the Town Manager.
  - (2) The building department shall coordinate at least one training workshops per year for the purpose of educating Town staff in the provisions and requirements of the Bay Harbor Islands Sustainable Building Program, and shall provide information and outreach to residents, businesses, and contractors through newsletters, brochures and other community outreach efforts.
  - (3) The sustainable building program shall be administered on either a per-unit or per-development basis, as specified at the time of permitting. "Per-unit" means each unit built, except that any multi-family dwelling or similarly clustered structure may count as one unit. "Per-development" means each planned development or subdivision.
- (f) Standards.** Published LEED standards of the USGBC, FGBC green building standards, GBI's Green Globes rating system, Energy Star standards, or similar state or nationally recognized program certification standards shall be used to measure compliance of buildings participating in the sustainable building program.
- (g) Incentives.** The incentives contained in this section are intended to encourage the construction of sustainable buildings. For any program participant seeking sustainable building certification for new residential or commercial construction, residential or commercial retrofitting/remodeling, or new Town-owned buildings, the following incentives shall be made available:
- (1) Applicants pursuant to this Code section shall provide proof of sustainable building certification, or preliminary sustainable building certification, to the building department within 120 days of construction completion, as defined by the certificate of occupancy or certificate of use issue date.
  - (2) Rebate of permit fees. Building permit and plan review fees shall be rebated upon certification of sustainable building program projects, including one- and two-family residential projects, and remodeling projects that meet the certification requirements of USGBC, FGBC, GBI's Green Globes, or Energy Star. Proof and verification of certification shall be required as a condition of the rebate of fees by the Town and shall be submitted to the town within 120 days of issuance of a certificate of occupancy or certificate of use to be eligible. Rebates shall be provided pursuant to the following schedule:
    - a. A rebate of thirty (30) percent of paid permit and plan review fees for FGBC "Gold," USGBC "Platinum," or four (4) Green Globes certification;
    - b. A rebate of twenty (20) percent of paid permit and plan review fees for FGBC "Silver," USGBC "Gold," or three (3) Green Globes certification;
    - c. A rebate of ten (10) percent of paid permit and plan review fees for FGBC "Bronze," USGBC "Silver," or two (2) Green Globes certification; and
  - (3) Green building award. For the purpose of publicly recognizing outstanding commitment to "green building and construction practices" the sustainable building program shall provide for an award of a framed Town proclamation to be awarded annually to each program participant receiving a recognized certification.
  - (4) Recognition. The Town shall coordinate a program of recognition, on the Town web site or through other additional means, identifying participating sustainable building projects.
  - (5) Signage.
    - a. A builder may install one additional temporary construction sign, not to exceed twenty-four (24) square feet in area that notes: "This project is a

Town of Bay Harbor Islands Green Certified Project by (Company Name)"  
and/or "Certified Florida Yards & Neighborhoods."

- b. A developer of a commercial project may add the notation, "Town of Bay Harbor Islands Green Certified Project" in four-inch letters on permitted project entry and identification signs.

Drafting Key: Underline is new text

Bold text is Subject Title



December 30, 2015

**Town Council**

Jordan W. Leonard  
Mayor

Stephanie Bruder  
Vice Mayor

Joshua D. Fuller  
Council Member

Doris Marano  
Council Member

Kelly Reid  
Council Member

Isaac Salver  
Council Member

Robert Yaffe  
Council Member

**Town Officials**

Ronald J. Wasson  
Town Manager

Marlene M. Siegel  
Town Clerk

Craig B. Sherman  
Town Attorney

Dear Mayor and Council,

This memo is submitted to provide some more data or financial information regarding the possible impact to the Town should the Council decide to adopt the Environmental/ Sustainability Building Program Ordinance. This ordinance is modeled from the Town of Pinecrest which allows for incentives to owners, builders and contractors to encourage more environmentally friendly development in the Town of Bay Harbor Islands. While doing research for this item, unfortunately there was not much background information to determine how much, if any impact this proposed ordinance would have on the Town's financial ledger. The Town of Pinecrest only had three buildings built over the five years their ordinance has been in effect. Two were owner built projects and the other was a government building. In reviewing what was submitted to the Council, I have added what the projected costs of a single family home/multi-family building would cost, and the impact of a Bronze (10%), Silver (20%) and Gold (30%) permit reduction would have on our building permit revenue and ultimate tax revenue. It should be noted these financial numbers are estimates supplied by the building department on the approximate costs to build a large single family home and a medium sized multifamily project of approximately 14 units.

**SINGLE FAMILY HOME**

**Cost of Regular Construction: \$2,000,000**

**Related Permit Cost: \$27,895 (permit cost is a % of construction)**

**Cost of Bronze Level LEEDS Construction: \$2,150,000**

**Related Permit Cost: \$30,100**

**Bronze Level Permit Reduction of 10%: \$3,010**

**Adjusted Permit Cost: (\$30,100 - \$3,010) \$27,090**

***IMPACT TO TOWN:* (\$27,895/reg. cost - \$27,090/adj. cost) **\$805****

MAYOR JOSEPH J. GARDNER GOVERNMENT CENTER

**Cost of Silver Level LEEDS Construction: \$2,400,000**

Related Permit Cost: \$33,600

Silver Level Permit Reduction of 20%: \$6,720

Adjusted Permit Cost: (\$33,600 - \$6,720) \$26,880

***IMPACT TO TOWN:*** (\$27,895/reg. cost - \$26,880/adj.cost) **\$1,015**

**Cost of Gold Level LEEDS Construction: \$2,650,000**

Related Permit Cost: \$36,400

Gold Level Permit Reduction of 30%: \$10,920

Adjusted Permit Cost: (\$36,400 - \$10,920) \$25,400

***IMPACT TO TOWN:*** (\$27,895/reg.cost - \$25,400/adj.cost) **\$2,415**

### **TAX REVENUE IMPACT**

Tax Revenue: \$2,000,000 Home (2M/1,000 x 4.55) \$9,100

Tax Revenue: \$2,150,000 LEEDS (2.15M/1000 x 4.55) \$9,782

Tax Revenue: \$2,400,000 LEEDS (2.4M/1000 x 4.55) \$10,920

Tax Revenue: \$2,650,000 LEEDS (2.65M/1000 x 4.55) \$12,058

**Note:** When reviewing the impact of the tax revenue, comparing the relatively slight impact of the permit fees to the increase of tax revenue generated from a more costly home the overall impact is positive for the Town. Over time, that revenue will be more significant as the permit fee is a onetime cost item.

## **MULTIFAMILY BUILDING**

Cost of Regular Construction: \$6,000,000

Related Permit Cost: \$90,000 (permit cost is a % of construction)

**Cost of Bronze Level LEEDS Construction: \$6,400,000**

Related Permit Cost: \$96,000

Bronze Level Permit Reduction of 10%: \$9,600

Adjusted Permit Cost: (\$96,000 - \$9,600) \$86,400

***IMPACT TO TOWN:* (\$90,000/reg.cost - \$86,400/adj.cost) \$3,600**

**Cost of Silver Level LEEDS Construction: \$6,850,000**

Related Permit Cost: \$102,750

Silver Level Permit Reduction of 20%: \$20,550

Adjusted Permit Cost: (\$102,750 - \$20,550) \$82,200

***IMPACT TO TOWN:* (\$90,000/reg.cost - \$82,200/adj.cost) \$7,800**

**Cost of Gold Level LEEDS Construction: \$7,000,000**

Related Permit Cost: \$105,000

Gold Level Permit Reduction of 30%: \$31,500

Adjusted Permit Cost: (\$105,000 - \$31,500) \$73,500

***IMPACT TO TOWN:* (\$90,000/reg.cost - \$73,500/adj.cost) \$16,500**



## TAX REVENUE IMPACT

|                                                     |          |
|-----------------------------------------------------|----------|
| Tax Revenue: \$6,000,000 Building (6M/1,000 x 4.55) | \$27,300 |
| Tax Revenue: \$6,400,000 LEEDS (6.4M/1,000 x 4.55)  | \$29,120 |
| Tax Revenue: \$6,850,000 LEEDS (6.85M/1,000 x 4.55) | \$31,168 |
| Tax Revenue: \$7,000,000 LEEDS (7M/1,000 x 4.55)    | \$31,850 |

**Note:** When reviewing the impact of the tax revenue: comparing the relative impact of the permit fees to the increase of tax revenue generated from more costly construction, the overall impact is positive for the Town because over time, the tax revenue will be more significant as the permit fees are a onetime cost item. (Again it should be noted what anyone is willing to pay for a home/apartment is very subjective.) Additionally, on the multifamily building with 14 units, as each unit is sold, it can be expected there will be an increase in the tax revenue generated from that property. For the purposes of this report however, I only used the construction costs to illustrate the financial impact to the Town.

  
Ronald J. Wasson  
BHI Town Manager

## AGENDA ITEM REPORT

March 14, 2016

### ITEM NUMBER: 6.

**ITEM: Consideration and Approval** on an ordinance on **second** reading requested by Council Member Salver amending Chapter 2 of the Town Code to prohibit contracting with a business which engages in boycott of a person, or entity based on race, color, religion, gender, sexual orientation, marital status or national origin. Enclosed find a copy of the proposed ordinance.

### DESCRIPTION:

At the February 8th, Regular Meeting, the proposed ordinance was before the Town Council for consideration and passed on first reading.

Enclosed find a copy of the draft ordinance.

### RECOMMENDED ACTION:

Council Discretion.

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### FINANCIAL ANALYSIS:

### BUDGET IMPACT:

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Submitted By: Marlene Siegel, Town Clerk  
Isaac Salver, Council Member

### ATTACHMENTS

|    |                    |                                      |
|----|--------------------|--------------------------------------|
| 1. | Proposed Ordinance | Contracting with Town-1-16 - Rev.pdf |
|----|--------------------|--------------------------------------|

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE BAY HARBOR CODE OF ORDINANCES BY CREATING SECTION 2-4, "CONTRACTING WITH THE TOWN", OF CHAPTER 2 "ADMINISTRATION" OF THE TOWN CODE, PROHIBITING THE TOWN AND PENSION FUND FROM PROCURING GOODS OR SERVICES FROM, OR OTHERWISE CONTRACTING WITH A BUSINESS WHICH ENGAGES IN THE BOYCOTT OF A PERSON OR ENTITY BASED ON RACE, COLOR, RELIGION, GENDER, SEXUAL ORIENTATION, MARITAL STATUS, OR NATIONAL ORIGIN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Town Council strongly opposes the practice of economic discrimination and boycotts of persons and/or entities on the basis of race, color, religion, gender, sexual orientation, marital status, or national origin; and

**WHEREAS**, the Town Council desires to protect the interests of its citizens by ensuring that they, through the Town Council, will not be party to such discriminatory business practices and boycotts, and furthermore that Town Council and pension fund contract with the private sector are protected from the practical and legal instability inherent to parties that support or engage in such discriminatory practices.

**NOW THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF BAY HARBOR ISLANDS, FLORIDA; AS FOLLOWS:**

**SECTION 1. RECITALS.** That the above stated recitals are hereby adopted and confirmed.

**SECTION 2. TOWN CODE AMENDED.** That Section 2-4 "Contracting with the Town", of Chapter 2 "Administration", of the Bay Harbor Islands Code of Ordinances is hereby created and shall read as follows:

Sec. 2-4. Contracting with the Town.

**(a) DEFINITIONS.** As used in this section, the following terms shall have the following meanings:

Boycott means to blacklist, divest from, or otherwise refuse to deal with a person or entity when the action is based on race, color, religion, gender, sexual orientation, marital status, or national origin of the targeted person or entity. The term Boycott does not include:

(1) A decision based upon business or economic reasons;

(2) A Boycott against a public entity or foreign state when the boycott is applied in a non-discriminatory manner;

(3) Boycotts or divestments of particular jurisdictions that are specifically authorized or required by federal law or state law.

Business means any sole proprietorship, organization, association, corporation, limited liability partnership, limited liability company, or other entity or business association, including wholly owned subsidiaries, majority owned subsidiaries, parent companies or affiliates of those entities or business associations.

Open Trade Jurisdiction means World Trade Organization members and those countries with which the United States has free trade or other agreements aimed at ensuring open and nondiscriminatory trade regulations.

**(b) NON-DISCRIMINATION.**

(1) The Town and the pension fund shall not enter into a contract with a Business unless the contract includes a representation that the Business is not currently engaged in, and an agreement that the Business will not engage in, the Boycott of a person or an entity based in or doing business with an Open Trade Jurisdiction.

(2) The Town may, in its sole discretion, elect to waive the requirements of this Article upon the affirmative vote of the Town Council where the Town Council deems the waiver necessary for the health, safety or welfare of the Town and its residents.

**SECTION 3. SEVERABILITY.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 4. INCLUSION IN THE CODE.** That it is the intention of the Town Council, and it is hereby ordained that this Ordinance shall become and made part of the Town Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**SECTION 5. CONFLICT.** That all sections or parts of sections of the Town Code, all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

**SECTION 6. EFFECTIVE DATE.** That this Ordinance shall be effective immediately upon adoption on second reading

**PASSED AND ADOPTED on first reading this \_\_\_\_ day of \_\_\_\_\_, 2016.**

**PASSED AND ADOPTED on second reading this \_ day of \_\_\_\_\_, 2016.**

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**JORDAN W. LEONARD  
MAYOR**

**ATTEST:**

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**MARLENE M. SIEGEL  
TOWN CLERK**

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

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**CRAIG B. SHERMAN  
TOWN ATTORNEY**

## AGENDA ITEM REPORT

March 14, 2016

### ITEM NUMBER: 7.

**ITEM: Approval** of a resolution and an inter local agreement with Miami Dade County to join the Miami-Dade County Library Taxing District to provide library services to the Town's residents. Enclosed find a copy of the proposed resolution and Inter local agreement.

### DESCRIPTION:

The Miami-Dade Public Library System and the Town have negotiated the terms and conditions to operate a full service library facility to be located at the Bay Harbor Islands, Community Center (1165 95 Street). Enclosed find a copy of a resolution authorizing the Town to join the Miami-Dade Taxing District.

Also included is an agreement that outlines the Miami-Dade County responsibilities to operate the library branch which includes equipment; staff; programming; shelving; books and materials.

Exhibit B is a summary explanation of the 2016-17 start up & first year operating costs.

### RECOMMENDED ACTION:

Approval.

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### FINANCIAL ANALYSIS:

FY 2016-17 - Start-up and first-year operating costs : \$223,567

### BUDGET IMPACT:

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Submitted By: Marlene Siegel, Town Clerk  
Ronald Wasson, Town Manager

### ATTACHMENTS

|    |                         |                                          |
|----|-------------------------|------------------------------------------|
| 1. | Proposed Resolution     | 2016.03.01 - Library taxing district.pdf |
| 2. | Agreement - Library     | Interlocal Bay Habor Islands 2-24-16.pdf |
| 3. | Memo - Finance Director | Memo - Finance Director.pdf              |

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE  
TOWN OF BAY HARBOR ISLANDS, AUTHORIZING THE  
TOWN TO JOIN THE MIAMI-DADE LIBRARY TAXING  
DISTRICT.**

**WHEREAS**, the Miami-Dade Public Library System (“MDPLS”) provides public library services reflecting the informational, educational, and recreational needs of the County; and

**WHEREAS**, the MDPLS funding model is a special taxing district. By definition, a special taxing district is a geographic area in which particular services are provided exclusively to residents of that area. According to MDPLS’ special taxing district (“Library Taxing District”) provides 94% of the MDPLS’ revenues; the other funds are made up of state aid, fines and fees, and other miscellaneous revenues including grant funding. The current MDPLS Millage rate (or rate of taxation) for the Library Taxing District is 0.2840. In other words, a property valued at \$100,000 would yield \$28.40 in taxes for the Library Taxing District; and

**WHEREAS**, the Town is finalizing the Bay Harbor Community Center at 1195 96th Street, Bay Harbor Islands (“Community Center”), that includes space designated for a library facility; and

**WHEREAS**, the Town and Miami-Dade County (“County”) have negotiated certain terms and conditions, related to provision of library services to the Town, as well as terms and conditions for the County’s occupancy of the designated library space within the Community Center; and

**WHEREAS**, the Town is required to join the Library Taxing District in order to have a library branch within the Community Center.

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

1. The Town shall join the Library Taxing District in order to provide a branch library in the Town's Community Center.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

TOWN OF BAY HARBOR ISLANDS

By: \_\_\_\_\_  
JORDAN W. LEONARD  
MAYOR

ATTEST:

\_\_\_\_\_  
MARLENE M. SIEGEL  
TOWN CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
FRANK C. SIMONE, ESQ., CFP®  
ASSISTANT TOWN ATTORNEY

**INTERLOCAL AGREEMENT  
BETWEEN  
MIAMI-DADE COUNTY AND  
THE TOWN OF BAY HARBOR ISLANDS**

This is an Interlocal Agreement between Miami-Dade County, a political subdivision of the State of Florida (the "COUNTY") and the Town of Bay Harbor Islands, a municipal corporation of the State of Florida (the "TOWN"), entered into this \_\_\_\_ day of \_\_\_\_\_, 2016 (the "Agreement").

