

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

TOWN OF BAY HARBOR ISLANDS

March 10, 2014

AGENDA

CALL TO ORDER: 7:00 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

PRESENTATIONS:

Recognition and presentation of certificate to nine year old Alexander Miroli-Aubery, a resident, for his actions on finding and turning in a wallet with a large amount of cash into the police department.

REPORTS:

1. Planning and Zoning Board Approvals
2. Public Relations status report
3. Update on Community Center

COUNCIL REPORTS:

GOOD AND WELFARE:

CONSENT AGENDA: Set for approximately 7:55 p.m. *(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.)*

4. **Approval** of Minutes of the following meetings:
 - A. Minutes of Budget Workshop held July 25, 2012
 - B. Minutes of Budget Workshop meeting held July 30, 2013
 - C. Minutes of TDR Workshop held July 31, 2013
 - D. Minutes of Regular meeting held October 14, 2013
 - E. Minutes of Regular meeting held November 12, 2013
 - F. Minutes of Workshop meeting held on December 2, 2013
 - G. Minutes of Regular meeting held on December 9, 2013
 - H. Minutes of Public Hearing held on January 13, 2014

5. Approval of the Ruth K. Broad K-8 Center Nurse Initiative Memorandum of Understanding between the City of Miami Beach ("CMB"), North Bay Village ("NBV"), the Town of Bay Harbor Islands ("TBHI"), the Town of Surfside ("TS"), Bal Harbour Village ("BHV"), and the Miami Beach Chamber Education Foundation, Inc. ("MBCEF") (collectively, the "Parties"), to provide for funding and for the implementation of a Nurse Initiative for the school year 2014-2015.
6. Request for approval to attend the Florida League of Cities Legislative Action Days and the Miami-Dade County Days in Tallahassee by Council Members Kelly Reid and Isaac Salver. Other Council Members are encouraged to attend as well.
7. Approval of the location of construction trailer at 9940 West Bay Harbor Drive as required by Section 23-4(7) of the Bay Harbor Islands Town Code. Enclosed is a copy of the location of the trailer, the pertinent section of the Code, and a copy of the trailer specs.
8. Approval of the location of construction trailer at 9241-9261 East Bay Harbor Drive as required by Section 23-4(7) of the Bay Harbor Islands Town Code. Enclosed is a copy of the location of the trailer, the pertinent section of the Code, and a copy of the trailer specs.
9. Approval of the location of sales office at 9821 East Bay Harbor Drive as required by Section 23-4(7) of the Bay Harbor Islands Town Code. Enclosed is a letter of request and a copy of the floor plan for the unit being utilized as the sales office.

STAFF RECOMMENDATION: Approval

UNFINISHED BUSINESS: Approximately 8:15 p.m.

10. Approval on first reading of an ordinance amending the Town Code Section 23-29.1(5) and (7) to delete the option to lease spaces into the parking trust. This ordinance was requested by Mayor Yaffe. There are two Exhibit A's attached to this ordinance (Option 1) deletes the lease option (Option 2) increases the price per space to \$1,000 and requires an annual payment. The Council will need to specify which option they are approving.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S ZONING AND PLANNING CODE TO MODIFY THE EXISTING CODE PROVISIONS THAT ALLOW MONETARY CONTRIBUTIONS TO BE MADE TO A TOWN PARKING TRUST IN LIEU OF PROVIDING REQUIRED PARKING SPACES ON-SITE OR ON ANOTHER SITE WITHIN 500 FEET OF A PROPERTY; PROVIDING FOR PAYMENT TERMS, OPTIONS AND FEES FOR SUCH PAYMENTS; AMENDING SECTION 23-29.1(3) OF THE CODE OF ORDINANCES, PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

11. Discussion requested by Mayor Robert Yaffe regarding the distribution of TDRs.

STAFF RECOMMENDATION: Establish a policy for the distribution of TDRs.

12. Approval of a resolution updating and adopting new values for Town-owned TDR units. Enclosed is a copy of the proposed resolution and the appraisal from Quinlivan Appraisal, P.A.

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.

STAFF RECOMMENDATION: Council Discretion

13. Discussion and possible action requested by Vice Mayor Leonard regarding the naming of the 98 Street Park. At the last meeting Vice Mayor Leonard discussed the possibility of naming the 98 Street park after Scott Adams Winters.

STAFF RECOMMENDATION: Council Discretion

NEW BUSINESS: Approximately 8:45 p.m.

14. Approval on first reading an ordinance amending Chapter 23 of the Town Code to modify the list of prohibited uses to include (and prohibit) the sale of live animals. This ordinance was requested by Council Member Reid.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 23 OF THE TOWN'S ADOPTED CODE OF ORDINANCES ENTITLED ZONING AND PLANNING; AMENDING SECTION 23-5 ENTITLED USE REGULATIONS, B-1 BUSINESS DISTRICT TO MODIFY THE LIST OF PROHIBITED USES TO INCLUDE (AND PROHIBIT) THE SALE OF LIVE ANIMALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

15. Approval of a resolution urging the Miami Dade County Mayor and Commission to support the Town's desire to join the Library Taxing District and providing library services to the community by establishing a Branch Library in the Town. This resolution was requested by Vice Mayor Leonard and also sponsored by Council Member Reid.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA; URGING THE HONORABLE MAYOR AND MIAMI DADE COUNTY COMMISSIONERS TO SUPPORT THE TOWN'S EFFORT TO JOIN THE LIBRARY TAXING DISTRICT AND ESTABLISH A BRANCH LIBRARY IN THE TOWN; PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion

16. Appointment of one resident to fill the vacancy created by the resignation of Nina Gladstone. This term will expire May 2014. Enclosed are resumes of several residents who have expressed an interest to serve on the board.

STAFF RECOMMENDATION: Select one resident to fill the vacancy.

17. Town Manager Wasson requests that a Council Workshop Meeting be held to help with prioritizing future town projects and capital plans prior to the budgetary process begins.

STAFF RECOMMENDATION: Approval

ADJOURNMENT: Approximately 9:15 p.m.

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

AGENDA ITEM REPORT

March 10, 2014

ITEM NUMBER: 1.

ITEM: Planning and Zoning Board Approvals

DESCRIPTION:

Planning and Zoning Board Approval Activity for February/March.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

None

BUDGET IMPACT:

Submitted By: Marlene Marante, Town Clerk

ATTACHMENTS

1.	February/March Report	Planning and Zoning Board Meetings Report - feb-mar 2014.docx
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Planning and Zoning Board Meetings Report

February 2014/March 2014

Meeting - February 4th, 2014

The following Items were approved by the Board:

- revisions to an addition for “Alain & Arielle Albergel” located at 9811 W. Broadview Drive
- a new single-family home for Mitchel and Annette Eichen located at 10340 W. Broadview Drive

Meeting - February 18th, 2014

No Submissions

Meeting - March 4th, 2014

No Submissions

AGENDA ITEM REPORT

March 10, 2014

ITEM NUMBER: 2.

ITEM: Public Relations status report

DESCRIPTION:

Attach please find the Public Relations Report for the month of March 2014

RECOMMENDED ACTION:

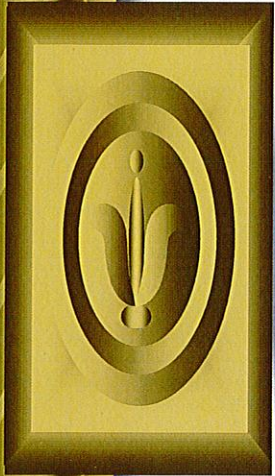
FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Marlene Marante, Town Clerk
 Regine Choute, Assistant to the Town Manager

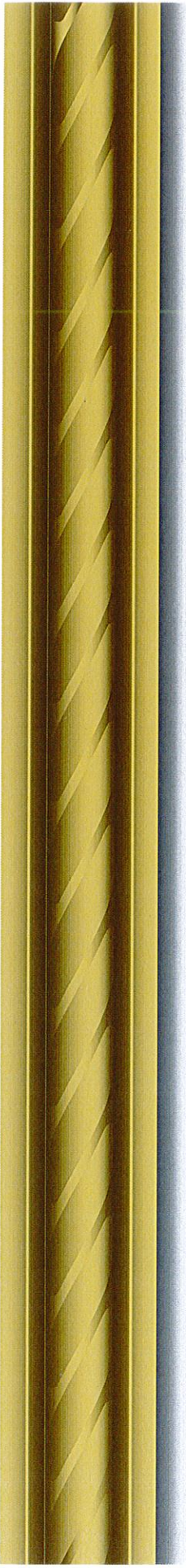
ATTACHMENTS

1.	Report	PR report.pdf
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Public Relations

**Report for the Month of
March 2014**



Status Summary

- Wrote an article on the Bay Harbor Islands Out Door Movie Night.
- Wrote an article on the Storytime at the Park Program.
- Wrote an article on the Sunday with Shepard Lecture Series.
- Wrote an article on the Community Picnic
- Updated the News Page on the Town's Website.

MINUTES OF A BUDGET WORKSHOP MEETING TOWN OF BAY HARBOR ISLANDS

A Budget Workshop Meeting of the Town Council was held Wednesday, July 25, 2012, at 5:05 p.m. The meeting was opened with the Pledge of Allegiance. Upon roll call, the following Council members responded:

Mayor Isaac Salver
Councilwoman Stephanie Bruder Vice Mayor Jordan W. Leonard
Councilwoman Solange M. Rousselot Councilman Alberto Ruder
Councilman Robert H. Yaffe

Item 1. Brief overview of the proposed budget by Town Manager Ron Wasson.

Finance Officer Short came forward to correct page 1, which had transposed numbers on the roll back rate. The correct number was a 5% increase over the roll back rate with a proposed millage rate of 5.2971%. Also, he stated that on page 9, under recreation he did not include the narrative.

Town Manager Wasson gave a brief overview of the proposed budget. He stated that this was his 6th budget and he felt it was positive news that the property values stopped going down and began to stabilize. They had been able to do a lot of infrastructure, programs, and community enhancements in the past year. Projects had been completed and the Community Enhancement Project Phase 2 and 3 came in under budget.

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Councilman Francisco Temprano arrived at the meeting.

Town Manager Wasson reported on the following: that there had been employee reduction, the landscaping was privatized, finishing of Phase III, progress on the SunPass conversion, better traffic flow, increase of landscaping with Brickman, fertilization of all the trees and plants, and a reduction of water loss. He stated his goal was to keep the services, such as the movies, seniors, annual picnic and the 5 K Race. There was discussion regarding financing the race and other programs for the residents. Mayor Salver questioned if the PAL Program was covered in the budget. Town Manager Wasson stated that it was covered. Vice Mayor Leonard questioned if the Town was under staffed and if he was concerned about using staff time vs day to day operations. Councilman Yaffe felt the Town didn't have that many activities and the residents counted on them. There was discussion regarding funding the PAL Program and the background of how the program was started. There was also discussion regarding how the money given to the PAL Program was spent. Vice Mayor Leonard wanted something set up to provide guidelines and control for the program with representatives from all the towns participating in the program. There was a consensus that this idea should move forward with the neighboring cities to implement guidelines and controls on how the money would be spent, but not to run the program. Councilman Ruder stated that the director of the program had only been paid for two of the eight years of

the program and he felt it provided more programs than there were donations.

There was discussion regarding the improvements to the 98 Street Park and where the funding would come from. Finance Officer Short explained the loan for the Parking Garage and paying the funds back. Consensus was for the Town Manager to study all options to finance the improvements to the park and talk with Surfside regarding problems of having a bathroom facility in the park. Councilmen Ruder and Yaffe wanted the Town Manager to present a plan on how the park would be maintained and secured.

Town Manager Wasson discussed the impact from the SunPass conversion. He informed the Council there would still be an annual pass that could be purchased, there would be costs associated with the conversion, changes with the removal of the building and savings with less employees. There was discussion regarding how long it would take to make the conversion.

Item 2. Discuss and review the proposed budget.

The Council discussed the expenses for the programs for the residents and consensus was to keep them in the budget. There was discussion regarding the cost of cameras for the Police vehicles, League of Cities Annual Gala, lobbyist expenditures. Councilman Ruder's idea of reducing the tax rate by cutting expenses, health insurance costs, vacant positions and money for cleaning the sidewalks. Councilman Yaffe was concerned about the amount of money spent on consultant Town Planner Miller. Town Clerk Marante informed the Council that most of that money was reimbursed by fees charged to the developers and that there was not Town staff qualified to do zoning. There was discussion regarding the proposed millage rate, the amount of money spent, the qualifications, the Code review, cost of hiring a full time zoning consultant, and the fact that the zoning consultant cost is a pass through expense.

Councilman Ruder questioned the sewer fund increase. Finance Officer Short explained that the Town paid Miami Beach for sewer services and he stated that in the upcoming year they would have a bigger charge. Councilman Ruder questioned the increase on page 24 of the budget. Town Manager Wasson explained the need for cleaning of all the sewer lines, repairs to pump stations and compressors. He also explained that the Town used to have their own garbage truck, but now had a 20 yard dumpster instead and must pay to empty it. There was continued discussion regarding sewer rates, stormwater expense, the new water meters, newsletter expense, increasing the revenue, and raising the reserved parking license fees. Councilman Temprano wanted to look into re-financing and consolidating and looking for cheaper services. Finance Officer Short stated that was done 4-5 years before.

Frances Neuhut, 1060 Kane Concourse, came forward to address the Council. She complained about the

revenue sharing and sales tax not coming from the Business District. Mayor Salver explained that was levied by the State. Councilmen Yaffe and Ruder both stated that the portion coming to Bay Harbor Islands is coming from the State according to what was spent in Town. Mrs. Neuhut also felt the parking lots were empty and nothing was getting paid into the parking trust, so the Town needed to increase the fees. She suggested to charge for parking 24 hours per day. She also complained that the Town did nothing for the Business District. Councilman Yaffe stated that the Town supported the Bay Harbor Development Association in the past when there was one. He suggested that, if one was formed again, he would be willing to be a representative on that board again.

Item 3. Discussion regarding the tentative millage to be advertised via the Notice of Proposed Taxes to be mailed by Miami-Dade County.

ACTION: Councilman Yaffe made a motion to approve the proposed millage rate of 5.2971%. Councilman Ruder seconded the motion and it passed unanimously.

Item 4. Discussion regarding additional workshops (if necessary) and the dates and times for the Budget hearings and Special Council meetings to adopt the millage and budget. It is suggested that the first budget hearing be held at 7:00 PM on September 10th, immediately preceding the regular Council meeting. The second hearing could be scheduled anytime after 5:00 p.m. during the weeks beginning September 17th, and 24th with the exception on Thursday, September 20th. Miami-Dade County has a budget hearing on that date.

ACTION: Consensus was to set the first budget hearing for 7:00 p.m. on September 10, 2012, before the Regular Council Meeting and to set the second budget hearing for Monday, September 24, 2012 at 5:50 p.m.

There being no further business the meeting was adjourned at 7:46 p.m.

MAYOR

ATTEST:

TOWN CLERK

**MINUTES OF A BUDGET WORKSHOP MEETING
TOWN OF BAY HARBOR ISLANDS**

A Regular Meeting of the Town Council was held Tuesday, July 30, 2013 at 5:00 p.m. in the Council Chambers. The meeting was opened with the Pledge of Allegiance. Upon roll call, the following Council members responded:

Mayor Robert H. Yaffe	
Vice Mayor Jordan W. Leonard	Council Member Stephanie Bruder
Council Member Kelly Reid	Council Member Solange M. Rousselot

Item 1. Brief overview of the proposed budget by Town Manager Ron Wasson.

Town Manager Wasson informed the Council that property values went up this past year for the first time since he had been in Bay Harbor Islands. He briefly reviewed the projects that had been completed. He informed them that the new lights for the West Island would be installed soon. Town Manager Wasson stated that there was revenue of \$3,003,288 this year, a 0% increase in water rates, and a proposed 6% sewer increase to stay revenue neutral, since the County would be raising the cost.

He briefly explained how the budget was developed and reviewed it line by line. He stated that if something needed adjusted they would do that. The cap on projects usually went up a bit. He had been putting off purchases unless they were critical. He also stated that professional services would continue along with the picnic, bus, movies and story time (adding 2 more weeks for both), the 5-10 K-Run/Walk, seniors ti chi, and pee wee soccer. He was looking into a seniors arts and crafts program or maybe an exercise program. He explained other things like the trips to Tallahassee for legislative changes and grants that benefitted the Town. Town Manager Wasson stated that the budget included the \$30,000 salary for the Police Athletic Program, which they were trying to get Bal Harbour and Surfside to join and share in the expense. He stated that they had been given a budget from the program as requested.

Town Manager Wasson explained that the Police Department would replace 3 vehicles, purchase portable surveillance equipment, and there was \$100,000 included in the budget for the additional plate reader cameras for the East Island, but they did not put in funding for laptops for the vehicles. He stated that the Chief had applied for grants to cover that cost.

He explained about the landscaping, gutter repairs, re-surface of the tennis courts, and lighting. He also mentioned the replacement of the water truck, water main on 92nd Street, manhole lining, sewer laterals,

an injector station rehabilitation on 96 Street, a grinder pump, and cleaning of the pipes. He stated they were working on the bridge rehabilitation and hoped to have the SunPass conversion finished in February.

Item 2. Discuss and review the proposed budget.

There was a brief discussion regarding the PBA contract negotiations, communications with the new ip phone system and bus funding changes for the next year. Town Manager Wasson stated that there would not be enough money next year due to County changes. Council Member Reid felt that the travel amount was important and had been cut back too much. She asked that be restored. There was a brief discussion regarding the one time expense for the plate readers. Mayor Yaffe questioned the increase in expense under recreation and Assistant Manager Jimenez stated that was to cover the cost of a bathroom, other equipment, supplies and maintenance at the park. Council Member Rousselot questioned if the information from the School Board had been received. Assistant Manager Jimenez stated that they were having trouble with the file that the School was sending him. He was not able to open it. Council Member Bruder informed them that the Board was building with their own funding. When she left in June they were doing the basketball courts and lights and there was to be a restroom building. Vice Mayor Leonard questioned the injection well on 96 Street. Town Manager Wasson stated that it was a station for storm water from the West Island and he explained how the system worked. He also explained that the cleaning and lining of the outfalls had already helped. They had made some modifications when they found 5 outfalls with a partial collapse and they might increase the size of some of the pipes. He stated that there was still 3 more repairs to make and 2 on the East Island. There was continued discussion regarding flooding, the parking fund, the fire department lease, and the decrease in fines. Council Member Reid questioned the parking fund expenses Capitol Outlay on page 26. Finance Officer Short stated that, typically, they put in \$20,000 to do miscellaneous stripping, but very rarely use it unless the Town Manager says it has to be done. Resident Frances Neuhut questioned what repair and maintenance was. Finance Officer Short stated that money was spent to upgrade and repair meters. Mayor Yaffe questioned where the monies for the approved equipment for the chambers was. Town Clerk Marante stated that some was in her annual budget, but she was working on that. Resident France Neuhut questioned where the money was for the Community Center. Assistant Manager Jimenez stated that the intent was to use the TDR funds collected for that project. There was continued discussion regarding the continuation to take money out and not put it back, expenditures, reserves, monies collected for TDR=s, and the amount of reserves to have to feel comfortable. Finance Officer Short felt a good number was \$3-4 million and Council Member Bruder stated that she would not feel comfortable going under 3 million. Mayor Yaffe thought they could set a policy to not go below a specific number. Town Clerk Marante

stated that there were projects in the process that would double the reserves from TDR monies if they all were built in the future. Council Member Reid questioned what the amount of the increase was from the County. Town Manager Wasson stated that it was \$85,000. Vice Mayor Leonard reminded everyone that the re-financing saved a lot of money and he thanked Alan. Resident Frances Neuhut stated that she felt the monthly bills for attorneys did not match what was in the budget. Town Manager Wasson stated that it was not uncommon that the expense budgeted was sometimes a little under or over, but at the end Finance Officer Short would have to balance. Mayor Yaffe explained that the budget was just an estimate arrived at by looking at prior years, but no one can tell what might come up for litigation. Resident Frances Neuhut questioned where the Town Planner=s bills were. Town Clerk Marante stated that they were under the Building Department. Mayor Yaffe stated that the Town re-captures a lot of the billed amount for reviewing projects and he explained the reimbursement process. Town Clerk Marante explained that there was a \$3,000 fee for projects and they were charged \$350 every time they returned for another review. Council Member Reid questioned about putting up Holiday decorations. Mayor Yaffe explained that they could not put anything up until 2015 because of the lawsuit. There was a brief discussion regarding ordering new decorations for the Causeway Island. There was consensus that Assistant Manager Jimenez could spend up to \$15,000 to upgrade the decorations on the Causeway Islands. Resident Frances Neuhut stated that she felt the sidewalks on the bridges were bad. Mayor Yaffe stated that they would look at that this year.

DRAFT

Item 3. Discussion regarding the tentative millage to be advertised via the Notice of Proposed Taxes to be mailed by Miami-Dade County.

There was discussion regarding the 5.25% millage rate, which would be a reduction from last year. The budget would be \$3,003,288, with a 0% increase in the water rates and a proposed 6% sewer increase in order to stay revenue neutral. Consensus was that this was acceptable to the Council. Finance Officer Short informed the Council that the original land sale, which was to pay back the money borrowed, did not go through. The intent was to pay back the funds from the sale. There was a brief discussion regarding paying back the funds. Finance Officer Short informed the Council that the TDR sale money would go into the General Fund.

Item 4. Discussion regarding additional workshops (if necessary) and the dates and times for the Budget hearings and Special Council meetings to adopt the millage and budget. It is suggested that the first budget hearing be held at 7:00 PM on September 9th, immediately preceding the regular Council meeting. The second hearing could be scheduled any time after 5:00 p.m.

during the weeks beginning September 16th and 23rd, with the exception of Thursday, September 19th, because Miami-Dade County has a budget hearing on that date.

There was a brief discussion regarding additional public hearings that might be needed. There was no interest in scheduling another public hearing. Finance Officer Short stated that there needed to be two public hearings to approve the budget. Normally, the first one was held before the September Council meeting. He stated that the second one could be later in September, but just not on the 19th because the County would have their budget hearing on that date. Vice Mayor Leonard suggested that the second meeting be held on the 26th and there was a consensus that date would be good.

ACTION: Finance Officer Short announced that the first budget hearing would be held at 7:00 p.m. on September 9th, immediately preceding the regular Council meeting and the second budget hearing would be held September 26th at 5:05 p.m.

There being no further business the meeting was adjourned at 6:15 p.m.

ATTEST:

DRAFT

MAYOR _____

TOWN CLERK

MINUTES OF A WORKSHOP MEETING OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS

A workshop meeting of the Town Council of the Town of Bay Harbor Islands was held on July 31, 2013 at 7:07 p.m. in the Council Chambers. The Meeting was called to order with the Pledge of Allegiance. Upon roll call, the following Board members responded:

Mayor Robert Yaffe

Vice Mayor Jordan Leonard

Council Member Kelly Reid

Council Member Solange Rouselot

Item 1. **Discussion** on how the Transfer of Developments Rights program is being implemented and distributed.

Council Member Reid thanked Town Planner Michael Miller, the staff and all the residents that were in attendance at the meeting. She explained that there were many residents that were confused on how the Transfer of Development Rights process worked. She also reminded everyone that she was available to speak with anyone who had any questions.

Town Planner Miller gave a brief presentation on how the program was built, the restriction, height, density, and how a limit was determined. He stated that it all started 67 years ago when there was nothing and a business man and developer bought the land to make money. There were not lot of people in Bay Harbor Islands, so they created a set of development rules and in 1947 deeds were recorded with restrictions until 1977. The site plan system was developed in 1972, but the community was developed 97 percent by 1975. The older buildings had no restrictions on the development, they just had to meet setbacks. In the late 1980's a consulting firm was hired to create a comprehensive plan, some amendments were made, but it was outdated by then.

The number of dwelling units were calculated by block and it came to an average of 32, even though there were some buildings with 70 units or more. The mistake was already done when the 34 UPA was established. Any building with more than 34 units could not be built, if a hurricane would hit the Island. As time past the buildings got old, were not in good shape, and recession drove the value of the buildings down too much.

Town Planner Miller continued stating that the Council realized a change was needed and they created a new Zoning District. The tip of the island was allowed to have 10 - 12 story buildings and the middle of the island 7-8 stories. Seven projects were approved in late 90's and only two were built. Many residents objected to the height and the setbacks on the property side lines. The residents formed a coalition and drafted a charter amendment with a height limit of 75 feet. Mr. Miller stated that it was around that time that he started working for the Town as Town Planner and he realized the Comprehensive Plan had never been updated. He explained how he studied the issues and was able to address them.

He prepared a Comprehensive Plan Amendment and asked to increase from 34 to 40 UPA, but the State

refused. The State said they would work to solve the problem. He obtained a copy of the GIS map from the Property Appraiser's office to calculate all the lots owned by the Town. He analyzed the community and created a Density Averaging System with 34 units being the average. The State of Florida approved this in 2005. The ordinances were revised and new rules were implemented in the Town Code.

Town Planner Miller explained that the Town currently owned the streets, parks, Town Hall, and parking lots. The rest was owned by property owners. The Town sets up their TDR prices. Mr. Miller explained that Sunny Isles Beach, who earned \$200 million just from TDR revenue, put the TDR money back into the community by building parks and schools. He stated that was how some cities use the system to get revenue.

Town Planner Miller explained that the Town has a small number of TDR's left and owners have a lot more. There were 330 last year, but since December 161 Town units were sold, with 169 units left to sell. The Town was not allowed to transfer density units from West Island to East Island. The Town Code Permits the residential units in the Business District above the businesses, but the Town cannot transfer from Commercial District to Residential District. Mr. Miller stated that the State would let us come back to discuss transferring from districts, but never to increase the number of UPA.

Mayor Yaffe thanked Town Planner Miller for his detailed presentation. He stated that it was important to know the history. He also highlighted that there was only 169 TDR's left for sale, and the current TDR unit price was set for \$15,000 for non-water front and \$30,000 for waterfront.

Mayor Yaffe suggested it would be something to consider to get an appraisal and to re-evaluate the value. He stated that most of the projects coming in now were double the density, which was a change from before. He informed the public that a project comes to Town with plans and they meet with the Development Review Committee to make sure the plans are compliant with the Town Code. After that, the project goes to the Planning and Zoning Board where they review the architectural features, compatibility, and make improvements. Once a project is approved by the Board it goes to the Council for TDR approval, if TDR's are needed.

Town Planner Miller explained that public TDR sales were a bit different because there was a criteria they must meet. They must open the property for inspection from the Code and Building Officials. In order for a TDR transaction to be approved by the Council they must correct any Code violations. As of today, there were no private applications pending. Mayor Yaffe referred to the chart that was available for the public to have.

Council Member Rousselot requested that staff explain to the public how to sell TDR's and who they

can contact for information.

Town Clerk Marante stated that the information was available for anyone. There were phone numbers and a list of available TDR=s to sell. She also explained that any resident wanting to know if they had any TDR=s to sell could call Town Hall. Town Clerk Marante stated that she and Town Planner Miller would be able to look at the survey and determine how many they had.

Council Member Leonard asked Town Planner Miller about the parking restriction and the landscaping. Town Planner Miller explained that the studies for parking had been done for all the areas. The Town Code required two parking spaces for each unit. He stated that they just added guest spaces and the entry way for new developments. Mr. Miller stated there was a procedure to buy parking into the Town=s parking trust. He explained that the landscaping and open spaces were studied in 2005 and a 15 percent landscaping requirement was adopted, but now it was at 20 percent. He stated no other city he knew of in the State of Florida had large of a requirement.

OPEN FOR PUBLIC COMMENT

Attorney Matthew Amster came forward to address the Council. He was representing the property owners with proposed developments. He felt the Code requirements were very strict and he urged the Council to keep the system the same. He felt that the new developments would increase the tax base of the Town and benefit the Town with the services that would be provided.

Karim Portela, 9900 W. Bay Harbor Drive, came forward to address the Council. He questioned why would the developer come to private owners versus the Town. Mayor Yaffe explained that it was an easier process to do a public sale, but it all depended on how many TDR=s they needed and what the asking price was. Council Member Reid questioned if the price and time were a factor and was the Town the quickest way to purchase TDR=s? Town Clerk Marante stated that there were only two factors. One, Code Compliance officers and the Building Official go out to the property for an inspection. Two, there would be an estimated price to fix the problems, which would be put into escrow until the closing.

Jeffrey Koster, 1135 - 103 Street, stated the reason for his attendance today was because people were trying to limit density. He urged the Town Council to do what was right to make the Town prosper and not yield to those with a special agenda. He stated there was a Council member who had a lawsuit pending to limit the density and she should recuse herself from voting.

Alan Krischer, 701 Brickell Avenue, came forward to address the Council representing the property owners. He was in support to keep the current Code in place. He felt that the Code served the Town well

and he looked forward to seeing how the revenue would be used for development with the additional tax base.

Teri D=Amico, 9101 E. Bay Harbor Drive, came forward to explain that she was not there to save the buildings. She was concerned about the result of not monitoring the mass of the buildings. She felt that a 280 Feet building would not fit in and would decrease the value of surrounding buildings. She was asking the developers for more creativity in the new buildings. Ms. D=Amico felt the Town needed to help save the value of what was next door, and that it would effect the traffic. She was concerned about the parking lifts, safety, and she felt the Town should implement rules for operating the lifts.

Oscar Sklar, 9240 W. Bar Harbor Drive, came forward to address the Council. He agreed with the TDR concept. He explained that he was opposed to the way they were being distributed and felt that the Town would run out soon. Mr. Sklar felt this would not be fair to other projects coming later. He stated that there should be a limit per acre of how many units a developer could ask for, depending on the size of the property. He also urged the Council to establish a limit and to make it even for everyone. He requested there be a limit of required parking spaces, because he felt that might eliminate the need for two levels of parking and it would save the developers money.

Attorney Steven Wernick came forward to address the council, representing owners and the developers. He stated that there was no zoning code that was perfect. He had worked in the past with several municipalities and Bay Harbor Islands staff was the easiest to work with. He felt that the current market was calling for smaller units of 1-3 bedrooms, and urged them to look at this as a process that takes time.

Frances Neuhut, 1060 Kane Concourse, came forward to address the Council and was opposed to the TDR system. She questioned why there was not a cap on TDR=s and she felt that 9400 W. Bay Harbor Drive had 50 units per acre. She also stated that she felt the price did not reflect the actual market value, the density went up and the price went down.

Rolando Epstein, 1101-99 Street, came forward to address the Council and questioned if there was a limit of how much you could buy or sell. He wanted to know if you bought TDR=s from a private owner and did not use them, would you loose them? Mayor Yaffe answered that it depended on what phase of the transaction they were in. If the deed was recorded the rights would stay with that property. He also stated that the money was due when the permit was pulled.

Markus Frankel, 10261 E. Bay Harbor Drive, came forward to address the Council. He felt excited to see new development now. He was representing himself as a citizen. He had 10 projects total and they all

complied with the Town Code, which was good news. He felt they would benefit the Town with \$3.7 million dollars within the next 6 months with the cost of permits. Mr. Frankel also explained the Shoreline Development Committee would mandate improvements and building permits fees would exceed \$1.5 million dollars.

Vincent Martino, 1050 93 Street, came forward to address the Council and was opposed to the TDR system. He felt that the method would increase the density there would be over development, and this would overcrowd the school. He questioned where would the Town put many people. Mr. Martino asked the Council to think about the future of the community, not just the money. He also questioned how the island would look in the future.

Rick Pol, 1140 - 102 Street, came forward to address the Council. He questioned the tax liability and how a four unit building would handle that kind of money. Mayor Yaffe answered by urging Mr. Pol to consult a tax advisor.

Daniel Courtney, 1147 - 99 Street, came forward to address the Council. He was representing Town residents in support of the TDR program. He felt that it was awesome for the residents and developers. Residents could take advantage and get money for repairs to the older buildings. He expressed that he felt the Town was currently selling at a low price.

Gabriel Boano, 9434 W. Broadview Drive, came forward to address the Council. He questioned if the Town could enlarge the number of TDR they currently owned. Mayor Yaffe stated that was based on the size of the property and the Town would have to buy new property to increase the number.

CLOSED PUBLIC COMMENT

Council Member Reid stated that her main purpose for calling the meeting was to educate all the residents, to get answers and to inspire creativity. She also stated that she had received feedback from residents concerned about the price the TDR=s were selling for. She expressed that she was pro responsible development. She felt some type of management was necessary and wanted to explore the base acreage looking at the ramifications of when they ran out. She asked the residents not to be threatened by this and stated that she felt value was important, but also felt the price was too low. Even though the current market determined the price.