**WITNESSETH**

**WHEREAS**, on March 14, 2016, the Town of Bay Harbor Islands Council, approved a Resolution authorizing the Town to join the Miami-Dade Library Taxing District, effective October 1, 2016; and

**WHEREAS**, the TOWN and the COUNTY wish to have library services available to the residents of the TOWN, and, to establish a library location within the TOWN's corporate limits; and

**WHEREAS**, the TOWN is finalizing the Bay Harbor Community Center at 1195 96 Street, Bay Harbor Islands, that includes space designated for a library facility; and

**WHEREAS**, the TOWN and the COUNTY have negotiated certain terms and conditions, as outlined throughout this document, related to provision of library services to the TOWN, as well as terms and conditions for the COUNTY's occupancy of the aforementioned designated space within the Bay Harbor Community Center; and

**WHEREAS**, the TOWN Council and the COUNTY Commission desire to establish a branch library within the Town of Bay Harbor Islands.

**NOW, THEREFORE, IN CONSIDERATION OF THE FOLLOWING MUTUAL COVENANTS THE COUNTY AND THE TOWN AGREE AS FOLLOWS:**

**1. Obligations of the TOWN**

- a. The TOWN has agreed, at its sole cost and expense, to fully construct, partition, and prepare the library space within the Bay Harbor Community Center, located at 1195 96 Street, Bay Harbor Islands, Florida, in accordance with the plans and the specifications prepared by the TOWN architect and approved by the COUNTY. The TOWN further agrees to turn over the library space to the COUNTY ready for immediate occupancy, as is more fully set



out in this Section. The TOWN agrees to complete the following as it relates to the library space:

1. fully partition, and paint the interior of the library space;
  2. furnish and install all interior doors and interior finishes;
  3. furnish and install all flooring;
  4. furnish and install a finished ceiling, including all overhead lighting fixtures;
  5. furnish and install all safety devices required by the Florida Building Code or other applicable laws, rules, or regulations, including, but not limited to: all fire alarms, sprinkler systems, fire extinguishers, and exit signs;
  6. furnish and install wiring needed by the library for electric, data communication and connectivity to the Library's Wide Area Network, telephone, and cable service;
  7. furnish and install a security system for the building;
  8. furnish and install a fully functional HVAC air conditioning system for the building;
  9. furnish and install electric and water use meters for the building;
- b. The TOWN will lease to the COUNTY a portion of the building, as shown in Exhibit A, of approximately 1,507 square feet to be utilized as a library branch of the Miami-Dade Public Library System.
- c. The term of the lease shall be for a period of thirty (30) years, commencing on the effective date of the TOWN joining the Miami-Dade Library Taxing District which is anticipated to be October 1, 2016, and, upon issuance of a Certificate of Occupancy to the TOWN for the completed build-out of the Community Center and Library space. The TOWN recognizes that the COUNTY may require a transition and move-in period of up to 90 days after the effective date of the TOWN joining the Miami-Dade Library Taxing District to allow for move-in, set-up, hiring of staff, and other activities to open the branch. However, the COUNTY will make all efforts to expedite the opening of the branch. If desired by both parties, the TOWN and the COUNTY may renew this agreement for up to two, 30-year lease periods.
- d. The TOWN shall require a nominal lease payment of \$10.00 annually from the COUNTY for use of the facility, payable within thirty (30) days of the anniversary date of the lease. The first payment shall be made within thirty (30) days following commencement of the lease.
- e. The TOWN shall provide parking, at no cost, within the parking garage structure at the Bay Harbor Community Center, to library staff. The TOWN will make efforts to provide reduced-rate and/or free parking for library

patrons. The TOWN's obligation to provide no cost staff parking shall survive the term of the Agreement and shall continue until such time as the County ceases to operate a library facility within the Bay Harbor Community Center.

- f. The COUNTY shall provide, and the TOWN shall allow for, the installation of an exterior, free-standing book drop, at a location that is mutually agreeable to the parties.
- g. The TOWN shall make available to the County, a designated space within the Bay Harbor Community Center for installation of the County's information technology switches and servers that are necessary to operate the County's information technology systems within the library space.
- h. The TOWN shall ensure the COUNTY is provided with means of independent access/entry to the library space (i.e., keys, alarm or entry codes) by authorized library staff. Additionally, the TOWN shall install security cameras/burglar alarm system for the building that is able to hold 30 days of camera recordings, and, cooperate with the COUNTY when access is needed to security camera or related incident records.

## **2. Obligations of the COUNTY**

- a. The COUNTY, through its Miami-Dade Public Library System (MDPLS), at its sole cost and expense, will operate a full-service library facility within the aforementioned location, including the provision to the TOWN of on-site Library staff, a wide-ranging collection of printed books and materials, computers, tablets, and Wi-Fi for in-house use within the library facility. The residents of Bay Harbor Islands will also enjoy access to all existing and future MDPLS facilities, as well as access to all other services, rights and privileges currently afforded to members of the Miami-Dade Library Taxing District.
- b. The COUNTY shall work with the TOWN on tailoring programming offerings, provided either directly by MDPLS, or in partnership with TOWN staff, to meet the needs of TOWN residents, as well as to ensure the ongoing success of this partnership.
- c. For the first year of this lease, the COUNTY will provide 5 days of service per week (40 hours of service), and will work with the TOWN on establishing the hours and days of operation to best align with peak usage of the Bay Harbor Community Center by TOWN residents. Prior to the beginning of the second year of this lease, and each year thereafter, the COUNTY will work with the

TOWN to further refine operating hours and days of operation, staffing levels, materials collection, programming levels, capital expenditures, or, some combination thereof, to address community interests and needs, as necessary.

However, the provision of Library hours, services, equipment, materials, and staffing are ultimately subject to the availability of funding to the entire Miami-Dade Library Taxing District, that which is approved annually by the Miami-Dade County Board of County Commissioners. The library branch will be operated in accordance with all rules and regulations of the Miami-Dade Public Library System. The estimated first-year start-up and operating costs are detailed in Exhibit B, attached hereto.

- d. The COUNTY shall be responsible for equipping the library space with items needed to operate a full-service library branch, including furniture, shelving, printed books and materials, office equipment, computer hardware and software, and other information technology equipment.

3. Library Access

It is agreed that the completed library space shall be open to use by all County residents, regardless of residency within the TOWN.

4. Naming and Signage

Upon completion, the library shall be named the "Miami-Dade Public Library System Bay Harbor Islands Branch". The COUNTY shall provide, and the TOWN shall allow, signage that is in accordance with both, County branding standards and code provisions for signage at Library facilities, as well as applicable TOWN code provisions for exterior signage.

5. Utilities and Building Repairs/Maintenance

During Year One of the Lease, the TOWN will be responsible for all costs associated with electric, water & sewer, janitorial, building repairs and maintenance, and pest control services for the library space. Beginning in Year Two of the Lease (October 1, 2017), and each year thereafter, the COUNTY will make an annual payment of \$3,600 to the TOWN as a contribution towards the TOWN's expenditures on the aforementioned items. This amount will increase by one (1) percent beginning on October 1, 2018, and increase by one (1) percent each year thereafter. It is recognized by the COUNTY that costs associated with repairs and maintenance of COUNTY-owned equipment, furnishings, and other COUNTY-owned items, are the responsibility of the COUNTY.

6. Right to Cancel

The terms of this Interlocal Agreement shall continue unless notice is given by either party to the other at least (12) months in advance of the year to be closed. At the conclusion of this Interlocal Agreement, all COUNTY property shall remain the property of the COUNTY, and all TOWN property shall remain the property of the TOWN. The COUNTY and the TOWN shall establish a mutually agreeable timeframe for removal of all COUNTY property at the conclusion of the lease.

The County Mayor and the Town Manager shall have the authority to cancel this Agreement in the name of the COUNTY and TOWN, respectively. If this Interlocal Agreement is terminated by the TOWN, the TOWN recognizes that it remains part of the Miami-Dade Library Taxing District until such time as the TOWN COUNCIL approves a Resolution, meeting the requirements and withdrawal timelines of the Miami-Dade County Property Appraiser's Office, to withdraw from the Miami-Dade Library Taxing District. Alternatively, the TOWN, at its sole cost and expense may identify an alternate location, mutually agreed upon by the COUNTY and the TOWN, to continue providing library service within the TOWN's municipal boundaries. The COUNTY recognizes that the TOWN has agreed to join the Miami-Dade Library Taxing District with the understanding that a branch location will be located within the municipal boundaries of the TOWN, and, that if this Interlocal Agreement is terminated by the COUNTY, the COUNTY, at its sole cost and expense, would be required to identify an alternate location to provide library service within the TOWN.

5. **Indemnification**

To the extent permitted by law and as limited by Section 768.28, Florida Statutes, the COUNTY shall indemnify the TOWN, its officers, agents and employees for any and all liability, losses or damages, including attorney's fees and costs of defense, which the TOWN, its officers, agents and employees may incur as a result of any claim, demand, suit, or cause of action or proceeding of any kind or nature arising out of, or relating to, or resulting solely from the negligence of the COUNTY, its officers, agents or employees prior to conveyance and in the performance of this Agreement.

The TOWN shall indemnify and hold harmless the COUNTY and its officers, employees, agents, and instrumentalities from any and all liability, losses, or damages, including attorneys' fees and costs of defense, which the COUNTY or its officer, employees, agents, or instrumentalities may incur as a result of claims, demands, suits, causes of action or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Agreement by the TOWN or its employees, agents, servants, partners, principals or subcontractors. The TOWN shall pay all claims and losses in connection therewith and shall

investigate and defend all claims, suits, or actions of any kind or nature in the name of the COUNTY, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees that may issue thereon.

However, this mutual indemnification by the TOWN to the COUNTY and by the COUNTY to the TOWN shall only be to the extent and within the limitations of Section 768.28, Florida Statutes, subject to the provisions of that Statute whereby neither the COUNTY nor the TOWN shall not be held liable to pay a personal injury or property damage claim or judgment by any one person, which exceeds the sum of \$200,000, or any claim or judgment paid by the TOWN or the COUNTY arising out of the same incident or occurrence, exceed the sum of \$300,000 from any and all personal injury or property damage claims, liabilities, losses or causes of action, which may arise as a result of the TOWN's or the COUNTY's negligence.

6. **Notices**

All notices hereunder must be in writing and shall be deemed validly given if sent by certified mail, return receipt requested, or by hand delivery, or by overnight delivery to the addresses as follow (or any other address that the party to be notified may have designated to the sender by like notice):

County: Miami-Dade County Mayor  
111 N.W. First Street, Suite 2910  
Miami, Florida 33128

Copied to: County Attorney, Miami-Dade County  
111 N.W. First Street, Suite 2810  
Miami, Florida 33128

and Director, Miami-Dade Public Library System  
101 West Flagler Street, 2<sup>nd</sup> Floor  
Miami, Florida 33130

Town: Town Manager,  
Town of Bay Harbor Islands  
9665 Bay Harbor Terrace  
Bay Harbor Islands, Florida 331\_\_

Copied to: \_\_\_\_\_  
\_\_\_\_\_, P.A.  
\_\_\_\_\_  
\_\_\_\_\_

7. **Entire Agreement**

The TOWN and the County agree that this is the entire Agreement between the parties. This Agreement supersedes all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein, and there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document. This Agreement cannot be modified or amended without the express written consent of the parties. Accordingly, no modification, amendment or alteration of the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith. Notwithstanding any provision herein, this agreement in no way obviates or nullifies the obligations of the TOWN under the TOWN Charter.

8. **Amendments**

This Agreement may be modified only by an agreement in writing signed and sealed by the TOWN Manager and the County Mayor of Miami-Dade County.

9. **Severability**

If any term or provision of this Agreement shall to any extent be held invalid or unenforceable, the remainder of this Agreement shall not be affected and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

10. **Assignment**

Neither this Agreement nor any term nor provision hereof or right hereunder shall be assignable by any parties and any attempt to make such assignment shall be void.

11. **Governing Law**

This Agreement shall be construed in accordance with the laws of the State of Florida, and any proceedings arising in any matter pertaining to this Agreement shall, to the extent permitted by law, be held in Miami-Dade County, Florida.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on their behalf as of the date first above written.

**TOWN OF BAY HARBOR ISLANDS,**  
a municipal corporation

By: \_\_\_\_\_  
Town Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

By: \_\_\_\_\_  
Town Attorney

**MIAMI-DADE COUNTY**  
a political subdivision of  
the State of Florida

By its Board of County  
Commissioners:

By: \_\_\_\_\_  
County Mayor

ATTEST:

By: \_\_\_\_\_  
Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

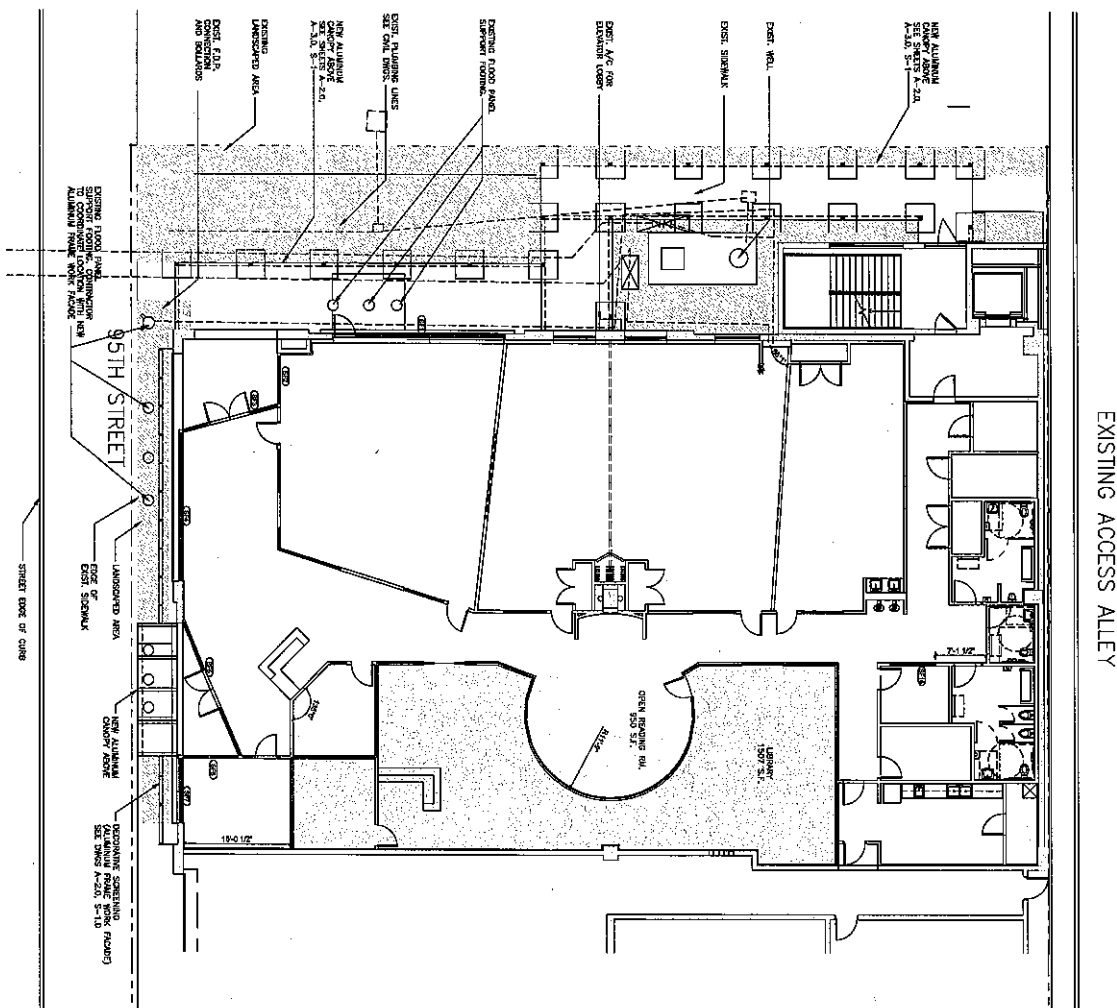
By: \_\_\_\_\_  
County Attorney

1. IDENTIFY THE SUBJECT OF AN ASSOCIATED TEST QUESTION
2. IDENTIFY THE SUBJECT OF THE ASSOCIATED TEST QUESTION  
AND THE SUBJECT OF THE CHALLENGE QUESTION
3. IDENTIFY THE SUBJECT OF THE CHALLENGE QUESTION  
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7. IDENTIFY THE SUBJECT OF THE CHALLENGE QUESTION  
AND THE SUBJECT OF THE ASSOCIATED TEST QUESTION

- ① **correct** The building should have the construction procedures **corrected**.
- ② **the** **best** **way** **one** **of** **these** **has** **been** **one** **of** **these** **to** **develop** **a** **new** **type** **of** **building** **material** **that** **can** **be** **used** **in** **the** **construction** **of** **new** **buildings**.
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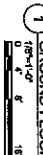
- Components must be designed to allow continuous straight closure of load transfered material straight through to other walls, the floor, and the system bearing ceiling. Restrictions must be made to prevent the use of any other components that may be used in the system.
- Windows between multipurpose and temporary storage areas must be either 12" single glazing (untempered or tempered), or a minimum 50% STC assembly.
- Windows between multipurpose and offices must be at least 12" double glazing.
- Windows between multipurpose and the exterior to be minimum STC 35, where applicable.
- 2 layers of 5/8" GYB on both sides of a 5/8" wall with extra absorption at walls between multipurpose rooms.
- 2 layers of 5/8" GYB on both sides of bulkheads at top of operable partitions between multipurpose rooms.
- 2 layer GYB barrier ceiling above multipurpose rooms, with batt absorption batt above the barrier ceiling.
- 2 layer GYB barrier ceiling above multipurpose rooms, with batt absorption batt above the barrier ceiling and extra batt at exterior for multipurpose rooms and offices.
- Batt absorption in wall and cavities at the exterior for multipurpose rooms and offices.

|  |                               |  |                              |
|--|-------------------------------|--|------------------------------|
|  | NEW PARTITION                 |  | NEW DOOR                     |
|  | EXTERNAL PARTITION TO CEILING |  | DOOR MATERIAL                |
|  | M.C. SLIDING                  |  | INTERNAL PARTITION           |
|  | EXISTING                      |  | DETAIL MODIFIER              |
|  | EXPANDING DOOR TO CEILING     |  | STACK                        |
|  |                               |  | PARTITION EXTENSION MODIFIER |



95th STREET

GROUNDING PLAN



### Permit Set

Community Center  
95th Street Public Parking Garage

### PROPOSED FLOOR PLAN

|                         |      |        |            |                |      |            |
|-------------------------|------|--------|------------|----------------|------|------------|
| Library/Info            |      |        |            | 02/24/15       |      |            |
| COORDINATION            | D.R. | EL     | 02/20/14   |                |      |            |
| COORDINATION            | D.R. | EL     | 12/28/15   |                |      |            |
| LEAD SAFETY COORDINATOR | D.R. | EL     | 10/04/15   | Panel 1st      | O.P. | EL         |
| CITY COORDINATOR        |      |        |            | ST/ST/ST/ST/ST | E.N. | EL         |
| Readings                | by   | direct | 02/24/2017 | for use of     | R.N. | Panel      |
|                         |      |        |            |                |      | 02/24/2017 |

|                                    |       |        |            |  |  |
|------------------------------------|-------|--------|------------|--|--|
| <b>ENHANCED LAMAS, A24-8000026</b> |       |        |            |  |  |
| <b>Project Number: 177911127</b>   |       |        |            |  |  |
| <b>SIN NUMBER: IA-101A</b>         |       |        |            |  |  |
| D.P.                               | E.L.  | C.I.L. | E.E.B.U.S. |  |  |
| Pers.                              | Chad. | Borg.  | MILLER, JY |  |  |
| <b>Drawing No.: IA-101A</b>        |       |        |            |  |  |
| <b>Revision</b>                    |       |        |            |  |  |



2 South Eucalyptus Boulevard Suite 1670  
Adelphi, NY 13014

The Contractor shall verify and be responsible for all dimensions. DO NOT scale the drawing - any errors or omissions shall be reported to S&BEC without delay.



# Exhibit B

## Town of Bay Harbor Islands Proposed Branch Library- Year 1 Start-Up and Operating Costs

Location: 1165 95 Street, Bay Harbor Islands, Florida, 33181

Year 1 Proposed Days and Hours of Operation: 5 Days of Service, Not to Exceed 40 Hours

Effective Date: October 1, 2016

|                                                               | Cost Estimates (\$) | Notes                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                               | <b>FY 2016-17</b>   |                                                                                                                                                                                                                                                                                               |
| <b>Revenues:</b>                                              |                     |                                                                                                                                                                                                                                                                                               |
| Projected FY 2016-17 Ad Valorem Revenue (@.284 millage rate)  | 223,567             | Assuming 6.5% roll growth from current year and flat millage rate, based on OMB 5-year Projection                                                                                                                                                                                             |
| <b>Expenditures (First Year Start-Up Costs):</b>              |                     |                                                                                                                                                                                                                                                                                               |
| Information Technology Start-Up Costs                         | 54,533              | Computers, Tablets, Ipads, WI-Fi Install, Telecom Switch, Software and Hardware Licenses                                                                                                                                                                                                      |
| Furniture                                                     | 26,668              | County will provide double-sided mobile shelving units, wall shelving units, catalog stand, circulation desk, reading tables and chairs (adult and children's), computer workstation furniture and chairs, lounge furniture, staff office furniture, display racks, and furniture accessories |
| Library Books and Materials                                   | 22,000              | Year One expenditure to enhance the start-up collection with additional best-seller's and children's books. County regularly refreshes branch collections to meet patron needs                                                                                                                |
| Copy Machine - Annual Lease                                   | 6,468               |                                                                                                                                                                                                                                                                                               |
| Signage (Inside/Outside)                                      | 6,000               | Exterior storefront signage; and interior directional and informational signage                                                                                                                                                                                                               |
| Book Drop                                                     | 3,000               |                                                                                                                                                                                                                                                                                               |
| Cash Register                                                 | 2,300               |                                                                                                                                                                                                                                                                                               |
| <b>Subtotal FY 16-17 Start-Up Costs</b>                       | <b>120,969</b>      |                                                                                                                                                                                                                                                                                               |
| <b>Staffing and Operating Expenditures*:</b>                  |                     |                                                                                                                                                                                                                                                                                               |
| Staff - Full-Time Librarian 1                                 | 68,402              |                                                                                                                                                                                                                                                                                               |
| Staff - Children's Services Specialist (50%)                  | 20,460              | Position to provide children's services 2 to 3 days per week under all three options; shared between Bay Harbor and North Shore (amount shown represents half of the salary and fringe associated with a full-time CSS                                                                        |
| Staff - Part-Time Library Page                                | 12,036              |                                                                                                                                                                                                                                                                                               |
| Utilities, Janitorial, Pest Control, Bldg Maint & Repair      |                     | Annual Payment by County beginning in Year 2                                                                                                                                                                                                                                                  |
| Office Supplies - Annual Allocation                           | 1,000               |                                                                                                                                                                                                                                                                                               |
| Other Miscellaneous Supplies                                  | 700                 |                                                                                                                                                                                                                                                                                               |
| <b>Subtotal FY 16-17 Staffing and Oper Costs</b>              | <b>102,598</b>      |                                                                                                                                                                                                                                                                                               |
| <b>Total FY 16-17 Start-Up and First-Year Operating Costs</b> | <b>\$223,567</b>    |                                                                                                                                                                                                                                                                                               |
| Revenues less Expenditures                                    | \$                  | (0)                                                                                                                                                                                                                                                                                           |

---

**TOWN OF BAY HARBOR ISLANDS MEMORANDUM**

---

**DATE:** JANUARY 11, 2016  
**TO:** RONALD J. WASSON, TOWN MANAGER  
**FROM:** ALAN K. SHORT, FINANCE DIRECTOR  
**RE:** IMPACT OF LIBRARY MILLAGE

---

As you asked, I have prepared an analysis of the impact of the County library millage on Bay Harbor Islands if the Town elects to participate in the County library system.

Projected annual and monthly taxes on a range of taxable values (i.e., assessed value less any exemptions for homestead, senior citizens, etc.) from \$50,000 to \$3.5 million are shown. In addition, I have shown the Town's total taxable value and the total amount of taxes that would be paid by the Town's residents in the aggregate.

2015 Adopted Library Millage Rate: 0.284

| <u>Taxable<br/>Value</u>           | <u>Annual<br/>Taxes</u> | <u>Monthly</u>     |
|------------------------------------|-------------------------|--------------------|
| \$ 50,000                          | \$ 14                   | \$ 1.17            |
| \$ 100,000                         | \$ 28                   | \$ 2.33            |
| \$ 200,000                         | \$ 57                   | \$ 4.75            |
| \$ 500,000                         | \$ 142                  | \$ 11.83           |
| \$ 750,000                         | \$ 213                  | \$ 17.75           |
| \$ 1,000,000                       | \$ 284                  | \$ 23.67           |
| \$ 1,500,000                       | \$ 426                  | \$ 35.50           |
| \$ 2,000,000                       | \$ 568                  | \$ 47.33           |
| \$ 2,500,000                       | \$ 710                  | \$ 59.17           |
| \$ 3,000,000                       | \$ 852                  | \$ 71.00           |
| \$ 3,500,000                       | \$ 994                  | \$ 82.83           |
| <br>BHI Total Taxable Value 7/1/15 |                         | <br>\$ 778,065,824 |
| Total Library Taxes, .284 mills    |                         | \$ 220,971         |

## **AGENDA ITEM REPORT**

March 14, 2016

### **ITEM NUMBER: 8.**

**ITEM: Discussion** requested by Council Member Reid regarding the noise ordinance. Enclosed a report submitted by Seibein Associates and a copy of the town's noise ordinance.

### **DESCRIPTION:**

Included is a copy of the Town's noise ordinance and a report from Seibein Associates with a review of noise issues in the town and his recommendations of possible changes to the Town's ordinance.

### **RECOMMENDED ACTION:**

Approval.

---

### **FINANCIAL ANALYSIS:**

### **BUDGET IMPACT:**

---

Submitted By: Marlene Siegel, Town Clerk

### **ATTACHMENTS**

|    |                                 |                                                        |
|----|---------------------------------|--------------------------------------------------------|
| 1. | Report from Consultant          | 02 22 16 Bay Harbor Islands Noise Ordinance Report.pdf |
| 2. | Chapter 12 - Article II - Noise | ARTICLE II.pdf                                         |

SIEBEIN ASSOCIATES, INC.  
Consultants in Architectural & Environmental Acoustics

|                                                                                  |                                                                                    |
|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| 625 NW 60 <sup>th</sup> Street, Suite C<br>Telephone: (352) 331-5111<br>Website: | Gainesville, Florida 32607<br>Facsimile: (352) 331-0009<br>www.siebeinacoustic.com |
|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------|

February 26, 2016

Mr. Ronald J. Wasson  
Town Manager  
Town of Bay Harbor Islands  
9655 Bay Harbor Terrace  
Bay Harbor Islands, Florida

Dear Ron:

Enclosed please find one bound and one loose copy of our *Noise Ordinance Review and Recommendations* report for the Town of Bay Harbor Islands, Florida. The report contains a summary of acoustical issues observed during acoustical measurement sessions in the Town on December 14 and 15, 2015; a review of the current and proposed noise ordinance for the Town; a summary of the acoustical measurements made at 18 locations in the Town during the site visit; and recommendations for consideration in revising the noise ordinance.

The report contains a summary of the results, background information relevant to the acoustical analysis; a description of the methods used to conduct the measurements and analysis; aerial maps showing the measurement locations; a table summary of the measurement data; a review of the current noise ordinance; and recommendations for provisions to be considered for inclusion in the noise ordinance.

Please do not hesitate to contact us if you have any questions regarding the findings of our analysis or if we can be of additional assistance in this regard.

Sincerely,  
**SIEBEIN ASSOCIATES, INC.**



Gary W. Siebein, FAIA, FASA  
Senior Principal Consultant

# **NOISE ORDINANCE REVIEW AND RECOMMENDATIONS**

for the

## **Town of Bay Harbor Islands**

9665 Bay Harbor Terrace  
Bay Harbor Islands, Florida 33154

by

## **SIEBEIN ASSOCIATES, INC.**

Consultants in Architectural Acoustics

625 NW 60<sup>th</sup> Street, Suite C      Gainesville, Florida 32607

Telephone: (352)-331-5111      Facsimile: (352)-331-0009

Electronic mail:      [office@siebeinacoustic.com](mailto:office@siebeinacoustic.com)

February 26, 2016

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9665 Bay Harbor Terrace  
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| Telephone: (352)-331-5111               | Facsimile: (352)-331-0009  |
| Electronic mail:                        | office@siebeinacoustic.com |

February 26, 2016

## **INTRODUCTION**

Siebein Associates, Inc. (SA) was retained to take sound level measurements of typical activities that occur in Bay Harbor Islands, Florida during day time and night time hours; review the existing noise ordinance; and make recommendations for possible adjustments to the noise ordinance to more effectively address acoustical issues in the community. There have been particular concerns expressed by residents regarding sounds from air-conditioning units on adjoining properties and noise from various construction activities in the community recently.

Acoustical measurements were made at 18 locations in the Town of Bay Harbor Islands at different times of day to determine existing sound levels and the activities that create the sounds. Analysis of the data revealed that there are 2 identifiable acoustical zones in the Town based on differences in average sound level readings. Zone 1 is a commercial and higher intensity zone that runs north and south of 96<sup>th</sup> Street on Bay Harbor Island that is comprised largely of commercial buildings and multi-family residences. Zone 2 is a zone north and south of 96<sup>th</sup> Street on Broadview Island that is largely single family housing. Consideration could be given to having different sound level limits for these 2 zones for non-construction and non-traffic sounds after a 6 month minimum trial period to verify that existing residential air-conditioning units, pool pumps, etc., can comply with any revised sound level limits.

The data show that the sound level limits in the current noise ordinance are reasonable given the acoustical events that occur in the town. Minor adjustments to the sound level limits could be considered for the residential areas of Broadview Island if desired. The Town should consider using sound level meters that can be calibrated and referring to ASTM and/or ANSI standards for measurement protocols for enforcement personnel

## **TABLE OF CONTENTS**

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| <b>Acoustical Issues Observed During the Site Visit .....</b> | <b>12</b> |
| <b>Suggested Revisions to the Noise Ordinance .....</b>       | <b>13</b> |
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## Sound Levels and Decibels

Sound is defined as a pressure disturbance in the air caused by a vibrating body that is capable of being heard or detected by the human ear. The peak sound pressure level is measured at the highest point of the impulsive sound. The average sound pressure level or equivalent continuous sound level (LAeq) of a time-varying sound is defined as the level of an equivalent steady sound at a specific location for the same measurement duration has the same A-weighted sound energy as the time-varying sound. The maximum A-weighted sound level or LAmax is the greatest sound level measured on a sound level meter using fast time averaging during a designated time duration and an A-weighted filter.

Sounds are typically measured in decibels. A decibel is 10 times the logarithm to the base 10 of the pressure disturbance in the air compared to the pressure at the threshold of human hearing. Decibels cannot be added directly because they are logarithmic ratios. For example, 2 sounds of 50 decibels each added together result in a sound of 53 dB, not 100 dB. A summary of the way that sounds of different levels are added together is shown in Table 1.

**Table 1. Examples of the addition of different sound levels (dBA).**

| Sound level 1 | Sound level 2 | Combined sound level | Explanation                                                                                                                                             |
|---------------|---------------|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| 50 dBA        | 50 dBA        | 53 dBA               | When two sounds of equal level are combined, the result is a 3 dB increase in sound level                                                               |
| 50 dBA        | 52 dBA        | 54 dBA               | When one sound is combined with another sound that is 2-3 dB louder than first sound, the combined sound level is 2 dB louder than the louder sound     |
| 50 dBA        | 55 dBA        | 56 dBA               | When one sound is combined with another sound that is 4-7 dB louder than the first sound, the combined sound level is 1 dB louder than the louder sound |
| 50 dBA        | 60 dBA        | 60 dBA               | When one sound is 10 dB louder than another, the combined sound level is approximately equal to the louder sound level                                  |

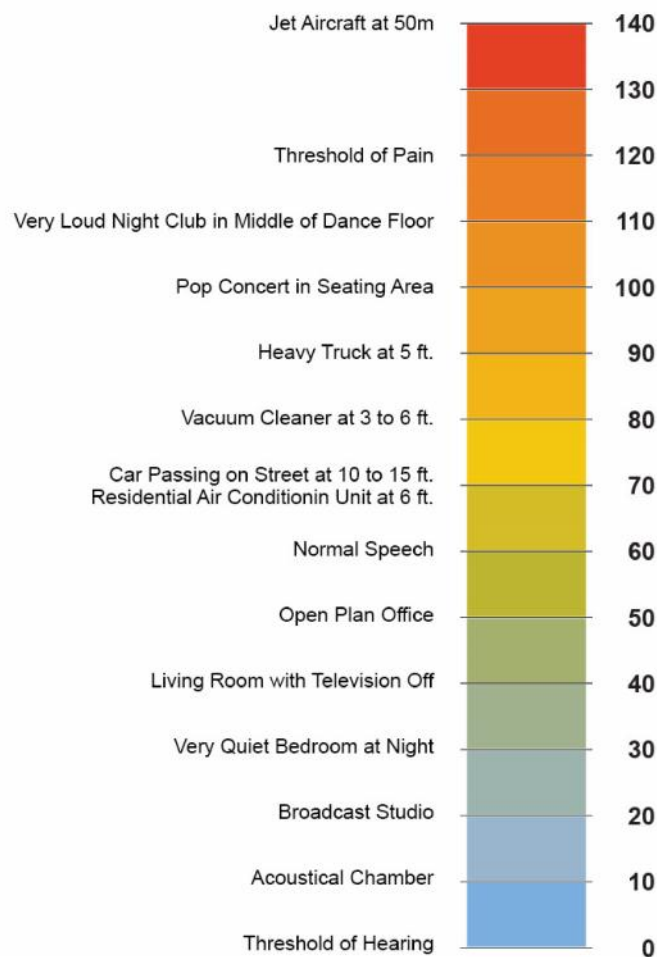
The differences in sound levels are not perceived by people linearly either. One sound must be 10 dB louder than another sound for it to be heard as approximately twice as loud as the first sound. A sound that is 0 to 1 dB louder than another sound is heard as approximately the same loudness as the first sound. A sound that is 2 to 3 dB louder than another sound is heard as barely louder than the first sound. A sound that is 5 to 6 dB louder than another sound is heard as noticeably louder, but not twice as loud as the first sound. A summary of the perception of the relative loudness of two sounds is shown in Table 2. An acoustic thermometer showing the sound levels associated with different sounds is shown in figure 1. The sound levels are measured in A-weighted decibels or dBA. An A-weighted decibel is one that has been adjusted so it corresponds to the relative loudness of middle level sounds as they are heard by human listeners. The low frequency or bass sounds are reduced by the A-weighting process and the higher pitch sounds that human ears are more sensitive to are increased slightly by the A-weighting process.