Council Member Rousselot stated that all this information needed to be provided to all the residents and anyone who was interested could contact Town Clerk Marante at Town Hall.

Vice Mayor Leonard stated that he had lived in Town long enough to see one extreme to another. He agreed with the Council and did not want to give away or restrict TDR=s so much. He felt that everyone

needed to look toward the future generations and now was a good time to discuss some type of system of restriction and reward. He also thanked everyone for their comments and attendance, extending invitation to anyone who would like to speak with him.

Mayor Yaffe thanked everyone for their valuable opinions and comments. He stated that the Council was surprised at the number of projects that were coming so quickly and were caught off guard. He felt that the Council would take another look at the amount that was currently being charged for TDR=s. He also stated that he would like to see more private transactions to get the properties improved, which would benefit the entire community and improve the whole Town.

Town Manager Wasson stated that he would order another appraisal.

Mayor Yaffe invited everyone to the next Planning and Zoning meeting which would take place August 6, 2013 and the next Council meeting which was scheduled for August 12, 2013.

There being no further business meeting was adjourned at 9:06 pm

MAYOR

ATTEST:

TOWN CLERK

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

A Regular Meeting of the Town Council was held on October 14, 2013 at 7:00 p.m. in the Council Chambers. Upon Roll call the following Members responded:

Mayor, Robert Yaffe
Council Member Stephanie Bruder
Council Member Kelly Reid

Vice Mayor, Jordan Leonard
Council Member Joshua Fuller
Council Member Solange Rousselot

PRESENTATIONS:

Former Mayor Ileana Wallace was presented a Proclamation for the Chartered Rotary Club of Bal Harbour recognizing its 60th Anniversary. She thanked the Council for all their support of the community. Former Mayor Wallace also congratulated newly appointed Council Member Joshua Fuller and welcomed him to The Council. She, along with Town Manager Wasson, and Council Member Fuller, had previously presented the proclamation on September 18, 2013 at the Rotary Club.

Item 1. Town Manager

DRAFT

Town Manager Wasson talked about the library process and was expecting a meeting soon as the plans for the library would be presented today. He stated that the street lights would be replaced. The original plans was to have a tear drop style, but there had been talks to change them to a corn leaf similar to the West Island. He also added there was a scheduled meeting with Congresswomen Debbie Wasserman Schultz to talk about the process for the bridge rehabilitation. He thanked Morris Broad for donating the computers for the Seniors to learn the basics on computers. He also stated that he spoke to FPL and the underground utilities prices had gone up due to the impact of the government shut down. He explained that there would be a pre-construction meeting for the Sunpass conversion that was expected for November 31, 2013.

- A. Public Relations Report B provided in writing
- B. Planning & Zoning Board

Town Clerk Marlene Marante stated that there were no actions from the Planning and Zoning Board this month.

Item 2. Town Attorney:

Assistant Town Attorney Frank Simone stated that in regards to the Wendy Fong case, everything was fine, the case was in the judge's hands. He was expecting the Judge to schedule a date soon.

Item 3. Town Council Matters:

Council Member Reid stated that she had a very active month and attended the Miami-Dade League of Cities sessions and also met with the Environmental Committee. She also invited the residents that were interested in the Committee to get involved. She stated that during the clean-up session at Biscayne Landing it was discovered that there was some contaminated soil that resulted from a recent leak, which was caused by ammonia. She added that the Town Manager Wasson was involved and that the City of North Miami assured them that everything would be fine.

Council Member Rousselet thanked Council Member Bruder and Chief Hemingway for supporting the son of a resident to obtain a scholarship.

DRAFT

Council Member Fuller thanked everyone for the nice words and warm welcome.

Council Member Bruder stated that the Annual Carnival would be held at the school on November 23, 2013 and she also thanked Kathleen Kennedy for supporting the computer classes for the Seniors. She asked anyone who was a carpenter and would like to help to bring any creative ideas they had to the Council for the park.

Vice Mayor Leonard reported that he attended the Best Practices Conference and stated that over 360 people including administrative staff and elected officials attended. He would like to add green vehicles to the Town and proposed an item for discussion with regards to Ethics to be put on the next agenda.

Item 4. Good and Welfare (non agenda items):

Frances Neuhut, 1060 Kane Concourse, came forward to address the Council. She had stated several times that there were many businesses operating without a Business Tax Receipt. Town Clerk Marante stated that there were always businesses that were operating without a Business Tax Receipt and she

A REGULAR COUNCIL MEETING WAS held on October 14, 2013 -----
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worked together with Code Enforcement to find them, then they are fined, and required to comply. Mrs. Neuhut also questioned how Lice Troopers obtained a Business License. Town Clerk Marante reported that the Business does not require a license from the State of Florida. She added that these type of businesses worked closely with the schools and there were a number of similar facilities that specifically handle this type service.

Kathleen Kennedy, 9721 East Bay Harbor Drive, came forward to address the Council. She thanked Council Member Rousselot for reaching out to her regarding her daughter=s article in the Newsletter. She also thanked Mayor Yaffe for the Resolution for the Veterans and thanked all of the staff for doing a great job.

Jeff Koster, 1135 103rd Street, came forward to address the Council. He stated that on the agenda there was an item for discussion on seawalls, but felt that the Town should have the responsibility of taking care of the seawall.

Susan Luck, 10180 West Bay Harbor Drive, came forward to address the Council. She expressed concern about the recent spill that occurred in North Miami at Biscayne Landing. She stated that she would like an independent water survey done for the community. She was concerned that a public health issue could arise from ammonia in the water.

DRAFT

CLOSED PUBLIC COMMENT

CONSENT AGENDA:

Item 5. Approval of minutes of the following meetings:

- A. Minutes of a Regular Meeting held April 8, 2013**
- B. Minutes of a Regular Meeting held May 13, 2013**
- C. Minutes of a Regular Meeting held June 10, 2013**

Item 6. Zoning approval of a request for an alcoholic beverages license (Series 2-COP) from Orlando=s Pizza, which is located at 1067 - 95 Street. The beer and wine license is authorized by Chapter 565 of the Florida Statutes and issued by the Florida Division of Alcoholic Beverages and Tobacco; however, the application process requires that the local zoning authority give its approval. Enclosed is the alcoholic license application from owner, Orlando Rodriguez.

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Town Clerk Marante would like the Town Manager from now on to approve the Beverage Licenses with The Council permission. She stated that most of them are from local restaurants in our community.

ACTION: Consensus was to authorize Town Manager Wasson to approve Alcoholic Beverage licenses for existing local restaurants.

Item 7. Approval of an emergency repair for the main lift station sanitary sewer pump #1 and purchase of a new standby pump, per Town Charter 3.01(e) and Section 2-1.3 of the Town Code. The amount of the repair was \$38,281.72 and the motion will need to include an appropriation from the Sewer Fund Reserve account.

Item 8. Approval of project BHI-164, Lining of Sewer Manholes, in the amount of \$7,950, which is under budget and an ongoing rehabilitation of the manholes. This project would be awarded to the low bidder, Hinterland Group, Inc. Enclosed is a copy of a memorandum from Town Engineer Randy Daniel with needed information.

ACTION: Council Member Bruder made a motion to approve the Consent Agenda. Council Member Rousselot seconded the motion and it passed by unanimous poll vote.

DRAFT

At this time Item No. 15 was taken out of order.

Item 15. Discussion and possible approval of the Conceptual Design for the Community Center, which has been completed by Stantec Architects/Engineers after speaking individually with each Council member.

Jamie Straz, Senior Designer for Stantec, presented the Community Center design. He explained that this was an 8000 square foot space with an existing parking garage and vacant land was located across the street. Designer Straz stated that there were lot of ideas, but there were three main functions: connect, play, and learn. He added that some of the proposed uses would be meeting spaces, movies, the learning center which could be used for group study or book shelving, and a gym or yoga studio to make it appealing to all ages. He also stated that there would be four multi-purpose rooms, there were no windows in the rooms, which all had retractable walls that could be combined. The outdoor courtyard would have a lot of green and there would be seating available allowing people to read and relax. The estimated cost for all interior and exterior improvements would total \$1.2 million with an average of \$100 per square foot.

Mayor Yaffe stated that it was very exciting news and will be taken into consideration.

Vice Mayor Leonard asked what the total estimate would be once you include the computers and all additions. Designer Strasz stated that a price could not be determined until the Town decided all of the activities that would be made available. After that was determined they would meet with the Town Manager to settle on a total amount.

Mayor Yaffe asked if this was the only place where a community center could be built.

Council Member Fuller, stated that there was a dramatic impact on the light. Council Member Reid stated that she understood because she had similar situation in her building.

Council Member Fuller expressed that the focus there was the kids and Seniors. He stated that he did not see a family bathroom. He explained that he was a father of two daughters and knew how important it was to have a Family Bathroom. He asked how feasible it would be to add one. Designer Straz stated that was something that could be done.

PUBLIC COMMENT **DRAFT**

Kathleen Kennedy, 9721 East Bay Harbor Drive, came forward to address the Council. She asked if the Town could afford this Community Center? She was opposed the Community Center project. She stated that there were no plans for the Seniors, like yoga, or a gym. She liked the design, but would like to see the YMCA program there. Town Manager Wasson stated that there was more money coming in from the land for sale from the 93 Street lot, and the TDR=s sales. Assistant Manager Jimenez stated that there would also be \$500,000 grant that would be coming in from the State. He added that, at this point, the were just presenting the design and then they could move on to the financing.

Mayor Yaffe stated that this was the first stage for the Council to see what the Community Center had to offer.

Council Member Bruder asked if the library would have an impact on the proposed Community Center. She stated that, if the library was there, the Town would have revenue.

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Vice Mayor Leonard stated that through his experience with the League of Cities he explained there were two ways this project could go; 1) Miami-Dade County could get rid of their library system and the Town would have to pay out of pocket, 2) if Miami-Dade County could no longer tax for the library, then the Town would tax the residents.

Council Member Bruder expressed that the idea was wonderful, but was highly unlikely to have a library to share with local municipalities. Town Manager Wasson stated that legally they could not tax on the millage.

Susan Luck , 10188 West Bay Harbor Drive, came forward to address the Council. She questioned the total amount of square footage. She was opposed to the Community Center project. She felt the project needed to be reconsidered.

Mayor Yaffe stated that the Town did spend time trying to rent that space, but it did not get rented. Also, Assistant Manager Jimenez stated the Post Office considered it as a new place of business, but now they have just renewed their lease with the Town of Surfside again.

DRAFT

Resident Susan Luck suggested a stand-alone building to have more activities.

Council Member Bruder suggested moving the Police Department to the Parking Garage and use the Police Department for a future Community Center there. She thought that having the police, fire and the school close to each other would be a great idea.

PUBLIC COMMENT CLOSED

Council Member Fuller felt that everyone had to be careful in the event they didn't get the library. He stated that, if the Town was asking for a grant for the Community Center it should be exclusive to the residents.

Town Manager Wasson stated that there would be no revenue from the proposed Community Center. He added that the services provided would not always generated revenue.

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Council Member Rousselot felt that the Town should not be making a profit from the residents and thought that having a pool available would be a great idea.

Mayor Yaffe stated that there were a couple of ideas that had arisen and consensus was to consider relocation of Police Department and to bring the item back to the next Council Meeting.

Council Member Leonard stated that the reality was the proposed project might be a 2 or 3 million dollar project. He also added that the Town currently had a debt from building the parking garage. He expressed that he did not want to be put in a situation to where the Town would be overtaxing the residents.

ACTION: Consensus was to have staff research the relocation of the Police Department and bring the item back for further discussion.

Item 9. Approval of an ordinance on second reading amending Section 20-9 of the Town Code increasing the monthly base and flow charges for sewer service. Enclosed is a copy of the proposed ordinance.

DRAFT

AN ORDINANCE OF THE TOWN OF
BAY HARBOR ISLANDS AMENDING
SECTION 20-9 OF THE TOWN CODE
INCREASING THE MONTHLY BASE
AND FLOW CHARGES FOR SEWER
SERVICE; PROVIDING FOR
PENALTIES; PROVIDING FOR
SEVERABILITY; PROVIDING FOR
CODIFICATION; PROVIDING FOR AN
EFFECTIVE DATE.

ACTION: Council Member Reid made a motion to pass the Ordinance amending Section 20-9 of the Town Code to increase the Sewer Service charge. Council Member Rousselot seconded the motion and it passed by unanimous poll vote

Item 10. Approval of an Ordinance on first reading amending Article 1, Sections 23-11(B1)(11), (B2)(11), (C)(10), and (D)(13) regarding maximum residential density limits for certain multi-family developments.

AN ORDINANCE OF THE TOWN
COUNCIL OF THE TOWN OF BAY
HARBOR ISLANDS, FLORIDA,
AMENDING THE TOWN'S ZONING
AND PLANNING CODE; AMENDING
ARTICLE I ENTITLED ZONING
REGULATIONS; AMENDING
PROVISIONS IN SECTION 23-11 TO
INCLUDE MAXIMUM RESIDENTIAL
DENSITY LIMITS FOR CERTAIN

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**MULTI-FAMILY DEVELOPMENTS;
PROVIDING FOR SEVERABILITY;
PROVIDING FOR CODIFICATION;
AND PROVIDING AN EFFECTIVE
DATE.**

Town Planner Miller gave a detailed description of the proposed changes. He explained that over the last year the redevelopment had picked up again and the residents were stating that the units were too small. He explained that this Ordinance would have a density cap and there would be no right or wrong number. He proposed 70 for the RM1 waterfronts, 80 for the RM2, and 80 for the RM3 lots, which are much bigger Sites.

Mayor Yaffe discussed the impact on how this Ordinance would have on other projects in the pipeline. Town Attorney Sherman stated that the existing projects would be grandfathered in and they would just comply with what the Code was when they got approved.

Jeffrey Koster, 1135 B 93 Street, came forward to address the Council. He urged the Council to please think of the long term effect on the Town. He felt that the proposed Ordinance would choke the development on the Island.

DRAFT

Attorney Jeffrey Berkow came forward to address the Council. He stated that on the agenda were four Ordinances and they only became available to the public on Friday. He recommended that a workshop be scheduled to explain the details of the Ordinances to the public. Council Member Bruder stated that there were a lot of things that needed to be considered and recommended a workshop to inform all the residents.

Teri D'Amico, 9101 East Bay Harbor Drive, came forward to address the Council. She stated that the four Ordinances were designed to work together to better the density. She questioned Town Planner Miller's recommendation of 60 UPA, higher than the Miami Dade County. She recommended RM1 50, RM2 60, RM3 70. She also urged the Council to regulate the parking lifts.

Marc Schmullian, 9521 East Bay Harbor Drive, came forward to address the Council. He stated that he recently bought a double lot and felt that it depressed the ability to develop under the proposed Ordinances. He asked the Council to stop depressing the developers so they can develop.

Vice Mayor Leonard expressed concern that if the Ordinance was passed the residents might not like the finished product. He questioned how a project would look once the Ordinance was passed. He stated that he did not want to approve an Ordinance and then it would not be compatible.

Town Planner Miller explained that the box or shell would not change and the setbacks would stay the same. He stated that the taller portions of the building would be pinched in. He stated that in past years the developers were making bigger units, but with smaller density.

Council Member Bruder agreed with Vice Mayor Leonard and would like to make a decision together with the Planning & Zoning Board. She also urged a Workshop for everyone to attend to get a detailed explanation. Mayor Yaffe agreed with the workshop idea similar to the TDR workshop that was held last July.

Council Member Reid stated that for years the only taller structure was the Millennium, recently around 14 projects that were approved. She felt that the Town was near to running out of projects to approve.

Edgar Martinez, 1145 B 10th Street, came forward to address the Council. He stated that he did not have detailed information about the proposed Ordinance and would like to know if the Council was aware of what they were about to approve. He expressed that he didn't want to be surrounded by old buildings and would like to see new developments on the Island.

Markus Frankel, 10261 East Bay Harbor Drive, came forward to address the Council. He felt that their intentions were good, but it also needed to be beneficial to all the residents. He stated that the reality was that the changes were market driven and as the market improved the density changed. He added that the proposed density changes would be discouraging to the developers and would also be very damaging to future projects. Mayor Yaffe asked Mr. Frankel his professional recommendation on the density cap. Mr. Frankel stated that the number should be between 60 and 80 units, but there would be areas which would have a lower number.

Attorney Steve Wernick came forward to address the Council. He stated that it was difficult to know how a project would look. He felt that it was very important to respect the owners of the projects that were in the pipeline. He believed that there was ceiling set by the Department of Community Affairs.

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Town Planner Miller, stated that there was redeveloping happening already and there was a policy when you were near the coastline that you could not have too many residents, because of a possible storms and hurricanes.

Council Member Reid stated that the possibility to change the comprehensive plan was not going to be easy and would have to be put on the ballot.

Susan Luck, 10180 West Bay Harbor Drive, came forward to address the Council. She stated that if the units were built at 1100 square feet to 1400 square feet there would be lower density. She added that there were a lot of people that did want a big unit. She felt that the RM3 area density should not be increased.

There was a brief discussion regarding a future workshop to be able to inform the residents of the new Ordinances being proposed.

ACTION: Vice Mayor Leonard made a motion to approve an Ordinance amending the Town=s Zoning and Planning Code. Council Member Reid seconded the motion and it passed by a 4 to 2 Poll vote with Council Member Bruder and Council Member Rousselot opposed.

Item 11. Approval of an Ordinance on first reading amending Article 1, Sections 23-11(B1)(9), (B2)(9), (C)(8), and (D)(10) establishing a maximum number of allowable building stories. Enclosed is a memorandum from Town Planner Miller and the proposed ordinance.

**AN ORDINANCE OF THE TOWN
COUNCIL OF THE TOWN OF BAY
HARBOR ISLANDS, FLORIDA,
AMENDING THE TOWN=S ZONING
AND PLANNING CODE; AMENDING
ARTICLE I ENTITLED ZONING
REGULATIONS; AMENDING
PROVISIONS IN SECTION 23-11 TO
ESTABLISH A MAXIMUM NUMBER
OF ALLOWABLE BUILDING STORIES,
AS A SUPPLEMENT TO THE
MAXIMUM BUILDING DIMENSIONAL
HEIGHT FOR CERTAIN MULTI-
FAMILY DEVELOPMENTS;
PROVIDING FOR SEVERABILITY;
PROVIDING FOR CODIFICATION;
AND PROVIDING AN EFFECTIVE
DATE**

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ACTION: Consensus was to have a workshop for this item.

- Item 12.** **Approval of an Ordinance on first reading amending Article 1, Sections 23-11(B1)(9) and (B2)(9) to establish a maximum allowable height for parking garages. Enclosed is a memorandum from Town Planner Miller and the proposed ordinance.**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN=S ZONING AND PLANNING CODE; AMENDING ARTICLE 1 ENTITLED ZONING REGULATIONS; AMENDING PROVISIONS IN SECTION 23-11 TO ESTABLISH A MAXIMUM ALLOWABLE HEIGHT FOR PARKING GARAGES FOR CERTAIN MULTI-FAMILY DEVELOPMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

ACTION: Consensus was to add this item to the Workshop.

- Item 13.** **Approval of an Ordinance of first reading amending Article 1, Section 23-22.2 regarding Transfer of Development Rights establishing a bonus system as a tradeoff for Town owned development rights. Enclosed is a memorandum from Town Planner Miller and the proposed ordinance.**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN=S ZONING AND PLANNING CODE; AMENDING ARTICLE I ENTITLED ZONING REGULATIONS; AMENDING PROVISIONS IN SECTION 23-22.2 ENTITLED TRANSFER OF DEVELOPMENT RIGHTS TO ESTABLISH MANDATORY TRADEOFFS FOR TOWN-OWNED DEVELOPMENT RIGHTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

ACTION: Consensus was to add this item to the Workshop.

- Item 14.** **Approval of the RFP for the Construction of the 98th Street Park. The design of the Park was previously approved.**

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Assistant Manager Jimenez stated that this was going to be advertised and then it would be open for bids for contractors.

Edgar Martinez, 1145 B 101 Street, came forward to address the Council. He asked what was the estimated time frame from beginning to end of the project. Assistant Manager Jimenez stated that the bidding process would take 30 days and it would not be awarded until possibly December. Once that was finalized, it would take approximately 3 to 4 months for constructions to start. He also asked if there would be a bathroom available. Mayor Yaffe stated that would be considered once the bids were in, then it would be budgeted. A decision would be made then.

Council Member Fuller expressed concern about the cost, safety of the water splash area, and the lack of a view for the parents. He stated that the parents would want to watch their kids around the splash area. Council Member Reid suggested a security system, like a panic button and camera. Council Member Bruder asked if there was still a bathroom in the plans and also thought that a panic button was a great idea for the kids as a safety precaution.

DRAFT
ACTION: Vice Mayor Leonard made a motion to approve the RFP for the construction of the 98th street Park. Council Member Rousselot seconded the motion and it passed unanimously.

Item 16. Update from Town Planner Miller regarding possible side setbacks changes.

Town Planner Miller and Council Member Bruder brought up this item for discussion. Council Member Reid suggested to add this item to the Workshop.

Town Planner Miller felt this was not a good idea to begin with. He stated that the developers were getting more land to build on. He felt that increasing the setback would not make a change. Vice Mayor Leonard and Council Member Fuller agreed with Town Planner Miller's recommendation.

ACTION: Consensus was to add this item to the Workshop.

Item 17. Discussion requested by Town Planner Miller regarding establishing a minimum and maximum seawall elevation in the Town Code.

Town Planner Miller stated that this item was presented to the Town Council in 2010 because many people wanted to raise the seawall. There was an Ordinance done and the staff met with Miami-Dade County.

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Town staff continued to get requests to rebuild the seawall. He added that there was nothing in the Town Code addressing seawalls.

Council Member Bruder asked Building Official Lee for his recommendation. Building Official Lee stated that on the East Island there was a lot of wave action. He recommended to raise the seawall to 6 feet on the West Island and to raise the seawall from 6 feet to 8 feet on the East Island. He also added that there were benefits to raising the Seawall, like saving on insurance premiums.

ACTION: Consensus was to move forward and have staff do more research.

At this time Items 23 and 24 were taken out of order.

Item 23. Consideration and approval of the following two Private TDR transactions:

A. Transfer of five (5) dwelling units from Island House North Condominium Association, Inc. (1140 - 102 Street) to Town Lofts 100, LLC for the construction of a previously approved project on September 3, 2013 to be located at 1100 - 100 Street.

ACTION: Council Member Bruder made a motion to approve the private TDR sale between Islands House and Town Lofts. Council Member Rousselot seconded the motion and it passed unanimously.

B. Transfer of six (6) dwelling units from Bougain-Villa Condominium Association (1065 - 1075 98 Street) to Bay View 102 Realty, LLC for the construction of a previously approved project on July 16, 2013 to be located at 1133 - 1145 - 102 Street.

ACTION: Council Member Bruder made a motion to approve the private TDR sale between Bougain-Villa and Bay View 102 Realty, LLC. Council Member Rousselot seconded the motion and it passed unanimously.

Item 24. Consideration and Approval of the following Town TDR Transfers:

A. Consideration and Approval of the following Town TDR Transfer of eight (8) dwelling units from the Town of Bay Harbor Islands to 1150 - 101 BH, LLC for construction of a previously approved project on June 21, 2013 to be located at 1150 - 101 Street.

Architect Markus Frankel, came forward to address the Council. He stated that the project was approved by Planning & Zoning after two sessions. He asked for the Council to approve the TDR=s so they could go forward with the project.

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Council Member Bruder stated that she would like to see more private transactions and would like the topic advertised on the Town Newsletter for residents who would like to sell their private TDR=s. She also stated that originally the TDR plan was to enhance this community.

Council Member Reid stated that there were private owner=s that wanted to sell their TDR=s.

Town Clerk Marante stated that it was not the price, it was the process. It was a lot faster to purchase TDR=s from the Town=s pool.

ACTION: Council Member Rousselot made a motion to approve the sale of (13) Town TDR=s. Mayor Yaffe seconded the motion and it failed 3-3 with Vice Mayor Leonard and Council Members Bruder and Reid opposed.

B. Transfer of thirteen (13) dwelling units from the Town of Bay Harbor Islands to Town Lofts 100, LLC for construction of a previously approved project on September 3, 2013 to be located at 1100 - 1100 Street.

ACTION: Council Member Fuller made a motion to approve (13) TDR=s from the Town=s pool. Council Member Bruder seconded the motion and it passed 5-1 vote with Council Member Reid opposed.

Item 18. Approval of a Resolution requested by Mayor Yaffe Commemorating the 50th Anniversary of the Vietnam War and support of a parade to be held November 8, 2013 sponsored by the Miami-Dade County Military Affairs Board.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA; COMMEMORATING THE 50TH ANNIVERSARY OF THE VIETNAM WAR; EXPRESSING SUPPORT FOR THE NOVEMBER 8, 2013 PARADE SPONSORED BY THE MIAMI-DADE COUNTY MILITARY AFFAIRS BOARD WELCOMING HOME AND REMEMBERING VIETNAM VETERANS; DIRECTING THE MAYOR OF MAYOR=S DESIGNEE TO PROVIDE THE NECESSARY STAFF AND IN-KIND SUPPORT TO COORDINATE THE PARADE WHEN THE COMMISSION APPROVES THE SOURCE OF THE FUNDS AND THE NECESSARY AMOUNT AT A LATER DATE; AND ALLOCATING \$50,000 TO THE MILITARY AFFAIRS TRUST FUND FOR THE PARADE WHEN THE COMMISSION APPROVES THE SOURCE OF THE FUNDS AT A LATER DATE.

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ACTION: Vice Mayor Leonard made a motion to pass a Resolution commemorating the 50th Anniversary of the Vietnam War. Council Member Bruder seconded the motion and it passed by unanimously.

Item 19. Approval of a Resolution requested by Mayor Yaffe in support of the installation of fiber optic cable for public use in Southeast Florida.

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA (TOWN) AFFIRMING SUPPORT FOR THE INSTALLATION OF FIBER OPTIC CABLE FOR PUBLIC USE IN THE FLORIDA EAST COAST RAIL CORRIDOR; URGING ALL MUNICIPALITIES OF MIAMI-DADE COUNTY TO SUPPORT THE INSTALLATION OF FIBER OPTIC CABLE FOR PUBLIC USE IN THE FLORIDA EAST COAST RAIL CORRIDOR; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: Council Member Bruder made a motion to pass the Resolution affirming support for the installation of fiber optic cable for public use. Vice Mayor Leonard seconded the motion and it passed unanimously.

DRAFT

Item 20. Approval of a Resolution requested by Council Member Rousselot directing the Town Manager to create an anti-bullying policy for the Town.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, DIRECTING THE CREATION OF AN ANTI-BULLYING POLICY THAT ESTABLISHES AN AWARENESS CAMPAIGN AND REPORTING SYSTEM FOR BULLYING, HARASSMENT, AND INTIMIDATION OF CHILDREN IN TOWN FACILITIES; DIRECTING THE TOWN MANAGER TO CREATE A PROGRAM OF EDUCATION AND REPORTING OF BULLYING; AND REQUESTING SURROUNDING COMMUNITIES JOIN IN SUCH EFFORTS AND TO ESTABLISH A COLLABORATIVE INITIATIVE THROUGH AN INTERLOCAL BOARD TO DEVELOP AND IMPLEMENT AN AWARENESS CAMPAIGN AND ANTI-BULLYING POLICY; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: Council Member Bruder made a motion to pass a Resolution directing the creation of an anti-bullying policy. Vice Mayor Leonard seconded the motion and it passed unanimously.

Item 21. Approval of a Resolution authorizing the Town Manager to receive, expend and amend grant funds for records improvement and vehicle laptop program under the Edward Byrne

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Memorial Justice Assistance Grant Program.

RESOLUTION AUTHORIZING THE MANAGER OF THE TOWN OF BAY HARBOR ISLANDS TO RECEIVE, EXPEND AND AMEND GRANT FUNDS IN THE AMOUNT OF \$2,043.00 FOR RECORDS IMPROVEMENT & VEHICLE LAPTOP PROGRAM UNDER THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009; AND EXECUTE AGREEMENTS; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: Council Member Fuller made a motion to pass a Resolution authorizing the Town Manager to receive, expend and amend grand funds for records improvement & a vehicle laptop program for the Police Department. Vice Mayor Leonard seconded the motion and it passed unanimously.

Item 22. Discussion requested by Council Member Bruder regarding possible Code amendments to the sign ordinance. Direction from the Council is requested in order to draft the proposed amendments.

Town Planner Miller had a meeting regarding the signs with the Bay Harbor Islands business owners. He stated that there were no regulations on the signs and there were no Ordinances adjust the square footage. Town Planner Miller was requesting Council direction.

There was a brief discussion regarding the requirements that were currently in place; legal holidays, building directory for buildings, vacant property signs, and LED signs on the first floor for the Business District.

ACTION: Consensus was to bring an Ordinance back to the Town Council for first reading.

Item 25. Approval of Council Member Salver=s request to attend the Annual Florida League of Cities= Legislative Conference to be held November 21 - 22 in Orlando.

ACTION: Consensus was to approve Council Member Salver=s attendance to the Florida League of Cities Conference to be held in Orlando.

Item 26. Discussion requested by Council Member Fuller regarding amending the parking ordinance to require that new buildings constructed, with equal to or greater than a certain number

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of living units (to be determined), be required to maintain a minimum number of parking spots (to be determined) for building employees and maintenance workers.

ACTION: Consensus was to discuss this item at the workshop.

Mayor Yaffe stated there would be a December regular Council meeting. This would be posted in the monthly Newsletter.

There being no further business the meeting was adjourned at 11:58 p.m.

MAYOR

ATTEST:

TOWN CLERK

DRAFT

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

A regular Meeting of the Town Council was held Tuesday, November 12, 2013 at 8:45 p.m. in the Council Chambers. Upon roll call the following Council Members responded:

Mayor Robert Yaffe
Council Member Stephanie Bruder
Council Member Kelly Reid

Vice Mayor Jordan Leonard
Council Member Joshua Fuller
Council Member Isaac Salver

REPORTS:

Item 1. Town Manager

A. Public Relations Report – submitted in writing

B. Planning & Zoning Board Actions

C. BNY Mellon report by Dan Brea

Dan Brea, came forward to address the Council. He stated that the Town portfolio had a 2.4 percent yield. The Town had an average duration of 2.2 years and the water fund was at 2.3 percent. The general Fund was at 4 percent per year.

D. (LPR) License Plate Recognition System Policy - Records Retention Schedule

Town Manager Wasson reported that there were some issues with FPL installing the license plate readers, but it had been resolved. He added that the Toll Plaza construction was moving along and there were not many traffic delays. He also reported that the bridge sidewalk was progressing and should be finished soon. Also, he also stated that on 99 street and West Broadview Drive a pipe broke but it seems to have been minor.

At this time Police Chief Hemingway came up and introduced the new officer Allan Castellanos, born in Dominican Republic. He also introduced Officer Tony Gray who was recently promoted to detective. He worked for the New York City Police Department as an undercover agent and also received the Combat Award in New York. Chief Hemingway also reported that they would be installing patrol rifles in the officers vehicles and each officer would be given \$1500 for the purchase of a rifle.

Town Manager Wasson asked the Council to approve the annual \$500.00 donation to the carnival for the Ruth K. Broad K-8 Center. Consensus was to make the donation.

Item 2. Town Attorney:

Assistant Town Attorney Simone reported on the Fong case. He stated that the Judge ordered what they had requested, which was that the Fong's have until the December 13th to get everything done. He also reported that Atlantic Broadband was done and AT&T would be finishing their pole installations in January 2014. He also reported that all the money from the liens was collected from the Pierre case.

Item 3. Town Council Matters:

Council Member Fuller thanked the Bal Harbor Rotary Club for their continued support in the community. He asked Town Manager Wasson about the landscaping on Kane Concourse, because he felt that they were not being maintained properly.

Council Member Bruder asked Town Manager Wasson to invite the Planning & Zoning Board Members to attend the upcoming workshop on December 3, 2013. She stated that their recommendation for proposed Ordinances would be appreciated. She also announced that the Annual Carnival would be held on November 23, 2013. She thanked Toll Plaza Manager Prendergast for maintaining a steady traffic flow during the construction and always having available staff in the traffic lanes.

Vice Mayor Leonard reported that he attended the monthly League of Cities meeting and that he was working with the legal counsel to propose an Ethics Ordinance.

Council Member Salver stated that he also attended the League of Cities meeting and felt that it was a very productive meeting. He added that he attended the Retirement Board meeting in the morning and reported that the portfolio was good. He attended the Children's Trust meeting and stated that the focus of the meeting was to provide counsel services for children that do not have access to these services.