**Table 2. Perception of the relative loudness of 2 sounds.**

| Difference in sound level between two sounds | The louder sound is perceived as ____ the quieter sound |
|----------------------------------------------|---------------------------------------------------------|
| 0 to 1 dB                                    | Not noticeably louder than                              |
| 2-3 dB                                       | Barely noticeably louder than                           |
| 5-6 dB                                       | Noticeably louder than, but not twice as loud as        |
| 10-12 dB                                     | Approximately twice as loud as                          |
| 15 dB                                        | Approximately three times as loud as                    |
| 20 dB                                        | Approximately four times as loud as                     |

In general terms, sound levels of 30 to 40 dBA are usually perceived by people as being relatively quiet. Normal conversation measured at approximately 3 feet from the person speaking is 60 to 65 dBA. Cars passing on a street or a residential air-conditioning unit are approximately 65 to 75 dBA. Loud night clubs and amplified music at concerts are often played at levels of 100 to 110 dBA.



**Figure 1. Acoustical thermometer showing the relative loudness in dBA of various sounds.**

## **Review of the Current and Draft Noise Ordinances**

The purpose of the Bay Harbor Islands Noise Ordinance is to control and restrict noises that may cause hardship or offense to residents or disrupt their right to the quiet enjoyment of their property. Noise is defined as “any audible sound emanating from any source”. This definition implies that unamplified human voices may be a regulated sound under the ordinance. If this is the case, sound level limits must be carefully selected so that normal speech between and among individuals and groups of people is not unreasonably limited. For example, a person speaking in a normal voice measured at 1 meter is usually in the range of 60 to 65 dBA. In the technical acoustics literature noise is usually defined as “unwanted sound.”

A Noise disturbance is defined in Section 12-21 as any sound in quantities which are or may be potentially harmful or injurious to human health or welfare, or which unnecessarily interferes with the enjoyment of life or property, including outdoor recreation, of a reasonable person with normal sensitivities. Sound level limits measured as LAeq’s of 65 dBA during daytime hours and 60 dBA during nighttime hours are also contained in section 12-21.

Day time hours are defined as occurring from 9:00 a.m. until 10:00 p.m. Night time hours occur from 10:00 p.m. until 9:00 a.m. The acoustical metric for enforcement is an A-weighted equivalent sound level or LAeq. The average sound pressure level or equivalent continuous sound level (LAeq) of a time-varying sound is defined as the level of an equivalent steady sound at a specific location for the same measurement duration that has the same A-weighted sound energy as the time-varying sound. The LAeq sound level limits are shown in Table 3.

An LAeq sound level must be averaged over a specific time period. Therefore, it is necessary to specify the averaging time over which the equivalent sound level is determined. If a “spot” measurement such as used for vehicle speed enforcement is desired, a LAfast max or maximum A-weighted sound level made with the fast response of the sound level meter should be used instead of the LAeq as the metric for enforcement.

Section 12-21 requires that a calibrated sound level be used for the measurement. Measurements are to be taken at the dwelling unit or premises of the complaining party. Alternately, the measurements can be made at 100 feet from the property from which the noise is emanating. This procedure requires that the complaining party be specifically identified which may cause some citizens from not reporting some noise of concern.

Permissible hours for construction activity and landscaping which extend from 9:00 a.m. until 6:00 p.m. Monday through Friday and from 10:00 a.m. until 5:00 p.m. on Saturday are contained in Section 12-26. Leaf blowers are not allowed to be used on Saturdays. Section 12-28 allows exceptions to be made to the noise ordinance for construction activities that must be conducted that otherwise would exceed the sound level limits in the noise ordinance. The day and time restrictions on construction activity as they currently exist are somewhat more restrictive than many communities.

Four types of noise are specifically identified in Section 12-22 Prohibited Acts. These include playing any amplified device to create a noise disturbance; owning animals of various types that create a noise

disturbance; construction activity conducted outside the required hours without a special permit; and fireworks, fire crackers, etc., without receiving prior permission from the Town.

Section 12-23 defines activities that do not have to comply with the requirements of the noise ordinance, or exceptions, which include motor vehicles, boats, etc., covered under state statutes; the use of electric generators during an emergency; and noise generated to alert people to an emergency.

Section 12-24 requires that any appliances or equipment that exceed 65 dBA by 10 or more decibels must be replaced within a one year time period. Appliance is defined in Section 12-21 as any air conditioner, pool pump, clothes washer, clothes dryer, or generator in service within the town prior to the effective date of this section.

A process to obtain a permit to allow temporary exceedances of the requirements of the ordinance is described in Section 12-25.

Penalties are defined in Section 12-27.

Michael Miller Planning Associates, Inc. (MMPA) has conducted a review of sound level limits in noise ordinances of near-by communities. The sound level limits are summarized in Table 1.

**Table 3. Sound level limits in dBA for Selected Communities near Bay Harbor Islands, Florida.**

| <b>Municipality</b>                                                                                             | <b>Sound Level Limit in Residential Areas<br/>(dBA)</b>    | <b>Sound Level Limit in Commercial Areas<br/>(dBA)</b>     |
|-----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|------------------------------------------------------------|
| Bal Harbour                                                                                                     | 57 (7:00 a.m. – 10:00 p.m.)<br>54 (10:00p.m. – 7:00 a.m.)  | 64 (7:00 a.m. – 10:00 p.m.)<br>61 (10:00p.m. – 7:00 a.m.)  |
| Bay Harbor                                                                                                      | 65 (9:00 a.m. – 10:00 p.m.)<br>60 (10:00 p.m. – 9:00 a.m.) | 65 (9:00 a.m. – 10:00 p.m.)<br>60 (10:00 p.m. – 9:00 a.m.) |
| Hallandale Beach                                                                                                | 60                                                         | 60                                                         |
| Sunny Isles<br>Beach                                                                                            | 60                                                         | 60                                                         |
| Surfside                                                                                                        | 60                                                         | 60                                                         |
| Aventura, Hollywood, North Miami, and North Miami Beach do not have specific maximum sound level limits listed. |                                                            |                                                            |

The noise regulations for Miami Dade County are qualitative in nature. It is unlawful for any person to make any unreasonably loud, excessive, unnecessary or unusual noise. Specific mention is given to animals, vehicles, hawkers, peddlers, whistles, amplified sounds from radios and other equipment, horns, signaling devices, exhausts, noises to attract attention, loudspeakers, power tools, landscaping equipment and shouting.

## **Acoustical Measurements in Bay Harbor Islands**

SA visited Bay Harbor Islands on December 14-15, 2015 and took acoustical measurements at 18 locations selected to represent typical sonic environments within the community. Circuits were made taking measurements at each location beginning at approximately 2:00 p.m. on December 14 and ending at approximately 12 noon on December 15, 2015.

A Larson Davis 830 sound level meter was used as the basic instrumentation. The meter meets ANSI Standard S1.4 requirements for Type 1 sound level meters. The meter was set to measure overall LAeq and flat-weighted octave band sound level data averaged every 1 second during the measurements in addition to other metrics. The Larson Davis meter was equipped with a standard ½" diameter measurement microphone. The meter was calibrated with a Larson Davis CAL 200 calibrator prior to testing and tested to within 0.1 dB of calibration after the measurements were complete. The meter was handheld at approximately 5 ft. above the ground at each measurement location. A windscreen was attached to the microphone for all measurements. The data were stored on the hard drives of the meters and downloaded to computers in our office and analyzed.

The measurements are reported as the range of LAeq sound levels measured with a 1 second averaging time for durations as required to capture the specific acoustic event without contributions from other sounds and the average 1 second LAeq over the measurement duration in Appendix A. This method is consistent with the technical requirements of the noise ordinance.

### **Measurement Locations**

Measurement locations were established along a circuit that made a loop around both islands. Measurements were taken at all locations in the loop during the afternoon, evening, night, and morning the following day. The measurement locations are shown in figure 2.

M1 was located in the parking lot by the Town offices off 97th Street in the middle of the block.

M2 was located mid-way between 98<sup>th</sup> and 99<sup>th</sup> Streets on East Bay Harbor Drive.

M3 was located just north of the intersection of 102<sup>nd</sup> Street and East Bay Harbor Drive.

M4 was located at the intersection of 103<sup>rd</sup> Street and West Bay Harbor Drive.

M5 was located mid-way on 101<sup>st</sup> Street between West Bay Harbor Drive and East Bay Harbor Drive.

M6 was located just south of 96<sup>th</sup> Street on West Bay Harbor Drive at the opening in the fence to the Monarch construction site.

M7 was located just off West Bay Harbor Drive near the fence on the south side of the Monarch construction site.

M8 was located on 95<sup>th</sup> Street to the east of the intersection with West Bay Harbor Drive.

M9 was located on West Bay Harbor Drive near the intersection with 92<sup>nd</sup> Street.

M10 was located on East Bay Harbor Drive near the intersection with 92<sup>nd</sup> Street.

M11 was located on East Bay Harbor Drive between 92<sup>nd</sup> and 93<sup>rd</sup> Streets.

M12 was located on 92<sup>nd</sup> Street to the north of the town park.

M13 was located 93<sup>rd</sup> Street in the middle of the block by the Stewart House.

M14 was located at the intersection of 96<sup>th</sup> Street and East Bay Harbor Drive.

M15 was located just north of the intersection of 96<sup>th</sup> Street and East Broadview Drive.

M16 was located mid-way on 99<sup>th</sup> Street between East Broadview Drive and West Broadview Drive.

M17 was located in the center of the Town park between 103<sup>rd</sup> Street and East Broadview Drive.

M18 was located at the southern side of the park between 94<sup>th</sup> Street and West Broadview Drive.

The average of all sound level measurements made at all times of day at all locations was 58 dBA. The average of all measurements made during daytime hours defined by the noise ordinance was 61 dBA. The average of all measurements made during nighttime hours as defined by the ordinance was 52 dBA. This 9 dB decrease in average sound levels in the community would be heard as almost ½ as loud to a person of normal sensitivities. This indicates that having separate daytime and nighttime sound level limits to reflect the quieter nighttime hours is justified by the measurement data.

Analysis of the data was also conducted for 2 sub-areas within the Town. The 2 zones are defined as listed below.

**Zone 1** is a commercial and higher activity zone due to commercial activity and larger, multi-family residential buildings are located on Bay Harbor Island

**Zone 2** is a single family residential zone that is located on Broadview Island.

**Table 4. Summary of Average Measured Sound Levels by Zone and Time of Day.**

| <b>Zone</b>                                                    | <b>Average Sound Level during Daytime Hours (dBA)</b> | <b>Average Sound Level during Nighttime Hours (dBA)</b> |
|----------------------------------------------------------------|-------------------------------------------------------|---------------------------------------------------------|
| All Zones                                                      | 61                                                    | 52                                                      |
| Zone 1: Commercial/High Intensity and Multi-family Residential | 64                                                    | 55                                                      |
| Zone 2: Single Family Residential                              | 49                                                    | 43                                                      |

Average sound levels are higher during both daytime and nighttime hours in Zone 1 compared to Zone 2. The 15 dB difference in average sound level between Zone 1 and Zone 2 during daytime hours would be heard as 3 times quieter to a person of normal sensitivities. The 12 dB difference in average sound level between Zones 1 and 2 during nighttime hours is heard as almost 2 times louder by a person of normal sensitivities.



Figure 2. Aerial photograph showing the acoustical measurement locations.

These differences in average sound levels raise the possibility of considering 2 separate noise zones within the Town with different sound level limits for non-construction and non-traffic sounds. For example, the sound level limits can remain as they are in Zone 1. The sound level limits could possibly decrease by several decibels in Zone 2 similar to those found in the Town of Bal Harbor.

## Acoustical Issues Observed During the Site Visit

Six (6) basic types of sounds were observed during the site visit.

1. **HVAC and other building equipment.** Every single family and multi-family home has an air-conditioning unit with the condensing unit typically located outdoors. The short distances from the units to the property boundaries and the number of units in the town make this an important concern.

2. **Construction.** Construction noise is currently dealt with by limiting the hours of the day and days of the week when construction activities can occur. Currently this is Monday through Friday from 8:00 a.m. until 6:00 p.m. and Saturday from

Some issues with specific sources of sound including dewatering pumps at one constructions site

Sound of cranes, other construction equipment and processes are audible in many parts of the community due to the large number of construction projects and the way the sites are dispersed through the town.

3. **Traffic** on 96<sup>th</sup> street and local streets is present for much of the day and night time hours.

4. **Sounds of natural systems.** These sounds include the wind blowing through the trees and other vegetation, sounds of insects and birds.

5. **Sounds of people.** People speaking to each other or talking on cell phones, music playing from cars or I-pads, etc., footsteps, basketballs bouncing and other recreational sounds.

6. **Municipal services** such as garbage pick-up occur on selected days of the week.

7. There are no real issues with night clubs, amplified music, outdoor dining and other entertainment sounds in the community.

8. Cafes and bistros with outdoor dining areas are buffered from residential occupancies by distance and other commercial and office buildings.

9. There have been some issues in the past with noise from dogs barking.

## **Suggested Revisions to the Noise Ordinance**

### **Sound Level Limits**

These differences in average sound levels measured in each of the areas within the Town of Bay Harbor islands raise the possibility of considering 2 separate noise zones within the Town with different sound level limits for non-construction and non-traffic sounds. For example, the sound level limits can remain as they are in Zone 1. The sound level limits could possibly decrease by several decibels in Zone 2 to levels similar to those found in the Town of Bal Harbor.

### **Exceptions**

1. Consider listing additional exceptions to the requirements of the noise ordinance, especially of the sound level limits are reduced, so normal activities are not unnecessarily regulated.

### **Standards to Consider Citing**

1. Acoustical measurements should be made in general conformance with ASTM Standard E1503 - *14 Standard Test Method for Conducting Outdoor Sound Measurements Using a Digital Statistical Sound Analysis System*; ASTM Guide E1780, *Standard Guide for Measuring Outdoor Sound Received from a Nearby Fixed Source*; ANSI Standard S1.13, *Measurement of Sound Pressure Levels in Air*; ANSI Standard 12.18, *Procedures for Outdoor Measurement of Sound Pressure Level*; with regard to addressing issues such as measurement equipment, equipment interferences, calibration of the equipment, and measurement procedures.

### **Conclusions**

The sonic environment of Bay Harbor Islands is dominated by traffic on 96<sup>th</sup> Street, the sounds of tropical breezes, insects, birds, and people enjoying the outdoors and air-conditioning units at homes, residences and commercial buildings. Any changes to the sound level limits in the noise ordinance should be carefully considered and adopted only when the Town is certain that existing homes, multi-family residences and commercial properties can comply with the requirements of the ordinance.

1. The existing sound level limits in the noise ordinance apply to all sections of the Town. Reducing the maximum allowable sound levels should be carefully considered.
2. If this direction is selected, consideration should be given to having the lower sound level limits apply on Broadview Island which is largely comprised of single family residential properties due to the lower levels of ambient sounds in this area. Sound levels in these areas from non-construction and non-traffic sources could approach the sound level limits for residential areas adopted by Bal Harbor of 60 dBA during the daytime hours and 55 dBA during the night time hours.



3. The sound level limits on Bay Harbor Island could possibly remain with sound level limits as they exist in the current ordinance.
4. If any changes are proposed to be made to the ordinance, the changes should be adopted on a trial basis for a minimum of 6 months with no penalties enforced during this time period so the Town can determine if existing homes and multi-family residences can comply with the lower sound level limits.
6. Consider adopting ASTM and/or ANSI standards to refer to for the methods of taking acoustical measurements to work towards uniformity of methods and conforming results.

## APPENDIX A

### Tabular Summary of Acoustical Measurements

**Table A-1. Summary of Acoustical Measurements**

| Location | Time    | Measurement Description                                       | Range of Sound Level (LAeq) dBA | Average Sound Levels (LAeq) dBA |
|----------|---------|---------------------------------------------------------------|---------------------------------|---------------------------------|
| M1       | 2:19 pm | Chiller running                                               | 62-64                           | 63                              |
| M1       | 5:25 pm | Chiller running                                               | 64-65                           | 65                              |
| M1       | 5:26 pm | Chiller running and distant voices                            | 65                              | 65                              |
| M1       | 5:27 pm | Chiller running, hiss and squeal                              | 65-70                           | 67                              |
| M1       | 9:30 pm | Chiller running and squeals as it releases air                | 64-67                           | 65                              |
| M1       | 9:31 pm | Chiller running                                               | 63-64                           | 64                              |
| M1       | 7:43 am | Chiller running and car passing at beginning                  | 64-68                           | 65                              |
| M1       | 7:44 am | Chiller running no cars                                       | 64-65                           | 65                              |
| M2       | 2:23 pm | Construction noise, generator and hammering                   | 68-74                           | 70                              |
| M2       | 2:24 pm | Construction noise, generator and hammering                   | 68-69                           | 68                              |
| M2       | 5:30 pm | Generator, then 2 cars pass and distant plane                 | 66-72                           | 69                              |
| M2       | 5:31 pm | Generator and compressor running, car passes at end           | 65-69                           | 66                              |
| M2       | 5:32 pm | Generator running and nearby voices on other side of the road | 65-66                           | 65                              |
| M2       | 9:33 pm | Generator and plane overhead then 3 cars pass                 | 60-73                           | 66                              |
| M2       | 9:34 pm | Generator and insects constant                                | 57-58                           | 57                              |
| M2       | 9:35 pm | Generator across Street, insects and very distant traffic     | 56-57                           | 57                              |
| M2       | 9:36 pm | Voices nearby, generator running and birds in background      | 55-58                           | 56                              |
| M2       | 7:47 am | Voices, truck passes, generator and cars passing at end       | 58-69                           | 63                              |
| M2       | 7:48 am | 2 large trucks pass, then a small truck                       | 60-82                           | 74                              |
| M3       | 2:28 pm | Helicopter and wind in trees                                  | 65-72                           | 70                              |

| Location | Time    | Measurement Description                                                                                                 | Range of Sound Level (LAeq) dBA | Average Sound Levels (LAeq) dBA |
|----------|---------|-------------------------------------------------------------------------------------------------------------------------|---------------------------------|---------------------------------|
| M3       | 2:31 pm | Car passes, wind blowing and distant plane                                                                              | 62-66                           | 64                              |
| M3       | 5:36 pm | Fans constant, plane overhead and car approaching near end                                                              | 59-65                           | 61                              |
| M3       | 5:37 pm | Cars passing, door shuts at end and fan constant                                                                        | 59-71                           | 63                              |
| M3       | 5:38 pm | FedEx Truck passes at beginning, fans constant, voices from construction workers and crane lowering cement mixer at end | 60-84                           | 70                              |
| M3       | 9:40 pm | Sprinklers, fans continuous and AC Unit running in apartment to the rear                                                | 59-60                           | 60                              |
| M3       | 9:41 pm | Sprinklers, fans continuous, AC Unit running and distant traffic                                                        | 59-60                           | 59                              |
| M3       | 9:42 pm | Sprinklers, fans continuous, AC Unit running and 3 cars pass                                                            | 59-72                           | 63                              |
| M3       | 7:51 am | Car passing at beginning, chiller constant and birds                                                                    | 59-66                           | 61                              |
| M3       | 7:52 am | Fans, birds and car passes in middle                                                                                    | 59-69                           | 61                              |
| M3       | 7:53 am | Fans constant, birds, light breeze and distant voices                                                                   | 59-61                           | 59                              |
| M4       | 2:32 pm | 2 cars pass and distant garbage truck                                                                                   | 60-85                           | 75                              |
| M4       | 2:32 pm | Garbage truck nearby loading trash and light breeze                                                                     | 60-66                           | 62                              |
| M4       | 2:33 pm | Garbage truck approaches then stops, loads garbage and idles at 12'                                                     | 71-91                           | 85                              |
| M4       | 5:42 pm | Basketball playing in distance, AC Unit and distant plane                                                               | 49-52                           | 50                              |
| M4       | 5:43 pm | Car approaches then passes, door shuts, AC Unit and clank from dog leash                                                | 49-58                           | 52                              |
| M4       | 5:44 pm | Distant kids voice and basketball bouncing, dog barking and AC constant                                                 | 49-52                           | 50                              |
| M4       | 9:44 pm | Car passes slowly driving over sewer grate, insects and distant AC Unit                                                 | 48-64                           | 52                              |
| M4       | 9:45 pm | Distant voices, insects, AC Unit, door shuts and car starts at end                                                      | 48-50                           | 49                              |
| M4       | 9:46 pm | 2 distant planes, insects and AC Unit                                                                                   | 53-62                           | 59                              |

| Location | Time    | Measurement Description                                                                                                    | Range of Sound Level (LAeq) dBA | Average Sound Levels (LAeq) dBA |
|----------|---------|----------------------------------------------------------------------------------------------------------------------------|---------------------------------|---------------------------------|
| M4       | 7:55 am | Distant plane, birds and AC Unit                                                                                           | 50-62                           | 56                              |
| M4       | 7:56 am | Car passes at beginning then sprinklers turn on and AC Unit running                                                        | 49-62                           | 54                              |
| M4       | 7:59 am | Distant Cars, sprinklers, birds and AC Unit                                                                                | 49-54                           | 52                              |
| M5       | 2:41 pm | Distant voices, distant garbage truck, light breeze and distant AC Unit                                                    | 54-56                           | 55                              |
| M5       | 2:42 pm | Car passing                                                                                                                | 59-68                           | 65                              |
| M5       | 2:43 pm | Voices, distant garbage truck and construction                                                                             | 54-59                           | 56                              |
| M5       | 5:47 pm | Man walking and talking on cell phone, distant plane, distant kids voices, music from nearby apartment and nearby AC Units | 48-54                           | 51                              |
| M5       | 5:48 pm | AC Unit across Street, man talking on phone, distant plane and distant traffic                                             | 48-52                           | 50                              |
| M5       | 5:49 pm | Car starts, door shuts then leaves, nearby AC Units and very distant plane                                                 | 48-51                           | 48                              |
| M5       | 9:49 pm | Plane flying overhead, insects, nearby AC Unit, voices and car beeps at end                                                | 50-58                           | 55                              |
| M5       | 9:50 pm | AC Units nearby, small plane overhead and insects                                                                          | 48-56                           | 52                              |
| M5       | 9:51 pm | No planes, distant voices, AC Units nearby and Insects                                                                     | 46-51                           | 47                              |
| M5       | 8:02 am | Distant Siren, nearby AC Unit, Loud thud and distant traffic                                                               | 46-50                           | 48                              |
| M5       | 8:03 am | Birds, distant sirens, distant cars and distant construction                                                               | 46-50                           | 47                              |
| M5       | 8:05 am | Car starts and passes, distant construction, birds and door shuts at end                                                   | 47-58                           | 53                              |
| M6       | 2:53 pm | Pumps, loud birds and 2 cars pass                                                                                          | 72-73                           | 72                              |
| M6       | 5:52 pm | Cars passing and water pumps running, 2 <sup>nd</sup> car passes at end                                                    | 60-70                           | 64                              |
| M6       | 5:53 pm | Pumps on and cars on 96 <sup>th</sup> Street                                                                               | 59-62                           | 60                              |
| M6       | 9:55 pm | Pumps on and running, car passes at very end                                                                               | 66-67                           | 67                              |
| M6       | 9:57 pm | Back-up beeper, voices, car passing                                                                                        | 60-74                           | 66                              |

| Location | Time     | Measurement Description                                                           | Range of Sound Level (LAeq) dBA | Average Sound Levels (LAeq) dBA |
|----------|----------|-----------------------------------------------------------------------------------|---------------------------------|---------------------------------|
|          |          | and pumps running                                                                 |                                 |                                 |
| M7       | 2:54 pm  | Pumps running, distant cars and loud birds                                        | 66-78                           | 67                              |
| M7       | 5:57 pm  | Pump running and distant cars                                                     | 67-68                           | 67                              |
| M7       | 5:58 pm  | Pump at property line                                                             | 67-68                           | 68                              |
| M7       | 9:59 pm  | Distant truck and pumps running                                                   | 59-62                           | 60                              |
| M8       | 2:58 pm  | Crane operating, loud voices and traffic                                          | 62-67                           | 65                              |
| M8       | 5:54 pm  | Distant plane, distant cars, chiller running throughout and loud truck at the end | 57-70                           | 61                              |
| M8       | 5:55 pm  | Distant traffic, distant plane and chiller running in distance                    | 57-61                           | 58                              |
| M8       | 10:01 pm | AC Unit, insects, very distant cars and pumps                                     | 52-55                           | 54                              |
| M8       | 10:02 pm | AC Units, chiller, pumps, distant traffic, distant plane and car passes at end    | 53-56                           | 54                              |
| M8       | 8:09 am  | Car pass, distant condensing Unit, voices and car passes at end                   | 59-65                           | 61                              |
| M8       | 8:10 am  | Cooling tower, distant cars, voices, birds, light breeze and car pass             | 58-62                           | 60                              |
| M8       | 8:11 am  | Paper blows at beginning, back-up beeper, cars and wind                           | 59-63                           | 60                              |
| M9       | 3:05 pm  | Car passes                                                                        | 52-63                           | 58                              |
| M9       | 3:06 pm  | Quiet ambient, washing machine running across Street and light breeze             | 49-51                           | 49                              |
| M9       | 3:07 pm  | Car approaching, light breeze and washing machine running                         | 50-52                           | 51                              |
| M9       | 6:02 pm  | Quiet, nearby AC Unit, distant traffic, distant plane, door shuts and car passes  | 48-59                           | 53                              |
| M9       | 6:03 pm  | Distant dog bark, insects, distant cars and AC Unit                               | 47-49                           | 48                              |
| M9       | 6:04 pm  | Distant voices, AC Unit, insects and Car beeps                                    | 46-52                           | 48                              |
| M9       | 10:04 pm | Music on cell phone, distant plane, footsteps, insects and distant traffic        | 47-50                           | 48                              |
| M9       | 10:05 pm | Insects, distant AC Unit, very distant                                            | 46-48                           | 46                              |

| Location | Time     | Measurement Description                                                                 | Range of Sound Level (LAeq) dBA | Average Sound Levels (LAeq) dBA |
|----------|----------|-----------------------------------------------------------------------------------------|---------------------------------|---------------------------------|
|          |          | plane and paper rustling                                                                |                                 |                                 |
| M9       | 10:06 pm | 2 cars passing, insects, birds and AC Unit                                              | 46-72                           | 62                              |
| M9       | 8:14 am  | Car pass, light breeze then quiet birds                                                 | 46-62                           | 53                              |
| M9       | 8:15 am  | Light breeze, birds, distant voices, distant construction and horn                      | 46-55                           | 47                              |
| M10      | 3:10 pm  | Distant crane and radio nearby                                                          | 56-58                           | 57                              |
| M10      | 3:11 pm  | Distant crane and radio nearby                                                          | 55-59                           | 57                              |
| M10      | 6:06 pm  | AC Unit, insects, distant door shutting, very distant traffic and distant voices        | 47-48                           | 48                              |
| M10      | 6:07 pm  | Car approaching and passes then insects, footsteps, distant voices and distant airplane | 47-70                           | 57                              |
| M10      | 6:08 pm  | AC Unit, insects and distant plane                                                      | 49-51                           | 50                              |
| M10      | 10:10 pm | Insects, AC Units, distant door shuts and car horn                                      | 46-47                           | 47                              |
| M10      | 10:11 pm | Insects, AC Unit and very distant plane                                                 | 46-51                           | 47                              |
| M10      | 10:12 pm | Insects, very distant traffic, distant music and distant AC Unit                        | 46-50                           | 48                              |
| M10      | 8:18 am  | Crane lowering, birds and light breeze                                                  | 57-60                           | 59                              |
| M10      | 8:20 am  | Crane Operating, door shuts, birds, hammering and a car passes                          | 56-71                           | 61                              |
| M11      | 3:14 pm  | Crane operating nearby, light breeze and car passes at end                              | 58-65                           | 61                              |
| M11      | 3:16 pm  | Crane operating and construction noise                                                  | 57-62                           | 59                              |
| M11      | 6:11 pm  | Insects, AC Unit nearby, traffic and kids voice at end                                  | 48-50                           | 49                              |
| M11      | 6:12 pm  | Quiet insects, very distant AC Unit, traffic and distant kids voice                     | 47-50                           | 48                              |
| M11      | 6:13 pm  | Quiet insects, very faint cooling tower, AC Unit turns on at end                        | 47-50                           | 48                              |
| M11      | 10:14 pm | Insects, quiet car nearby, distant traffic and nearby AC Unit                           | 48-50                           | 49                              |
| M11      | 10:15 pm | Distant plane at beginning, insects and AC Unit                                         | 49-52                           | 50                              |
| M11      | 10:16 pm | 2 AC Units nearby, coughing, insects and car doors open                                 | 48-50                           | 49                              |

| Location | Time     | Measurement Description                                                       | Range of Sound Level (LAeq) dBA | Average Sound Levels (LAeq) dBA |
|----------|----------|-------------------------------------------------------------------------------|---------------------------------|---------------------------------|
| M11      | 8:24 am  | Crane operating nearby and distant voices                                     | 56-58                           | 58                              |
| M11      | 8:25 am  | Car passing, crane operating, light breeze and birds                          | 57-65                           | 59                              |
| M11      | 8:26 am  | Crane operating, distant voices, light breeze, birds and distant hammering    | 56-59                           | 58                              |
| M12      | 3:18 pm  | Distant crane, distant plane and distant voices                               | 56-63                           | 58                              |
| M12      | 3:19 pm  | Car idles, distant crane, light breeze and banging from construction site     | 57-59                           | 58                              |
| M12      | 6:15 pm  | Insects, AC Unit, car passes and distant voices                               | 47-65                           | 55                              |
| M12      | 6:16 pm  | Quiet insects and AC Unit                                                     | 47-48                           | 48                              |
| M12      | 6:17 pm  | Quiet AC Unit, distant cooling tower and voices at end                        | 47-53                           | 48                              |
| M12      | 10:20 pm | Car passes then quiet insects and distant AC Unit                             | 45-70                           | 58                              |
| M12      | 10:21 pm | Insects, AC Unit and distant AC Unit                                          | 45-47                           | 46                              |
| M12      | 10:22 pm | Quiet Insects, AC Unit and very distant voices                                | 45-46                           | 45                              |
| M12      | 8:31 am  | Crane operating and distant voices                                            | 56-58                           | 57                              |
| M12      | 8:32 am  | Crane operating, car passing then crane, birds and breeze                     | 55-63                           | 58                              |
| M12      | 8:33 am  | Crane operating, car passing, crane and nail gun                              | 57-69                           | 61                              |
| M12A     | 10:23 pm | AC Union 2 <sup>nd</sup> story nearby apartment and insects                   | 53-55                           | 54                              |
| M13      | 3:24 pm  | Steady cars and nearby construction                                           | 58-66                           | 62                              |
| M13      | 3:25 pm  | Van idles and cars on 96th Street, and e bay harbor drive                     | 58-72                           | 63                              |
| M13      | 6:20 pm  | Cars on 96 <sup>th</sup> Street and man on phone                              | 58-71                           | 66                              |
| M13      | 6:21 pm  | Cars turning onto 96 <sup>th</sup> Street, car horn then steady light traffic | 58-68                           | 62                              |
| M13      | 6:22 pm  | Steady cars on 96 <sup>th</sup> , man on phone and distant plane              | 61-68                           | 66                              |
| M13      | 10:25 pm | Music, voices, car passes and light insects                                   | 49-65                           | 57                              |