Council Member Reid also attended the League of Cities meeting. She thanked all the veterans working for Bay Harbor Islands. She reported that her team would no longer continue with the Elegant Eight lawsuit, which would be best for the community. She would move forward with the support of the Council.

Mayor Yaffe encouraged all of the Council to attend the League of Cities meetings. He stated that he gave his turkey coupons to the Ruth K. Broad school.

Item 4. Good and Welfare (non agenda items):

Jeffrey Koster, 1135 103 Street, came forward to address the Council. He stated that he was not familiar with the Elegant Eight. He requested more information regarding the lawsuit and also asked what the total cost for the Christmas lights was. Mayor Yaffe stated that this was a lawsuit that was requesting to overturn a Planning & Zoning Board decision. Assistant Manager Jimenez stated that the costs for the lights in the median was \$8,500 dollars.

CONSENT AGENDA

Item 5. Approval of minutes of the following meetings:

- ~~A. Organizational Meeting held May 13, 2013~~
- ~~B. Regular Council Meeting held May 13, 2013~~
- ~~C. Workshop Meeting held July 31, 2013~~
- ~~D. Regular Council Meeting held August 12, 2013~~
- ~~E. Budget Public Hearing held September 9, 2013~~
- ~~F. Quasi-Judicial Public Hearing held September 9, 2013~~
- ~~G. Regular Council Meeting held September 9, 2013~~
- ~~H. Budget Public Hearing held September 26, 2013~~
- ~~I. Special Council Meeting held September 26, 2013~~

Item 6. Consideration and approval of a renewal of an agreement with the Office of the State Attorney for the Eleventh Judicial Court to reimburse the State for the cost of State Attorney prosecution of violations of the Town of Bay Harbor Islands Code (municipal ordinances). The same agreement was approved by the Town Council in previous years, but this agreement is proposed for 3 years.

Item 7. Consideration and approval of housekeeping transfers and supplemental appropriations for the year ended September 30, 2013.

ACTION: Council Member Bruder made a motion to approve the Consent Agenda. Vice Mayor Leonard seconded and it passed unanimously.

Item 8. Approval of an Ordinance on second reading amending Article 1, Sections 23-11(B1)(11), (B2)(11), (C)(10), and (D)(13) regarding maximum residential density limits for certain multi-family developments.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S ZONING AND PLANNING CODE; AMENDING ARTICLE I ENTITLED ZONING REGULATIONS; AMENDING PROVISIONS IN SECTION 23-11 TO INCLUDE MAXIMUM RESIDENTIAL DENSITY LIMITS FOR CERTAIN MULTI-FAMILY DEVELOPMENTS; PROVIDING A

**SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING
FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

Town Planner Miller presented the Ordinance to the Council and stated that the proposed Ordinance was for the RM1, RM2 and the Business District. He stated there was no density cap set on the number of stories for buildings in these districts, so the Council had requested to move forward with this Ordinance.

Council Member Salver requested that Town Planner Miller clarify the language for new projects in the pipeline that could be affected. Town Planner Miller stated that he could add a savings clause to the Ordinance to have any projects grandfathered in that were in the pipeline. Council Member Salver requested to have the Ordinance be effective January 2014.

PUBLIC COMMENT

Jeff Koster, 1135 103 Street, came forward to address the Council. He strongly disagreed with putting a limit on the density. He felt that passing this Ordinance would have financial impact on the residents that live in the Town and it decreased the property values. He urged the Council to consider the economic and legacy behind this action.

Terry D'Amico, 9101 East Bay Harbor Drive, came forward to address the Council. She urged the Council to approve the proposed Ordinance. She was concerned that it would have a negative effect.

CLOSED PUBLIC COMMENT

ACTION: Vice Mayor Leonard made a motion to approve the Ordinance with changes to the language; adding a saving clause for existing projects that were in the pipeline and an effective date of January 2014. Council Member Reid seconded it and it passed 5-1 by Poll vote with Council Member Salver opposed.

**Item 9. Consideration and Approval of an Ordinance on first reading amending
Section 17 of the Town Code to modify the Sign Code regulations**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY
HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF
ORDINANCES AS RELATED TO BUSINESS SIGNS; AMENDING
SECTION 17-1 OF THE SIGN CODE TO MODIFY THE LIST OF
PROHIBITED SIGNS; AMENDING SECTION 17-3 TO UPDATE THE
LIST OF ZONING DISTRICTS THAT ALLOW ADMINISTRATIVE
APPROVAL FOR PERMITS; AMENDING SECTION 17-20 TO MODIFY
CERTAIN CODE PROVISIONS FOR EXTERIOR SIGNS IN THE B-1**

BUSINESS DISTRICT; AMENDING SECTION 23-11(C)(16) OF THE ZONING AND PLANNING CODE AS RELATED TO MENU BOARD / SANDWICH SIGNS AT SIDEWALK CAFES AND RESTAURANTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

There was a detailed discussion on some of the changes that needed to be made and the Council direction was given. Some of the changes were to add more language to the type of signs that business shall have, window and door display of an email or website, changes to the language on page 8, page 12 holiday decorations and more language to be added on signs for vacant property.

ACTION: Council Member Bruder made a motion to approve the proposed Ordinance with the following changes:

- Page 4- will add some language to say each business must have a sign.
- Page 6- window and door – have an email or website
- Page 8- language must be consistent with the proposed Ordinance
- Page 12- holiday decorations.
- Make language changes to signs for vacant properties.

Vice Mayor Leonard seconded the motion and it passed by unanimous Poll vote.

Item 10. Consideration and Approval of an Ordinance on first reading amending Chapter 23 of the Town Code establishing a minimum and maximum seawall elevation.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, TO AMEND CHAPTER 23 OF THE TOWN'S ADOPTED CODE OF ORDINANCES ENTITLED ZONING AND PLANNING; AMENDING SECTION 23-1 ENTITLED DEFINITIONS TO ADD SEVERAL NEW DEFINITIONS; AMENDING SECTION 23-12 ENTITLED GENERAL PROVISIONS, TO MODIFY SECTION 23-12(6)(a) RELATED TO THE ALLOWABLE HEIGHT OF DOCKS; TO MODIFY SECTION 23-12(10) RELATED TO THE HEIGHT, DESIGN AND CONSTRUCTION METHOD REQUIREMENTS FOR SEAWALLS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ACTION: Council Member Fuller made a motion to approve the proposed Ordinance. Council Member Reid seconded the motion and it passed by unanimous Poll vote.

At this time Council Member Bruder left the dias.

Item 10.5 Discussion requested by Council Member Bruder regarding the possibility of raising the TDR prices.

ACTION: Consensus was to defer the item to the December Council meeting.

Item 11. Re-Consideration of a transfer of eight (8) dwelling units from the Town of Bay Harbor Islands to 1150 - 101 BH, LLC for construction of a previously approved project on June 21, 2013 to be located at 1150 - 101 Street. Enclosed is an affidavit stating that the owners have not been able to secure the TDR's from several other sources contacted, but are in negotiations with another property.

Attorney Louis Suprasky, came forward to address the Council. He was representing the applicant 101 Bay Harbor LLC. He stated that the applicant was now only seeking 3 Town TDR's the other 5 TDR's were in contract with a private owner. He respectfully asked the Town Council to approve three (3) TDR's to be able to move forward with the project.

ACTION: Council Member Salver made a motion to approve the three (3) Town TDR's with the contingency to purchase the other five (5) from private owners. Vice Mayor Leonard seconded the motion and it passed unanimously.

Item 12. Discussion requested by Council Member Reid regarding the possibility of hiring an economic development company.

Council Member Reid proposed to hire an economic development company for economic trends and marketing. She stated that the consulting fees were under \$10,000. She also added that the previous company that was hired in 2004 did not do a good job, according to her experience with public relations.

ACTION: After a brief discussion, consensus was to have Council Member Reid report back to the Council with several options.

Item 13. Consideration of an offer to purchase 21 spaces through the Parking Trust. This was a requirement for approval of the Bay Harbor Hotel Project at 9601 East Bay Harbor Drive. Enclosed is a copy of a memorandum from Town Manager Wasson and a letter form Attorney Neisen O. Kasdin representing the Bay Harbor Hotel.

ACTION: Vice Mayor Leonard made a motion to approve the purchase of 21 spaces through the Parking Trust requesting payment to be received within 10 days of the approval. Council Member Fuller seconded the motion and it passed unanimously.

Item 14. ~~Consideration and Approval of a Private TDR transaction of the transfer of eighteen (18) dwelling units from Cambridge Townhouse Condominium Association, Inc. (1141 -~~

~~99 Street) to BH South Island, LLC. Pending approval of the Planning and Zoning Board November 6, 2013, the project would be located at 9521 --9541 -- East Bay Harbor Drive. Enclosed is a memorandum of explanation from Town Clerk Marante, a copy of the application and contract, plans, and other supporting documents.~~

- Item 15. Consideration and Approval of a Town TDR transaction of the transfer of eighteen (18) dwelling units from the Town of Bay Harbor Islands to Bayview 102 Realty, LLC. The project was previously approved on July 16, 2013 and will be located at 1133-1145 - 102 Street.**

ACTION: Council Member Salver made a motion to approve the purchase of eighteen (18) Town TDR's. Vice Mayor seconded the motion and it passed with Council Member Reid opposed.

- Item 16. Discussion and approval of the design of the t-shirt for the 8th Annual 5K/10K Run and Walk. Designs were submitted by Ruth K. Broad K - 8 Center students in the PAL Program. Enclosed are copies of the three (3) final selections.**

ACTION: Council Member Reid made a motion to approve Option A. Vice Mayor Leonard seconded the motion and it passed unanimously.

- Item 17. Discussion requested by Town Manager Wasson with regard to Section 18-21 and 18-22 of the Town Code. This section of the Code requires that new construction and substantial construction underground utilities.**

Town Manager Wasson stated that he had meetings with FPL and they stated that they were unable to start construction due to liability issues.

ACTION: Consensus was to have Town Manager Wasson come back with an impact fee.

- Item 18. Approval of Project BC 141, Adjustment of Utilities, in the amount of \$15,435 for the adjustment of utility valves and manholes between East Bay Harbor Drive and West Broadview Drive. This adjustment is required to match the new FDOT road resurfacing projected for Summer 2014. A motion to approve will need an appropriation from Causeway Reserves.**

ACTION: Council Member Salver made a motion to approve Project BC 141 as presented with an appropriation from Causeway Reserves. Vice Mayor Leonard seconded the motion and it passed unanimously.

- Item 19. Award of a contract for Project BC 136, Bascule Bridge Replacement of Sidewalks & Handrails Change Order #1, in the amount of \$22,500 to Seacoast Incorporated, for the angle iron that has been found deficient to be replaced. Project was previously approved June 11, 2012.**

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ACTION: Vice Mayor Leonard made a motion to approve Project BC 136. Council Member salver seconded the motion and it passed by unanimous poll vote.

Item 20. Consideration and approval of Resurfacing of the Tennis Courts in an amount of \$11,840 by piggy-backing on the City of Miami Beach's bid. This amount is under the amount budgeted for the repairs.

ACTION: Council Member salver made a motion to approve the resurfacing of the Tennis Courts in the amount of \$11,840.00. Vice Mayor Leonard seconded it and it passed unanimously.

There being no further business the meeting was adjourned at 11:27 p.m.

ATTEST:

TOWN CLERK

MAYOR

MINUTES OF A WORKSHOP MEETING
TOWN OF BAY HARBOR ISLANDS

A workshop meeting was held on December 2, 2013 at 7:00 p.m. Upon roll call the following Council members responded:

Mayor Robert Yaffe
Council Member Stephanie Bruder
Council Member Kelly Reid
Council Member Isaac Salver

Vice Mayor Jordan Leonard
Council Member Joshua Fuller
Council Solange Rousselot

- Item 1. Discussion and direction with regard to an Ordinance amending Article 1, Sections 23-11(B1)(9), (B2)(9), (C)(8), and (D)(10) establishing a maximum number of allowable building stories. Enclosed is a memorandum from Town Planner Miller and the proposed ordinance.**
- Item 2. Discussion and direction with regard to an Ordinance amending Article 1, Sections 23-11 (B1)(9) and (B2)(9) to establish a maximum allowable height for parking garages.**
- Item 3. Discussion and direction with regard to an Ordinance amending Article 1, Section 23-22.2 establishing a bonus system as a tradeoff for Town owned development rights. Enclosed is a memorandum from Town Planner Miller and the proposed ordinance.**
- Item 4. Discussion requested by Council Member Fuller regarding amending the parking Ordinance to require that new buildings constructed, with equal to or greater than a certain number of living units (to be determined), be required to maintain a minimum number of parking spots (to be determined) for building employees and maintenance workers. Enclosed is a memorandum from Town Planner Miller.**

Town Planner Miller came forward to address the Council. He stated that Item 1 was an Ordinance for new planned multifamily redevelopments projects. He explained that the proposed Ordinances reflected the changes in the community. The one strategy he suggested to control density was to limit the maximum number of stories per Zoning District in new redevelopment projects. He stated that the old Code mandated how many stories a building must have, but that was removed when the maximum allowed height of 75 feet was adopted.

Council Member Salver asked the Planning & Zoning Board Member to speak and provide their valuable recommendations.

Chair Nina Gladstone, came forward to address the Council. She stated that the Board would like to address the setbacks. She suggested that a 10 foot cap in the setbacks was fine on a single lot, but not when you had 2 or 3 lots it became too narrow. She reported that many of the developers didn't want to build a breezeway and were making the building bigger. She would like to have a side yard setback and she recommended a 10 percent of the overall length of the building if it was more than 1 lot per project. She also stated that another issue was the height and she would like to have a limit.

Board Member Thomas Telesco, came forward to address the Council. He stated that Morris Broad suggested to have South and North of the Islands to have a height of 120 feet. He suggested that 150 feet would be fine, but he felt it would look silly. He felt that the developers should have the right to built 12 feet ceilings because it would make the units more costly.

Vice Chair Jerome Gavcovich came forward to address the Council. He reported that there were 8 ½ feet ceiling projects were coming in. As long that the units were marketable and they met the Town Code he felt there shouldn't be a problem. He also agreed with the 10 feet side setback for a single lot and 10 percent for bigger lots. He felt that a 10 percent setback would change the look on new developments. He also thought an underground garage should be a reward. He also added that he was in favor of the parking lifts, if that would decrease the size of a parking garage.

Board Member Steve Herwitz, came forward to address the Council. He stated that the Board was only tasked to look at what the Town Code mandates and the compatibility of the project with the surrounding area. He urged the Council to look at it from a marketable perspective. Presently in the market there was a demand for larger ceiling heights and more parking lifts for more space. He stated that the Board liked to promote creativity and would like a bonus system for the developers.

Board Member Oscar Sklar came forward to address the Council. He suggested having a cap on the TDR's per project. He felt that the setbacks on 2 lots or more should be at 15 feet, that would reduce the number of units being built. He also recommended that the ceiling height should be at 9 feet and was in support of the parking lifts.

Council Member Reid thanked the Planning & Zoning Board Members for their valuable opinions and felt that their recommendations were the same as the Council vision.

Council Member Fuller asked for suggestions from the Board members on parking spaces for the building employees. He asked their recommendations on the topic. Chair Gladstone stated that she thought there should at least be one space.

PUBLIC COMMENT

Victor Nieto 10143 East Bay Harbor Drive, came forward to address the Council. He recommended that a cap on building stories should be implemented, 5 for the water, 6 for the inland, and 7 for the tips of the Island. He fully supports the Board recommendation for ceiling heights. He felt that the quality of life in Bay Harbor was being affected by the density.

Tery D'amico, 9101 East Bay Harbor Drive, came forward to address the Council. She urged the Council to enforce architectural guide lines. She felt the Town deserved better illustration and planning. She recommended to have the breezeway as a guide line and felt that many of the new developments looked like boxes.

Gabriel Boano, 9434 West Broadview, came forward to address the Council. He felt that bigger units was a great idea and the Council should take into consideration what was currently in demand. He stated that the cost of construction would be more for the developers which would increase the asking price.

Vincent Martino, 1050 93 Street, came forward to address the Council. He thanked the Council for calling this informative meeting. He was in support of all the suggestions on setbacks and density.

Attorney Matthew Armster came forward to address the Council. He stated that limiting the density would have an effect on new developers. He felt setbacks and parking would address the problem. He also reminded the Council that there was a grandfathering clause in place for projects that have already submitted their application.

Attorney Jeff Berkow came forward to address the Council. He urged the Council to have a demographic study to make sure that regulations were based on the people living in Town. He felt that 2 parking spaces per unit were too much and the Code was forcing the developers to build massive buildings.

Victor Vallestas, 9608 98 Street, came forward to address the Council. He stated that he acquired 6 lots in the Town and was working together with staff to present a great development. He urged the Council to stop the over limiting the projects. He felt that it would be hard to develop with so many restrictions. He added that he felt a 10 foot ceiling height would be too much to ask for on a waterfront project.

Susan luck, 10180 West Bay Harbor Drive, came forward to address the Council. She thanked the

Council for setting up this informative meeting. She stated that there was another market that was looking to down size for people from the north, smaller families, and seniors. She also agreed with the idea of having parking spaces for building employees.

Teri D'Amico, 9101 East Bay Harbor Drive, came forward to address the Council. She urged the Council to regulate the parking lifts and recommended to hire a planning company. She insisted that the parking lifts were not the solution.

Kathleen Kennedy, 9721 East Bay Harbor Drive, came forward to address the Council. She asked what was the Council's vision for the Town? She felt that the Board and Council did not have the same vision. She requested that the Town Planner be more visual when explaining the Ordinance, because not everyone was able to interpret the legal language that was being used.

Council Member Rousselot stated that the best the Council could do was to have a dialogue and that every vision would be different.

Council Member Bruder stated that the vision was different for small families, seniors, immigrants, single people, and seasonal residents.

Vice Mayor Leonard stated that what made the Town unique was the diverse people living in Town like seniors, seasonal residents, and small families.

Frances Neuhut, 1060 Kane Concourse, came forward to address the Council. She addressed items 3 and 4. She was in support of the bonus system for the developers and stated that the vision was a density cap. She also added that the prices for TDR's should be increased.

CLOSED PUBLIC COMMENT

Council Member Reid agreed with the Planning & Zoning Board and would like to see a 10 percent increase on the setbacks for larger lots. She also added that there were a few alternatives like the deco bikes, car 2 go, and the Town parking lots.

Council Member Rousselot agreed with the Board recommendations and felt that an 8 feet ceiling height was a way to start. She also added that a better number needed to be determined for the parking spaces for building employees.

Council Member Fuller he felt that the height was fine at 8.2 feet and that the market would dictate what needed to be built. He also added that the bonus system, as a tradeoff for TDR's, should be looked at on an individual basis. He also agreed with the Board recommendation for have a 10 percent setback for new development with over 2 lots. He asked Town Planner Miller to draft an Ordinance to reserve parking spaces for employees for building of 30 units or more.

Council Member Bruder stated that she would like to have more architectural guides in place. She felt that would provide more direction to everyone. She urged the Council to empower the Planning & Zoning Board to make the developers come back, if they don't meet the criteria. She also added that she would like the parking lifts to be operated by an experienced valet attendant and they must be regulated. She felt that the ceiling heights should stay at 8 ½ feet and agreed with Chair Gladstone regarding increasing the setbacks to 10 percent for projects with more than two lots.

Mayor Yaffe proposed to limit the density and to regulate the height of the ceiling. He agreed with the Board to adjust the setbacks to 10 percent, but would like a fixed rate. He also suggested having fewer parking garages.

Consensus was to have Town Planner Miller draft the Ordinances with the direction of the Planning & Zoning Board and Town Council. They would like to see some of the ceiling heights increased, fewer parking garages, underground parking as a bonus for TDR's, and 10 percent setbacks for project that exceed one single lot.

There being no further business the meeting was adjourned at 10:51 p.m.

MAYOR

ATTEST:

TOWN CLERK

MINUTES OF A REGULAR MEETING TOWN OF BAY HARBOR ISLANDS

A Regular Meeting of the Town Council was held Monday, December 9, 2013 at 9:04 p.m. in the Council Chambers. Upon roll call, the following Council Members responded:

Mayor Robert Yaffe	Vice Mayor Jordan Leonard
Council Member Joshua Fuller	Council Member Kelly Reid
Council Member Solange Rousselot	Council Member Isaac Salver

Mayor Yaffe welcomed Judge Betty Capote. She came forward to address the Council. She stated that she presides at the North Dade Courthouse and her contact information was available on the County Clerk's website. She also added that Town's Police Department was doing a great job.

Item 1. Town Manager

- A. Public Relations Report
- B. Planning & Zoning Board Actions
- C. David Caserta - Town Lobbyist Report

Lobbyist David Caserta came forward to address the Council. He reported that the Pension plan reform was not part of the Florida retirement system. There was a brief discussion on the general revenue from business tax, communication service tax, septic tanks, department of economic opportunity grant, Ethics Bill, vacation rentals, consideration of electric vehicles to be added to the Town, and the rehabilitation of the Broad Causeway.

Town Manager Wasson reported that one side of the sidewalk on the Bridge was completed. The other side was being worked on and should be completed by mid-January. He stated that the second part of the Bridge project was the replacement of the bridge tender house, locking spans, electric cables, and painting of the steels. He also reported that the bids for the 98 Street Park were not ready because they were extended for two more weeks. He added that the Seniors computer classes were very popular. He also stated that the Shoreline clean up went as planned and 19 bags of garbage were picked up.

Item 2. Town Attorney:

Assistant Town Attorney Simone stated that, as for the Fong case, an injunction was obtained, but they did not comply. He added he would be seeking a permanent injunction.

Item 3. Town Council Matters:

Council Member Salver and Vice Mayor Leonard were both recognized by the Miami Dade County League of Cities for their perfect attendance records.

Council Member Reid stated that she would like the items discussed at the Council Workshop to be brought to the Council as proposed Ordinances.

Council Member Salver stated the he attended the Miami Dade County League of Cities meeting and he briefly explained how important it was for the Town to have a voice in front of the County Commission.

Council Member Fuller thanked all the residents that attended the Council Workshop.

Vice Mayor Leonard stated he also attended the League of Cities meeting and added how important it was for the Town to have a voice and have other Mayors from surrounding municipalities support the Town for a new library. He also shared that he was honored for being chosen to be the principal of the day at the Ruth K. Broad K-8 Center. He thanked the school staff and Dr. Rodriguez for their support. He stated that Council Members Fuller, Salver and himself attended the ribbon cutting ceremony for the Tot Lot at the school.

Mayor Yaffe reminded all the residents that the Annual 5K Run was scheduled for January 19, 2014 and welcomed everyone who wanted to participate.

Item 4. Good and Welfare (non agenda items):

Kathleen Kennedy, 9170 East Bay Harbor Drive, came forward to address the Council. She thanked the staff for their outstanding work. She also asked why the Fong's case was taking so long to resolve. Assistant Town Attorney Simone stated that the Fong's were not willing to compromise and lawsuits have been filed for many years. He stated that all of the orders that were obtained contained a clause for the

A REGULAR COUNCIL MEETING WAS held on December 9, 2013 -----3
Fong's to compromise, but they don't. He reported that the Town has placed several liens on the Fong's property.

CONSENT AGENDA

Item 5. **Approval of a request from the David L. Singer Memorial Foundation, Inc. for renewal of the Town's customary donation of \$500.00 to the 32nd Anniversary of the Special Olympics Miami-Dade Summer Games. The next event will be held on March 2, 2014. This is a budgeted item. Enclosed is a copy of the letter of request from the David L. Singer Memorial Foundation, the funding request form and budget.**

Item 6. **Consideration and approval of a renewal of a Mutual Aid Agreement with the Indian Creek Police Department and the Town of Bay Harbor Islands Police Department. The Town Attorney was provided with a copy and has approved it as to form and legal sufficiency. Enclosed is a copy of the proposed agreement.**

Item 7. **Consideration and approval of an expenditure for the lease of three police vehicles, one patrol vehicle and two SUVs, with Mears Motor Leasing of Orlando, Florida. The total expense for this budget year is \$19,691.85. This is a budgeted expense.**

Item 8. **Approval of the location of construction trailer at 9540-9580 West Broadview Drive as required by Section 23-4 (7) of the Bay Harbor Islands Town Code. Enclosed is a letter of request, a sketch showing the proposed location and specifications on the trailer.**

ACTION: Vice Mayor Leonard made a motion to approve the Consent Agenda with Item 7 correct price of \$17,868.93. Council Member Fuller seconded the motion and it passed unanimously.

At this time Item 11 was taken out of order.

Item 11. **Discussion requested by Council Member Reid regarding the possibility of raising the TDR prices.**

Council Member Reid stated that the TDR prices were under value and she proposed to raise the price to \$50,000 for waterfront and \$42,000 for Non waterfront.

Town residents Frances Neuhut, 1060 Kane Concourse, Victor Nieto, 100423 E. Bay Harbor Drive, Susan Luck, 10180 W. Bay Harbor Drive and Attorney Jeff Bercow, 200 SE Biscayne Blvd., all agreed that the

A REGULAR COUNCIL MEETING WAS held on December 9, 2013 -----4
TDR prices should be increased and recommended an appraisal.

ACTION: Consensus was to have Town Manager Wasson come back with an appraisal by the next Council meeting and a recommendation on how often an appraisal should be done.

Item 12. **Consideration and Approval of a Private TDR transaction of the transfer of eighteen (18) dwelling units from Cambridge Townhouse Condominium Association, Inc. (1141 - 99 Street) to BH South Island, LLC. Pending approval of the Planning and Zoning Board December 3rd, 2013, the project would be located at 9521 - 9541 - East Bay Harbor Drive. Enclosed is a memorandum of explanation from Town Clerk Marante, a copy of the application and contract, plans, and other supporting documents.**

Attorney Matthew Amster came forward to address the Council. He was representing the applicant. He stated that the project was approved last week by the Planning & Zoning Board. He explained that the project met all the Town Code requirements and was compatible with the surrounding area. He respectfully asked the Council to approve the sale of eighteen (18) private TDR's.

ACTION: Council Member Salver made a motion to approve the sale of eighteen (18) private TDR's to BH South Islands, LLC. Vice Mayor Leonard seconded the motion and it passed unanimously.

Item 13. **Consideration and approval of a Private TDR transaction of the transfer of five (5) dwelling units from Island House South Condominium Association, Inc. (1145 - 101 Street) to 1150 -101 BH, LLC for the construction of a previously approved project on August 6, 2013 to be located at 1150 - 101 Street. Enclosed is a memorandum of explanation from Town Clerk Marante, a copy of the application and contract, plans, and other documents.**

ACTION: Council Member Salver made motion to approve the sale of five (5) private TDR's to 1150-101 BH, LLC. Vice Mayor Leonard seconded the motion and it passed unanimously.

Items taken out of order.

Item 9. **Approval of an Ordinance on second reading amending Section 17 and 23 of the Town Code to modify the Sign Code regulations. Enclosed is a copy of a proposed ordinance and a memorandum from Town Planner Miller.**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S
CODE OF ORDINANCES AS RELATED TO BUSINESS SIGNS;
AMENDING SECTION 17-1 OF THE SIGN CODE TO MODIFY**

THE LIST OF PROHIBITED SIGNS; AMENDING SECTION 17-3 TO UPDATE THE LIST OF ZONING DISTRICTS THAT ALLOW ADMINISTRATIVE APPROVAL FOR PERMITS; AMENDING SECTION 17-20 TO MODIFY CERTAIN CODE PROVISIONS FOR EXTERIOR SIGNS IN THE B-1 BUSINESS DISTRICT; AMENDING SECTION 23-11(C)(16) OF THE ZONING AND PLANNING CODE AS RELATED TO MENU BOARD / SANDWICH SIGNS AT SIDEWALK CAFES AND RESTAURANTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

ACTION: Vice Mayor Leonard made a motion to approve the Ordinance to modify the Sign Code regulations. Council Member Rousselot seconded the motion and it passed by unanimous poll vote.

At this time Mayor Yaffe stepped off the Dias.

- Item 10. Consideration and Approval of an Ordinance on second reading amending Chapter 23 of the Town Code establishing a minimum and maximum seawall elevation. Enclosed is a copy of a proposed ordinance from Town Planner Miller.**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, TO AMEND CHAPTER 23 OF THE TOWN'S ADOPTED CODE OF ORDINANCES ENTITLED ZONING AND PLANNING; AMENDING SECTION 23-1 ENTITLED DEFINITIONS TO ADD SEVERAL NEW DEFINITIONS; AMENDING SECTION 23-12 ENTITLED GENERAL PROVISIONS, TO MODIFY SECTION 23-12(6)(a) RELATED TO THE ALLOWABLE HEIGHT OF DOCKS; TO MODIFY SECTION 23-12(10) RELATED TO THE HEIGHT, DESIGN AND CONSTRUCTION METHOD REQUIREMENTS FOR SEAWALLS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ACTION: Council Member Salver made a motion to approve the Ordinance amending the Town Code establishing a minimum and maximum Seawall elevation. Vice Mayor Leonard seconded the motion and it passed by unanimous poll vote with Mayor Yaffe off of the dias.

- Item 14. Status Report requested by Council Member Reid on the Town's Comprehensive Plan Amendments. Attached is a notice from the Florida Department of Economic Opportunity and other documents pertaining to this matter.**

At this time Mayor Yaffe returned to the dias.

Council Member Reid stated that she discovered that the Town was late in submitting the yearly submission to the Governor for the Comprehensive Plan of the State of Florida. Town Planner Miller came forward to address the Council. He explained that the Comprehensive Plan needed to get updated yearly by a letter type format to the Governor and State. He reported that there were some elements that were due to update. He stated were amendments were done for Land Use and Coastal Element.

Residents Frances Neuhut, 1060 Kane Concourse, and Susan Luck, 10180 W. Bay Harbor Drive, agreed that there were many changes that were needed and also asked if the changes to the Comprehensive Plan were reviewed by the Council or the Local Planning Agency. Town Planner Miller stated that all the changes get reviewed by the Town Council and the Local Planning Agency.

Item 15. Discussion requested by Council Member Reid regarding the establishment of a new program called Sunday Lecture Series in the Park at no cost to the town. Enclosed is an article provided by Council Member Reid about a similar program in Coral Gables, FL.

Council Member Reid stated that there was a similar program in the City of Coral Gables that provided the residents with lectures on their city's history. She would like to implement that in Bay Harbor Islands at no cost to the residents. She recommended that first lecture would be on the history of Bay Harbor Islands. She suggested that Morris Broad to lead the first lecture.

ACTION: Council Member Salver made a motion to approve the Lecture Series in the Park at no cost to the Town. Mayor Yaffe seconded the motion and it passed unanimously.

Item 16. Consideration and approval of an agreement with the Florida Department of Transportation to initiate a toll project which includes the performance of certain preliminary studies; acquire hardware; develop, test and install software and the protocols necessary to transmit data between the toll systems operated by the parties. The cost of the project is \$325,000. Enclosed is a copy of the agreement which includes the project scope of services.

ACTION: Vice Mayor Leonard made a motion to approve an agreement with the Florida Department of Transportation. Council Member Salver seconded the motion and it passed by unanimous poll vote.

A REGULAR COUNCIL MEETING WAS held on December 9, 2013 -----7
There being no further business meeting was adjourned at 11:12 p.m.

MAYOR

ATTEST:

TOWN CLERK

DRAFT

**MINUTES OF A
QUASI-JUDICIAL PUBLIC HEARING
TOWN OF BAY HARBOR ISLANDS**

A Quasi-Judicial Public Hearing of the Town Council was held Monday January 13, 2014 at 7:00 p.m. in the Council Chambers. Upon Roll Call, the following Council Member responded:

Mayor Robert Yaffe

Vice Mayor Jordan Leonard
Council Member Joshua Fuller
Council Member Solange Rousselot

Council Member Stephanie Bruder
Council Member Kelly Reid
Council Member Isaac Salver

Town Attorney Sherman stated that this was a Quasi-Judicial Public Hearing for the approval of a restaurant use. He swore in everyone that would be speaking at the meeting and reminded the public speakers that they were limited to 3 minutes to speak. He also stated that there was a resident that had a complaint and had requested to postpone the Public Hearing because the Public Meeting sign was blocked with a fence. Town Attorney Sherman advised the Council that the sign was posted for more than five days and that this meeting was for the first reading and there would be more than enough time for more notice to the residents. He explained that it was as the Town Council's discretion to continue with the Public Hearing.