| Location | Time     | Measurement Description                                                              | Range of Sound Level (LAeq) dBA | Average Sound Levels (LAeq) dBA |
|----------|----------|--------------------------------------------------------------------------------------|---------------------------------|---------------------------------|
| M13      | 10:26 pm | Car passes, then quiet, insects, light voices and light music at nearby cafe         | 47-62                           | 53                              |
| M13      | 10:27 pm | Light steady traffic, distant insects and voices barely audible                      | 54-70                           | 62                              |
| M13      | 8:37 am  | Steady cars passing                                                                  | 62-74                           | 69                              |
| M13      | 8:38 am  | Cars on 96 <sup>th</sup> and E Bay Harbor, light breeze and birds                    | 58-65                           | 61                              |
| M13      | 8:39 am  | Traffic on 96 <sup>th</sup> Street, large truck idles near me                        | 66-77                           | 73                              |
| M14      | 3:29 pm  | Cars stopped then start going, steady cars on 96 <sup>th</sup> Street and loud bus   | 56-80                           | 69                              |
| M14      | 3:30 pm  | Cars on 96 <sup>th</sup> Street & E Bay Harbor, cars going stopped then start going  | 55-75                           | 67                              |
| M14      | 6:25 pm  | Steady cars on 96 <sup>th</sup> Street and horn                                      | 63-76                           | 70                              |
| M14      | 6:26 pm  | Cars stopped on 96 <sup>th</sup> Street and distant sirens                           | 54-55                           | 54                              |
| M14      | 6:27 pm  | Steady cars on 96 <sup>th</sup> , distant siren, traffic stops, loud horn            | 54-100                          | 87                              |
| M14      | 10:31 pm | Distant cars, insects, then 2 cars pass, insects and nearby mechanical noise         | 49-72                           | 63                              |
| M14      | 10:32 pm | Light steady traffic, bumps over bridge, insects and nearby mechanical noise         | 48-66                           | 60                              |
| M14      | 10:33 pm | Distant plane, insects then steady light traffic                                     | 55-73                           | 66                              |
| M14      | 10:34 pm | Quiet, distant cars, insects, hum from nearby light and nearby mechanical equipment  | 49-50                           | 49                              |
| M14      | 8:41 am  | Cars on 96 <sup>th</sup> Street, breeze, birds and bus passing at end of measurement | 58-74                           | 66                              |
| M14      | 8:42 am  | Bus and traffic on 96 <sup>th</sup> Street                                           | 63-80                           | 73                              |
| M15      | 3:35 pm  | Steady traffic on 96 <sup>th</sup> 15 feet from road                                 | 56-82                           | 72                              |
| M15      | 3:36 pm  | Car idles and 1 car passes                                                           | 53-56                           | 54                              |
| M15      | 3:37 pm  | Cars turn on 96 <sup>th</sup> then break in traffic then traffic starts moving       | 53-77                           | 66                              |
| M16      | 3:42 pm  | Insects, Airplane overhead, distant AC Units and distant car horn                    | 46-59                           | 54                              |
| M16      | 6:30 pm  | Distant cars, distant plane, insects and cough nearby                                | 47-50                           | 48                              |



| Location | Time     | Measurement Description                                       | Range of Sound Level (LAeq) dBA | Average Sound Levels (LAeq) dBA |
|----------|----------|---------------------------------------------------------------|---------------------------------|---------------------------------|
| M16      | 6:31 pm  | Quiet, insects and very distant traffic                       | 45-51                           | 47                              |
| M16      | 6:32 pm  | Insects and motorcycle passing at 10'                         | 45-46                           | 45                              |
| M16      | 10:36 pm | Quiet insects and very distant traffic                        | 44-50                           | 46                              |
| M16      | 10:37 pm | Insects, distant cars and plane approaches at end             | 53-59                           | 57                              |
| M16      | 10:38 pm | Plane nearby and light wind in trees                          | 46-53                           | 50                              |
| M16      | 8:45 am  | Light breeze, distant traffic and whistle at end              | 45-50                           | 46                              |
| M16      | 8:46 am  | Distant cars, construction noise and light breeze             | 44-55                           | 47                              |
| M17      | 3:45 pm  | AC Unit running at beginning and voices                       | 53-56                           | 54                              |
| M17      | 3:46 pm  | Voices nearby, insects and distant plane                      | 46-50                           | 48                              |
| M17      | 6:35 pm  | Kids voices nearby, man on phone, insects and distant plane   | 45-53                           | 48                              |
| M17      | 6:36 pm  | Quiet distant plane, AC Unit, distant dog barking and insects | 45-48                           | 46                              |
| M17      | 6:37 pm  | Insects, AC Unit and keys dropping                            | 44-47                           | 45                              |
| M17      | 10:43 pm | Insects, AC Unit and humming from light                       | 44-46                           | 45                              |
| M17      | 10:44 pm | Insects, AC Unit and footsteps                                | 44-48                           | 45                              |
| M17      | 8:49 am  | Construction sounds, hammering, drilling and distant horn     | 55-70                           | 61                              |
| M17      | 8:50 am  | Construction sounds and very distant traffic                  | 55-64                           | 58                              |
| M17      | 8:51 am  | Construction sounds, music and very distant traffic           | 54-61                           | 56                              |
| M18      | 3:50 pm  | Bird, light breeze and distant plane                          | 49-56                           | 52                              |
| M18      | 3:51 pm  | Bird, light breeze, distant plane and distant dog barking     | 44-51                           | 48                              |
| M18      | 3:52 pm  | Birds, light breeze and distant construction                  | 43-45                           | 44                              |
| M18      | 6:40 pm  | Quiet insects, car beep, very distant siren and Ac Unit       | 43-52                           | 44                              |
| M18      | 6:42 pm  | AC Unit, insects and very distant siren                       | 43-45                           | 44                              |

| Location | Time     | Measurement Description                                            | Range of Sound Level (LAeq) dBA | Average Sound Levels (LAeq) dBA |
|----------|----------|--------------------------------------------------------------------|---------------------------------|---------------------------------|
| M18      | 6:43 pm  | Very distant siren, plane overhead, insects and AC Unit            | 46-51                           | 49                              |
| M18      | 10:48 pm | Distant plane, insects, AC Unit and hum from lights                | 43-46                           | 44                              |
| M18      | 10:49 pm | Insects, AC Units, hum from Streetlights and very distant traffic  | 42-44                           | 43                              |
| M18      | 10:50 pm | Insects, AC Units, hum from Street lights and very distant traffic | 42-43                           | 42                              |
| M18      | 8:54 am  | Car leaving, AC Unit running, light breeze and distant boat        | 46-51                           | 48                              |
| M18      | 8:56 am  | Distant cars, AC Units, light breeze and birds                     | 46-48                           | 47                              |

## ARTICLE II. - NOISE

### Sec. 12-20. - Purpose.

The purpose and intent of this article is to control and restrict noises that may cause hardship or offense to residents or disrupt their right to the quiet enjoyment of their property.

### Sec. 12-21. - Definitions.

*Appliance* means any air conditioner, pool pump, clothes washer, clothes dryer, or generator in service within the town prior to the effective date of this section.

*Commercial landscaping* means the cutting or trimming of grass, trees, shrubs or other foliage by a business entity or individual other than the owner or resident of the property for a fee.

*Construction activity* means any activity associated with the construction, renovation, repair alteration or demolition of any building, structure or any part thereof.

*Noise* means any audible sound emanating from any source.

*Noise disturbance* means any sound in quantities which are or may be potentially harmful or injurious to human health or welfare, or which unnecessarily interferes with the enjoyment of life or property, including outdoor recreation, of a reasonable person with normal sensitivities. Noises measured at an A-weighted equivalent sound level (Leg) in excess of 65 decibels between the hours of 9:00 a.m. and 10:00 p.m. (daytime decibel levels) or in excess of 60 decibels between the hours of 10:00 p.m. and 9:00 a.m. (nighttime decibel levels), taken with a calibrated sound level meter at the location of the dwelling unit or premises of the complaining party shall be considered prima facie evidence of a violation of this article. If there is no complaining party, the measurement shall be taken at approximately 100 feet from the property from which the noise is emanating.

*Sound level meter* means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and A-weighted sound level network with fast and slow integrating time constants used to measure sound pressure levels. The sound level meter shall be capable of measuring the A-weighted equivalent sound level (Leg) and maximum sound level. The period of time over which sound levels are measured shall reflect the nature of the sound.

### Sec. 12-22. - Prohibited acts generally.

The following acts and the causing or permitting thereof, are presumed to be in violation of this article.

- (1) Operating or playing any radio, television, phonograph, drum, musical instrument or other machine or device for the production, reproduction or amplification of sound which creates a noise disturbance.
- (2) Owning, possessing or harboring any animal or bird which frequently or for a continued duration howls, barks or makes other noises which create a noise disturbance.
- (3) Operating or causing the operation of any tools or equipment used in construction activity and landscaping outside the hours specified in section 12-26 without first receiving a permit from the town manager pursuant to section 12-25
- (4) Using or firing explosives, fire crackers, firearms, sirens or similar devices, except in an emergency, or using or firing firecrackers, skyrockets or the like if prior permission is not obtained from the town manager.

### Sec. 12-23. - Exceptions.

The terms and prohibitions of this article shall not be applied to or enforced against:

- (1) Any motor vehicle, motor boat or other vehicle of the town, the county, the state or licensed public utility vehicle within the town while engaged in necessary public business.
- (2) The use of electric generators during a state of emergency as declared by the state, county or town.
- (3) Noise generated for the purpose of alerting someone to an emergency or in the performance of emergency work.

Sec. 12-24. - Appliance replacement.

Appliances emitting noises that constitute a noise disturbance must be made to comply with the provisions of the chapter or must be removed from service in accordance with the following schedule:

- (1) Appliances emitting noises with a decibel level exceeding the permissible level (65 decibels) by ten or more decibels must be removed from service within one year from the date on which this ordinance [chapter] is adopted.

Sec. 12-25. - Permits.

- (1) *Authorized.* Upon written application to the town manager or his designee submitted a minimum of seven days prior to the event or project at which noise levels are expected to reach the level of a noise disturbance, a permit may be granted exempting an individual from the prohibitions or hour restrictions contained in this article, subject to such conditions as the town manager may impose. The decision of the town manager shall be final and not subject to appeal, except by writ of certiorari in accordance with law.
- (2) *Application.* The application for a permit under this section shall contain the following information:
  - (a) The name, date of birth, address and telephone number of the person who will be in charge of the activity or event for which a permit is requested (the "supervisor");
  - (b) The name of the person, company or organization seeking the permit;
  - (c) The exact dates and times for which the permit is sought;
  - (d) The exact location of the activity or event for which a permit is requested;
  - (e) A description of the activity or event for which a permit is requested.
- (3) *Administrative procedures.* The town manager is hereby authorized to promulgate reasonable rules and procedures for application for, issuance and revocation of such permits. These rules and procedures shall serve to implement the intent and purpose of this article so that necessary and beneficial activities may occur while providing for protection of the public.
- (4) *Supervisor to be present at event.* The supervisor of the activity or event for which the permit is sought must remain at the location of the activity or event during the entire time stated in the permit.

Sec. 12-26. - Permissible hours for construction activity and landscaping.

(1) The performance of construction activity and landscaping within the town shall be allowed pursuant to the following schedule:

- a) *Construction Activity* – Construction activity is permitted from 9:00 a.m. until 6:00 p.m. Monday through Friday. No construction activity is permitted on Saturdays or Sundays, except for watering in connection with dust mitigation.
- b) *Interior Repair and Maintenance Activity* – Repair and maintenance activity inside a dwelling is permitted from 9:00 a.m. until 6:00 p.m. Monday through Friday. Repair and maintenance activity inside a dwelling is permitted on

Saturdays between the hours of 10:00 a.m. and 5:00 p.m., provided that the activity does not result in audible noise outside the dwelling.

- c) Landscaping Activity – Landscaping activity is permitted from 9:00 a.m. until 6:00 p.m. Monday to Friday. On Saturdays, landscaping activity is permitted between the hours of 10:00 a.m. and 5:00 p.m., but only by owners and tenants. There shall be no use of leaf blowers on Saturdays. No commercial landscapers are permitted to perform work in the Town on Saturdays.
- d) Town Projects – Town projects are permitted from 8:00 a.m. until 6:00 p.m. Monday to Friday. Weekends and night time hours shall be allowed at the discretion of the Town Manager, in the public's best interest to finish roadway and right of way projects expeditiously to minimize traffic impact and long-term inconvenience to residents and visitors of the Town.

(2) Except for watering as provided for in Section 1(a) above, no construction, repair, maintenance, or landscaping activity is permitted on Sundays or legal holidays, and the same is hereby specifically prohibited. For purposes of this section, the term "legal holidays" is defined as any day observed by the Town as a legal holiday.

(3) Notwithstanding the 9:00 a.m. start time provided for in Sections 1(a) and 1(b) above, projects that have submitted applications for new construction and foundation permits as of June 8, 2015 shall be permitted to perform construction activities from 8:00 a.m. until 6:00 p.m. Monday through Friday so long as all new construction and foundation permit(s) remain in full force and effect, except for construction activity located within 375 feet of Ruth K. Broad K-8 that shall commence no earlier than 9:00 a.m. Monday through Friday.

#### Sec. 12-27. - Penalties.

The following fines and penalties shall be imposed on violators of this article:

- (a) For the first violation, the violator shall receive a notice of violation imposing a fine of \$250.00.
- (b) For any subsequent violation, the violator shall receive a notice of violation imposing a fine of \$500.00.

#### Sec. 12-28. - Granting exceptions.

Whenever and wherever it shall appear to the satisfaction of the town manager that work on buildings within said town is of such a nature that the same cannot be stopped immediately within the time specified herein without substantial loss and damage to the contractor or the owner of said property, then, and only then, the town manager is hereby authorized in his discretion to except said work from the provisions of hereinabove only until the time necessary to complete such emergency work, or to relieve such undue hardship.

## AGENDA ITEM REPORT

March 14, 2016

### ITEM NUMBER: 9.

**ITEM: Discussion and adoption** of the Town's Street Tree Master Plan requested by Council Member Fuller. Attached is a copy of the draft Master Plan prepared by Michael Miller's office.

### DESCRIPTION:

Enclosed find the Draft Street Tree Master Plan that was prepared by Town Planner Michael Miller for the Town Council consideration.

The proposed plan includes a map of the East and West Island street trees specifications determined by location and species. It also contains alternate options when powerlines are present. The idea is to establish a theme or continuation of certain species depending on location.

### RECOMMENDED ACTION:

Approval.

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### FINANCIAL ANALYSIS:

### BUDGET IMPACT:

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Submitted By: Marlene Siegel, Town Clerk  
Joshua Fuller, Council Member  
Ronald Wasson, Town Manager

### ATTACHMENTS

|    |                        |                                                 |
|----|------------------------|-------------------------------------------------|
| 1. | Draft Tree Master Plan | BHI Draft Street Tree Master Plan Info 2015.pdf |
|----|------------------------|-------------------------------------------------|



**Primary Tree Species**

- Live Oak
- Beauty Leaf
- Green Buttonwood
- Paradise Tree
- Golden Shower
- Pigeon Plum
- Queen's Crepe Myrtle
- Gumbo Limbo
- Mahogany
- Satin Leaf
- Royal Palm
- Beauty Leaf
- Glaucous Cassia
- Beauty Leaf
- Live Oak

**Tree Species Under Power Lines**

- Satin Leaf
- Gager Tree
- Silver Buttonwood
- Pink Trumpet Tree
- Pink Trumpet Tree
- Spanish Stopper
- Glaucous Cassia
- Pigeon Plum
- Glaucous Cassia
- Spanish Stopper
- N/A
- Crepe Myrtle
- N/A
- N/A
- N/A



|                                                                                                                                                                                   |  |                |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------|--|
| Designed:                                                                                                                                                                         |  | Date: 03/02/15 |  |
| Drawn:                                                                                                                                                                            |  | Project: 00    |  |
| Checked:                                                                                                                                                                          |  | Scale:         |  |
| PREPARED FOR:<br><b>TOWN OF BAY HARBOR ISLANDS</b>                                                                                                                                |  |                |  |
| <b>Street Tree Master Plan</b><br>Proposed Street Trees                                                                                                                           |  |                |  |
| MICHAEL MILLER PLANNING ASSOCIATES, INC.<br><small>10150 W. 15th Ave., Suite 100<br/>         Coral Gables, FL 33134<br/>         Tel: (305) 711-8800 Fax: (305) 711-7999</small> |  |                |  |

## Town of Bay Harbor Islands Street Tree Master Plan and Tree Specifications

| East Island                              |                      |                                |
|------------------------------------------|----------------------|--------------------------------|
| Street                                   | Primary Tree Species | Tree Species Under Power Lines |
| 9100 Blk. East Bay Harbor Drive          | Live Oak             | Satinleaf                      |
| 9200 - 9500 Blks. East Bay Harbor Drive  | Beauty Leaf          | Geiger Tree                    |
| 9600 – 10100 Blks. East Bay Harbor Drive | Green Buttonwood     | Silver Buttonwood              |
| 10200 Blk. East Bay Harbor Drive         | Live Oak             | Satinleaf                      |
| 9100 Blk. West Bay Harbor Drive          | Live Oak             | Satinleaf                      |
| 9200 – 9500 Blks. West Bay Harbor Drive  | Mahogany             | Glaucous Cassia                |
| 9600 – 10100 Blks. West Bay Harbor Drive | Paradise Tree        | Pink Trumpet Tree              |
| 10200 Blk. West Bay Harbor Drive         | Live Oak             | Satinleaf                      |
| 9200 – 9300 Blks. Bay Harbor Terrace     | Golden Shower        | Pink Trumpet Tree              |
| 9400 – 9500 Blks. Bay Harbor Terrace     | Pigeon Plum          | Spanish Stopper                |
| 9600 – 9700 Blks. Bay Harbor Terrace     | Queen's Crape Myrtle | Glaucous Cassia                |
| 91 <sup>st</sup> Street                  | Live Oak             | Satinleaf                      |
| 92 <sup>nd</sup> Street                  | Golden Shower        | Pink Trumpet Tree              |
| 93 <sup>rd</sup> Street                  | Gumbo Limbo          | Pigeon Plum                    |
| 94 <sup>th</sup> Street                  | Mahogany             | Glaucous Cassia                |
| 95 <sup>th</sup> Street                  | Satinleaf            | Spanish Stopper                |
| 96 <sup>th</sup> Street                  | Royal Palm           | N/A                            |
| 97 <sup>th</sup> Street                  | Paradise Tree        | Pink Trumpet Tree              |
| 98 <sup>th</sup> Street                  | Mahogany             | Glaucous Cassia                |
| 99 <sup>th</sup> Street                  | Gumbo Limbo          | Pigeon Plum                    |
| 100 <sup>th</sup> Street                 | Satinleaf            | Spanish Stopper                |
| 101 <sup>st</sup> Street                 | Green Buttonwood     | Silver Buttonwood              |
| 102 <sup>nd</sup> Street                 | Golden Shower        | Pink Trumpet Tree              |
| 103 <sup>rd</sup> Street                 | Live Oak             | Satinleaf                      |