Attorney Steve Wernick came forward to address the Council. He stated that the sign was up for more than enough time and all of the mailing notices were also mailed out. He explained that PUD Zoning Overlay was an amending of the Town Code and the Florida Statute's did not require a notice.

Consensus was to continue the Public Hearing and to move forward with Item 1.

- Item 1. Public comment with respect to an application for re-zoning of the property located at 9540-50 West Bay Harbor Drive, Lots 1, 2 and 3 of Block 2 as a Planned Unit Development (PUD) Zoning Overlay. The applicant, Bay Village Condos, LLC, has gone through the review process with staff and the Planning and Zoning Board where the project was approved subject to Council approval. The PUD Zoning Overlay will allow the applicant to introduce a commercial component to an otherwise residential site. The application consists of a proposed 6 story building with 96 unit hotel. In addition to the proposed hotel component the applicant requests approval for approximately 1,800 square feet of commercial use on the first floor facing Kane Concourse at the bridge. The previous PUD approval in 2011 did not allow for a full service restaurant and bar on the premises and the new plan incorporates both these elements. There are also some minor architectural revisions which are highlighted on the plans.**

Attorney Steve Wernick came forward to address the Council. He was representing the applicant and owner Bay Village Condo, LLC. He explained that the proposed project was approved on October of 2011. He also reported that the project has had changes that included modifications to add more parking, a gym and a restaurant. He added that the applicant was also proposing to install a generator on the east side of the building, spa amenities, and a roof top pool.

Architect Luis Revuelta came forward to address the Council. He stated that the building structure was the same and the modifications only made it more appealing to the eye. He also explained that the proposed emergency generator would be located inside and enhancements to the parking garage were made compatible with landscaping. He also added that a landscaping plan was added to the roof top and a spa was among the amenities.

Attorney Wernick stated that the applicant was seeking a restaurant use open to the public and hotel guests. He felt that the restaurant use approval would be an amenity for the residents to enjoy, since restaurant use was already a permitted use in the Business District. He added that the applicant was requesting an outside amenity deck for the guests without table service, unless approved by the Town Manager for special events. He added that the no outdoor activity would be permitted after 9 p.m. He also explained that a traffic study was performed and the level of service stayed as a level C. He respectfully asked for the Council to approve the use of a restaurant for the proposed project.

Town Planner Miller came forward to address the Council. He stated that the project was approved in 2011 and, when the property owners changed hand, the enhancements were made. He explained that the use of commercial space has evolved and felt that there needed to be restrictions, so it would not turn into an issue. He also stated that the restrictions for the outdoor amenities were until 9 p.m. and the applicant has acquired all the TDR's needed. He reported that the applicant was limited to 96 rooms and could not exceed that amount.

There was a brief discussion from the Town Council regarding the lockout rooms, public access to the waterway, hours of operation for the restaurant, and a no parking condition for East Broadview Drive.

PUBLIC COMMENT

Residents Nadine Muller, 10000 West Bay Harbor Drive, and Baruch Druchman, 9551 East Broadview Drive, were in favor of the proposed changes for the new project and felt that the approval of restaurant

use would benefit the public. Resident Frances Neuhut, 1060 Kane Concourse, was opposed to the approval of restaurant use for the new project and felt that Hotel guests would create a problem with parking on Kane Concourse and at the surrounding school.

Item 2. Approval or denial of the above re-zoning application, by consideration on first reading of proposed Ordinance No._____ granting approval of a Planned Unit Development (PUD) on the property located at 9540-9580 West Bay Harbor Drive.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA GRANTING APPROVAL OF A PLANNED UNIT DEVELOPMENT (PUD) ON CERTAIN DESCRIBED PROPERTY LOCATED AT 9540-80 WEST BAY HARBOR DRIVE; DETERMINING THAT THE PUD APPLICATION COMPLIES WITH THE PURPOSE AND INTENT OF THE PUD ORDINANCE; MAKING FINDINGS REGARDING THE APPROVAL OF THE PUD APPLICATION; DIRECTING THE TOWN MANAGER TO MAKE THE APPROPRIATE NOTATION ON THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE.

ACTION: Council Member Bruder made a motion to approve the Ordinance on the First reading granting approval of a Planned Unit Development with the following conditions:

1. Addition of East Broadview Drive as a no parking zone for the Hotel guests.
2. Stop the table serving for the restaurant at 1 a.m. on Friday and Saturday.
3. Addition of clause for lockout doors.

Vice Mayor Leonard seconded the motion and it passed unanimously.

Item 3. Public comment with respect to an application for a proposed 6 story building at the property located at 9540-50 West Bay Harbor Drive, Lots 1, 2 and 3 of Block The underlaying zoning for lots 2 and 3 is RM1 Multiple Family Residential and Lot 1 is designated as a Gateway. The application is being made for site plan approval of the Gateway property which is part of this development. The Town Code requires that any new development on Gateway properties be approved by the Town Council at a public hearing.

PUBLIC COMMENT

Resident Frances Neuht, 1060 Kane Concourse, was opposed to the project and felt that the proposed project would create a parking issue for the surrounding homes and Kane Concourse.

Attorney Steve Wernick stated that a parking alternative, like purchasing from the parking trust, would be presented by the developers at the second reading of the Ordinance.

Item 4. Approval or denial of the above application for the property located at 9540-9580 West Bay Harbor Drive. This property has already obtained approval for several private TDR (Transfer of Development Rights) transactions totaling the required 21 TDR units.

ACTION: Council Member Bruder made a motion to approve the application for site plan approval of the Gateway property which was part of this development project. Council Member Rousselot seconded the motion and it passed unanimously.

CONCLUSION OF PUBLIC HEARING

There being no further business the meeting was adjourned at 8:06 p.m.

MAYOR

ATTEST:

TOWN CLERK

AGENDA ITEM REPORT

March 10, 2014

ITEM NUMBER: 2.

ITEM: Approval of the Ruth K. Broad K-8 Center Nurse Initiative Memorandum of Understanding between the City of Miami Beach (“CMB”), North Bay Village (“NBV”), the Town of Bay Harbor Islands (“TBHI”), the Town of Surfside (“TS”), Bal Harbour Village (“BHV”), and the Miami Beach Chamber Education Foundation, Inc. (“MBCEF”) (collectively, the “Parties”), to provide for funding and for the implementation of a Nurse Initiative for the school year 2014-2015.

DESCRIPTION:

This MOU is the formal agreement and funding method to allow for the Miami Beach RKB Nursing Initiative to continue. The past school year has show this program to be highly effective and to be used by a large percentage of the student body. The Council did give consensus approval to continue funding and supporting this program.

RECOMMENDED ACTION:

Recommend adopting this MOU to continue supporting this health initiative.

FINANCIAL ANALYSIS:

The program's total cost is \$98,000. The town's proportionate share is \$3,667.

BUDGET IMPACT:

Submitted By: Ronald Wasson, Town Manager

ATTACHMENTS

1.	Nurse MOU	INTERLOCAL MOU WITH MBCEF RE- NURSE INITIATIVE - 2014-2015 School Year.docx
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**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF MIAMI BEACH, NORTH BAY VILLAGE, THE TOWN OF BAY HARBOR
ISLANDS, THE TOWN OF SURFSIDE, BAL HARBOUR VILLAGE, AND
THE MIAMI BEACH CHAMBER EDUCATION FOUNDATION TO IMPLEMENT A
NURSE INITIATIVE FOR SCHOOL YEAR 2014-2015**

This is a Memorandum of Understanding ("MOU") made and entered into this ____ day of _____, 2014, by and between the **City of Miami Beach ("CMB")**, **North Bay Village ("NBV")**, the **Town of Bay Harbor Islands ("TBHI")**, the **Town of Surfside ("TS")**, **Bal Harbour Village ("BHV")**, and the **Miami Beach Chamber Education Foundation, Inc. ("MBCEF")** (collectively, the "Parties"), to provide for funding and for the implementation of a Nurse Initiative as provided herein, and as to be provided in an agreement. between **MBCEF** and **The Children's Trust ("TCT")**.

WITNESSETH

WHEREAS, the Parties have determined that a program to provide healthcare services to students attending underserved public schools is in the best interests of the health and public welfare of the City of Miami Beach, North Bay Village, the Town of Bay Harbor Islands, the Town of Surfside, and Bal Harbour Village (the "**Participating Municipalities**"); and

WHEREAS, following the Parties' determination that students at North Beach Elementary, Treasure Island Elementary, and Ruth K. Broad Bay Harbor K-8 Center (the "Participating Schools") did not have full-time, on-site healthcare services and were, thus, underserved as compared to other public schools in the feeder pattern that falls within the City of Miami Beach, the Parties entered into a Memorandum of Understanding on August 19, 2013 for a Nurse Initiative ("2013-2014 Nurse Initiative MOU") to provide healthcare services to the Participating Schools during the 2013-2014 School Year; and

WHEREAS, due to the success of the Nurse Initiative during the 2013-2014 School Year, the Parties wish to implement another Nurse Initiative for the 2014-2015 School Year for the Participating Schools; and

WHEREAS, a Nurse Initiative program should be established at the Participating Schools for School Year 2014-2015 as herein provided and pursuant to a separate agreement to be entered into between **MBCEF** and **TCT**.

NOW, THEREFORE, in consideration of the mutual terms, conditions, promises, covenants, and payments hereinafter set forth, the Parties agree to provide for a Nurse Initiative for the Participating Schools during the 2014-2015 school year as follows:

1. **MBCEF** shall enter into an agreement with **TCT** whereby **TCT** shall provide funding in the approximate amount of \$98,000 for the Nurse Initiative and whereby **TCT** shall provide all salaries, fringe benefits, and costs of operations for a Health Connect in Our Schools (“HCIOS”) Suite which will provide on-site healthcare services during the 2014-2015 School Year at the Participating Schools (“2014-2015 Nurse Initiative”) and shall provide certain schedules and reports as follows:
 - a) A full-time shared Registered Nurse who shall rotate between the three Participating Schools so that accessibility is equal amongst them pursuant to a detailed schedule that shall be provided to all of the Participating Municipalities on a weekly basis during the 2014-2015 School Year;
 - b) A full-time on-site Medical Assistant at each of the Participating Schools;
 - c) A Social Worker already funded by Miami-Dade County Public Schools at each of the Participating Schools;
 - d) A monthly report of services provided at each of the Participating Schools shall be provided to the Participating Schools and to **MBCEF**; and
 - e) A monthly and an annual report shall be provided to the **Participating Municipalities** and to **MBCEF** documenting the percent of students returning to class after all nurse visits at the Participating Schools.
2. On or before September 1, 2014, **MBCEF** shall provide funding for the 2014-2015 Nurse Initiative from: (a) the unused funds provided by the Parties pursuant to the 2013-2014 Nurse Initiative MOU, which shall be carried over for use during the 2014-2015 School Year, and (b) the Aetna Voices of Health Award (\$30,000.00).
3. On or before October 31, 2014, the **Participating Municipalities** shall provide their proportionate share of funds for the 2014-2015 Nurse Initiative to **MBCEF**, which funds **MBCEF** shall hold in escrow pending the execution of its agreement with **TCT** referenced in paragraph 1. The **Participating Municipalities’** proportionate share of funding for the 2014-2015 School Year, in addition to the carried over funds specified in paragraph 2, shall be paid by October 31, 2014 in the following amounts:

- i) **CMB** shall provide funding in the amount of \$15,400;
- ii) **NBV** shall provide funding in the amount of \$6,600;
- iii) **TBHI** shall provide funding in the amount of \$3,667;
- iv) **TS** shall provide funding in the amount of \$3,667; and
- v) **BHV** shall provide funding in the amount of \$3,667;

except that **BHV** shall provide its payment of \$3,667 by September 30, 2014. The funding provided by the **Participating Municipalities** and **MBCEF** shall be made by checks made payable to Miami Beach Chamber Education Foundation, Inc.

4. **MBCEF** shall serve as the fiscal agent to collect the funds required to be paid in paragraph 3 above and shall disperse such funds to **TCT** after entering into the agreement with **TCT** referenced in paragraph 1 and upon receipt of invoices from **TCT**.
5. **MBCEF** shall indemnify and hold harmless the **Participating Municipalities** and their respective officers employees, agents and instrumentalities from any and all liability, losses, or damages, including attorneys' fees and costs of defense, which the **Participating Municipalities** or their officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to, or resulting from the performance of this MOU by **MBCEF** or its employees, agents, servants, partners, principals, or subcontractors. **MBCEF** shall pay 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 **Participating Municipalities**, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may issue thereon.
6. In the event that any of the provisions in this MOU are not performed, or if the 2014-2015 Nurse Initiative is terminated after funds have been dispersed to **MBCEF** as provided in paragraphs 3 and 4, then **MBCEF** shall promptly reimburse each of the **Participating Municipalities** their proportionate share of unused funds. If any funds remain unused at the end of the 2014-2015 School Year, and if all of **Participating Municipalities** agree to implement a Nurse Initiative for the 2015-2016 School Year, then **MBCEF** may, as directed by the **Participating Municipalities**, hold such unused funds in escrow to be applied toward the 2015-2016 Nurse Initiative and credited toward each of the **Participating Municipalities'** proportionate share of the 2015-2016 Nurse Initiative.

IN WITNESS THEREOF, the Parties hereto have executed by their respective and duly authorized officers the day and year first above written.

ATTEST:

CITY OF MIAMI BEACH, a Municipal Corporation of The State of Florida

By: _____
Rafael E. Granado, City Clerk

By: _____
Philip Levine, Mayor

Approved as to form and
Language for execution

ATTEST:

NORTH BAY VILLAGE, a Municipal Corporation of the State of Florida

By: _____
Village Clerk

By: _____
Village Manager

Approved as to form and
Legal sufficiency

ATTEST:

TOWN OF BAY HARBOR ISLANDS, a Municipal Corporation of the State of Florida

By: _____
Town Clerk

By: _____
Mayor/Town Manager

Approved as to form and
Legal sufficiency

ATTEST:

TOWN OF SURFSIDE, A Municipal
Corporation of the State of Florida

By: _____
Town Clerk

By: _____
Mayor/Town Manager

Approved as to form and
Legal sufficiency

ATTEST:

BAL HARBOUR VILLAGE, a Municipal
Corporation of the State of Florida

By: _____
Village Clerk

By: _____
Mayor/Village Manager

Approved as to form and
Legal sufficiency

ATTEST:

**MIAMI BEACH CHAMBER EDUCATION
FOUNDATION**

By: _____

By: _____

Approved as to form and
Legal sufficiency

AGENDA ITEM REPORT

March 10, 2014

ITEM NUMBER: 3.

ITEM: Request for approval to attend the Florida League of Cities Legislative Action Days and the Miami-Dade County Days in Tallahassee by Council Members Kelly Reid and Isaac Salver. Other Council Members are encouraged to attend as well.

DESCRIPTION:

Florida League of Cities Legislative Action Days are held April 1st and 2nd and the Miami-Dade County Days are held April 2nd and 3rd and both are held in Tallahassee.

Mayor Yaffe, Town Manager Wasson and Asst. Town Manager Jimenez are going March 18th to Tallahassee.

RECOMMENDED ACTION:

Council Discretion

FINANCIAL ANALYSIS:

The Town budgets a certain amount every year for Council travel.

BUDGET IMPACT:

Submitted By: Marlene Marante, Town Clerk
 Kelly Reid, Council Member
 Isaac Salver, Council Member

ATTACHMENTS

1.	FL League Days	2014LegislativeActionAgendaforweb12-12-13.pdf
2.	Miami-Dade County Days	DadeDays 2014 Registration Package.pdf

FL
SO

Florida League of Cities

Legislative Action Agenda



The Florida League of Cities is the champion of home rule in Florida. Florida's constitution empowers citizens with the right of local self-government, or home rule. Cities are the embodiment of this right. Cities are formed by citizens and are governed by citizens. They administer the local affairs of the community for the special benefit of the city's residents. The form of government and level of services a city provides are fundamental expressions of home rule. Home rule is why no two cities are alike. Florida's city residents take pride in this diversity and responsibility. Strong home rule powers ensure that government stays close to the people it serves. Intrusion on home rule from the state or federal government undermines the constitutional right of local citizens to govern themselves.

The Florida League of Cities opposes unfunded mandates from any level of government. An unfunded mandate is when one government forces another level of government to take some action that spends or reduces revenue, without providing any resources to offset the impact. Unfunded mandates are the antithesis of government transparency. Mandates conceal the connection between the taxes city residents pay and the services they receive. Unfunded mandates cause local city leaders to be held accountable for decisions made by others who live far away and who are not accountable for the fiscal impact on local taxpayers. The Florida Constitution prohibits unfunded mandates from state government except under certain conditions. This provision was added to the constitution in 1990 after Floridians became fed up with being forced to pay for state programs with local tax dollars. Yet in spite of the clear preference of Florida's residents, unfunded mandates have continued to be passed onto cities by the Legislature.

2014 Florida League of Cities Legislative Action Agenda

MUNICIPAL PENSION REFORM

LEGISLATIVE PRIORITY

The Florida League of Cities continues to **SUPPORT** legislation that protects municipalities' home rule powers to set and fund municipal employee benefit levels and specifically provides comprehensive pension reform, disability presumption reform and a mechanism for municipalities to revoke their election to participate in the Florida Retirement System. The League also supports legislation that provides municipalities with flexibility in the use of insurance premium taxes, as currently interpreted by the Florida Department of Management Services.

BACKGROUND

Municipal Police and Firefighter Pension Plans

Prior to 1999, cities were largely free to bargain with local police and fire unions, or provide for non-unionized police and firefighters, pension benefits that best fit the priorities and needs of the city and its police and firefighters. In 1999, the Legislature amended Chapters 175 and 185, Florida Statutes, relating to city



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police/fire pensions to require additional insurance premium tax revenues (taxes on property and casualty insurance premiums) over a base amount be used to provide only “extra” pension benefits to police officers and firefighters. In aggregate numbers, this mandate has required cities to provide more than \$520 million in new, “extra” pension benefits to police officers and firefighters since 1999. This mandate to keep providing “extra” pension benefits is not sustainable; rather, cities need the flexibility to use insurance premium tax revenues for the current or decreased level of police/fire pension benefits to meet city budget constraints.

Beginning in August 2012, the Department of Management Services (DMS) issued a letter to the City of Naples that reflects a fundamental change in the department’s interpretation on the use of insurance premium tax revenues. Prior to this letter, the DMS had taken the position that if a city reduced any pension benefit below the statutory minimum benefits or below the plan benefits in effect in 1999, the city would be ineligible for future premium tax revenues. In the Naples letter, the DMS’ Division of Retirement acknowledges that its prior interpretation “appears inaccurate.” Since that point, more than 33 municipalities have received similar letters from the DMS.

DISABILITY PRESUMPTION

Currently in Florida, there is a disability presumption for firefighters, law enforcement officers and correctional officers relating to health conditions from heart disease, hypertension or tuberculosis. This means that disability claims under workers’ compensation and disability pension for these health conditions are presumed to be job-related.

FLORIDA RETIREMENT SYSTEM

Municipal participation in the Florida Retirement System (FRS) has been voluntary since 1970.



Approximately 150 municipalities participate in various membership classes, but they make up less than 5 percent of the participants/members of the FRS. FRS membership classes include: Special Risk (Police and Fire), General Employees, Elected Officials and Senior Management. After opting in, current and future employees are compulsory members of the FRS. The last “opt out” for municipalities occurred in 1996 “and was authorized for new employees only.” Approximately 50 municipalities and independent special districts opted out during this window.

CURRENT STATUS

SB 246 (Ring and Bradley) has been filed for the 2014 legislative session. This bill is similar to SB 458 (Ring), which was considered by the Senate during the 2013 session.

Broadly speaking, the bill allows cities to reduce pension benefit levels all the way down to the statutory minimum benefit levels (if the city has a police or fire union this action would have to occur through the collective bargaining process). While the bill provides

very limited flexibility relating to the use of insurance premium tax revenues, it also creates a fairly complex process regarding the use of these tax revenues. Under SB 246, the use of these funds depend on when the amount of insurance premium tax revenues was generated and if the underlying defined benefit plan has either an over or under 80 percent assets-to-liabilities ratio.

In addition, an immediate and problematic effect of the bill is that it would void the current DMS interpretation on the use of insurance premium tax revenues, as reflected in the “City of Naples”- type letters. This DMS interpretation is very favorable to cities, providing them with broad flexibility in negotiating pension benefit levels and use of insurance premium tax revenues. However, a concern with the current DMS interpretation is that it could be challenged, and, under a new governor, the DMS could once again change its interpretation. As noted, a statutory change as reflected in the bill would remove the current DMS interpretation but it would also prevent the DMS from developing a less favorable interpretation of the law in the future.

The police and firefighter unions argue that their members rely on the revenues from the insurance premium taxes to fund the additional pension benefits and, given the 1999 law change, those revenues were promised to them. The League has long maintained those mandated benefit levels required under current law are unsustainable.

COMMUNICATIONS SERVICES AND LOCAL BUSINESS TAX PROTECTION

LEGISLATIVE PRIORITY

The Florida League of Cities **SUPPORTS** legislation that protects general revenues collected from the communications services tax and the local business tax. These revenues are used to provide essential municipal services, such as public safety and constructing and maintaining roads, bridges, public parks and open spaces. Maintaining a diversified revenue base strengthens the fiscal stability of local governments and improves their ability to serve citizens and businesses.

BACKGROUND

Communications Services Tax

In 2001, the Florida Legislature restructured taxes on telecommunications, cable, direct-to-home satellite and related services. This change was called the Communication Services Simplifications Act, which replaced and consolidated seven different state and



local taxes and fees into a single tax that has two centrally administered parts, the state and the local communications services tax (CST). The CST is one of the main sources of general revenue for municipalities. Local governments collect nearly \$800 million every year. These revenues may be used for any public purpose, including pledging the revenues to secure bonds.

Local Business Tax

Currently, a municipality may impose a local business tax for the privilege of engaging in or managing a business, profession or occupation within its jurisdiction. The amount of the tax, as well as the occupations and businesses on which the tax is imposed, is determined by the local government. Local business tax revenues collected by local governments are used to assist funding of services critical to businesses, such as zoning, permitting, code enforcement, and police and fire. Local governments may also use business tax revenues to help fund other vital services, such as economic development programs, presenting a direct benefit to businesses through the marketing of local areas. Many municipalities use the business tax as general revenue funds and have pledged these revenues to secure debt. Collections for municipal local business tax revenues are more than \$120 million every year.

CURRENT STATUS

In 2013, Gov. Rick Scott promised to cut taxes by \$500 million during the 2014 session. Included in that promise is a proposal to reduce the state CST rate. SB 266 (Hukill) would reduce the state CST rate and the direct-to-home satellite rate by 2 percent. It does not include a reduction of the local CST rate, but the bill could have a negative fiscal impact on municipalities due to the distribution formula of some of the state CST and direct-to-home satellite revenues.

Supporters of this proposal say a rate reduction would be beneficial to consumers because the current combined rate of the gross receipts, state and local CST rates is so high.

WATER QUALITY & QUANTITY

LEGISLATIVE PRIORITY

The Florida League of Cities **SUPPORTS** legislation addressing water quality and quantity issues that affect the economies of local communities. Specifically, the League supports efforts to revitalize and protect Florida's springs, aquifers, surface waters and estuaries.

BACKGROUND

Florida's water policy has evolved significantly as science and technical data have dramatically improved the ability to study groundwaters, surface waters and the sources of pollution in these water bodies. With the evolution of science also inevitably comes revision to the decades old regulatory framework that has evolved into Florida water law. The Florida Water Resources Act of 1972, Chapter 373, Florida Statutes, established a form of administrative water law that brought all waters of the state under regulatory control. The act included provisions for (1) the establishment of a state water regulatory agency and five water management districts (WMDs) that, taken together, encompass the entire state; (2) water planning requirements and (3) a permit system administered by the WMDs regulating water use, well construction, and the storage and management of surface water.

Currently, Florida faces a number of water quality and quantity conundrums. In North Florida, the continued and projected excessive water uses by the State of Georgia threaten entire fishing communities that have built their way of life around the flows of the Apalachicola River. In South Florida, an extraordinary rainy season has highlighted the polluted condition of the waters in Lake Okeechobee and the impact of releasing that impaired water from the lake. Releases of that impaired water to the Caloosahatchee River, the St. Lucie River and the Indian River Lagoon contribute to reduced tourism and have a negative impact on the economies of those cities in close proximity to them.



The state faces a growing water quantity problem due to the withdrawals from the Floridan aquifer and the lack of investment in storage and stormwater infrastructure investment. The Floridan aquifer is one of the largest and most productive aquifer systems in the world. Due to a population surge in the Central Florida region, recent studies show the current amount of water pumped each day from the aquifer can be increased only by approximately 6 percent. Consumptive uses throughout the state have left the aquifer depleted and unable to recharge.

Local governments play an important role in the planning of future water resources by working in cooperation with each of the five WMDs during the regional water supply planning process. Local governments also establish stormwater utilities that manage activities such as flood control, pollution control, permitting, maintenance, inspection and capital construction. Furthermore, cities across the state have adopted a host of ordinances designed to prevent pollution and increase alternative water supplies. While



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cities have many “tools in their toolbox” to ensure a clean and sustainable water resource for their communities, the Legislature continues to pass laws that chip away at local government authority.

CURRENT STATUS

On July 10, 2013, Senate President Don Gaetz announced the creation of the Select Committee on Indian River Lagoon and Lake Okeechobee. The committee, chaired by Sen. Joe Negron, is investigating public policy, funding and other governmental activities affecting the water management of Lake Okeechobee. The committee has held a number of well-attended public meetings to date. Sen. Negron has tasked the South Florida and Southwest Florida Water Management Districts, as well as the general public, to come up with short-term projects that will improve water quality coming from the lake and ensure that the water released will flow through the Everglades as originally intended. Unfortunately, the State of

Florida is at the mercy of the federal government and U.S. Army Corps of Engineers in some regard. The Army Corps of Engineers has federal oversight of the water releases from Lake Okeechobee and the dam that surrounds it.

In 2013, the State of Florida committed \$10 million for springs protection programs. Local government matching funds have increased the amount available for springs protection initiatives to \$37 million. The Florida Department of Environmental Protection (DEP) is using these funds to mitigate the damage from point source pollution from wastewater treatment facilities, to remove wastewater spray fields that are close to spring sheds, and for other strategies that will reduce phosphorus and nitrogen in impaired water bodies. Recently, the DEP requested a budget allocation of \$15 million for springs protection for fiscal year 2014-15.

The Florida League of Cities supports legislation that protects Florida's water bodies through increased funding for the Total Maximum Daily Load program, as well as the Basin Management Action Plan program. The League will continue to fight to protect the home rule authority of cities to adopt local fertilizer ordinances and other regulatory measures to protect the water quality of local waterways. 2014 is likely to be a busy year with multiple pieces of legislation filed that deal with water quality, water quantity and springs protection.

SEPTIC TANKS

LEGISLATIVE PRIORITY

The Florida League of Cities **SUPPORTS** financial and regulatory initiatives that prioritize and encourage properties with septic tanks to connect to centralized sewer systems, especially in areas that impact rivers, estuaries, first magnitude springs and impaired water bodies.

BACKGROUND

Onsite sewage treatment and disposal systems, commonly referred to as septic tanks, are a means of wastewater disposal for roughly 30 percent of Florida's population. Properly designed, constructed and maintained systems protect Florida's ground water, which provides 90 percent of Florida's drinking water. The general problem with septic tanks in Florida is that a large number of these systems are out of date and not inspected or cleaned frequently enough to prevent leaks. In 2002, the U.S. Environmental Protection Agency released a study based on the



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estimates for the per person release of nitrogen a day into residential wastewater systems. The study found that approximately 11.2 grams of nitrogen per person per day were released. Of the 11.2 grams, roughly 70-80 percent originated from toilet wastes, 10-15 percent is from food preparation, and the rest originates from a wide range of ordinary household products.

Increased amounts of nitrogen in surface water bodies can cause eutrophication, which can have detrimental effects to sensitive aquatic ecosystems. Nitrogen sources to the environment include atmospheric deposition, fertilizer from both agricultural and residential land uses, livestock wastewater, municipal wastewater treatment systems, onsite sewage treatment and disposal systems, and stormwater. The combination of these sources adds up to a nitrogen load that could pose a risk to the health of Florida's water bodies.

CURRENT STATUS

Although no bills that directly address septic tanks have been filed, Sen. David Simmons released a draft springs protection bill that, among other things, requires communities within the springshed of 21 predetermined springs to hook septic tank owners into central sewer at no cost to the resident. The bill provides a reimbursement for the local government through the documentary stamp tax revenues.

ECONOMIC DEVELOPMENT

LEGISLATIVE PRIORITY

Recognizing that 89 percent of all businesses in Florida have 12 or fewer employees, the Florida League of Cities **SUPPORTS** legislation that dedicates state economic development resources to small businesses, with an emphasis on technical assistance, access to capital, public infrastructure and urban infill.

BACKGROUND

According to the U.S. Bureau of Labor and Statistics, as of October 2013, Florida's unemployment rate is 6.7 percent, compared to 3.2 percent in 2006. While this rate of unemployment is an improvement from last year's 8.9 percent, Florida's economy has still not fully recovered. These high unemployment figures have motivated the Florida Legislature to focus intensely on economic development as a way to restart Florida's economic engine and create more jobs for Floridians. Getting Florida back to work continues to be a major focus of Gov. Rick Scott, who pledged to create 700,000 permanent Florida jobs during the seven-year period from 2010-2017. One of the measures enacted to achieve this job creation goal was the creation of a new agency,



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the Florida Department of Economic Opportunity. This agency is charged with coordinating economic development efforts to ensure Florida has a thriving climate for businesses that seek to start, relocate or expand in Florida.

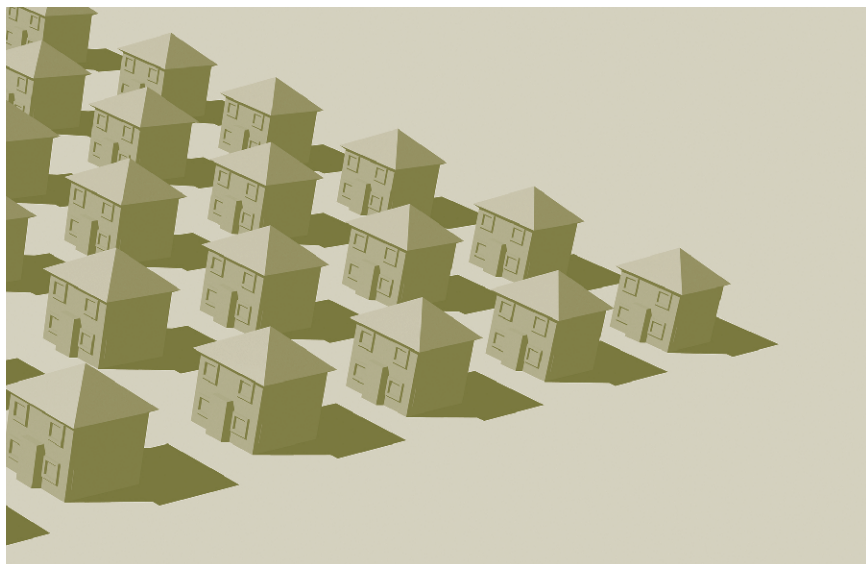
In 2013, Gov. Scott's agenda focused on stimulating economic growth by streamlining business permitting, providing tax relief for manufacturers, reforming Florida's unemployment system, offering stability to Florida's businesses by balancing the budget without raising taxes, and prioritizing science, technology, engineering and mathematics (STEM) education in the state. Legislative efforts relating to economic development have also focused on creating greater accountability and transparency of taxpayer-funded incentives.

There is significant evidence showing that the bulk of job opportunities are created by small- to medium-size businesses, not large corporations. According to the U.S. Small Business Administration (SBA), 89 percent of all businesses in Florida have 12 or fewer employees. Not every city in Florida is the base of operations for a large corporation, but every city in Florida is the home to a host of small businesses.

Small-business owners are the backbone of Florida's economy, but they are often overlooked or do not qualify for existing economic development incentives. Rebuilding Florida's economy should be a "bottom up" process that starts with local economic development and efforts to retain and grow small businesses.

CURRENT STATUS

Economic development continues to be an important focus for the Florida Legislature, the governor and other important and influential stakeholders. Florida's cities will continue to work with these entities by developing partnerships and collaborations and providing counsel on how best to accomplish the task of rebounding Florida's economy.



HOUSING AND SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG)

LEGISLATIVE PRIORITY

The Florida League of Cities **SUPPORTS** legislation that requires state housing trust fund monies be used exclusively for funding local government affordable housing initiatives. The League also supports improving the Community Development Block Grant program to maintain current funding categories with adequate verification safeguards to ensure grants will primarily benefit low- and moderate-income families, and supports maintenance of the CDBG advisory committee.

BACKGROUND

Florida's housing market has been one of the hardest hit in the country, and Florida's cities have been at ground zero. Cities have not only had to face a record number of foreclosures, but they have also encountered a decline in funding for affordable housing programs.

In 1992, the Sadowski Act created a dedicated funding source for affordable housing programs. An increase in the documentary stamp tax paid on all real estate transactions funds the state and local housing trust funds. From those funds, 70 percent is directed to all 67 counties, and Florida's so-called "entitlement cities," to fund the State Housing Initiative Partnership (SHIP) program. The remaining 30 percent of the funds are used by the Florida Housing Finance Corporation for programs such as the State Apartment Incentive Loan (SAIL) program.

SHIP funds can be used for rehabilitation/renovation of existing vacant homes to transform neighborhoods into vibrant communities. In addition, SHIP funds can be used for down payment and closing cost assistance and may be used to rehabilitate existing low-income apartments or construct new units for very low-income families.

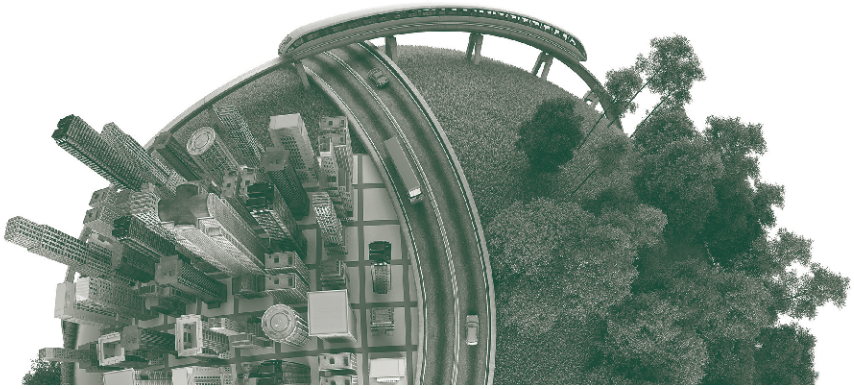
The Florida Small Cities Community Development Block Grant (CDBG) program is intended to provide the necessary means for municipalities to develop, preserve, redevelop and revitalize Florida's cities. The Small Cities CDBG program provides federally funded grants on a competitive basis to eligible municipalities in order to serve low- and moderate-income families. To be eligible for participation in the program, cities must have a population of less than 50,000. Competitive grants can be awarded to assist with housing rehabilitation, water and wastewater improvements, and economic development projects that create jobs. For fiscal year 2012-13, Florida received more than \$22 million in Small Cities CDBG funding. Florida's Department of Economic Opportunity (DEO) administers this federally funded program.

CURRENT STATUS

An estimated \$261.775 million will be appropriated into the state and local housing trust fund for fiscal year 2014-15. For the last four years, the Florida Legislature has used these trust fund monies to brace budget shortfalls rather than fund the SHIP and

SAIL housing programs. For the first time since 2009, analysts are projecting a state budget surplus of three quarters of a billion dollars for the 2014-15 fiscal year. With no budget shortfalls, it is critical that the housing trust fund monies be used for their intended purpose this year. If projected housing funds are fully invested into Florida's local government housing programs, it is estimated these funds can create 26,400 jobs and have a \$2.7 billion in positive economic development impacts for Florida's cities. The Sadowski Housing Coalition, a nonpartisan coalition of 26 diverse statewide organizations, strongly supports having a dedicated revenue source for Florida's affordable housing programs.

The DEO plans to file legislation making several statutory revisions to the Small City CDBG program in order to reduce outdated, burdensome or restrictive requirements. Legislation drafted by the DEO in cooperation with the League and other stakeholders directs the DEO to maintain grant activities in four statutory categories: housing rehabilitation, economic development, neighborhood rehabilitation and commercial rehabilitation. The draft legislation was revised to retain statutory authorization for an advisory council, a compromise that was suggested by the League's Growth Management and Economic Development Policy Committee. The League believes that maintaining an active advisory council composed of municipal members is critical to allowing cities to provide feedback on future changes to the program and strengthen the relationship between cities and the DEO.



TRANSPORTATION FUNDING

LEGISLATIVE PRIORITY

The Florida League of Cities **SUPPORTS** legislation that preserves local control of transportation planning and provides opportunities for additional revenue options to fund municipal transportation infrastructure projects.

BACKGROUND

Municipalities have limited revenue options for funding transportation projects. A major portion of transportation funding flows to municipalities through the state and federal governments. Much of that funding is generated through a tax on gasoline. Recent data has shown that gas tax revenue at both the state and federal levels has decreased dramatically. A significant amount of the decrease in revenue is due to an increase in the number of fuel efficient vehicles on the road. More fuel efficient vehicles means less gas is being purchased, causing lower gas tax revenues. Unlike other tax revenue that will increase once the economy improves, as vehicles will only become more fuel efficient, gas tax revenue is forecasted to continue to decrease over time. To compound the problem, the federal gas tax was last increased in 1997, the state gas tax in 1943, the county gas tax in 1941 and the municipal gas tax in 1971. None of these taxes are indexed for inflation.

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The lack of options for municipalities to increase revenue to fund local transportation projects further compounds the problem. For example, charter counties may hold a referendum on whether to impose up to a 1 percent sales tax to fund transportation infrastructure projects. Municipalities lack such authority. This can be problematic when there are disparities between the transportation needs of municipalities versus those of the more rural areas of the county at large. For example, a referendum was held in Hillsborough County to enact such a tax and it was defeated countywide. However, if the election results are broken down by municipality, the residents of Tampa actually voted to approve the tax. Extending such options to municipalities would allow greater flexibility to fund their unique transportation needs.

CURRENT STATUS

There seems to be a general consensus that Florida's transportation infrastructure is badly in need of increased funding and modernization, or alteration, of the current tax structure. During the 2013 legislative session, both the secretary of the Florida Department of Transportation (DOT) and the executive director of the Florida Metropolitan Planning Organization Advisory Council gave a presentation to the House and Senate Transportation committees highlighting the current and future problems of transportation funding facing governments at all levels. The Florida Transportation Commission is also in the process of studying the issue and reviewing alternatives to the existing per-gallon tax on gasoline. No bills were filed during the 2013 session that would have directly affected the existing revenue stream devoted to transportation. However, the DOT work program was fully funded for the 2013-14 fiscal year. Throughout his term, Gov. Rick Scott has emphasized the importance of transportation to Florida and the state's economy. The support of the executive branch and the increasing awareness of the transportation revenue problem may lead to the issue being addressed in the 2014 session.



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ETHICS

LEGISLATIVE PRIORITY

The Florida League of Cities **SUPPORTS** legislation that provides for a judicious code of ethics for public officials to protect and preserve the public trust; provides a reasoned and balanced manner by which public officials may identify, disclose and resolve (or otherwise avoid) conflicts between public duty and private interests; and recognizes the home rule authority of each municipality to independently adopt more stringent standards for its own public officials.

BACKGROUND

The state code of ethics provides a framework for the actions and activities of state and local government officials. The code covers various areas, including conflicts of interest, gifts, financial disclosure and other standards of conduct. Failure to comply with the state code of ethics can subject an individual to civil or criminal penalties, depending upon the severity of the violation.

Many officials seek guidance on complying with ethics standards from the attorney to the officials' governmental entity. Officials who act in compliance with the attorneys' advice should be provided with a "safe harbor" from alleged ethics violations. Also, the ethics complaint process should not be used solely to further political or other unfounded purposes, and anyone filing a false ethics complaint with a malicious intent to injure the reputation of an official should be subject to a penalty.

Current law allows a political subdivision to adopt at the local level more stringent ethics standards than those provided under the state code of ethics. However, one political subdivision should not be authorized to adopt more stringent ethics standards for officials of a different political subdivision.

CURRENT STATUS

To date, no bills have been filed relating to local ethics standards, but League staff expects legislation to be filed on the issue in the coming months.

SOBER HOMES

LEGISLATIVE PRIORITY:

The Florida League of Cities **SUPPORTS** legislation that defines and establishes statewide minimum regulatory standards for properties used for “sober home” purposes and allows for more stringent local regulation of such properties.

BACKGROUND

“Sober homes” or “halfway houses” for individuals with drug and alcohol problems have been around for decades and provide needed transitional housing opportunities for people who are progressing through treatment for substance abuse problems. Several cities in Florida have been experiencing increasing problems with sober homes. These homes are marketed as places where recovering addicts can come to “sober up” and be slowly phased back into society while getting treatment for their addiction. Lately, however, cities have seen a proliferation of self-proclaimed “sober homes” that are run by unscrupulous landlords who are exploiting patients in order to make a profit. The *Tampa Bay Times* recently wrote a series of articles describing some of the problems these unregulated facilities are causing for both patients and non-patients in cities across the state.

The investigation into sober homes by *Tampa Bay Times* senior correspondent Susan Taylor Martin uncovered a multitude of problems. Without licensing requirements, state regulations or oversight setting minimum operating standards, many sober homes operate in the shadows and are often “fly-by-night”-type facilities. The *Times* article reported that “....in some homes, residents are housed two to three to a room. This is a lucrative business if each person pays \$500 per month, meaning a three-bedroom house with two residents per bedroom can bring in \$3,000 per month. But residents don’t get what they pay for.”



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With no regulation from government agencies, setting up a sober home is as easy as renting a house to a few residents who pledge to live in sobriety and attend support groups. The operators of these illegitimate sober homes often advertise on the Internet as offering treatment onsite or providing transportation to offsite treatment facilities. Once residents arrive, they find that no treatment is offered and there is very little oversight by the owners of the sober home. Instead, residents are free to do whatever they choose, which for many means to hit the streets to find drugs or alcohol (one Delray Beach home was attached to a bar, so its residents don't have to go too far). Law enforcement officials have seen increases in crime and homelessness in neighborhoods where these sober homes have located. Residents of these neighborhoods have reported an increase in burglaries, panhandling and even some instances where the sober home operators are openly using or selling drugs out of the sober home.

As a result of the lack of uniform state standards or regulations for sober homes, there are some houses that are nothing more

than a group of individuals living together abiding by self-imposed rules of sobriety, while other houses are operating just shy of administering treatment onsite and flying under the radar of the Florida Department of Children and Families (DCF) because they are not “formally affiliated with” a “licensed service provider.” (Those houses that are affiliated with a licensed service provider are currently required to be licensed by DCF, while homes not affiliated with a licensed service provider are not required to be licensed by DCF.) Therefore, the League will be supporting efforts to clearly define sober homes in statute and allow for the regulation of these facilities. Sober homes will continue to be a problem for cities and law enforcement in Florida until the Legislature places minimum operating standards for these places into statute.

SB 738 (Clemens) and HB 1089 (Grant) were filed to address the sober home issue in 2013, but both bills died in committee. There was language inserted into SB 1500, the General Appropriations Act, requiring the DCF to study the possible licensure of sober homes in Florida. The DCF held three public hearings during the summer and submitted a report to the president of the Senate, the speaker of the House and the governor on October 1, 2013. The report listed what other states are doing in regard to sober home regulation, or the lack thereof, but ultimately concluded that further study of the issue was needed prior to making recommendations.

STATUS

To date, no bills have been filed that deal with sober homes, but League staff expects legislation to be filed on the issue in the coming months.



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VACATION RENTALS

LEGISLATIVE PRIORITY

The Florida League of Cities **SUPPORTS** legislation that repeals the state preemption of the regulation of vacation rental properties in order to allow local governments to regulate such properties to protect the health and welfare of their residents, visitors and businesses.

BACKGROUND

In 2011, the Florida Legislature passed HB 883, which preempted local governments from regulating vacation rentals. Proponents of the bill claimed that city ordinances regulating vacation rentals were too restrictive, eroded private property rights and discouraged investment in the housing market. Cities throughout Florida had seen developers encroaching on residential neighborhoods with commercial development, replacing existing houses with very large houses meant only for renters. These large vacation rentals were essentially operating as hotels in residential neighborhoods. As a result, cities across the state rightfully attempted

to regulate them as such. They began regular inspections and imposing other regulations, such as parking or fire code standards. Hotels pay bed taxes and are zoned as commercial properties; vacation rentals are not. Cities mentioned that too little oversight could expose guests to dangerous situations, create unfair competition in the tourism industry, and rob the state and local governments of tax dollars.

Late in the 2011 session, provisions were added to HB 883 that allowed cities with vacation rental ordinances in place by June 1, 2011, to retain those ordinances. While this “grandfather” provision helped, new problems have emerged with vacation rentals and many cities are reluctant to amend their ordinance out of fear of voiding their existing ordinance.

CURRENT STATUS

The Florida League of Cities testified in opposition to the preemption bill during the 2011 legislative session and argued that the legislation would make it impossible for cities to craft solutions to local problems associated with these properties. To date, no bills have been filed dealing with vacation rentals, but Sen. John Thrasher and Rep. Travis Hutson were recently quoted in various newspaper articles as saying that they will be filing bills this year to remove the preemption from state law.

2014 Key Dates*

February

- 11-12** Federal Action Strike Team (FAST)
Fly-in to Washington, D.C.
-

March

- 4** Legislative Session Convenes
- 8-12** National League of Cities Congressional City Conference
Washington, D.C.
-

April

- 1-2** Florida League of Cities Legislative Action Days
Tallahassee
-

May

- 2** Last Day of Regular Session
-

August

- 14-16** Florida League of Cities Annual Conference
Hollywood, FL
-

November

- 13-14** Florida League of Cities Legislative Conference
Orlando

*dates subject to change

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This brochure reflects the priorities of 410 municipalities, as prepared by the five legislative policy committees and adopted by the full membership at the Florida League of Cities 53rd Annual Legislative Conference on November 22, 2013, in Orlando.

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Mayor Matthew Surrency, Hawthorne

The Florida League of Cities, Inc., formed in 1922, represents the municipalities of Florida. Its mission is to concentrate the influence of all city, town and village officials upon other policymaking bodies for the purpose of shaping legislation and public policy, sharing the advantages of cooperative action, and exchanging ideas and experiences.

For more information on the League's legislative initiatives, please contact:

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MIAMI-DADE COUNTY DAYS IN TALLAHASSEE ☆ APRIL 2 & 3, 2014

January 27, 2014

Dear Miami-Dade County Days Participants and Sponsors:

New challenges will be facing our communities and the organizations that make up our vibrant county. On behalf of Representative Eduardo "Eddy" Gonzalez and Jose Felix Diaz, Chair and Vice Chair of the Miami-Dade Delegation; Mayor Carlos Gimenez, Chairwoman Rebeca Sosa, and Vice-Chairwoman Lynda Bell, we welcome you to join us for Miami-Dade County Days in Tallahassee 2014, April 2nd & 3rd.

On the morning of Wednesday April 2, our charter will depart from Miami International Airport (MIA) to Tallahassee. Upon arrival we will take part in the Tourist Development Council of Miami-Dade County's "World Famous Paella Fest," and everyone is welcome. Please wear your colorful ties and scarves designed by New World School of the Arts and sponsored by Baptist Health South Florida. There will be a post- Paella gathering with invited elected officials including the Governor, the Cabinet, Representative Eduardo "Eddy" Gonzalez, and the full Miami-Dade County Legislative Delegation. Then you have the afternoon and early evening to meet with your elected official in Tallahassee.

Get ready for our casual evening event "It's So Miami" Mambo Kings event which showcases our local cuisine, drinks, and music. This event is held at the Challenger Learning Center from 7 to 10 p.m. The party is just getting started because: "It's So Miami" - with a Delegation Chairman's post party at the Hotel Duval starting at 10:00 p.m. These are ticketed events.

On the morning of April 3rd there will be a Department Head(s) Seminar at the Florida Association of Realtors from 9:00 a.m. to 11:00 a.m.. This seminar should not be missed by our local government officials and business leaders. This is a great opportunity to interact with the leaders in Tallahassee that affect your local community.

At 11:45 a.m. on Thursday April 3 we will have our annual awards luncheon at the Double Tree Hotel Ballroom. We will proudly honor individuals who have impacted our community. This also is a ticketed event.

Costs for Miami-Dade County Days 2014 are \$950 per person. This includes your charter, hotel accommodations, registration, transportation while in Tallahassee, and tickets to all Dade Days events. The Charter will return to MIA early Thursday evening. Registration fees are \$175 per person if you choose to make your own travel and hotel arrangements. All applications must be returned to our office to our office by **Monday, March 3rd, 2014**. You will receive the final schedule of all Dade Days events along with your confirmation information, including air charter, departure and arrival times, and the name of your hotel during the week of the **March 10, 2014**.

Dade Days is made possible because of our sponsors, liaison board members, and a host of behind the scenes volunteers. Thank you on behalf of Monty Trainer, Bob Levy and our Liaison Board.

And remember, ***you make Dade Days happen!***

See you in Tallahassee,

Monty Trainer
Chairman

MIAMI-DADE COUNTY DAYS, INC.

6815 Biscayne Blvd., Suite 103-469 • Miami, Florida 33138

Toll Free: 1-855-339-4090 • E-mail: dadedays@comcast.net • www.dadedays.com



Miami-Dade County Days in Tallahassee ☆ APRIL 2 & 3, 2014

2014 APPLICATION

(Please type all information or print neatly)

Name(s) & Title(s): _____

Company/Organization: _____

Address: _____

City/State/Zip Code: _____

Phone: _____ Fax: _____

Contact E-Mail: _____

***FOR CHARTER FLIGHT PASSENGERS ONLY*:** DATE OF BIRTH _____
(This information will be kept confidential.)

ALL INFORMATION REQUESTED ABOVE MUST BE COMPLETED!

ALL APPLICATIONS MUST BE RECEIVED BY MONDAY, MARCH 3, 2014. THERE WILL BE NO REFUNDS.

The cost of our complete travel package is \$950, which includes round-trip travel on our charter flight, hotel accommodations, and your registration packet (tickets to all events and charter bus transportation while in Tallahassee). We also offer the option of purchasing roundtrip air travel, hotel accommodations, and registration packets separately.

We have limited rooms at the hotels, and priority will be given to those who purchase the complete package. Please be advised that our sponsors and elected officials have first priority for hotel assignments. Payment by check is preferred.

For credit card payment, please register online at www.dadedays.com. A fee will be assessed for credit card payments.

☐ I would like to purchase _____ complete travel package(s) at the cost of \$950.00 each.

- or -

☐ I would like to purchase _____ registration packet(s) at the cost of \$175.00 per person.

☐ I would like to purchase _____ roundtrip plane ticket(s) at the cost of \$525.00 each (requires the purchase of \$175.00 registration)*.

**Please write your date of birth in the space provided above.*

☐ I would like to purchase _____ hotel room(s) at the cost of \$250 per room, per night (requires the purchase of \$175.00 registration)**.

***To arrange hotel accommodations for more than one night, please call our office (toll free) at 1-855-339-4090..*

Please make all checks payable to: "MIAMI-DADE COUNTY DAYS, INC."

6815 Biscayne Blvd., Suite 103-469 • Miami, Florida 33138

Toll Free: 1-855-339-4090 • E-mail: dadedays@comcast.net • www.dadedays.com

A DETAILED ITINERARY INCLUDING YOUR HOTEL, AIR CHARTER AND SCHEDULE OF EVENTS WILL BE MAILED THE WEEK OF MARCH 10, 2014.



Miami-Dade County Days in Tallahassee ☆ APRIL 2 & 3, 2014

2014 SPONSORSHIP OPPORTUNITIES

SIGNATURE SPONSOR \$15,000 & ABOVE

- ☆ Exclusive appearance on Comcast "Newsmakers" program airing on CNN Headline News
- ☆ Includes all Platinum Sponsor benefits

PLATINUM SPONSOR \$10,000

- ☆ Two complete travel packages
- ☆ Two VIP Tables at Dade Days Luncheon
- ☆ Logo inclusion in a minimum of 75 PSA's airing on various Comcast Cable networks saluting Dade Days and the legislative session
- ☆ Company Brochure / giveaways distributed to all registered participants
- ☆ Celebrity server at "Paella Fest"
- ☆ Recognition in Dade Days media and print materials
- ☆ Web link to your company or organization on www.dadedays.com

GOLD SPONSOR \$5,000

- ☆ One complete travel package
- ☆ One VIP Table at Dade Days Luncheon
- ☆ Logo inclusion in a minimum of 50 PSA's airing on various Comcast Cable networks saluting Dade Days and the legislative session
- ☆ Company Brochure / giveaways distributed to all registered participants
- ☆ Celebrity server at "Paella Fest"
- ☆ Recognition in Dade Days media and print materials
- ☆ Web link to your company or organization on www.dadedays.com

SILVER SPONSOR \$2,500

- ☆ Brochure / giveaways distributed to all registered participants
- ☆ Recognition in all media and print materials
- ☆ Web link to your company or organization on www.dadedays.com

BRONZE SPONSOR \$1,000

- ☆ Brochure / giveaways distributed to all registered participants
- ☆ Recognition in all media and print materials

FRIENDS OF DADE DAYS SPONSOR LESS THAN \$1,000

- ☆ Mentioned in all media and print materials

YOU MAKE DADE DAYS HAPPEN!

FOR ADDITIONAL INFORMATION CONTACT:

BOB LEVY: 850-681-0254 / Email: levywolf@aol.com
 Email: dadedays@comcast.net / www.dadedays.com

**Packages include: charter plane tickets, hotel, transportation and tickets to all events*

AGENDA ITEM REPORT

March 10, 2014

ITEM NUMBER: 4.

ITEM: Approval of the location of construction trailer at 9940 West Bay Harbor Drive as required by Section 23-4(7) of the Bay Harbor Islands Town Code. Enclosed is a copy of the location of the trailer, the pertinent section of the Code, and a copy of the trailer specs.

DESCRIPTION:

This project was approved December 2012, construction plans have been under review by the Building Department, DERM and Fire for a few months and they are nearing a final approval and issuance of a building permit. They have already met with staff to discuss staging issues.

RECOMMENDED ACTION:

Approval.

FINANCIAL ANALYSIS:

They have a contract to purchase TDRs from the Town for the amount of \$680,000

BUDGET IMPACT:

Submitted By: Marlene Marante, Town Clerk

ATTACHMENTS

1.	Construction Trailer Request	construction trailer - 9940 WBHD.pdf
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February 26, 2014

Ms. Marlene Marante
Town Clerk/Director of Town Compliance
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, Florida 33154

RE: Bay Harbor Residences Mobilization and Construction Trailer Specifications

Dear Ms. Marante,

Thornton Construction wishes to inform you of our intent to place a construction mobile office on the site of the Bay Harbor Residences construction site, located at 9940 West Bay Harbor Drive.

Please find attached a separate site plan indicating only the trailer location, and the specifications for the trailer, for which we are in the process of obtaining a permit.

Regards,
THORNTON CONSTRUCTION COMPANY, INC.

Thomas Thornton
President

mobile mini, inc.

STANDARD LEASED UNITS

10'-0" WIDE GROUND MOUNT OFFICES

OPEN BAY OFFICE ("E" SERIES)

CORPORATE HEADQUARTERS:

7420 SOUTH KYRENE ROAD
SUITE 101
TEMPE, AZ 85258

MANUFACTURING FACILITIES:

2660 N. LOCUST AVE.
RIALTO, CA 92377
☐ APPLIES TO STATE

7020 OLD KATY RD.
HOUSTON, TX 77024
☐ APPLIES TO STATE

ARCHITECT:

THOMAS L. MELTON
225 S. INGRAHAM AVE., SUITE #1
LAKE LAND, FL 33801
A.R. LICENSE #: AR0017033

MAIN WIND FORCE RESISTING SYST.

POS. PRESS. = 35.7 PSF
NEG. PRESS. = -10.2 PSF
WALL COMP. & CLADDING PRESS.
POS. PRESS. = 44.9 PSF
NEG. PRESS. = -59.8 PSF

DOOR & WINDOW PRESS.

MORE THAN 3' FROM CORNERS
WIND UPLIFT LOAD = -37.4 PSF
WALL COMP. & CLADDING PRESS.

POS. PRESS. = 38.7 PSF
NEG. PRESS. = -37.4 PSF

DOOR & WINDOW PRESS.

LESS THAN 3' FROM CORNERS
WIND UPLIFT LOAD = -59.8 PSF

11755 N. MIP ENTRANCE RD.
MARICOPA, AZ 85234
☒ APPLIES TO STATE

BUILDING DATA

OCCUPANCY:	B
TYPE OF CONSTRUCTION:	5
OCCUPANCY LOAD:	1 PER 100 SQ. FT. (MAX)
WIND LOAD (mph - EXP. Cl):	150
WIND PRESSURE LOAD (psf):	41.6
FLOOR LIVE LOAD (psf):	50
ROOF LIVE LOAD (psf):	50 (CAPACITY)
SEISMIC ZONE/CATEGORY:	SITE CLASS 'D', DESIGN CAT. 'D'
SQUARE FOOTAGE:	300 SQ. FT.
APPROVALS	
STRUCTURAL:	AS SHOWN
ELECTRICAL:	AS SHOWN (IF APPLICABLE)
MECHANICAL:	AS SHOWN (IF APPLICABLE)
PLUMBING:	AS SHOWN (IF APPLICABLE)

APPLICABLE CODES

STATE OF: FLORIDA
2007 FLORIDA BUILDING CODE
2007 FLORIDA MECHANICAL CODE
2008 NEC
2007 FLORIDA FIRE PREVENTION CODE
2007 FLORIDA ACCESSIBILITY STANDARDS
2002 EPCOT ENERGY EFFICIENCY CODE FOR BUILDING CONSTRUCTION

SHEET INDEX

#	DESCRIPTION
0	COVER SHEET INDEX & BUILDING DATA
1	NOTES, SYMBOLS & DEFINITIONS
2	FLOOR PLAN
3	EXTERIOR ELEVATIONS
4	INTERIOR ELEVATIONS
5	ELECTRICAL PLANS
6	SCHEDULES & NOTES
7	BASE FRAME PLAN
8	EXTERIOR FRAME ELEVATIONS
9	ROOF FRAME PLAN
10	CROSS SECTIONS
11	SUGGESTED BLOCKING PT. / ANCHOR PLAN
12	DETAILS
13	DETAILS
14	DETAILS
15	DETAILS
16	NOT USED

mobile mini, inc.
MANUFACTURING & COMMERCIAL DIVISION
11755 N. MIP ENTRANCE RD.
MARICOPA, AZ 85234
TEL: 602-441-1175
FAX: 602-441-1176
WWW.MOBILEMINI.COM
ALL RIGHTS RESERVED

STANDARD LEASED UNITS
10'-0" WIDE GROUND MOUNT OFFICES
COVER SHEET, SHEET
INDEX # BUILDING DATA

SHEET
NO. 1
DATE 6/1/01
BY JLM
REV. 10-12-01



10-12-01
ON LEASE 1/15

GENERAL NOTES

- BUILDING SHALL BE LOCATED A MINIMUM DISTANCE FROM KNOWN OR ASSUMED ADJACENT PROPERTY LINES PER APPLICABLE BUILDING CODES.
- REQUIRED RESTROOM FACILITIES MUST BE PROVIDED ON SITE IN ADJ. BLDGS. IN ACCORDANCE WITH APPLICABLE BLDG. CODES AND SUBJECT TO LOCAL INSPECTION.
- BUILDING SHALL NOT INCLUDE ANY HAZARDOUS MATERIALS, INCLUDING, BUT NOT LIMITED TO, ASBESTOS, LEAD, ETC.
- ALL STRUCTURAL DIMENSIONS ARE 1/8" UNLESS NOTED OTHERWISE. ALL FUTURE DIMENSIONS ARE 1/8" UNLESS NOTED OTHERWISE OR IF IN EITHER HANDICAP OR CHILD ENVIRONMENTS.
- CUSTOMER IS RESPONSIBLE FOR MEETING HANDICAP ACCESSIBILITY REQUIREMENTS OF LOCAL JURISDICTION.
- FOUNDATION STITCH AND SOIL BEARING PRESSURE FOR SPECIFIC SITE IS TO BE PER RECOMMENDATION OF LOCAL SOILS ENGINEER AND IS THE RESPONSIBILITY OF THE CUSTOMER.
- ALL INTERIOR FINISHES TO HAVE FLAME SPREAD 0-25 AND SMOKE DEVELOP. FUEL CONTRIBUTED 0-450.
- ALL DOOR AND WINDOW FRAMES WILL NET COMPOSITE AND ACT AS OWN HEADER.
- ALL WELDING TO CONFORM TO AWS/AISC STANDARDS AND BE ACCOMPLISHED UTILIZING E70XX ELECTRODES.
- CUSTOMER IS RESPONSIBLE FOR CONFORMING TO ALL BUILDING/CODE REQUIREMENTS OF LOCAL JURISDICTION WHICH PERTAIN TO THE SPECIFIC SITE OR ARE NOT SPECIFICALLY NOTED AS BEING CONFORMED TO IN THESE PLANS.
- ALL STRUCTURAL STANDARDS SET BY THESE PLANS ARE TO BE CONSIDERED AS THE MINIMUM REQUIREMENT AND MAY BE EXCEEDED WITHOUT RESUBMITTAL.
- THESE PLANS AND ALL INFORMATION CONTAINED THEREIN ARE CONFIDENTIAL AND SUBJECT TO RESTRICTED DISTRIBUTION (SEE PROPRIETARY INFORMATION IN LEGEND).
- ALL DRAWINGS AND SPECIFICATIONS CONTAINED HEREIN SUPERSEDE ALL OTHER DRAWINGS AND/OR SPECIFICATIONS WRITTEN AND/OR VERBAL.
- ALL DOORS BETWEEN AIR-CONDITIONED SPACE AND UN-AIR-CONDITIONED SPACES MUST BE WEATHERSTRIPPED.

GENERAL SYMBOLS

	STATE INSIGNIA TAG - DENOTES TAG REQUIRED BY APPLICABLE DESTINATION STATE.
	MOBILE MINI, INC. SERIAL NUMBER - DENOTES LOCATION TO STAMP SERIAL NUMBER ASSIGNED TO EACH BUILDING BY MOBILE MINI, INC.
	DATA PLATE - DENOTES LOCATION TO AFFIX DATA PLATE IF REQUIRED BY DESTINATION STATE.
	REVISION SYMBOL - DENOTES ITEMS WHICH HAVE BEEN CHANGED SINCE DRAWING WAS LAST ISSUED OR APPROVED.
	SECTION CUT SYMBOL - DENOTES DIRECTION OF VIEW. NUMBER IS SHEET TO REFERENCE, LETTER DENOTES SECTION ON THAT SHEET.
	DETAIL SYMBOL - NUMBER IS SHEET TO REFERENCE, LETTER DENOTES DETAIL ON THAT SHEET.
	EXTERIOR ELEVATION KEY SYMBOL - ARROW DENOTES DIRECTION ELEVATION IS VIEWED FROM. ALL ELEVATIONS ARE ON EXTERIOR ELEVATION SHEET.
	INTERIOR ELEVATION KEY SYMBOL - ARROW DENOTES DIRECTION ELEVATION IS VIEWED FROM. ALL ELEVATIONS ARE ON INTERIOR ELEVATION SHEET.
	CENTERLINE SYMBOL - DENOTES DIMENSION IS TO THE CENTERLINE OF AN OBJECT.
	MIDPOINT SYMBOL - DENOTES DIMENSION IS TO THE MIDPOINT OF AN OBJECT.
	PLATE SYMBOL - IS FOLLOWED BY THICKNESS, WIDTH, AND LENGTH.
	ANGLE SYMBOL - IS FOLLOWED BY SIZE, THICKNESS, AND LENGTH.
	DIAMETER OR ROUND SYMBOL - INDICATES DIMENSION IS DIAMETER OR ROUND.
	SQUARE SYMBOL - INDICATES DIMENSION IS SQUARE OR EQUAL ON BOTH SIDES.
	PLUS/MINUS SYMBOL - IS FOLLOWED BY THE DISTANCE THAT A DIMENSION MAY VARY BY.