## Town of Bay Harbor Islands Street Tree Master Plan and Tree Specifications

| West Island                             |                      |                        |
|-----------------------------------------|----------------------|------------------------|
| Street                                  | Primary Tree Species | Secondary Tree Species |
| 9300 – 9500 Blks. East Broadview Drive  | Beauty Leaf          | Crape Myrtle           |
| 9600 – 10300 Blks. East Broadview Drive | Glaucous Cassia      | N/A                    |
| 9300 -9500 Blks. West Broadview Drive   | Beauty Leaf          | Crape Myrtle           |
| 9600 – 10300 Blks. West Broadview Drive | Glaucous Cassia      | N/A                    |
| 9500 Blk. Broadview Terrace             | Beauty Leaf          | Crape Myrtle           |
| 9600 – 9900 Blks. Broadview Terrace     | Glaucous Cassia      | N/A                    |
| 94 <sup>th</sup> Street                 | Beauty Leaf          | N/A                    |
| 95 <sup>th</sup> Street                 | Beauty Leaf          | N/A                    |
| 96 <sup>th</sup> Street                 | Royal Palm           | N/A                    |
| 97 <sup>th</sup> Street                 | Live Oak             | N/A                    |
| 98 <sup>th</sup> Street                 | Live Oak             | N/A                    |
| 99 <sup>th</sup> Street                 | Live Oak             | N/A                    |
| 100 <sup>th</sup> Street                | Live Oak             | N/A                    |
| 101 <sup>st</sup> Street                | Live Oak             | N/A                    |
| 102 <sup>nd</sup> Street                | Live Oak             | N/A                    |
| 103 <sup>rd</sup> Street                | Live Oak             | N/A                    |

| Common Name            | Scientific Name                 | Height Range | Flower Color     | Growth Rate | Blooming Season     | Native | Drought Tolerant | Salt Tolerant | Notes/Uses                                             |
|------------------------|---------------------------------|--------------|------------------|-------------|---------------------|--------|------------------|---------------|--------------------------------------------------------|
| <b>Primary Trees</b>   |                                 |              |                  |             |                     |        |                  |               |                                                        |
| Beauty Leaf            | <i>Calophyllum brasiliense</i>  | 50'-60'      | White            | Fast        | Summer              |        | X                | X             | Residences; Parks; Medians                             |
| Golden Shower          | <i>Cassia fistula</i>           | 30'-40'      | Yellow           | Fast        | Summer              |        | X                | X             | Residences; Shade; Medians; Boulevards                 |
| Green Buttonwood       | <i>Conocarpus erectus</i>       | 30'-50'      | Green            | Medium      | Year Round          | X      | X                | X             | Residences; Parks; Boulevards; Medians;                |
| Gumbo Limbo            | <i>Bursera simaruba</i>         | 40'-60'      | Green            | Fast        | Spring/ Summer      | X      | X                | X             | Shade; Perimeter; Parking Lots; Boulevards; Residences |
| Live Oak               | <i>Quercus virginiana</i>       | 40'-50'      | Green            | Medium      | Spring              | X      | X                | X             | Shade; Boulevards; Residence; Parks                    |
| Mahogany               | <i>Swietenia mahogoni</i>       | 35'-60'      | Green/ Yellow    | Fast        | Spring/ Summer      | X      | X                | X             | Residences; Shade; Parks; Boulevards; Medians;         |
| Paradise Tree          | <i>Simarouba glauca</i>         | 35'-50'      | Ivory            | Medium      | Spring              | X      | X                | X             | Residences; Parks; Boulevards                          |
| Pigeon Plum            | <i>Coccoloba diversifolia</i>   | 25'-30'      | White            | Medium      | Spring              | X      | X                | X             | Also used as a secondary tree under utility lines      |
| Queen's Crape Myrtle   | <i>Lagerstroemia speciosa</i>   | 30'-45'      | Purple           | Medium      | Summer              |        | X                |               | Residence, Parks, Medians;                             |
| Royal Palm             | <i>Roystonea elata</i>          | 60'-80'      | Palm             | Medium      | Year Round          | X      | X                | X             | Parks; Boulevards; Perimeter; Medians                  |
| Satinleaf              | <i>Chrysophyllum oliviforme</i> | 30'-40'      | White            | Slow        | Winter/ Spring      | X      | X                | X             | Also used as a secondary tree under utility lines      |
| <b>Secondary Trees</b> |                                 |              |                  |             |                     |        |                  |               |                                                        |
| Crape Myrtle           | <i>Lagerstroemia indica</i>     | 15'-20'      | Red/ Pink/ White | Medium      | Summer              |        | X                | X             | Residences; Perimeter; Boulevards; Parks; Parking Lots |
| Glaucous Cassia        | <i>Cassia surattensis</i>       | 10'-20'      | Yellow           | Fast        | Fall                |        | X                |               | Understory tree                                        |
| Geiger Tree            | <i>Cordia sebestena</i>         | 20'-25'      | Orange           | Medium      | Year Round          | X      | X                | X             | Understory tree                                        |
| Pink Trumpet Tree      | <i>Tabebuia heterophylla</i>    | 20'-30'      | Pink/ White      | Medium      | Spring/ Summer      |        | X                | X             | Understory tree                                        |
| Spanish Stopper        | <i>Eugenia foetida</i>          | 15'-20'      | White            | Medium      | Summer              | X      | X                | X             | Understory Tree / Large Shrub                          |
| Silver Buttonwood      | <i>Conocarpus erectus</i>       | 10' - 25'    | Shade            | Medium      | Fall/Winter/ Spring | X      | X                | X             | Understory Tree / Large Shrub                          |

## **AGENDA ITEM REPORT**

March 14, 2016

### **ITEM NUMBER: 10.**

**ITEM: Approval** of award contract to Airstron, Inc in the amount of \$97,568 for emergency repairs to Air Conditioning System for Town Hall. Enclosed find a copy of the bids that were received and a Memo from Town Engineer, Randy Daniels.

### **DESCRIPTION:**

This matter was brought before Council at the January 11th regular Council Meeting. Council requested that the matter be brought back when at least three bids were received for the repair.

Bids were received from Edd Helms (\$86,500.00), Debon Air (\$120,700.00), and Aistron Inc. (\$97,568.00). The three bids are attached.

The highest bid in the amount \$120,700.00 from Debon Air was rejected outright.

Bids from Airstron, Inc and Debon Air were further evaluated. The bid from Edd Helms is \$11,068.00 lower than the bid from Airstron Inc. However the bid from Edd Helms was deemed to be non-responsive for the following reasons:

1. Ed Helms' price does not include for new refrigerant
2. Ed Helms' price does not include new electrical breaker and new wiring.

Bidders were asked to price the above items and therefore the bid from Edd Helms was deemed to be unresponsive.

Coupled with the above, it will be advantageous to have Airstron, Inc perform the repairs because of the following factors:

3. Airstron has a continuing servicing agreement with the Town , and will be servicing the new equipment long after this repair is completed.
4. Airstron, Inc. has worked with the Town for the last thirty years, and is very familiar with the Town's antiquated cooling system.

There is a 7-8 week lead time for ordering the new Chiller and therefore a temporary unit will need to be rented.

It is recommended that the contract to replace the Chiller for the AC system at Town Hall and other offices, be awarded to Airstron in the total amount of \$97,568.00.

In addition, the amount of \$12,600.00 will be required to pay for rental of a temporary chiller unit.

A bid evaluation report is attached.

### **RECOMMENDED ACTION:**

## Approval

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### **FINANCIAL ANALYSIS:**

Approve an amount of \$12,600.00 in favor of Airstron, Inc. to rent a replacement unit.

Approve total expenditure from General Reserve Fund in the amount of \$110,168.00 to finance the repair and rental.

### **BUDGET IMPACT:**

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Submitted By: Randy Daniel, Town Engineer

### **ATTACHMENTS**

|    |                       |                                                              |
|----|-----------------------|--------------------------------------------------------------|
| 1. | Town Hall AC bids     | Town Hall AC bids.pdf                                        |
| 2. | Bid Evaluation Report | Emergency Repairs to Town Hall Air Conditioning System 2.doc |



## **Proposal 39943R**

**Date:** February 15, 2016

**Bill to:** Town of Bay Harbor Islands  
9665 Bay Harbor Terrace  
Bay Harbor Islands, Florida 33154

**Service location:** Town of Bay Harbor Islands  
9665 Bay Harbor Terrace  
Bay Harbor Islands, FL 33154

**Attention:** Douglas P. Armstrong **Phone:** (786) 877-4130 **Email:** darmstrong@bayharborislands.net

**We hereby submit specifications and estimates for: The installation of an owner specified Carrier Condenser less Screw Chiller, which includes the following:**

- Lock out/Tag out disconnects at the existing 208/230 V, 3 Ph., 60 Hz Carrier Chiller.
- Disconnect, demolish, and dispose of the existing Carrier Chiller as per EPA guidelines.
- Provide and install (1) new Carrier Condenser less Chiller to replace the existing Carrier Condenser less Chiller.
- Provide and install new Differential Pressure Switch for chiller safeties.
- Reconnect the existing piping to the new Chiller.
- Re-insulate CHW piping that has been replaced and/or disturbed during the progress of the completion of this project. (Foam Glass insulation to be used on CHW Pipe.)
- Disconnect, install new breaker and feeders in the existing electrical conduit, and reconnect new and existing 115 Volt electrical service at the new Chiller and new Control Panel. (TriCity Electric to perform electrical scope as per owner's request.)
- Start-up and commissioning of the new Carrier Condenser less Chiller and check for proper operation.
- Refrigerant monitor, audio and visual alarms, exhaust fan, O/A louver and dampers, to satisfy ASHRAE 15 requirements. (Incl. electrical assumes electrical capacity is available.)
- Engineering required by municipality for permitting purposes only.
- All required cartage and hoisting for egress of the existing chiller and ingress of the new chiller.
- Inform facility staff of any other operating problems that may be encountered after start up.
- This quote has been generated to be performed entirely on straight time hours Monday - Friday between 7:00 AM and 3:30 PM. (Excludes all Overtime & Sat./Sun. Premium Time).
- Prior service calls, code changes or upgrades not included in this proposal.
- Permit processing. (Fees by owner.)
- Also includes necessary labor during normal working hours, hauling, supervision, and start-up to complete all work inclusive of this agreement.

**Exception:** Any repairs and or labor required to meet new FBC other than what is specifically included in this proposal, no coring or cutting of any type, no asbestos abatement or testing of any type, no test and balance of any type, and nothing not specifically outlined in this proposal.

**Note:** This proposal does not include any temporary cooling and/or labor to connect, disconnect, or service the temporary cooling equipment.

### **DebonAir Mechanical, Inc.**

13972 NW 60<sup>th</sup> Avenue. • Miami Lakes, Florida 33014  
Dade: (305) 826-2240 • Toll Free: (800) 447-1562 • Fax: (305) 826-2966  
CMC051447





**Proposal 39943R**

**Date:** February 15, 2016

**Warranty:** Contractor to provide a limited warranty on any of the contractor's labor of (30) days labor service during normal working hours.

**Preventive Maintenance Excluded.**

*We propose hereby to furnish material and labor-complete in accordance with these specifications, for the sum of:*

**One Hundred and Twenty Thousand Seven Hundred Dollars.....\$120,700.00**

**Terms: 50% Payment upon acceptance of this proposal, 40% upon equipment delivery and 10% upon completion.**

**DebonAir Authorized Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*Note: This proposal may be withdrawn by us if not accepted within thirty (30) days. This proposal is also subject to price modifications after thirty (30) days.*

**Acceptance of Proposal:** The prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. In the event DebonAir Mechanical, Inc. employs an attorney to enforce this agreement or to collect any delinquent payments, customer agrees to pay all costs of court and reasonable attorney fees incurred or expended by DebonAir Mechanical, Inc., including appeals.

**Approval Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Printed:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**DebonAir Mechanical, Inc.**

13972 NW 60<sup>th</sup> Avenue. • Miami Lakes, Florida 33014

Dade: (305) 826-2240 • Toll Free: (800) 447-1562 • Fax: (305) 826-2966

CMC051447





# Edd Helms

## Air Conditioning & Electric

CAC 021309

EC 13004829

A Name You Can Trust Since 1975

02/22/2016

Bay Harbor Islands  
9665 Bay Harbor Terrace  
Bay Harbor Islands, Florida 33154

Attn: Douglas P. Armstrong

**Re: Replacement of (1) 75 Ton Carrier Condenserless Screw Chiller**

Edd Helms Air Conditioning proposes to provide all labor and materials to replace the non functioning Carrier 30HL060-550 condenserless chiller with a like-for like-replacement. As specified by the owner's representative during the job walk on 2/16/16. Per the following scope of work:

Included:

- Open permits with local authorities.
- Valve off and drain existing chillers evaporator.
- Pump out refrigerant and store for reuse.
- Disconnect existing electrical power and controls wiring.
- Demo existing chilled water piping back to the closest valve and dispose of off site.
- Disconnect refrigerant tubing enough to allow chiller removal.
- Rig existing chiller and move out of mechanical room.
- Remove existing chiller and dispose of off site per EPA guidelines.
- Provide and install (1) new 75 ton condenserless screw chiller on existing base rails, modifying base rails as required. Carrier chiller model number 30HXA076NY-5-1AA to include:
  - Y-delta starter.
  - Chilled water flow control switch.
  - 2<sup>nd</sup> through 5<sup>th</sup> year compressor warranty.
  - Factory Start-up.
- Provide and install new chilled water piping from closest valve to new chiller, re-insulate as required. Include new wells and reuse old gauges.
- Reconnect refrigerant tubing, modifying and re-insulating as required to match new chiller.
- Reconnect existing electrical power and control wiring to new chiller, modifying as required. Including a new electrical disconnect to replace existing 400A.
- Charge condenser section with recovered refrigerant, trim charge with new R134a as required.
- Provide factory startup of chiller and test operation.
- Call for final and close permits.

Not included:

- Painting and patching.
- Engineering.
- Any Repairs not listed.
- Asbestos abatement.

Your price for the above work will be **\$86,500.00** including applicable taxes. This proposal is based on performing after normal working hours of 7:00AM to 3:30PM, Monday through Friday.

If you have any questions concerning this proposal, please do not hesitate to contact us at your convenience. We thank you for this opportunity to be of service. Payment terms: 50% down, 50% upon completion. Customer agrees to pay all court costs and attorneys fees should legal means be necessary for collections.



# Edd Helms

## Air Conditioning & Electric

CAC 021309

EC 13004829

A Name You Can Trust Since 1975

Very truly yours,

Jamie Cumming  
Commercial Service Account Manager  
Edd Helms Air Conditioning & Electric

ACCEPTED BY \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_



# Airstron, Inc.

## Proposal

AIR CONDITIONING/REFRIGERATION  
SALES/SERVICE/INSTALLATIONS  
1559 SW. 21st Avenue, Ft Lauderdale, FL 33312  
Dade (305) 940-2962 · Broward (954) 923-1654  
CAC023473

Date: 1/25/16

Proposal Submitted To: Doug Armstrong

Name: Bay Harbor T. H.

Street: 9665 Bay Har. Terr.

City: Bay Harbor Islands

State: FL.

Telephone Number:

Work To Be Performed At: Chiller Rm.

Street:

City:

State: FL.

Date of Plans:

Architect:

We hereby propose to furnish all the materials and perform all the labor necessary for the completion of Replacement of the 60 ton chiller. Job includes; disconnect and remove existing chiller, install a new Carrier 30HXA076 chiller using R134A refrigerant which is compatible with the air-cooled condenser on the roof, reconnect chilled water piping, install new refrigerant piping, new electrical connection, new flow switch, start -up and check. Warranty; 1 year parts & labor, 2-5 years compressor parts only.

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of Dollars ~~\$102,568.00~~ \$97,568.00 *Jim Devlin AIRSTRON 2/23/16*

With payments to be made as follows: 35% on acceptance, balance on completion.

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's Compensation and Public Liability Insurance on above work to be taken out by Airstron, Inc.

Purchaser (Debtor) agrees to pay all cost of Collection damages, including a reasonable attorneys fee for collecting this account or repossessing the said property, whether Suit be brought or not. The Purchaser (Debtor) agrees that the said materials above described will not be removed from above address without prior written consent of Airstron Inc., The Seller (Secured Party). Purchaser (Debtor) waives demand and all requirements to hold it liable. All delinquent payments shall bear interest at 11/2% per month until paid.