WELD SYMBOLS

	BUTT WELD - NUMBER TO LEFT DENOTES SIZE, NUMBER TO RIGHT (OPT.) DENOTES LENGTH AND PITCH.
	SEAM WELD - NUMBER TO LEFT (OPT.) DENOTES WIDTH OR YIELD STRENGTH OF WELD (WIDTH SHOWN).
	BOLT WELD - MAY HAVE OPTIONAL SYMBOL PLACED BELOW TO DENOTE FINISH CONTOUR.
	TACK WELD - NUMBER BELOW (OPT.) DENOTES QUANTITY, NUMBER TO RIGHT (OPT.) DENOTES PITCH.
	FLUSH CONTOUR - OPTIONAL FINISH CONTOUR SYMBOL TO DENOTE A GROUND FINISH.
	CONVEX CONTOUR - OPTIONAL FINISH CONTOUR SYMBOL TO DENOTE AN UNGROUND FINISH.
	WELD ALL AROUND - DENOTES THAT THE WELD DESCRIBED MUST BE ALL OF THE WAY AROUND THE MEMBERS.
	WELD NOTE - MAY BE ANY NOTE TO CLARIFY OR SPECIFY WHAT THE WELD APPLIES TO.
	WELD SYMBOL LEADER - ALL SYMBOLS PLACED BELOW APPLY TO THE SAME SIDE OF THE MEMBER THAT THE ARROW POINTS TO. ALL SYMBOLS ABOVE APPLY TO THE OPPOSITE SIDE OF THE MEMBER THAT THE ARROW POINTS TO.

STANDARD LEASING UNITS
10'-0" WIDE GROUND MOUNT UNITS

NOTES, SYMBOLS, # NOTES

mobile mini, inc.

SHEET

FOR LEASE

10-2-2019

9-21-09

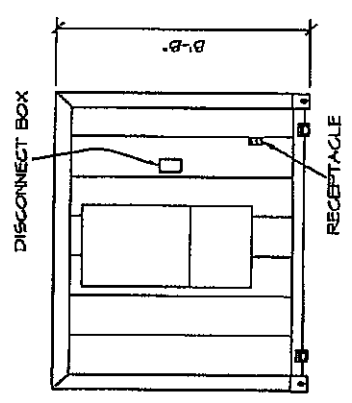
mobile mini, inc.

STANDARD LEASED UNITS
10'-0" WIDE GROUND MOUNT UNITS

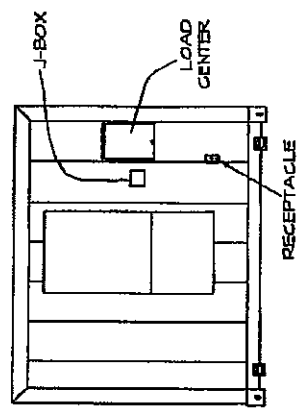
EXTERIOR ELEVATIONS

DESIGNER'S NOTES:
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
2. THE UNIT SHALL BE DELIVERED TO THE SITE IN A COMPLETE AND READY TO OPERATE CONDITION.
3. THE UNIT SHALL BE DELIVERED WITH ALL NECESSARY ACCESSORIES AND EQUIPMENT.
4. THE UNIT SHALL BE DELIVERED WITH A 1 YEAR WARRANTY.
5. THE UNIT SHALL BE DELIVERED WITH A 1 YEAR WARRANTY.
6. THE UNIT SHALL BE DELIVERED WITH A 1 YEAR WARRANTY.
7. THE UNIT SHALL BE DELIVERED WITH A 1 YEAR WARRANTY.
8. THE UNIT SHALL BE DELIVERED WITH A 1 YEAR WARRANTY.
9. THE UNIT SHALL BE DELIVERED WITH A 1 YEAR WARRANTY.
10. THE UNIT SHALL BE DELIVERED WITH A 1 YEAR WARRANTY.

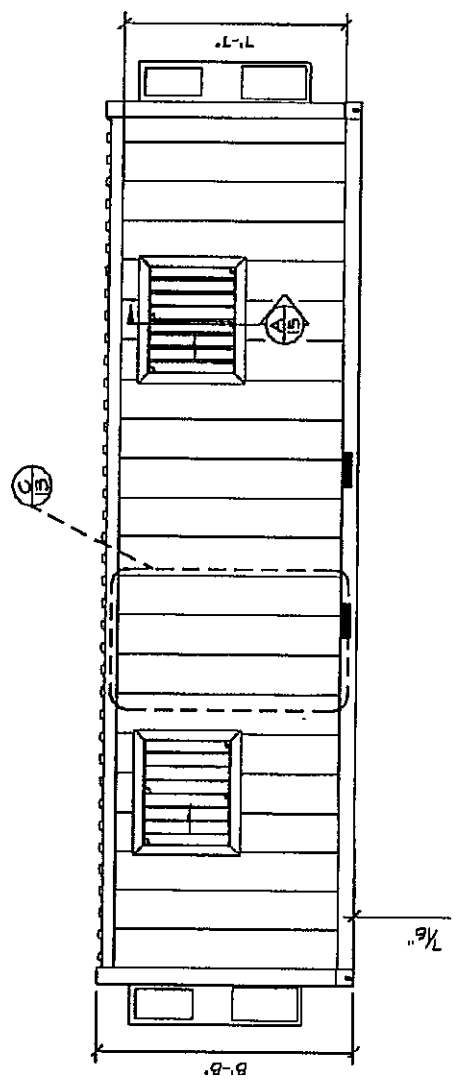
PROJECT NO.		DATE	
SHEET		3	
10' LEASE		15	



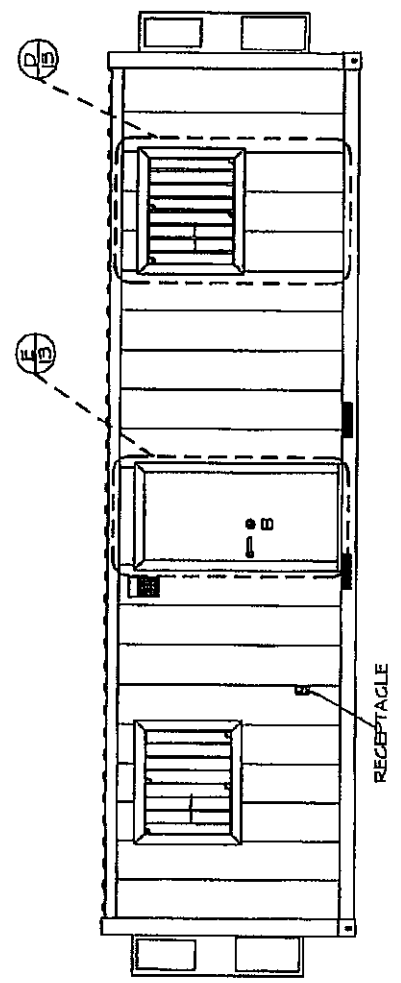
ELEVATION "B"



ELEVATION "D"

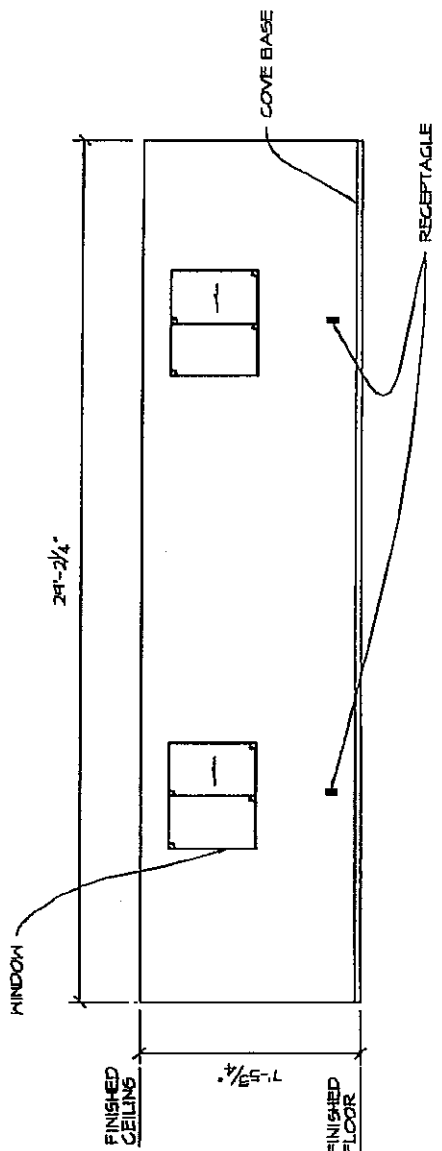


ELEVATION "A"

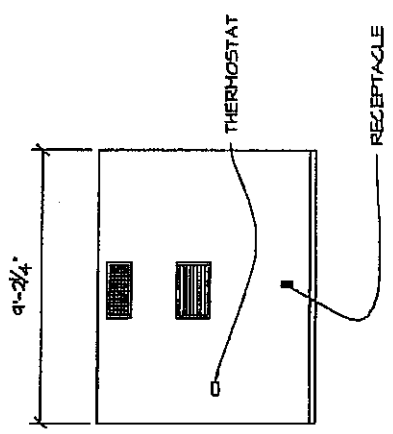


ELEVATION "C"

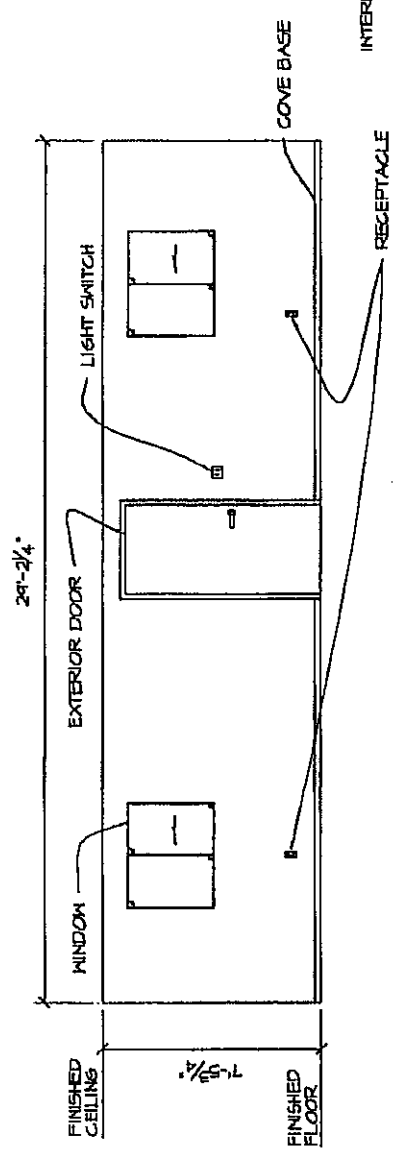
Handwritten note: 10'-2'-0" x 7'-0" x 7'-0"



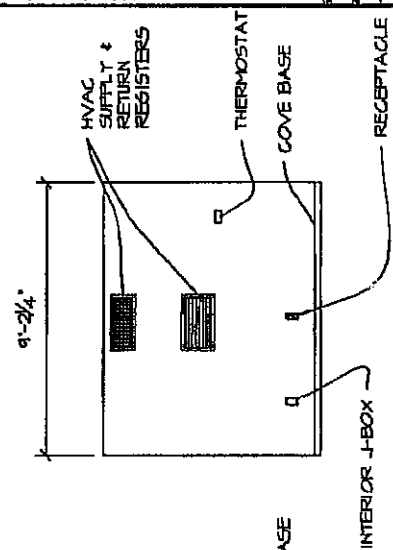
ELEVATION "A"



ELEVATION "B"



ELEVATION "C"



ELEVATION "D"

101-29-00

AGENDA ITEM REPORT

March 10, 2014

ITEM NUMBER: 5.

ITEM: Approval of the location of construction trailer at 9241-9261 East Bay Harbor Drive as required by Section 23-4(7) of the Bay Harbor Islands Town Code. Enclosed is a copy of the location of the trailer, the pertinent section of the Code, and a copy of the trailer specs.

DESCRIPTION:

This project was approved by the Planning and Zoning Board in October, 2012 and appealed to the Council. The Town Council approved the project January 2013, construction plans have been under review by the Building Department, DERM and Fire for a few months and they are nearing a final approval and issuance of a building permit. They have already met with staff to discuss staging issues.

RECOMMENDED ACTION:

Approve.

FINANCIAL ANALYSIS:

They have a contract to purchase TDRs from the Town for the amount of \$460,000

BUDGET IMPACT:

Submitted By: Marlene Marante, Town Clerk

ATTACHMENTS

1.	Construction Trailer Request	construction trailer - 9241-9261 EBHD.pdf
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February 11, 2014

Marlene Marante
Town Clerk/Director of Code Compliance
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Re: The Ivory Construction Project: Construction Trailer Specifications and Mobilization

Dear Ms. Marante:

It is the intention of Pinnacle Construction Group, Inc., on behalf of the Developer, to place a construction trailer on the site located at 9241-9261 East Bay Harbor Drive for the construction of the The Ivory Condominium project.

Please find attached the specifications for the trailer and associated site plan showing the location of the trailer.

The trailer will be a self-contained construction site office with electrical service, waste containment for the bathroom, and possible phone/internet access. A permit application is in process of being prepared for the trailer, fence, dumpster, and chemical toilets.

We ask that this information be submitted in a timely manner to be eligible for the agenda at the next upcoming Town Council Meeting.

Should you have any questions regarding this request, please do not hesitate to call.

Sincerely,

PINNACLE CONSTRUCTION GROUP, INC.

A handwritten signature in blue ink, appearing to read "C. Scherf".

Christian Scherf
President

CS/jh

cc: D. Crowe, Project Manager
C. Bernal
File(s)

The Ivory

PCG/drc 2/11/2014 1450



8x28 Office Trailer

It's compact, versatile, and ready for large and small jobs.

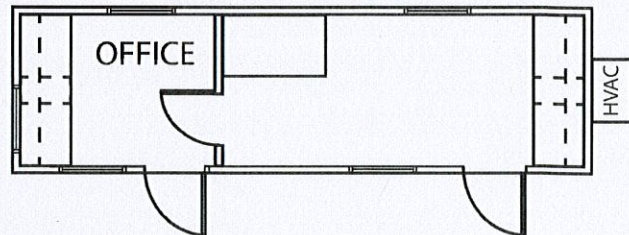


Specifications

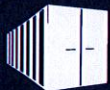
- » 8' x 28' building size,
- » 8' x 32' with towing hitch
- » (1) 8' x 10' private office
- » (1) 8' x 18' main office
- » 2 entrances
- » 8' ceiling height
- » Restroom optional

Features

- » Central HVAC
- » Built-in furniture (plan table, desk, filing cabinet, bookshelf)
- » Fluorescent lighting
- » Electrical outlets
- » 1/8" vinyl floor



Ask us about...



Storage Containers

Secure portable storage units in 8' x 20' and 8' x 40' sizes.



Furniture

Various prices and styles to fit any budget.



Insurance

Optional commercial general liability and damage waiver option.



Portable Sanitation

Hand wash stations, holding tanks, and Porta-Johns.



Accessibility

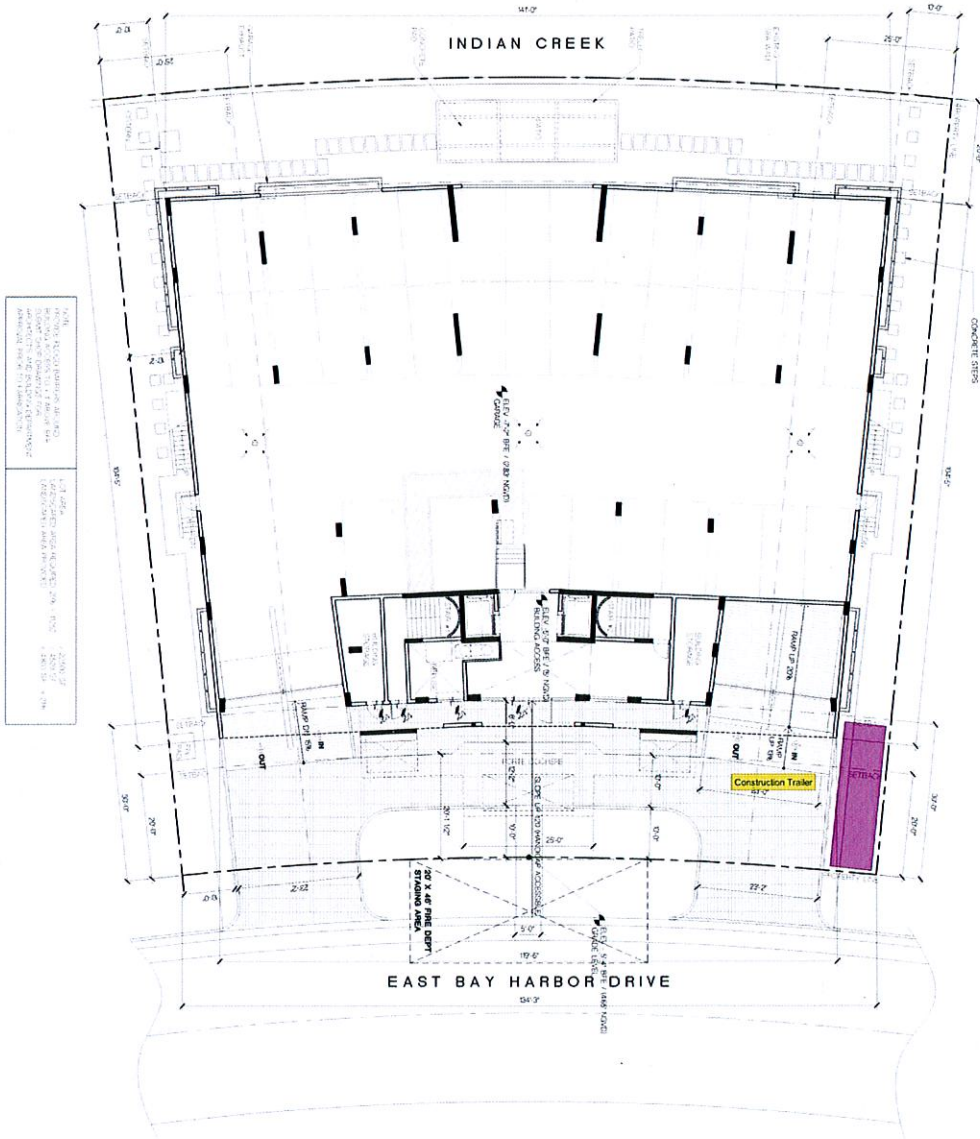
Steps, decks and ramps.

Experienced ★ Local ★ Proven

World-class service you can count on, with guaranteed on-time delivery, and competitive pricing from 80-plus locations across North America.

Floor plans may vary. Other sizes, floor plans, configurations and specifications are available.

Call today or visit us online: 800-523-7918 www.modspace.com



NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD OR RAILROAD.
 3. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD OR RAILROAD.
 4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD OR RAILROAD.
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 9. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD OR RAILROAD.
 10. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD OR RAILROAD.



SITE PLAN
 SCALE: 1/8" = 1'-0"

A-100

SITE PLAN

THE IVORY
 CONDOMINIUM APARTMENT
 9261 EAST BAY HARBOR DRIVE
 (SEE MAP FOR LOCATION OF LOT & SITE)

BRICKO, LLC
 11111 N. 111TH AVE., SUITE 100
 DALLAS, TEXAS 75243

ARBA ENGINEERING, INC.
 11111 N. 111TH AVE., SUITE 100
 DALLAS, TEXAS 75243

CHANNANTIC
 11111 N. 111TH AVE., SUITE 100
 DALLAS, TEXAS 75243

HE
 11111 N. 111TH AVE., SUITE 100
 DALLAS, TEXAS 75243

BMA
 BODAS, MIAMI, ANGER
 ARQUITECTOS & ASOCIADOS
 11111 N. 111TH AVE., SUITE 100
 DALLAS, TEXAS 75243

FRANKEL, BEYANOUN
 ARCHITECTS, INC.
 11111 N. 111TH AVE., SUITE 100
 DALLAS, TEXAS 75243

AGENDA ITEM REPORT

March 10, 2014

ITEM NUMBER: 6.

ITEM: Approval of the location of sales office at 9821 East Bay Harbor Drive as required by Section 23-4(7) of the Bay Harbor Islands Town Code. Enclosed is a letter of request and a copy of the floor plan for the unit being utilized as the sales office.

DESCRIPTION:

The code section that regulates this type of permit reads as follows:

Sec. 23-4(7)

"Temporary sales and business offices, construction trailers, and model dwelling units, but only in connection with the construction of dwelling units, and upon specific approval and permit of the town council, including but not limited to such time limits and other any other conditions as may be imposed by the town council at its discretion."

In the past when the Town Council has approved sales office, the Town Clerk has issued a special use occupational license. If the Council approves the sales office the same thing can be done with this case.

RECOMMENDED ACTION:

Approval

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Marlene Marante, Town Clerk

ATTACHMENTS

1.	Letter of request and plans	sales office - 9821 EBHD.pdf
----	-----------------------------	------------------------------

BH 98 LLC



18851 NE 29th Avenue - Suite 1011 • Aventura, Florida 33180 • Phone: 305-935-5050 • Fax: 305-466-6606
E-Mail: ms@s2development.com

Date: Tuesday March 4, 2014

Ms. Marlene Marante
Town Clerk
Town of Bay Harbor Islands
Mayor Joseph Gardner Government Center
9665 Bay Harbor Terrace, Bay Harbor Islands, FL 33154

Dear Ms. Marante:

As you are undoubtedly aware, BH 98 LLC is the current owner of the site formerly known as the Edgewater Apartments located at 9821 East Bay Harbor Drive. As you are also aware, a site plan was submitted and approved by the council for the development of a 41 dwelling multi-family residential condominium on this site. The approved project, which has now been named the "O Residences," will begin formal sales and marketing efforts within the coming weeks.

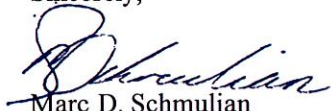
One of the reasons that this location was chosen as the site of O Residences was due to the spectacular views and relaxing atmosphere of the location. In order to demonstrate these unique aspects of the project as well as showcase some of the finishes and other aspects of the project, we would like the ability to create and utilize an onsite sales lounge to host potential clients and real estate brokers.

Rather than creating unnecessary construction on the island, we will create the sales lounge by retrofitting one of the existing units on the property based on the attached, approved and permitted plans. This sales lounge will last only until the project begins and the existing building is demolished.

As O Residences is a boutique project with only 41 residences, we anticipate that the sales process will conclude after only a short amount of time. However, as we cannot predict market trends, we would request permission to maintain the sales lounge as long as needed up to 12 months.

If you have any questions, please do not hesitate to contact us.

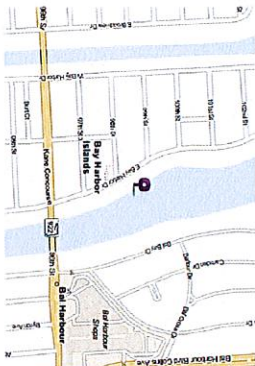
Sincerely,



Marc D. Schmulian
Authorized Representative
BH 98 LLC

INTERIOR RENOVATION: ALTERATION LEVEL 2

DEMOLISH 142 S.F. OF WALLS. PROVIDE TEMPERED SAFETY GLASS CATEGORY 2 IN SELECTED LOCATIONS, RELOCATE OUTLETS (2). REMOVE EXISTING SHOWER. AT BATHROOM, NEW WOOD DECK ON TOP OF EXISTING DECK.



GENERAL BUILDING NOTES

- [illegible]

2010 FLORIDA BUILDING CODE
2010 FLORIDA ACCESSIBLE CODE
2010 FLORIDA FIRE PREVENTION CODE

2010 FURNACE PARTS PREVIEW FROM CODE
APPA 101, LIFE SAFETY CODE
IN ADDITION, ALL WORK TO CONFORM TO APPLICABLE
TRADE CODES, LAWS AND REGULATIONS

A-1 EXISTING FLOOR PLAN
A-2 PROPOSED PLUMB. WALL DTLS

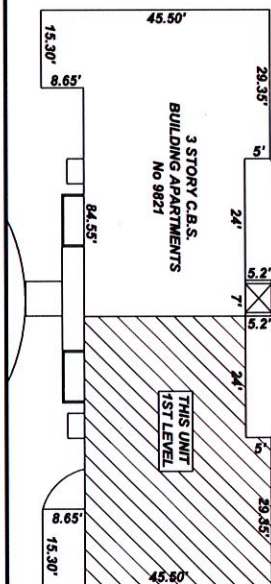
EXISTING FLOOR AREA:	1,040 SF
AREA OF WORK INTERIOR:	120 SF
EXTERIOR DECK AREA:	120 SF
TOTAL PERSONALIZATION:	ENVIRONMENTAL

ZONING DESIGNATION:	RESIDENTIAL
TYPE OCCUPANCY:	R3
CONSTRUCTION TYPE:	III (DISTING)
NUMBER OF STORES:	3

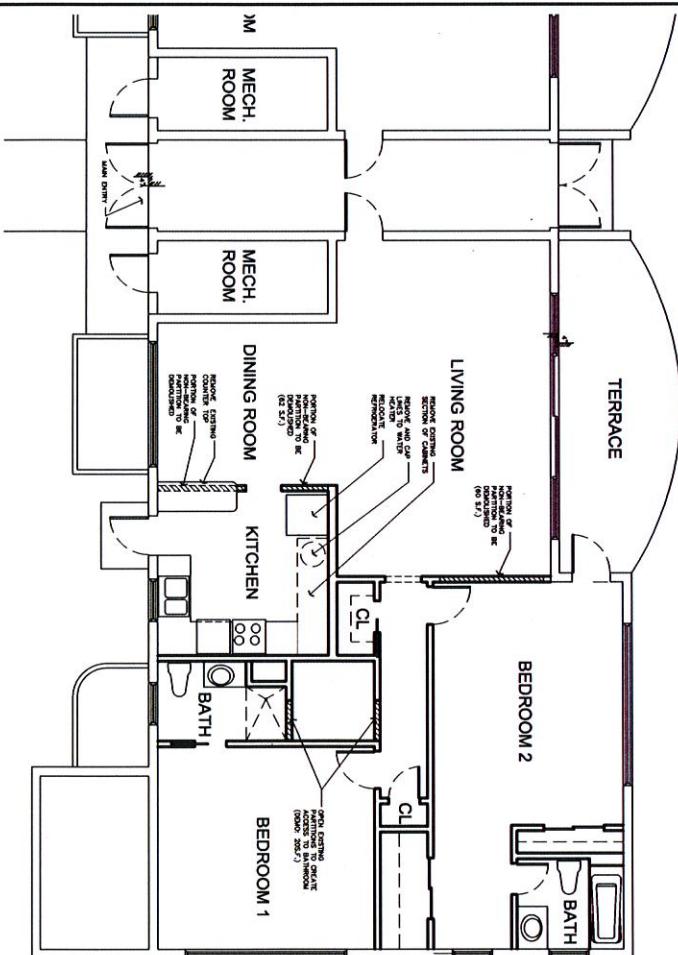
FOUO: 15-2227-046-0050

LOTS 25 AND 26, BLOCK 4, BAY HARBOR ISLAND,
RECORDED IN PLAT BOOK 46 AT PAGE 3 OF PUBLIC
RECORDS OF MIAMI - DADE COUNTY, FL

SCALE: 3/32"=1'-0"



TERRACE



2	EXISTING FLOOR PLAN
---	---------------------

SCALE: 1/4"=1'-0"

TEMPORARY SALES CENTER

9821 EAST BAY HARBOR DRIVE, UNIT #2
BAY HARBOR ISLANDS, FLORIDA



40 SW 13th STREET, UNIT 104
MIAMI, FL 33130
Tel: 305.465.3918
Fax: 305.437.4663

MARIO RUMIANO
Architect
AD 017108

A1

AGENDA ITEM REPORT

March 10, 2014

ITEM NUMBER: 1.

ITEM: Approval on first reading of an ordinance amending the Town Code Section 23-29.1(5) and (7) to delete the option to lease spaces into the parking trust. This ordinance was requested by Mayor Yaffe. There are two Exhibit A's attached to this ordinance (Option 1) deletes the lease option (Option 2) increases the price per space to \$1,000 and requires an annual payment. The Council will need to specify which option they are approving.

DESCRIPTION:

Enclosed are two versions of this ordinance for discussion. Exhibit A - Option 1 simply deletes the lease option from the Parking Trust Ordinance. Exhibit A - Option 2 increases the amount per space to \$1,000 per year per space and requires an annual lump sum payment.

Both versions are included for discussion and approval on first reading. The Council can either approve Opt 1 or Opt 2 or amend the ordinance further.

RECOMMENDED ACTION:

Council Discretion

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Marlene Marante, Town Clerk
Robert Yaffe, Mayor

ATTACHMENTS

1.	Ordinance with Option 1	ParkingTrust payment - Option 1.doc
2.	Option 2	Exhibit A (Option 2).docx

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S ZONING AND PLANNING CODE TO MODIFY THE EXISTING CODE PROVISIONS THAT ALLOW MONETARY CONTRIBUTIONS TO BE MADE TO A TOWN PARKING TRUST IN LIEU OF PROVIDING REQUIRED PARKING SPACES ON-SITE OR ON ANOTHER SITE WITHIN 500 FEET OF A PROPERTY; PROVIDING FOR PAYMENT TERMS, OPTIONS AND FEES FOR SUCH PAYMENTS; AMENDING SECTION 23-29.1(3) OF THE CODE OF ORDINANCES, PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; 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 amends the Zoning and Planning Code accordingly; and

WHEREAS, the Town retains urban planning professionals to study land development activities and land development regulations and recommend strategies and Code modifications to address identified problems; and

WHEREAS, the majority of land development existing within the Town was built many years ago when the use of motor vehicles was more limited and few if any land development regulations existed, and

WHEREAS, in response to the increased use of motor vehicles which has caused parking problems throughout the Town and similar surrounding communities, the Town has adopted land development regulations to provide for minimum parking requirements for all land uses, and

WHEREAS, in some instances it is impractical, impossible or undesired to provide all of the required off-street parking requirements onsite or in near proximity to the developed lands, and

WHEREAS, some residential and commercial properties are under-developed at this time and are constrained from expanding due, in some instances, to the inability to provide the required quantity of parking spaces on-site or in proximity to a site, and

WHEREAS, the Town Code currently includes the ability for property owners to contribute monies to a Town Parking Trust in lieu of providing all of the required quantity of parking spaces on-site, and

WHEREAS, the Town Council desires to specify available payment terms, options and costs for payments made into the Town Parking Trust, and to specify penalties for non-payment; and

WHEREAS, the Town Council desires to amend the Town's Zoning and Planning Code to modify the existing Off-Street Parking regulations to specify available payment terms, options and costs for payments made into the Town Parking Trust, and to specify penalties for non-payment; and

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

WHEREAS, the Town Council held duly advertised public meetings to consider the proposed modifications to the Town's Zoning and Planning Code.

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 Zoning and Planning Code is hereby amended to modify Section 23-29.1(3) to modify the existing Off-Street Parking regulations to specify available payment terms, options and costs for payments made into the Town Parking Trust, and to specify penalties for non-payment, 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 ____ day of _____, 2014.

PASSED and ADOPTED on Second Reading this ____ day of _____, 2014.

ROBERT H. YAFFE
Mayor

ATTEST:

MARLENE MARANTE
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

CRAIG SHERMAN, ESQ.
Town Attorney

Exhibit “A”- **Option 1**

Amendments to the Town of Bay Harbor Islands Zoning and Planning Code

Article II. Off-Street Parking

Sec. 23-29. Establishing parking area away from certain lots.

Notwithstanding anything heretofore contained in this article, an owner of property may, in complying with the provisions of this article, establish such parking area as is required away from his building site, provided such parking area shall not be more than five hundred (500) feet therefrom measured from the closest point of the building site to the closest point of the parking area, following a pedestrian route along a sidewalk between the building site and parking area, irrespective of whether the sidewalk is actually in existence or is proposed to be constructed and the location of the sidewalk established. In the event an owner shall avail himself of the privilege provided for in this section, he shall, as a condition precedent thereto, along with any lessee or mortgagee of the proposed parking area, enter into an agreement with the town between the building site property and the parking area in accordance with the similar provisions therefore and to the same purpose and effect as has hereinabove been referred to and required under similar circumstances in 23-26 or enter into an off-site parking agreement between the property owner, other property owners, and the Town. This may include the ability of an owner seeking to provide parking areas off-site to contribute to a Town Parking Trust.

Sec. 23-29.1. Town Parking Trust

- (1) A Town Parking Trust is hereby established to receive payments from property owners and/or developers in the Town, ~~for parking~~, when as a result of expansion or new growth, ~~said all required~~ parking cannot be provided in part or total, onsite;
- (2) Payments ~~collected in this account by the Town~~ made into the Town Parking Trust shall be used to improve and/or expand existing or proposed ~~municipal~~ Town owned on and off-street parking facilities and to secure other sites where additional parking may be established for the public.
- (3) If the required number of parking spaces cannot or will not be provided onsite, a property owner and/or developer may meet his/her/its on-site parking requirements by payment into the ~~account~~ Town Parking Trust a fee ~~per~~ for each of the required on-site parking spaces that can not or will not be provided on site (hereinafter the “Parking Trust Fee”), to be established by Resolution, subject to approval by the Town Council upon a finding that the Parking Trust Fee, in lieu of providing such method of satisfying the required on-site parking requirements otherwise applicable will not disrupt vehicle parking and traffic patterns or negatively affect adjacent land uses. Notwithstanding the above, a minimum of forty (40) percent of all required parking spaces must be provided on-site. The Town reserves the right to grant deviations from the provisions of this ~~provision~~ section upon a demonstration from the applicant of the following:
 - a) adequate off-street parking is available within 500 feet of the subject site;
 - b) The Council determines that the surrounding area will not be adversely impacted by the granting of the deviation;
 - c) The Town Manager or his/her designee, in conjunction with the Chief of Police, issues a written recommendation in support of the application;
 - d) The applicant demonstrates appropriate mitigation in the form of contributions to the Parking Trust Fee or other equivalent mitigation.

This section may be waived for municipal, state or federal uses only.

- (4) Additional parking spaces ~~so~~ created by the Town Parking Trust shall be made available to the public on a first-come first-served basis. The Town may elect to

issue a parking certificate for reserved parking spaces created by the Town Parking Trust.

- (5) ~~Payment of Parking Trust Fee. Subsequent to the Town Council's approval of use of the Town's Parking Trust in lieu of providing onsite parking spaces,~~ Arrangements for the Parking Trust Fee payment shall be finalized prior to the issuance of building permits for a principal structure. The Parking Trust Fee payment may be made in full, or paid in installments, ~~or leased monthly on a permanent basis as set forth herein.~~ Failure to make any Parking Trust Fee payments as agreed to may cause the Town Council's approval to be revoked. Any such revocation shall be approved by the Town Council at a public meeting after receiving a report from the Town Manager, after posting the property and notifying the affected property owner in writing at least thirty (30) days prior to the meeting date. If arrangements for payment are not made or alternative parking arrangements approved, the Town reserves the right to revoke occupancy permits, including but not limited to business tax receipts and/or certificates of use until adequate parking is provided, as determined by the Town. The administrative costs of any enforcement actions, including staff time, notification and posting, postage, etc. shall be invoiced to the property owner and must be paid in full prior to the Town approving construction or reinstating occupancy permits. Evidence of the Town's approval shall be recorded in the public records, the cost of which shall be borne solely by the applicant, by use of a common document promulgated by the Town Attorney.
- (6) ~~Schedule of Parking Trust Fees and Charges. The cost of purchasing or leasing individual parking spaces in the The Parking Trust Fee Town's Parking Trust (for each required parking space) shall be set by Resolution. The Town Commission Council shall periodically re-evaluate the cost to acquire individual parking spaces and alternative Parking Trust Fee payment terms / costs on at least a semi-annual basis, the initial re-evaluation being in mid-2014. If payment is made in full within sixty (60) days of the Town Council's approval, the fee per parking space Parking Trust Fee shall be reduced by ten (10) percent. In lieu of payment in full, a property owner may elect to either (1) lease individual parking spaces or (2) finance the Parking Trust Fee acquisition by installment payments over time. If a party elects to lease individual parking spaces on an annual basis, the initial cost shall be \$750.00 per year, payable monthly (\$62.50 per month). The leasing option cost shall be re-evaluated as set forth above and adjusted as necessary by Resolution. If a party elects to finance the acquisition of individual parking spaces Parking Trust Fee, the minimum down payment shall be not less than 25% of the full cost to acquire a parking space in the Parking Trust with a self-amortizing period not to exceed fifteen (15) years. In addition to the principal payment an interest rate at one percent below the bank prime rate shall be required. The applicable bank prime rate shall refer to the rate set by the primary banking institution used by the Town. Payments shall be due and payable the first of each month. A late fee for each parking space equal to 5% of the Parking Trust Fee is required if payment is not received within fifteen (15) days of the due date. A late fee for each parking space equal to 10% of the Parking Trust Fee is required if payment is not received within thirty (30) days of the due date. Payments not received within thirty (30) days of the due date shall be charged an interest rate of 10% per annum calculated monthly on the unpaid balance, including applicable late fees. If any payment is returned due to insufficient or uncollectable funds in addition to any other fee or charge due, the property owner shall be liable for a returned check charge in the amount of 5% of the amount of the check. In that event the Town may require future payments to be made by cashier's check or automatic electronic debit. If in the event that no payment is made within 90 days of invoice the Town may revoke the agreement, and the property owner shall forfeit and any all rights there under, and any previous funds paid into the Parking Trust. A person seeking to utilize the Parking Trust provisions may request, but the Town is not required to consider, alternative arrangements than those stated herein, if agreed to by the Town Council. Notwithstanding the foregoing, the property owner shall remain responsible for providing adequate parking for the land uses affected.~~
- (7) Notwithstanding the above, the Town Council may consider other alternative arrangements from those specified herein, upon receiving a recommendation from the Town Manager, based upon the submission of a written demonstration by an applicant that the alternative costs / terms will not be detrimental to properties in proximity to the subject site or to the Town in general. Justifications may include,

but are not limited to, economic hardship, economic incentives, cost changes or practical application.

Exhibit “A”- **Option 2**

Amendments to the Town of Bay Harbor Islands Zoning and Planning Code

Article II. Off-Street Parking

Sec. 23-29. Establishing parking area away from certain lots.

Notwithstanding anything heretofore contained in this article, an owner of property may, in complying with the provisions of this article, establish such parking area as is required away from his building site, provided such parking area shall not be more than five hundred (500) feet therefrom measured from the closest point of the building site to the closest point of the parking area, following a pedestrian route along a sidewalk between the building site and parking area, irrespective of whether the sidewalk is actually in existence or is proposed to be constructed and the location of the sidewalk established. In the event an owner shall avail himself of the privilege provided for in this section, he shall, as a condition precedent thereto, along with any lessee or mortgagee of the proposed parking area, enter into an agreement with the town between the building site property and the parking area in accordance with the similar provisions therefore and to the same purpose and effect as has hereinabove been referred to and required under similar circumstances in 23-26 or enter into an off-site parking agreement between the property owner, other property owners, and the Town. This may include the ability of an owner seeking to provide parking areas off-site to contribute to a Town Parking Trust.

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 - b) The Council determines that the surrounding area will not be adversely impacted by the granting of the deviation;
 - c) The Town Manager or his/her designee, in conjunction with the Chief of Police, issues a written recommendation in support of the application;
 - d) The applicant demonstrates appropriate mitigation in the form of contributions to the Parking Trust Fee or other equivalent mitigation.

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- (6) ~~Schedule of Parking Trust Fees and Charges. The cost of purchasing or leasing individual parking spaces in the The Parking Trust Fee Town's Parking Trust (for each required parking space)~~ shall be set by Resolution. The Town ~~Commission Council~~ shall periodically re-evaluate the ~~cost to acquire individual parking spaces and alternative Parking Trust Fee payment terms / costs~~ on at least a semi-annual basis, the initial re-evaluation being in mid-2014. If payment is made in full within sixty (60) days of the Town Council's approval, the ~~fee per parking space~~ Parking Trust Fee shall be reduced by ten (10) percent. In lieu of payment in full, a property owner may elect to either (1) pay a fee for lease individual parking spaces or (2) finance the Parking Trust Fee ~~acquisition by installment payments~~ over time. If a party elects to pay a fee for lease individual parking spaces on an annual basis, the initial cost shall be \$1,000 ~~750.00~~ per year, payable annually in a single lump sum payment ~~monthly (\$62.50 per month).~~ The leasing per space fee option cost shall be re-evaluated as set forth above and adjusted as necessary by Resolution. If a party elects to finance the acquisition of individual parking spaces Parking Trust Fee, the minimum down payment shall be not less than 25% of the full cost ~~to acquire a parking space in the Parking Trust~~ with a self-amortizing period not to exceed fifteen (15) years. In addition to the principal payment an interest rate at one percent below the bank prime rate shall be required. The applicable bank prime rate shall refer to the rate set by the primary banking institution used by the Town. Payments shall be due and payable the first of each month. A late fee ~~for each parking space~~ equal to 5% of the Parking Trust Fee is required if payment is not received within fifteen (15) days of the due date. A late fee ~~for each parking space~~ equal to 10% of the Parking Trust Fee is required if payment is not received within thirty (30) days of the due date. Payments not received within thirty (30) days of the due date shall be charged an interest rate of 10% per annum calculated monthly on the unpaid balance, including applicable late fees. If any payment is returned due to insufficient or uncollectable funds in addition to any other fee or charge due, the property owner shall be liable for a returned check charge in the amount of 5% of the amount of the check. In that event the Town may require future payments to be made by cashier's check or automatic electronic debit. If in the event that no payment is made within 90 days of invoice the Town may revoke the agreement, and the property owner shall forfeit and any all rights there under, and any previous funds paid into the Parking Trust. A person seeking to utilize the Parking Trust provisions may request, but the Town is not required to consider, alternative arrangements than those stated herein, if agreed to by the Town Council. Notwithstanding the foregoing, the property owner shall remain responsible for providing adequate parking for the land uses affected.
- (7) Notwithstanding the above, the Town Council may consider other alternative arrangements from those specified herein, upon receiving a recommendation from the Town Manager, based upon the submission of a written demonstration by an applicant that the alternative costs / terms will not be detrimental to properties in proximity to the subject site or to the Town in general. Justifications may include, but are not limited to, economic hardship, economic incentives, cost changes or practical application.

AGENDA ITEM REPORT

March 10, 2014

ITEM NUMBER: 2.

ITEM: Discussion requested by Mayor Robert Yaffe regarding the distribution of TDRs.

DESCRIPTION:

At last Council Meeting there was some brief mention of creating a formula to distribute town owned TDRs, perhaps a percentage of the total TDRs needed for the project. Also, it has been mentioned that the town might wish to stop selling TDRs for a while. Since there are no clear parameters on the sale of TDRs perhaps the Council should discuss and establish a policy to guide applicants in the future.

RECOMMENDED ACTION:

Establish a policy for the distribution of TDRs.

FINANCIAL ANALYSIS:

Unknown loss of revenue to the town.

BUDGET IMPACT:

Submitted By: Marlene Marante, Town Clerk
 Robert Yaffe, Mayor

ATTACHMENTS

AGENDA ITEM REPORT

March 10, 2014

ITEM NUMBER: 3.

ITEM:

Approval of a resolution updating and adopting new values for Town-owned TDR units.
Enclosed is a copy of the proposed resolution and the appraisal from Quinlivan Appraisal, P.A.

DESCRIPTION:

The Town Manager brought forward a proposal to have appraisals done on as needed basis every six month. The last TDR appraisal was done in August 2013, therefore, the Town Manager ordered a new appraisal in January. Enclosed is the appraisal with a recommendation to raise the TDR prices as proposed on the resolution, \$45,000 for waterfront and \$37,500 for non-waterfront.

RECOMMENDED ACTION:

Council Discretion

FINANCIAL ANALYSIS:

BUDGET IMPACT:

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

ATTACHMENTS

1.	TDR Resolution	TDR amount 2014.docx
2.	TDR Appraisal	TDR appraisal.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 21st, 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 March 2014 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 10th day of March, 2014.

MAYOR

ATTEST:

TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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:

\$45,000.00

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

\$37,500.00

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:

MARCH 2, 2014

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

March 4, 2014

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
March 4, 2014
Page 2

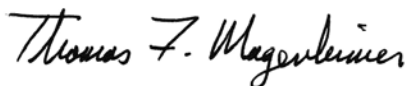
The Direct Sales Comparison Method was utilized in valuing the Transfer of Development Right (TDR) dwelling units due to the availability of recent sales and sales contracts. In the Direct Sales Comparison Method, sales of similar recently sold properties with a similar highest and best use as the subject 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 March 2, 2014 as follows:

TRANSFERABLE DEVELOPMENT RIGHTS

NON-WATERFRONT SITES	\$37,500 PER DWELLING UNIT
WATERFRONT SITES	\$45,000 PER DWELLING UNIT

Respectfully submitted,



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

JMQ/rp
(14-016)

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TRANSMITTAL LETTER

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ASSUMPTIONS AND LIMITING CONDITIONS

QUALIFICATIONS

CLIENT LIST

CERTIFICATION OF VALUE

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 we 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 have performed appraisal services concerning the property during the past three years.

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, we have formed the opinion, as of March 2, 2014, the subject property had a Market Value of:

TRANSFERABLE DEVELOPMENT RIGHTS

NON-WATERFRONT SITES	\$37,500 PER DWELLING UNIT
WATERFRONT SITES	\$45,000 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	\$37,500 per dwelling unit
Waterfront TDRs	\$45,000 per dwelling unit
Date of Value Estimate	March 2, 2014
Date of Report	March 4, 2014

INTRODUCTION

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 March 2, 2014.

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: Department of the Treasury, Office of Comptroller of the Currency, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, Office of Thrift Supervision and National Credit Union Administration under 12 CFR Part 34, Real Estate Appraisals and Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (“FIRREA”); and the Interagency Appraisal and Evaluation Guidelines, Federal Register, Volume 75, No. 237, December 10, 2010.

SCOPE OF THE APPRAISAL

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.

LOCATION ANALYSIS

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.

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 20th most populous state to the 4th 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. 8th 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. 8th 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 December of 2013, Florida's unemployment rate was 6.2 percent, down from 7.9 percent in December of 2012 and a high of 10.7 percent in March of 2011. The unemployment rate for Miami-Dade County in 2013 was 8.5 percent, down from 9.1 percent a year earlier.

TABLE 1

ESTIMATES OF MIAMI-DADE COUNTY TOURIST TRENDS

	INTERNATIONAL	DOMESTIC	TOTAL
2006	5,322,200	6,262,800	11,585,000
2007	5,492,900	6,473,000	11,965,900
2008	6,169,043	6,662,546	12,831,589
2009	5,684,400	6,251,564	11,935,964
2010	6,060,100	6,544,000	12,604,100
2011	6,461,900	6,908,600	13,370,600
2012	6,801,200	7,102,032	13,903,232

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

Figures for 2012 indicate 13,903,232 overnight visitors came to Miami-Dade County, a 4% increase from 2011. In 2011, the total overnight visitors increased to 13,307,600, an increase of 6.1% over 2010.

TABLE 2

ESTIMATES OF DOMESTIC VISITORS BY REGION

DOMESTIC MARKET	2008	2009	2010	2011	2012
NEW YORK	25.5%	25.7%	25.5%	25.3%	25.5%
CHICAGO	5.8%	5.7%	5.9%	5.9%	5.8%
PHILADELPHIA	5.8%	5.8%	5.8%	5.7%	5.7%
BOSTON	4.4%	4.4%	4.3%	4.3%	4.3%
ATLANTA	3.8%	3.7%	3.7%	3.8%	3.9%
WASHINGTON, DC	2.8%	2.8%	2.8%	2.8%	2.8%
DALLAS	2.6%	2.6%	2.6%	2.6%	2.7%
DETROIT	2.2%	2.1%	2.1%	2.1%	2.1%
LOS ANGELES	1.9%	2.0%	1.9%	2.0%	1.9%
HOUSTON	1.8%	1.7%	1.7%	1.8%	1.8%

Table 2 indicates that the bulk of domestic visitors to Miami-Dade County originate from New York

(25.5%), Chicago (5.8%) and Philadelphia (5.7%) market areas. Of the top ten domestic market visitors, the majority (38.3%) are from northeastern market areas.

T A B L E 3

ESTIMATES OF INTERNATIONAL VISITORS BY REGION

REGION	2008	2009	2010	2011	2012
EUROPEAN COUNTRIES	23.5%	22.5%	21.6%	20.2%	20.0%
CARIBBEAN COUNTRIES	12.1%	12.0%	11.4%	10.8%	10.5%
CENTRAL AMERICAN COUNTRIES	9.3%	9.1%	8.7%	8.3%	8.0%
SOUTH AMERICAN COUNTRIES	42.9%	44.9%	46.8%	49.2%	50.3%
CANADA	9.9%	9.5%	9.7%	9.7%	9.4%
OTHER COUNTRIES	2.3%	2.0	1.8%	1.8%	1.8%
TOTAL	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 (68.8%), followed by European Countries (20.0%) and Canada (9.4%). England and Germany accounted for the largest proportion of European visitors.

In 2013 there were a total of 4.03 million passengers passing through the Port of Miami and approximately 20,481,595 arriving through Miami International Airport. During 2013, the number of Port of Miami passengers increased 6.9% from 2012. The passenger count for 2014 is expected to increase to nearly 5.0 million with the introduction of three new ships to the port. During 2013 the passengers arriving at the airport increased 3.23% from 2012. The arrivals at the airport are fairly evenly distributed between international and domestic passengers. In 2013, domestic passengers totaled 10,196,660 and international passengers totaled 10,284,935.

There are approximately 48,900 motel and hotel rooms in 377 lodging facilities in Greater Miami and the Beaches. The area had an occupancy rate of 77.9 percent in 2013, up 1.8% from 2012. The airport area had the highest occupancy rate as of December 2013 at around 85%.

Average room rate for hotel rooms in Miami-Dade County was \$176.66 in 2013, up from \$163.44 in 2012. Therefore, the average hotel room rates in 2013 indicate an increase of 8.1% over the 2012 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 2013, new hotel openings included the EB Hotel (133-rooms) in Miami Springs, Aloft Hotel (160-rooms) in Brickell, and the Hilton Cabana (231-rooms) in Miami Beach. The Four Seasons Hotel at the Bath Club in Surfside broke ground in 2013.

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 74th 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 399,140 aircraft arrivals and departures in 2013, an increase of 2.03% 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 2013 annual tonnage of approximately 7.98 million, down 1.6% from 8.11 million in 2012. 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 79.6 million square feet of office space. Approximately 23.8% of this space is located in the Miami central business district and adjacent Brickell Avenue, 19.8% in the Airport West area, and 11.7% in Coral Gables. The vacancy rate of office buildings in Miami-Dade County declined during 2013 at about 14%, down from 15% in 2012. However, during 2013 office inventory grew by only about 35,300 square feet. In the preceding two years there was virtually no growth in the inventory of office space. Asking rental rates have been declining since 2008 with the average county asking lease rate falling to \$27.42 per square foot. The average lease rate fell below \$30.00 per square foot for the first time in 2009.

Office rental rates in new buildings typically range from \$26.00 to \$30.00 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 165.6 million square feet of industrial space and 13.7 square feet of flex space. The total county industrial and flex space was 179.3 million square feet.

The approximate percentage location of this space is as follows:

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

The county's vacancy rate for the overall Miami-Dade County industrial market for 2013 was 7.0%. 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 8.6% as of the third quarter of 2013. Industrial rental rates generally average \$7.71 per square foot, up 6.3% on an average of \$7.25 per square foot in 2012. New industrial space was constructed in 2013 totaled 537,659 square feet.

Miami-Dade's single-family home sales increased 9.8% in 2013 in comparison with 2012 according to the Miami Association of Realtors. A total of 1,140 homes were reported sold in 2013. In 2013, the median sales price for single-family units was \$246,180, up 15.0% from the previous year.

Existing condo sales showed an increase of 2.2% in 2013 from 2012 according to the Miami Association of Realtors. A total of 1,426 condo units were reported sold in 2013. The median sales price for condos increased to \$175,000 or an increase of 7.4% during the same period.

Marcus & Millichap Apartment Research Market Report shows a vacancy rate of 3.0% for rental apartment buildings in the Fourth Quarter of 2013, 50 basis points lower than in 2012. 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 4.9% during 2013. New apartment construction during 2013 is expected to reach nearly 2,500 units.

The Miami-Dade County retail market contains approximately 60.1 million square feet in buildings over 20,000 square feet. The major retail markets in Miami-Dade County include Hialeah, Coral Gables/South Miami-Dade, Aventura and Kendall. Rental rates typically range from \$20.00 to \$45.00 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 2013 was approximately 4.3%, which is down from the peak of 5.8% in the first quarter of 2010. The total net absorption of new retail space was about 79,100 square feet during the third quarter of 2013. Only 44,862 square feet of new retail space was constructed during 2013.

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. 123rd Street in North Miami.

96th 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 96th 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



LAND SALES ANALYSIS

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: February 5, 2013

PRICE: \$900,000

TYPE INSTRUMENT: Warranty Deed

RECORDATION: O. R. Book 28488, Page 186

FOLIO NUMBER: 13-2227-001-1830

GRANTOR: Natividad R. Elias

GRANTEE: 9900 Bay Harbour, LLC

LEGAL: Lot 20, 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.

LOCATION: 9900 East Bay Harbor Drive
Bay Harbor Islands, Florida

SITE DESCRIPTION:

Dimensions: Irregular

Size: 10,950 Square Feet
0.25 Acres

Zoning: RM-2, Multifamily District

Maximum Legal Density: Six dwelling units

Current Use: Duplex built in 1952

UNIT PRICE: \$82.19 per square foot of land area
\$150,000 per dwelling unit

FINANCING: Purchase money mortgage of \$300,000.

REMARKS: This is a non-waterfront site.



SALE 1

LAND SALE 2

DATE: February 22, 2013

PRICE: \$1,625,000

TYPE INSTRUMENT: Warranty Deed

RECORDATION: O. R. Book 28525, Page 1938

FOLIO NUMBERS: 13-2227-001-1380
13-2227-001-1380

GRANTOR: Waterstone Capital 101, LLC

GRANTEE: BH 101, LLC

LEGAL: Lots 13 & 14, 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.

LOCATION: 1155 – 101st Street
Bay Harbor Islands, Florida

SITE DESCRIPTION:

Dimensions: Irregular
Size: 24,000 Square Feet
0.55 Acres

Zoning: RM-2, Multifamily District

Maximum Legal Density: 20 dwelling units

Current Use: Vacant

UNIT PRICE: \$67.71 per square foot of land area
\$81,250 per dwelling unit

FINANCING: Cash.

REMARKS: This is a non-waterfront site.



SALE 2

LAND SALE 3

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 3

LAND SALE 4

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 4

LAND SALE 5

DATE: April 1, 2013 & May 6, 2013

PRICE: \$1,905,000

TYPE INSTRUMENT: Warranty Deed

RECORDATION: O. R. Book 28563, Page 4048
O. R. Book 28627, Page 567

FOLIO NUMBERS: 13-2227-001-2950
13-2227-001-2960

GRANTOR: Margaret L. Morton & F G Realty, Inc.

GRANTEE: 1055 BH, LLC & 1045 BH. LLC

LEGAL: Lot 14 and Lot 13 less the S 11 feet, Block 15, **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: 1045 – 92nd Street
Bay Harbor Islands, Florida

SITE DESCRIPTION:

Dimensions: Irregular
Size: 22,500 Square Feet
0.52 Acres

Zoning: RM-2, Multifamily District
Maximum Legal Density: 38 dwelling units (including 20 TDRs)
Current Use: A duplex and a six unit apartment unit

UNIT PRICE: \$84.67 per square foot of land area
\$50,132 per dwelling unit

FINANCING: Cash.

REMARKS: This is a non-waterfront site. The legal density of the site is 18 units. The buyer will be applying 20 TDRs to increase the density.



SALE 5

LAND SALE 6

DATE: July 17, 2013

PRICE: \$800,000

TYPE INSTRUMENT: Warranty Deed

RECORDATION: O. R. Book 28732, Page 480

FOLIO NUMBER: 13-2227-001-2780

GRANTOR: Y.S.D. Management, Inc.

GRANTEE: BH 93, LLC

LEGAL: Lot 13, Block 14, **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: 1055 – 93rd 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: Six dwelling units
Current Use: Duplex built in 1955

UNIT PRICE: \$71.11 per square foot of land area
\$133,333 per dwelling unit

FINANCING: Cash.

REMARKS: This is a non-waterfront site.



SALE 6

LAND SALE 7

DATE: November 6, 2013

PRICE: \$2,500,000

TYPE INSTRUMENT: Warranty Deed

RECORDATION: O. R. Book 28904, Page 4734

FOLIO NUMBERS: 13-2227-001-1650
13-2227-001-1660

GRANTOR: Townlofts 100, LLC

GRANTEE: Bay Harbor Island I, LLC

LEGAL: Lot 4 and Lot 3 less the N 11 feet, Block 15, **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: 1100 – 100th Street
Bay Harbor Islands, Florida

SITE DESCRIPTION:

Dimensions: Irregular
Size: 22,500 Square Feet
0.52 Acres

Zoning: RM-2, Multifamily District

Maximum Legal Density: 36 dwelling units (including 18 TDRs)

Current Use: Vacant

UNIT PRICE: \$111.11 per square foot of land area
\$69,444 per dwelling unit

FINANCING: Purchase money mortgage of \$1,750,000.

REMARKS: This is a non-waterfront site. The legal density of the site is 18 units. The buyer will be applying 18 TDRs to increase the density.



SALE 7

LAND SALE MAP



SUMMARY OF LAND SALES

CHARACTERISTIC	SALE 1	SALE 2	SALE 3	SALE 4	SALE 5	SALE 6	SALE 7
DATE OF SALE	2/5/13	2/22/13	3/8/13	3/15/13	4/1/13 & 5/6/13	7/17/13	11/6/13
SALE PRICE	\$900,000	\$1,625,000	\$5,000,000	\$6,200,000	\$1,905,000	\$800,000	\$2,500,000
O.R. BOOK/PAGE	28488/186	28525/1938	28562/1188	28591/4567	28563/4048 28627/567	28732/480	28904/4734
ADDRESS	9900 E. Bay Harbor Drive	1155 – 101 Street	9960 W. Bay Harbor Drive	9450 W. Bay Harbor Drive	1045 – 92 Street	1055 – 93 Street	1100 – 100 Street
LAND SIZE (SF)	10,950	24,000	33,750	31,141	22,500	11,250	22,500
LAND SIZE (ACRES)	0.25	0.55	0.77	0.71	0.52	0.26	0.52
ZONING	RM-2	RM-1	RM-2	RM-1	RM-2	RM-2	RM-2
MAXIMUM DENSITY	6	20	60	96	38	6	36
CURRENT USE	Duplex	Vacant	Vacant	Vacant	Duplex & Apt.	Duplex	Vacant
WATERFRONT	No	No	Yes	Yes	No	No	No
PRICE PAID/SF	\$82.19	\$67.71	\$148.15	\$199.09	\$84.67	\$71.11	\$111.11
PRICE PAID/UNIT	\$150,000	\$81,250	\$83,333	\$64,583	\$50,132	\$133,333	\$69,444

ANALYSIS OF LAND SALES

The land sales range in unit price from \$67.71 to \$199.09 per square foot of land area. The prices per dwelling unit range from \$50,132 to \$133.33. The sales range in time from February of 2013 to November of 2013.

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 February of 2013 and November of 2013. A slight upward trend in price is evident in this market area over this time period. However, the sales indicate a significant upward trend in price since 2012.

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 10,950 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 \$67.71 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 slight upward trend in sale prices during 2013, but a significant increase from 2012.

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 3 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.

TDR SALES ANALYSIS

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:	January 23, 2013
PRICE:	\$220,000
TYPE INSTRUMENT:	Warranty Deed
RECORDATION:	O. R. Book 28536, Page 1581
GRANTOR:	Town of Bay Harbor Island
GRANTEE:	Bay Harbor Investment Properties, LLC
DONOR SITE LEGAL:	Town of Bay Harbor TDR bank
DONOR SITE LOCATION:	Bay Harbor Island, Florida
RECEIVER SITE LEGAL:	Lot 22, 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:	9901 East Bay Harbor Drive Bay Harbor Island, Florida
NUMBER OF TDRs:	11
UNIT PRICE:	\$20,000 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 2

DATE:	Current Sales Contract (February 2013)
PRICE:	\$680,000
TYPE INSTRUMENT:	Warranty Deed
RECORDATION:	Not yet recorded
GRANTOR:	Town of Bay Harbor Island
GRANTEE:	New Bay Harbor, LLC
DONOR SITE LEGAL:	Town of Bay Harbor TDR bank
DONOR SITE LOCATION:	Bay Harbor Island, Florida
RECEIVER SITE LEGAL:	Lots 16 - 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.
RECEIVER SITE LOCATION:	9940 West Bay Harbor Drive Bay Harbor Island, Florida
NUMBER OF TDRs:	34
UNIT PRICE:	\$20,000 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 3

DATE:	Current Sales Contract (February 2013)
PRICE:	\$360,000
TYPE INSTRUMENT:	Warranty Deed
RECORDATION:	Not yet recorded
GRANTOR:	Town of Bay Harbor Island
GRANTEE:	BH Developers, LLC
DONOR SITE LEGAL:	Town of Bay Harbor TDR bank
DONOR SITE LOCATION:	Bay Harbor Island, Florida
RECEIVER SITE LEGAL:	Lots 15 & 16, Block 15, 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:	1025 – 92 nd Street Bay Harbor Island, Florida
NUMBER OF TDRs:	24
UNIT PRICE:	\$15,000 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 4

DATE:	Current Sales Contract (February 2013)
PRICE:	\$460,000
TYPE INSTRUMENT:	Warranty Deed
RECORDATION:	Not yet recorded
GRANTOR:	Town of Bay Harbor Island
GRANTEE:	Bay Harbor Tower, LLC
DONOR SITE LEGAL:	Town of Bay Harbor TDR bank
DONOR SITE LOCATION:	Bay Harbor Island, Florida
RECEIVER SITE LEGAL:	Lots 17 & 18, 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:	9261 East Bay Harbor Drive Bay Harbor Island, Florida
NUMBER OF TDRs:	23
UNIT PRICE:	\$20,000 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 5

DATE:	Current Sales Contract (March 2013)
PRICE:	\$690,000
TYPE INSTRUMENT:	Warranty Deed
RECORDATION:	Not yet recorded
GRANTOR:	Town of Bay Harbor Island
GRANTEE:	North Bay Harbor View, 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, 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:	9821 East Bay Harbor Drive 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:	Current Sales Contract (March 2013)
PRICE:	\$1,380,000
TYPE INSTRUMENT:	Warranty Deed
RECORDATION:	Not yet recorded
GRANTOR:	Town of Bay Harbor Island
GRANTEE:	Royale Club Towers, LLC
DONOR SITE LEGAL:	Town of Bay Harbor TDR bank
DONOR SITE LOCATION:	Bay Harbor Island, Florida
RECEIVER SITE LEGAL:	Lots 6, 7 & 8, 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:	9431 East Bay Harbor Drive Bay Harbor Island, Florida
NUMBER OF TDRs:	46
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 7

DATE:	Current Sales Contract (May 2013)
PRICE:	\$24,000
TYPE INSTRUMENT:	Warranty Deed
RECORDATION:	Not yet recorded
GRANTOR:	Morning Star BHI Condominium Association, Inc.
GRANTEE:	Bay Village Condos, LLC
DONOR SITE LEGAL:	Lots 4 & 5, 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.
DONOR SITE LOCATION:	1160 – 103 Street Bay Harbor Island, Florida
RECEIVER SITE LEGAL:	Lots 6, 7 & 8, 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:	9540 West Bay Harbor Drive Bay Harbor Island, Florida
NUMBER OF TDRs:	2
UNIT PRICE:	\$12,000 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 8

DATE: Current Sales Contract (June 2013)

PRICE: \$80,000

TYPE INSTRUMENT: Warranty Deed

RECORDATION: Not yet recorded

GRANTOR: Rex Gardens Condominiums Home Owner Association.

GRANTEE: Bay Harbor Loft, LLC

DONOR SITE LEGAL: Lots 17, 18 & 19, 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: 1085 – 99 Street
Bay Harbor Island, Florida

RECEIVER SITE LEGAL: Lot 2, 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: 1120 – 98 Street
Bay Harbor Island, Florida

NUMBER OF TDRs: 8

UNIT PRICE: \$10,000 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 9

DATE:	Current Sales Contract (June 2013)
PRICE:	\$70,000
TYPE INSTRUMENT:	Warranty Deed
RECORDATION:	Not yet recorded
GRANTOR:	Rex Gardens Condominiums Home Owner Association.
GRANTEE:	Bay Village Condos, LLC
DONOR SITE LEGAL:	Lots 17, 18 & 19, 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:	1085 – 99 Street Bay Harbor Island, Florida
RECEIVER SITE 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.
RECEIVER SITE LOCATION:	9540 West Bay Harbor Drive Bay Harbor Island, Florida
NUMBER OF TDRs:	7
UNIT PRICE:	\$10,000 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 10

DATE:	Current Sales Contract (September 2013)
PRICE:	\$455,000
TYPE INSTRUMENT:	Warranty Deed
RECORDATION:	Not yet recorded
GRANTOR:	Town of Bay Harbor Island
GRANTEE:	Townlofts 100, LLC
DONOR SITE LEGAL:	Town of Bay Harbor TDR bank
DONOR SITE LOCATION:	Bay Harbor Island, Florida
RECEIVER SITE LEGAL:	Lots 3 & 4, 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.
RECEIVER SITE LOCATION:	1100 – 100 th Street Bay Harbor Island, Florida
NUMBER OF TDRs:	13
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 11

DATE:	Current Sales Contract (October 2013)
PRICE:	\$540,000
TYPE INSTRUMENT:	Warranty Deed
RECORDATION:	Not yet recorded
GRANTOR:	Jonathan Glynn, et al
GRANTEE:	BH South Island, LLC
DONOR SITE LEGAL:	Lots 14, 15 & 16, 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:	1135 – 99 Street Bay Harbor Island, Florida
RECEIVER SITE LEGAL:	Lots 3 & 4, less the West 11 feet, 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:	9525 East Bay Harbor 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 subject to review and approval by the town for zoning compliance.