If Airstron Inc. is required to make repairs occasioned by improper operation, damage caused by electrolytic action (either battery action or stray currents), negligence or misuse of the equipment or due to any cause beyond our control, purchaser shall reimburse Airstron, for the expenses incurred in making such repairs. It is mutually understood that replacement parts, refrigerant and service materials must be purchased by you, from us, at our regular selling prices, and installed by us, during the terms of this contract. Any repairs, refrigerant, chemicals and supplies deemed necessary and recommended by so for efficient operation of your installation are to be authorized by you. Unless these recommendations are accepted by you and authorization given to perform this Service, we will not furnish emergency service. Airstron shall not be liable for injuries to persons, or damages to property, except burs due to the negligent acts or omissions of Airstron employees. In no event shall Airstron be liable for any form of damage to the equipment listed in this agreement. This contract contains the entire agreement between the parties and shall become effective on the date shown below, provided it has been accepted by you and approved by us. If the customer is a corporation, or any other entity created by law, than the person executing this agreement on behalf of the customer is hereby executing this agreement as an authorized agent of the customer and in addition hereto agrees to serve as a guarantor, and is personally liable for all the debts of the customer, company or corporation arising out of this contract. Any modifications in this Agreement must be done in writing and executed by all parties. It is hereby agreed by the parties that venue or jurisdiction to any litigation arising out of the terms of this contract shall be in Dade County, Florida In the event that nay provisions of this contract are found to be illegal, unenforceable or void, by any Court of law, then the remaining provisions shall remain in full force and effect.

This Proposal may be withdrawn by us if not accepted within 30 Days

Respectfully Submitted Jim Devlin

Per:

### ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Accepted \_\_\_\_\_

Signature \_\_\_\_\_



interoffice  
MEMORANDUM

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From: Randy Daniel, P.E. - Town Engineer  
To: Ron Wasson - Town Manager  
Copy: J.C. Jimenez - Assistant Town Manager  
Date: February 24, 2016  
Subject: Emergency Repairs to Air Conditioning System for Town Hall  
Bid Evaluation

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### **1.0 Preamble**

The matter of AC repairs for Town Hall was on the agenda for the February 11<sup>th</sup> regular Council Meeting. Staff was of the view that because the AC system that cooled the entire Town Hall main offices, Building Department and Police, Town Hall was irreparable and a rental unit was on site, the repair of said unit was an emergency. Consequently the continuing services contractor for air conditioning was recommended for the repair.

Council disagreed and requested that additional bids be considered.

### **2.0 Background**

On January 13<sup>th</sup> 2016 the air conditioning system at Town Hall failed. It was discovered that the unit was flooded which caused the system to freeze. This AC provides cooling for the main offices at Town Hall, the building Department, the Police Department and Council Chambers. The unit is a reciprocating type, packaged chiller, installed in 1994 and is 22 years old.

According to the 1995 ASHRAE Application Handbook, the serviceable life of this unit is 20 years. The relevant excerpt from the ASHRAE Handbook is attached.

### **3.0 Bid Evaluation**

In addition to Airstron, Inc. two other AC contractors were invited to visit the project site and submit their bids. Table number 1 shows all the bids that were received for this repair.

Table # 1

|   | AC Contractor  | Cost Proposal |
|---|----------------|---------------|
| 1 | Debon Air      | \$120,700.00  |
| 2 | Airstron, Inc. | \$97,568.00   |
| 3 | Edd Helms      | \$86,500.00   |

The project entails replacement of the 60 ton chiller that has been deemed irreparable. Proposals were requested for a new 67 ton unit (that was the closest size to a 60 ton that was available), new piping to roof condensers, a flow switch, new electrical wiring, and all ancillary work required for the change out. This is a centrifugal unit that has a life expectancy of 23 years.

Cost proposals from the three bidders are attached.

The bid from Debon Air, in the amount of \$120,700.00 was the highest bid received and therefore not further evaluated.

The low bid from Edd Helms is \$11,068.00 lower than the other bid from Airstron, Inc. However, Edd Helms failed to include in their proposal, pricing to completely change out the refrigerant tubing and to replace the electrical wiring. Therefore, the bid from Edd Helms is deemed unresponsive.

The bid from Airstron, Inc. in the amount of \$97,568.00 is therefore lowest responsive bid.

#### **4.0 Discussion**

Airstron Inc. has been servicing the Town's air conditioning system for the last thirty years and therefore possesses a wealth of knowledge regarding a very old AC system. Since Airstron Inc. will continue to service the town's AC system it will be advantageous for them to install the new 67 ton Chiller. The lead time for the replacement chiller is estimated at 7-8 weeks.

Since the existing air conditioning unit is unserviceable, a rental unit is on site to provide air-conditioning to all the affected areas. The rental cost of this unit is \$5,000.00 per month. It is expected that the unit will be rented for two months, and therefore an additional amount of \$10,000.00 is required to be approved. Rental time over and above two months will be billed at \$1,300.00 per week. An email from Airstron Inc. with rental rates is also attached.

This expenditure is not budgeted.

#### **5.0 Recommendation**

Approve an amount of \$97,568.00 in favor of Airstron, Inc. to replace the failed chiller unit that services the main offices at Town Hall, the Building Department, Council chambers and the Police Department.

Approve an amount of \$12,600.00 in favor of Airstron, Inc. for costs associated with the rental unit for two months and two weeks.

Approve a total expenditure from the General Fund Reserves, in the amount of 110,168.00 to cover all costs associated with the replacement.

## AGENDA ITEM REPORT

March 14, 2016

### ITEM NUMBER: 11.

**ITEM: Discussion and possible action** requested by Town Manager Wasson to approve a proposal from Kimley Horn and Associates for a professional services agreement in the amount of \$49,900. The proposal will evaluate the existing Town Hall facilities to determine the cost and feasibility of renovating the site.

### DESCRIPTION:

After the last Council Meeting's discussion, the Town Manager requested that Kimley-Horn and Associates, Inc. re-submit an agreement to the Town to provide professional services associated with the programming, schematic design, cost estimating and preparation of a limited due diligence report for the renovation of the existing Town Hall. The project objective is to evaluate the existing Town Hall facility to determine the feasibility and associated opinions of probable cost to renovate the site.

### RECOMMENDED ACTION:

Approval.

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### FINANCIAL ANALYSIS:

The total cost for the proposed tasks are as follows:

- 1 Site Data Collection \$5,500.00
- 2 Schematic Preliminary Design Phase \$30,000.00
- 3 Meetings and Project Coordination \$8,300.00
- 4 Limited Due Diligence Report \$6,100.00

Total Cost to the Town: \$49,900.00

### BUDGET IMPACT:

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Submitted By: Marlene Siegel, Town Clerk  
Ronald Wasson, Town Manager

### ATTACHMENTS

|    |                |                                              |
|----|----------------|----------------------------------------------|
| 1. | Proposal - KHA | 2016-03-01 Town Hall Evaluation Proposal.pdf |
|----|----------------|----------------------------------------------|



March 1, 2016

Ron J. Wasson  
Town Manager  
Town of Bay Harbor Islands  
9665 Bay Harbor Terrace  
Bay Harbor Islands, FL 33154

**Re: Town of Bay Harbor Islands  
Town Hall Evaluation  
Limited Due Diligence Report / Schematic Design**

Dear Mr. Wasson:

In accordance with our general services agreement, Kimley-Horn and Associates, Inc. (ENGINEER) is pleased to submit this letter agreement (AGREEMENT) to the Town of Bay Harbor Islands (TOWN) to provide professional services associated with the programming, schematic design, cost estimating and preparation of a limited due diligence report for the renovation of the existing Town Hall. The project objective is to evaluate the existing Town Hall facility to determine the feasibility and associated opinions of probable cost to renovate the site. The renovation shall be based on the following approach:

The existing Town Hall facility is located at 9665 Bay Harbor Terrace and the renovations will include a buildout (approximately 6,000 SF) over the existing Town Hall surface parking lot. This would be a second floor addition with lower level parking. This would allow for Town Hall, Police and Public Works to remain in their existing facilities while providing a renovated facility with additional square footage.

Our scope of services, schedule, and fee are below.

**SCOPE OF SERVICES**

**TASK 1 - SITE DATA COLLECTION**

During this phase, the ENGINEER will perform the following services:

1. Visit the site location one (1) time to note any visible signs of existing utility connections, onsite uses and to take photographs.
2. Complete a Sunshine One Design Ticket and send out letters in an attempt to obtain available information from the infrastructure and service providers outlined by the Sunshine One Design Ticket.
3. Obtain available property information and zoning maps.
4. Access FEMA Maps and available elevation certificates for the site.



5. Obtain Miami-Dade Water and Sewer Department (MDWASD), City of North Miami, and Bay Harbor Atlases for water and sewer information and request readily available “as-built” drawings.
6. Obtain NAPOT sewer capacity information for the receiving pump stations.
7. Obtain FP&L as-builts for any existing easements within the property.
8. Obtain any adjacent FDOT roadway improvement project information.
9. Review applicable Town, County and State Road maps.
10. Assess the need for additional fire hydrants around the property and request a fire flow test from the Fire Department.
11. If available, review any site survey information and provide comments on any missing components.
12. Provide a preliminary timeline for obtaining the necessary civil approvals and permits based on prior project experience.

## **TASK 2 – SCHEMATIC PRELIMINARY DESIGN PHASE**

### **Task 2.1 Kick Off Meeting & Site Inventory**

Kimley-Horn and their subconsultant will participate in an initial design kick-off meeting with Town staff to review the process, project goals and objectives, potential issues, Town involvement, and any other matters related to the project.

As part of this task, we will review the existing building and site conditions. The opportunities and constraints of the existing building and site will be presented to the Town prior to starting the design concept.

### **Task 2.2 Building Program**

We will prepare a building program. The program will convert the Town’s needs into building areas with approximate spatial size, adjacency relationships, equipment requirements, occupancy requirements, and programmatic considerations, etc.

### **Task 2.3 Schematic Site Plan Concepts**

We will prepare two (2) conceptual site plans illustrating the new building addition locations. These conceptual layouts will be presented to Town staff for discussion and approval of a final conceptual plan.

### **Task 2.4 Schematic Building Plan Concepts**

We will prepare two (2) conceptual building plan illustrating the new building addition layout. These conceptual layouts will be presented to Town staff for discussion and approval of a final conceptual plan.

#### **Task 2.5 Schematic Building Elevation Concepts**

We will prepare two (2) sets of conceptual building elevations illustrating the new addition. These elevations will be presented to Town staff for discussion and approval of a final elevations.

#### **Task 2.6 Budgetary Construction Cost Estimate**

As part of this task, we will provide Town staff with a budgetary cost estimate for the (1) selected concept based on a cost per square foot experience.

#### **Task 2.7 Colored Site Plan and Renderings**

A colored site plan and building renderings for the (1) selected concept will be prepared.

### **TASK 3 – MEETINGS AND PROJECT COORDINATION**

As part of this task we will attend up to two (2) Meetings with Town Staff and one (1) Town Commission Presentation.

Additionally, we will attend up to three (3) meetings to further develop the limited due diligence report and discuss any specific issues or concerns the Town may have with the site. Additional meetings may include those meetings that are pertinent to the development of the report and may include, but are not limited to:

1. City of North Miami
2. FPL
3. Town of Bay Harbor Islands

### **TASK 4 – LIMITED DUE DILIGENCE REPORT**

Kimley-Horn will prepare a limited due diligence report that will incorporate the data collection findings that were collected during Task 1. A draft report will be prepared and provided to the Town for review and comment. Once comments are received Kimley-Horn will finalize the report and provide up to ten (10) hard copies of the report and one (1) electronic copy. The report will address the following items:

- Land Use
- Access
- Water and Sewer service
- Drainage
- Environmental issues
- Required agency approvals



- Conclusion/Recommendations

The diligence report will be limited to site civil/land evaluations of the existing site to include the proposed improvements to help the Town better understand the feasibility of redeveloping the site and associated advantages and disadvantages for the Town's consideration.

## TASK 5 - ADDITIONAL SERVICES

The following services are not included in the scope of services, but can be provided as additional services if authorized by you:

- Traffic studies
- Environmental permitting
- Sustainability Design (i.e. LEED)
- Public Involvement

## DELIVERABLES

- Three 11 x 17 (3) copies of the Schematic Plan Concepts for Town review and approval
- Budgetary Construction Cost Estimate
- Three 11 x 17 (3) copies of the renderings
- Ten (10) paper copies and one (1) electronic copy of the Limited Due Diligence Reports

## SCHEDULE

The ENGINEER will provide our services as expeditiously as practicable and will commence work within ten calendar days following receipt of a notice to proceed.

## FEE AND BILLING

The ENGINEER will perform the services described in the Scope of Services for a lump sum fee of \$49,900.00. Payment to the ENGINEER will be in accordance with the general services agreement. Fees will be invoiced monthly based upon the percentage of services completed as of the invoice date. Payment will be due within 25 days of the receipt of the invoice.

The following task items represent a breakdown of the lump sum amount for reference:

| TASK                | DESCRIPTION                        | LABOR FEE          |
|---------------------|------------------------------------|--------------------|
| 1                   | Site Data Collection               | \$5,500.00         |
| 2                   | Schematic Preliminary Design Phase | \$30,000.00        |
| 3                   | Meetings and Project Coordination  | \$8,300.00         |
| 4                   | Limited Due Diligence Report       | \$6,100.00         |
| <b>LUMP SUM FEE</b> |                                    | <b>\$49,900.00</b> |

I appreciate this opportunity to submit a letter agreement. Please contact me at 954-535-5133 if you have any questions.

Sincerely,

**KIMLEY-HORN AND ASSOCIATES, INC.**



Stefano Viola, P.E.  
Project Manager



Gary R Ratay, P.E.  
Senior Associate

If you concur in all the foregoing and wish to direct us to proceed with the services, please have authorized persons execute both copies of this Agreement in the spaces provided below, retain one copy, and return the other to us. Fees and times stated in this Agreement are valid for sixty (60) days after the date of this letter.

**TOWN OF BAY HARBOR ISLANDS**

Agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 2016

By: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_, Witness  
(Print or Type Name)

Official Seal:

## **AGENDA ITEM REPORT**

March 14, 2016

### **ITEM NUMBER: 12.**

**ITEM: Discussion** requested by Council Member Marano on the possibility of televising all of the Citizen's Committee Meetings on the Town's website and Channel 77.

### **DESCRIPTION:**

The Parks & Recreation Committee met on February 3rd for their monthly meeting. The Committee has made a recommendation for the Town Council to consider that all the Citizens Committee meetings be televised on the Town website and Channel 77.

At the present time, none of the Citizen's Committee Meetings are televised.

### **RECOMMENDED ACTION:**

Council Discretion.

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### **FINANCIAL ANALYSIS:**

Additional overtime required to attend and record the meetings. One IT employee and one person from the Clerk's office will need to be available at each meeting to record.

### **BUDGET IMPACT:**

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Submitted By: Alba Chang, Deputy Town Clerk  
Doris Marano, Council Member

### **ATTACHMENTS**

## **AGENDA ITEM REPORT**

March 14, 2016

### **ITEM NUMBER: 13.**

**ITEM: Discussion** requested by Council Member Marano regarding the parking requirements for new multi-family development.

### **DESCRIPTION:**

The current parking requirements are as follows:

Multiple-family dwellings, including townhouses

A minimum of two parking spaces shall be required on the building plot for each dwelling unit within a multiple-family development, except as provided for otherwise in this article. In addition, guest parking spaces shall be provided for multiple-family developments in accordance with the following:

- 1) At least one guest parking space shall be required for each whole platted lot.
- 2) Within the RM-3 zoned tracts guest parking spaces shall be provided at a rate of 5% of the total number of required parking spaces.
- 3) Guest parking spaces may be counted as a subset of the total number of required parking spaces within a development site.
- 4) No guest parking spaces are required for townhouse developments that have the front of the dwelling unit facing directly on a public roadway with access to a garage. In this instance the individual dwelling unit driveway connecting the public road to the garage shall serve for guests. For townhouse developments with garages or parking facilities that are interior to the site, additional guest parking spaces are required at a rate of one parking space per platted lot.
- 5) Through the Town's site development plan process the Town may allow dimensional variations of landscape strips to provide such guest parking spaces or for drop-off areas at building entrances. In no event shall the minimum percentage of green open space be reduced.
- 6) All required guest parking spaces shall be placed within the development site. Guest parking spaces shall not be located on remote public or private parking lots/garages without prior approval of the Town Council.
- 7) All required guest parking spaces shall be located in the front yard areas of a site, unless otherwise approved by the Planning and Zoning Board. Guest parking spaces may be co-designated as temporary delivery/loading areas. At least one guest parking space shall be so co-designated. All guest parking spaces/drop-off areas shall be noted by the use of signage/pavement markings.
- 8) Notwithstanding the above, no guest parking spaces are required for a single-lot development site that is built without using TDR units. If any TDR units are requested guest parking spaces

shall be required.

**RECOMMENDED ACTION:**  
Council Discretion

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**FINANCIAL ANALYSIS:**

**BUDGET IMPACT:**

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Submitted By:        Marlene Siegel, Town Clerk  
                              Doris Marano, Council Member

**ATTACHMENTS**