TDR SALE 12

DATE:	Current Sales Contract (October 2013)
PRICE:	\$157,500
TYPE INSTRUMENT:	Warranty Deed
RECORDATION:	Not yet recorded
GRANTOR:	Island House South Condominium Association
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.

TDR SALE 13

DATE:	Current Sales Contract (November 2013)
PRICE:	\$105,000
TYPE INSTRUMENT:	Warranty Deed
RECORDATION:	Not yet recorded
GRANTOR:	Town of Bay Harbor Island
GRANTEE:	1150 – 101 BH, LLC
DONOR SITE LEGAL:	Town of Bay Harbor TDR bank
DONOR SITE LOCATION:	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:	3
UNIT PRICE:	\$35,000 per TDR
REMARKS:	The receiver site is a non-waterfront site. Since the donor sites are TDRs from a nonspecific site, the donor site is not subject to review and approval by the town for zoning compliance.

TDR SALE 14

DATE:	Current Sales Contract (November 2013)
PRICE:	\$630,000
TYPE INSTRUMENT:	Warranty Deed
RECORDATION:	Not yet recorded
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, 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:	1133 – 102 Street 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.

SUMMARY OF TDR SALES

CHARACTERISTIC	SALE 1	SALE 2	SALE 3	SALE 4	SALE 5	SALE 6	SALE 7
DATE OF SALE	1/23/13	Sales Contract	Sales Contract	Sales Contract	Sales Contract	Sales Contract	Sales Contract
SALE PRICE	\$220,000	\$680,000	\$360,000	\$460,000	\$690,000	\$1,380,000	\$24,000
O.R. BOOK/PAGE	28536/1581	N/A	N/A	N/A	N/A	N/A	N/A
SELLER	Town of Bay Harbor Islands	Town of Bay Harbor Islands	Town of Bay Harbor Islands	Town of Bay Harbor Islands	Town of Bay Harbor Islands	Town of Bay Harbor Islands	Morning Star BHI Condo Assoc.
BUYER	Bay Harbor Investment Prop.	New Bay Harbor, LLC	BH Developers, LLC	Bay Harbor Tower, LLC	North Bay Harbor View, LLC	Royale Club Tower, LLC	Bay Village Condos LLC
DONOR ADDRESS	Bay Harbor Island TDR Bank	Bay Harbor Island TDR Bank	Bay Harbor Island TDR Bank	Bay Harbor Island TDR Bank	Bay Harbor Island TDR Bank	Bay Harbor Island TDR Bank	1160 – 103 St.
RECEIVER ADDRESS	9901 E. Bay Harbor Dr.	9940 W. Bay Harbor Dr.	1025 – 92 Street	9261 E. Bay Harbor Dr.	9821 E. Bay Harbor Dr.	9431 E. Bay Harbor Dr.	9540 W. Bay Harbor Dr.
WATERFRONT	Yes	Yes	No	Yes	Yes	Yes	Yes
NUMBER OF TDRs	11	34	24	23	41	46	2
PRICE PAID/TDR	\$20,000	\$20,000	\$15,000	\$20,000	\$30,000	\$30,000	\$24,000
ADJUSTMENTS							
PROPERTY RIGHTS	=	=	=	=	=	=	=
FINANCING	=	=	=	=	=	=	=
MARKET CONDITIONS	+	+	+	+	+	+	+
CONDCTIONS OF SALE	=	=	=	=	=	=	=
LOCATION	=	=	=	=	=	=	=
TOTAL ADJUSTMENTS	+	+	+	+	+	+	+

SUMMARY OF TDR SALES

CHARACTERISTIC	SALE 8	SALE 9	SALE 10	SALE 11	SALE 12	SALE 13	SALE 14
DATE OF SALE	Sales Contract	Sales Contract	Sales Contract	Sales Contract	Sales Contract	Sales Contract	Sales Contract
SALE PRICE	\$80,000	\$70,000	\$455,000	\$540,000	\$157,500	\$105 ,000	\$630,000
O.R. BOOK/PAGE	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SELLER	Rex Gardens Condo Assoc.	Rex Gardens Condo Assoc.	Town of Bay Harbor Islands	Jonathan Lynn, et al	Island House South Condo Assoc.	Town of Bay Harbor Islands	Town of Bay Harbor Islands
BUYER	Bay Harbor Loft, LLC.	Bay Village Condos, LLC	Townlofts, LLC	BH South Island, LLC	1150 -101 BH, LLC	1150 – 101 BH, LLC	Bayview 102 Realty, LLC
DONOR ADDRESS	1085 – 99 Street	1085 – 99 Street	Bay Harbor Island TDR Bank	1135 – 99 Street	1145- 101 Street	Bay Harbor Island TDR Bank	Bay Harbor Island TDR Bank
RECEIVER ADDRESS	1120 – 98 Street	9540 W. Bay Harbor Dr.	1100 – 100 Street	9525 E. Bay Harbor Dr.	1150 – 101 Street	1150 – 101 Street	1135 – 102 Street
WATERFRONT	No	Yes	No	Yes	No	No	No
NUMBER OF TDRs	8	7	13	18	5	3	18
PRICE PAID/TDR	\$10,000	\$10,000	\$35,000	\$30,000	\$31,500	\$35,000	\$35,000
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 \$10,000 to \$35,000 per square foot. The sales range in time from January of 2013 to pending sales contracts.

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 January of 2013 and pending sales contracts. The unit prices of the TDRs and the sales contracts 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 \$10,000 to \$35,000 per TDR.

The unit prices of Sales 1, 2, 3, 4, 5, 6, 7, 8 and 9, ranging from \$10,000 and \$30,000 per TDR respectively, are considered lower limits of the current value for the subject TDRs. Sales 1, 2, 3, 4, 5, 6, 7, 8 and 8 are a 2013 sale and pending sales contracts that were previously negotiated. As stated previously, the land sales in the Town of Bay Harbor Islands indicate an upward trend in sale prices in 2012 and 2013. 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 195 TDR sales, the town TDR bank will only have 135 TDRs remaining available. Therefore, as the number of available TDRs becomes less, scarcity should cause the value of the TDRs to increase.

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 \$37,500 per dwelling unit and the TDRs for waterfront lots in the Town of Bay Harbor Islands have a value of \$45,000 per dwelling unit.

NON-WATERFRONT TRANSFERABLE DEVELOPMENT RIGHT VALUE INDICATION: \$37,500/UNIT

WATERFRONT TRANSFERABLE DEVELOPMENT RIGHT VALUE INDICATION: \$45,000/UNIT

ADDENDA

ASSUMPTIONS AND LIMITING CONDITIONS

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

Experience:

11/84 - Present	QUINLIVAN APPRAISAL, P.A. 7300 North Kendall Drive, Suite 530 Miami, Florida
1/2007 – Present	President T. F. MAGENHEIMER APPRAISAL, INC. 7300 North Kendall Drive, Suite 530 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 10, 2014

ITEM NUMBER: 4.

ITEM: Discussion and possible action requested by Vice Mayor Leonard regarding the naming of the 98 Street Park. At the last meeting Vice Mayor Leonard discussed the possibility of naming the 98 Street park after Scott Adams Winters.

DESCRIPTION:

Officer Scott Adams Winters was an officer in Bay Harbor Islands in the 1980's who also attended Ruth K. Broad Elementary as a child. He left the Bay Harbor Islands Police Department and went to work for Pompano Beach. In July 1990 he was shot and killed in the line of duty. Enclosed are copies of articles published in the Miami Herald July 30 and 31, 1990.

Also enclosed is the Resolution No. 1057 outlining a policy for naming town property.

RECOMMENDED ACTION:

Council Discretion

FINANCIAL ANALYSIS:

N/A

BUDGET IMPACT:

Submitted By: Marlene Marante, Town Clerk
Jordan Leonard, Vice Mayor

ATTACHMENTS

1.	Miami Herald Articles	Scott A Winters Articles.pdf
2.	Resolution No. 1057	1057 - Policy for naming town owned property.pdf

Officer slain in Pompano

Shot with own gun in struggle

By **RONNIE GREENE**
And **STEVE ROTHBAUS**
Herald Staff Writers

A Pompano Beach police officer was killed with his own gun Sunday night when a violent suspect wrested the .45-caliber semiautomatic from him and shot him at least twice in the stomach, police said.

Officer Scott Winters, 28, was supposed to be off-duty. He had taken a call anyway and was helping look for a man who had assaulted a woman with a pipe. Winters spotted the suspect at about 7:30 p.m. near a John Deere distributorship on Hammondville Road and stopped.

"There was a struggle," said Pompano Beach Police Lt. Dave Cassell. "He was shot with his own handgun, we believe at this point. Numerous witnesses at the scene observed the shooting and immediately phoned police."

Winters, who was wearing his uniform and a bulletproof vest, managed to call for help. Other officers arrived within a minute. Rescue workers found the wounded officer apparently still alive and airlifted him to North Broward Medical Center. Doctors tried to save him, but he died there at about 8:30 p.m.

Police arrested the suspect, Antonio Rivera, 36, about three-fourths of a mile farther west on Hammondville Road. They believe he is from Puerto Rico, and had no local address for him.

City officials said it is the first time in memory that a Pompano Beach officer was killed in the line of duty.

"I'm going find out how this could have occurred," said Mayor Nate Braverman.

Winters grew up in Bay Harbor Islands in Dade County before heading to Arizona.

PLEASE SEE SHOOTING, 14A

Off-duty Pompano officer slain

SHOOTING, FROM 1A

where he worked as a police officer and was trained in paramedic work. He then returned home and worked for the Bay Harbor Islands police force for a year, from 1986 to 1987, said Cpl. Bob Flanary.

Winters was a 6-foot-tall, 180-pound bodybuilder known as "Scotty" around the department, Flanary said.

"He was a good kid. He just liked police work," Flanary said. "It's rough."

Winters had been with the Pompano Beach police force for about three years. He was married, but had no children. Sunday night, he was working off-duty as a security guard at Loehman's Plaza at Atlantic Boulevard and Powerline Road in Pompano Beach.

Miami Herald 7-30-90

Suspect in police killing a mental hospital escapee

By **SCOTT MIGHAM**
And **STEVE ROTHAUS**
Herald Staff Writers

The man arrested in the slaying of a Pompano Beach police officer is a two-time escapee from a Washington, D.C., psychiatric hospital, a fugitive with a violent past who prosecutors will have to prove is competent to stand trial.

Albert Richard Holland, charged with shooting officer Scott Winters Sunday night, spent time in the same ward occupied by would-be presidential assassin John Hinckley Jr. before escaping four years ago, investigators said Monday.

Holland, 32, who has a long arrest record for robbery, assault and theft, was ordered held without bail Monday at the Broward County Jail, facing charges in Winters' death

including first-degree murder of a police officer.

Detectives say he, will be charged today with attempted murder in a near-fatal beating of a woman one hour before the shooting.

Because a Washington court declared him insane, prosecutors here must prove Holland is sane and fit to stand trial, said Chuck Morton, the Broward state attorney's chief homicide prosecutor.

"If someone has been previously declared incompetent, the state has to show a higher burden of proof," Morton said.

Winters, 28, was shot with his own .45-caliber semiautomatic pistol at Northwest 26th Avenue and Hammondville Road, after radioing that he had captured a suspect in the wom-

PLEASE SEE SUSPECT, 4A

Police-killing suspect a fugitive with violent past

SUSPECT, FROM 1A

an's assault, investigators say. The suspect took off and was caught about two blocks away.

Scott Winters was recalled as a fine police officer in Bay Harbor Islands, where he worked for a year before joining the Pompano police force in 1987.

He lived in New York as a small child before moving to Bay Harbor Islands from 1970-72, where he attended Bay Harbor Islands Elementary. In 1972, he moved back to New York, where he stayed until 1978. The family moved to Arizona, and Winters graduated from high school in Scottsdale in 1980.

Winters returned to South Florida to work for the Bay Harbor Islands police force from May 19, 1986, to May 15, 1987.

Bay Harbor Islands Sgt. Casimir Piwowarski remembers Winters well.

"There's a very somber attitude within the department. Even those who don't know him feel a loss," Piwowarski said. "But that's felt throughout the whole law enforcement community. It's the kind of thing that strengthens camaraderie, brings everyone together. It's almost like losing a family member."

Forensics experts now will try to match the bullets removed from Winters' body with the shells found in his Smith & Wesson pistol.

Investigators are unsure how the pistol was wrestled from Winters, a three-year veteran of the Pompano Beach force. One witness said Winters had the suspect in a head lock.

After Holland's arrest Sunday, police said he tried to conceal his identity, saying his name was Antonio Rivera. A fingerprint check turned up his true identity: a two-time escapee from John Howard Pavillion at St. Elizabeth's Hospital in Washington, D.C., a fugitive since 1986.

Holland surfaced in Pompano Beach Sunday afternoon. He was seen hanging around a field behind stores along Hammondville Road.

'I've been shot.'

OFFICER SCOTT WINTERS,
shouting into police radio

He walked around, asking for crack cocaine, according to witnesses.

"He was talking crazy," said Sandra Bass, who lives with her family in the field, a squatter's camp and favorite spot for crack smokers.

At 6:20 p.m. Sunday, Holland came across a 33-year-old woman who was cutting through the field with her brother's bicycle, detectives and witnesses said. "I heard her hollering," Bass said.

"He was beating her with everything he could find," said Randy Canon, a witness who called 911 at 6:26 p.m. "She was begging for her life."

Canon said he tried to stop the beating. "What are you trying to do, kill her?" Canon shouted at the man.

The assailant ran off, leaving the woman bleeding. She was taken to the North Broward Medical Center, where she underwent surgery.

The woman, who police say may have been sexually assaulted, was in serious condition Monday night. Detectives said she identified Holland as her assailant.

As officers and paramedics raced to the field, Winters went looking for the suspect in his patrol car. He caught up with him at 7:26 p.m. in the 2600 block of Hammondville Road, three-quarters of a mile from the field where the woman was attacked.

The officer radioed for help, saying he had a man in custody.

Roland Everson, manager of Flower City, a plant nursery, said he was about 50 feet away when he saw an officer holding a suspect in a head lock.

The suspect, he said, had his arms around Winters' waist. Everson called 911.

Winters was hit twice in the abdomen below his bulletproof vest.

"I've been shot," Winters shouted into his police radio. They were his last words to the communi-



ALAN FREUND / Miami Herald Staff

RE-ENACTMENT: Witness to the shooting of Pompano Beach officer Scott Winters re-enacts incident for detectives.



Winters



Holland

cations center.

Holland was captured two blocks away at 7:31 p.m. by Pompano Beach officer Stonewall Jackson.

Still clinging to life, Winters was flown by a Broward sheriff's helicopter to North Broward Medical Center. He was pronounced dead at 8:30 p.m.

Investigators say Holland should have been locked up. After a string of arrests for mail fraud, drug possession, purse snatching and assaulting a police officer, Holland was arrested in Washington, D.C., on robbery charges on April 21, 1981, court records show.

He was declared insane in January 1982 and sent to St. Elizabeth's John Howard Pavillion. Two months later, he escaped, records show.

While he was out, Holland allegedly robbed a woman on March 9, 1982, stealing her car and purse. On Dec. 14, 1982, he was again declared legally insane and sent back to St. Elizabeth's.

He escaped on June 12, 1986, and hadn't been seen since.

Herald staff writers Frank Fernandez and Ronald Dawkins contributed to this report.

**RESOLUTION OF THE TOWN OF BAY HARBOR ISLANDS
ESTABLISHING A POLICY FOR THE NAMING OF TOWN
OWNED PROPERTY IN HONOR OF A CITIZEN.**

WHEREAS, the Town Council of the Town of Bay Harbor Islands is charged with preserving and protecting the public health, safety, and welfare of its citizens; and

WHEREAS, establishing a policy for the naming of Town owned property in honor of a citizen is essential to preserving and protecting the health, safety, and welfare of the citizens of the Town of Bay Harbor Islands; and

WHEREAS, it is desirable to have an established policy to provide guidance to the Town and to those seeking to name Town owned property in honor of a citizen; and

WHEREAS, the naming of Town owned property in honor of a citizen pursuant to an established policy is a benefit to the citizens of Bay Harbor Islands and to the public at large;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bay

Harbor Islands as follows:

Section 1.

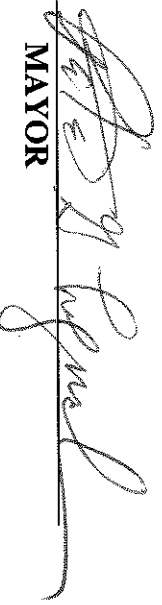
The Town of Bay Harbor Islands hereby establishes a policy that when there is a request to name Town owned property in honor of a citizen, the Town Council shall hear such a request and make a decision regarding the request only after a duly advertised public hearing has been held.

Section 2.

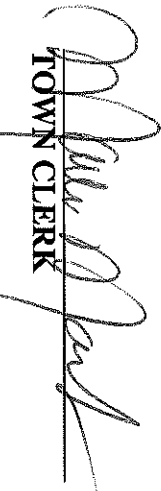
This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 10th day of December, 2007.

TOWN OF BAY HARBOR ISLANDS

BY: 
MAYOR

ATTEST:


TOWN CLERK

AGENDA ITEM REPORT

March 10, 2014

ITEM NUMBER: 1.

ITEM: Approval on first reading an ordinance amending Chapter 23 of the Town Code to modify the list of prohibited uses to include (and prohibit) the sale of live animals. This ordinance was requested by Council Member Reid.

DESCRIPTION:

Council Member Reid announced at the last meeting the purpose of the proposed ordinance and obtained Council consensus to bring forward the proposed language on first reading.

RECOMMENDED ACTION:

Council Discretion

FINANCIAL ANALYSIS:

N/A

BUDGET IMPACT:

Submitted By: Frank Simone, Assistant Town Attorney
Kelly Reid, Council Member

ATTACHMENTS

1.	Ordinance	2.27.14 Live Animal Sales Prohibited Use Ordinance.doc
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ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 23 OF THE TOWN'S ADOPTED CODE OF ORDINANCES ENTITLED ZONING AND PLANNING; AMENDING SECTION 23-5 ENTITLED USE REGULATIONS, B-1 BUSINESS DISTRICT TO MODIFY THE LIST OF PROHIBITED USES TO INCLUDE (AND PROHIBIT) THE SALE OF LIVE ANIMALS; 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 and uses trends and issues and amends the Zoning and Planning Code accordingly; and

WHEREAS, the Town Council is charged with the protection of the health, safety and welfare of the Town's residents; and

WHEREAS, the Town Council encourages pet ownership so long as pets are properly treated and restrained so as not to create a nuisance; and

WHEREAS, according to the Humane Society of the United States, thousands of dogs and cats in the United States have been housed and bred at substandard breeding facilities known as "puppy mills" or "kitten factories"; and

WHEREAS, according to the Humane Society of the United States, animals born and raised at those facilities are more likely to have genetic disorders and lack adequate socialization, while breeding animals utilized there are subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle; and

WHEREAS, while not all dogs and cats sold in retail pet stores are the products of inhumane breeding conditions and not every commercial breeder selling dogs or cats to pet stores operates "puppy mills" or "kitten factories," the Humane Society of the United States believes that puppy mills and kitten factories continue to exist in part because of public demand and the sale of dogs and cats in pet stores; and

WHEREAS, according to the Humane Society of the United States, the prohibition of the retail sale of live animals will also encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals' lives and reducing the cost to the public of sheltering animals; and

WHEREAS, the Town Council, based upon the foregoing, wishes to prohibit the sale of all live animals in the Town, including without limitation, dogs, cats, ferrets, rabbits, turtles, gerbils, hamsters, cows, horses, sheep, and other domestic animals or livestock of any kind as a permitted use; and

WHEREAS, the Town Council recognizes that the current Zoning and Planning Code provisions do not adequately address this land use activity; and

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 Zoning and Planning Code is hereby amended to amend Section 23-5 entitled Use Regulations, B-1 Business District to modify the list of prohibited uses to include (and prohibit) the sale of live animals, as more fully set forth in the attached Exhibit “A”, and by reference is made a part hereof.

Section 2: That if 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, Florida, 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 _____ day of _____ 2014.

PASSED AND ADOPTED on Second Reading this _____ day of _____ 2014.

Robert Yaffe
Mayor

ATTEST:

MARLENE MARANTE
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

CRAIG SHERMAN, ESQ.
Town Attorney

EXHIBIT A

Amendments to the Town of Bay Harbor Islands, Florida Code of Ordinances

CHAPTER 23

ZONING AND PLANNING

Article I. Zoning Regulations.

Sec. 23-5. Use regulations, B-1 Business district.

Intent: The purpose of the district is to provide appropriate land development regulations for the business / mixed-use properties on the eastern island of the Town. The lots about the Kane Concourse, the main roadway within the Town. This area is the most urban in form with higher intensity development, narrow setbacks, on-street and/or garage parking facilities. The district regulations provide guidelines to encourage desired land uses such as restaurants and retail shops at street grade with other uses, including residential uses, above or behind the Kane Concourse frontage uses.

Permitted Uses: In the B-1 Business district, no building or land shall be used and no building shall hereafter be erected, constructed, reconstructed, or structurally altered which is designed, arranged, or intended to be used or occupied for any purpose, excepting for one (1) or more of the following uses:

- (1) Multiple-family dwellings including condominiums, rental apartments, townhouses, lofts and similar dwelling units, provided the residential uses are part of a mixed-use development. No residential dwelling units may be located at ground level adjoining Kane Concourse; provided however, a lobby access is permitted. Single-family detached and two-family (duplex) dwellings are not permitted. Live / work dwelling units may be permitted if approved by the Town Council.
- (2) Business and Profession Office Uses: Banks, savings and loan associations, business and professional offices, medical offices and clinics, stock and commodity broker, employment agency and similar uses.
- (3) Retail Uses: Clothing and wearing apparel, neighborhood grocery stores, liquor and wine sales, tobacco sales, stationary, shoe sales and repairs, luggage and leather goods, sporting goods, electronic and music sales and service, telephones and communication goods, computers sales and service, optical and eye glasses, office supplies, florists, drug and sundries.
- (4) Personal Service Uses: Barber shop, beauty shop, skin care, day spas, dog grooming salon, nail salons, wigs and hair, fitness, exercise, weight loss, yoga, meditation center.
- (5) Miscellaneous Uses: Antique display and sales, jewelry sales and repairs, furniture sales, confectionary and ice cream store, bakery and pastries, art galleries and studios, auction house, post office, theater, hardware store.
- (6) Restaurant Uses: Sit-down restaurants including indoor, outdoor and sidewalk cafes; coffee shops, sandwich shops, except that no fast-food shall be permitted unless approved by the Town Council. A fast-food restaurant is defined as an establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, in cars on the premises, or off the premises.
- (7) Notwithstanding the foregoing, one hundred (100) percent of the ground floor space of any newly developed building or land facing Kane Concourse shall be used for the purposes set forth above excluding business and professional offices, including but not limited to physicians, attorneys, real estate offices, medical offices and clinics and stock and commodity broker offices. As used in this subsection, "newly developed" shall mean buildings constructed on vacant land or demolition of any existing building and subsequent construction of a new building. For existing buildings, at least seventy-five (75) percent of the ground floor space facing Kane Concourse shall be used for the purposes set forth above excluding the above referenced office uses. For existing buildings with two (2) or fewer ground floor uses, at least fifty (50) percent of the ground floor space shall be used for the purposes set forth above excluding the above

referenced office uses. If an existing nonconforming use vacates a ground floor space for more than 180 days, any future use shall conform to the use provisions herein.

- (8) Religious Institutions provided any such use is located on the second floor or higher floors of buildings.

(8.1) No land or structure shall be utilized as a religious institution without a public hearing before the Town Council. An institution facility shall be defined as churches and ecclesiastical or denominational or established physical places for worship at which non-profit religious services and activities are regularly conducted and carried on. All incidental and ancillary uses shall be delineated on the zoning application and shall constitute a restriction on the uses permitted on the property. All subsequent ancillary and incidental uses shall require a separate application which shall be subject to approval by the Town Council.

A. Application. The Applicant shall submit an application for zoning approval on a form approved by the Town Manager. The application shall include a detailed site plan which shall include the elevation of the structure from all sides of the structure, a floor plan, a landscape plan, a parking plan (which may include a cross parking agreement or other mitigating factors which will address the parking requirements of the zoning code) and other documentation which the Applicant believes will support its application. The application shall require a filing fee in the amount of \$1,500.00, made payable to the Town. In addition, the Applicant shall furnish to the Town Manager, within twenty (20) days of filing the application, a certified list of property owners within five hundred (500) feet of the application property.

B. Public Hearing. The Town Council shall conduct a public hearing(s) in accordance with Chapter 163 of the Florida Statutes. No public hearing shall be conducted by the Town Council unless and until all pending code violations have been corrected and all outstanding fines paid in full.

C. Burden of Proof. At the duly advertised public hearing, the applicant has the affirmative duty to satisfy all of the requirements:

1. That the use will not unduly burden public facilities including, but not limited to traffic, off-street parking, water and sewer, police and fire; and
2. That the use will not significantly result in a diminution of the value of the property in the immediate vicinity; and
3. That the use will not result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; and
4. The Applicant shall demonstrate compliance with other provisions of the Zoning Code, including, but not limited to § 23-24 of the Code. If the applicant is unable to meet one or more of the provisions of the Code, they may be permitted to waive such provision(s) based upon competent and substantial evidence that demonstrates that such provision(s) is/are unnecessary or unwarranted and no new adverse impacts will result from this waiver. In its deliberations, the Town Council shall consider special circumstances, which may be attributable to the Applicant based upon its religious practices.

D. Restrictive Covenant. At least ten (10) days prior to the public hearing, the applicant may submit a Declaration of Restrictive Covenants which shall be executed by the Owner and Tenant which shall, if applicable;

1. Restrict the use to the submitted site;
2. Contain restrictions on the hours of operation or other special attributes of the religious facility;
3. A statement that the Applicant has satisfied all outstanding code violations and fines;
4. Other restrictions mutually agreed upon by the Applicant and Town

Manager.

The Restrictive Covenant shall be approved by the Town Attorney for form and legal sufficiency.

E. Change of Ownership or Tenancy. The property owner shall have the affirmative duty and obligation to notify the Town Manager, in writing, of any change of ownership or tenancy of property utilized as a religious institution. Said written notification shall occur within thirty (30) days of the change. Failure to timely notify the Town Manager of the change of ownership and/or tenancy can result in the termination of the authorization of the religious facility to conduct its services, following a duly advertised public hearing.

- (9) Private clubs, but only upon specific approval at a public hearing and permit from the Town Council. The applicant shall demonstrate compliance with Section 8.1.C. (1), (2) and (3) herein.
- (10) Hotels and customary accessory uses, including but not limited to, restaurants, bars, swimming pools, spas and other recreational facilities, and meeting facilities. This shall include the ability of a private school to operate a facility as part of hospitality education, provided the school is open to the general public.
- (11) Duly licensed home occupations are permitted subject to the requirements of the Town Code for those uses.
- (12) Convention organization services; community centers; show and film direction or production; import / export services; interior design; internet sales and service; municipal offices, parking facilities and related functions; parking of motor vehicles as accessory uses; valet parking services if approved by the Town Council.
- (13) Dry cleaning pick-up and delivery, provided no on-site dry cleaning occurs; tailors, clothing alterations.
- (14) Other similar uses as may be permitted by the Town Council, provided that such uses are compatible with and do not adversely affect the character of the district.
- (15) Activities occurring on the rooftop of the building shall be subject to the following restrictions:
 - a) Uses and facilities shall be limited to recreational facilities for the building tenants, such as jogging / walking paths, swimming pool and/or spa, sun decks, seating areas, food preparation and/or serving areas (barbecue grill / sink / storage) and similar facilities.
 - b) Passive recreational activities, such as jogging, walking, conversation, eating, meditation, and similar passive recreational activities shall be permitted, provided no such rooftop activities shall occur prior to 8:00 AM or after 11:00 PM from Sunday through Thursday, and prior to 8:00 AM or after 12:00 AM (midnight) on Friday and Saturday.
 - c) No commercial business activities shall operate on the building rooftop, unless specifically approved by the Town Council at an advertised public meeting. A commercial business is defined as one holding a valid Town Business Tax Receipt (formerly known as Occupational License) or Certificate of Use.
 - d) All electrical loudspeakers, amplifiers or musical instruments shall limit sound emission for background music or entertainment purposes, regardless of whether it is “live” or recorded. Such sound emissions shall not exceed 70 decibels at any time at its source, in accordance with the Town’s noise ordinance (Article II of Chapter 12).
 - e) Certain limited events and/or functions such as charity events, fundraising receptions, cocktail parties and the like may be permitted for the building owner or tenants, their guests and invitees, if approved in writing by the Town Manager, prior to the event and/or function occurring. All such requests shall be submitted to the Town Manager’s office, on a form provided by the Town, at least 24 hours in advance of the event /function, except that the Town Manager may approve, but is not required to approve, an event / function on short-term notice based on

special circumstances. At a minimum, the application form information shall include:

- (1) The name, address, telephone number and E-mail address of the tenant/sponsor,
 - (2) The name, address, telephone number, E-mail address and signature of the building/property owner and any designated property manager,
 - (3) The estimated number of persons attending,
 - (4) A description of the purpose of the event/function,
 - (5) The hours of the event/function,
 - (6) A description of any planned beverage / food or entertainment, and
 - (7) An off-street parking plan to accommodate the attendees (if required).
- f) All events and/or functions must be sponsored or hosted by the building owner or a building tenant, with the building owner's written consent. The building owner shall sign the Town's request form or submit a separate written consent letter to the Town with the request. No such limited rooftop event/ function activities shall occur prior to 9:00 AM or after 11:00 PM on Sunday through Thursday and prior to 6:00 PM or after 12:00 AM (midnight) on Friday or Saturday.
- g) No bright lights, globes, strobes or flashing lights shall be permitted.
- h) The Town reserves the right to order that any activities causing a nuisance be altered immediately to comply with Town Code provisions, or to close any activity immediately that is deemed to be in violation of this criteria that negatively affects properties both within the Town and within adjoining communities.
- i) Should these land development regulations conflict with any previously approved limitations for rooftop uses, the provisions set forth herein shall take precedence.

Prohibited Uses: In the B-1 Business district, no building or land shall be used and no building shall hereafter be erected, constructed, reconstructed, or structurally altered which is designed, arranged, or intended to be used or occupied for any of the following uses: Thrift Shops or stores selling secondhand merchandise; pawn stores, gas stations; tattoo parlors or body piercing; check cashing stores; psychic or fortune tellers; flea markets; adult entertainment establishments; shops or stores selling live animals (including without limitation dogs, cats, ferrets, rabbits, turtles, gerbils, hamsters, cows, horses, sheep, snakes, and other domestic animals or livestock); any use not specifically listed, unless permitted by the Town Council. Notwithstanding the above, bona-fide antique or vintage stores selling clothing, accessories, jewelry and furnishings may be permitted by the Town Council so long as such stores are compatible with and do not adversely affect the character of the district. Antique and vintage sale items, as opposed to thrift or second-hand stores, are characterized as items from earlier periods of time. By way of example (in 2011), vintage items are typically from the time period prior to 1980 and antique items are typically from the time period prior to 1920 having some intrinsic value. -

AGENDA ITEM REPORT

March 10, 2014

ITEM NUMBER: 2.

ITEM: Approval of a resolution urging the Miami Dade County Mayor and Commission to support the Town's desire to joint the Library Taxing District and providing library services to the community by establishing a Brank Library in the Town. This resolution was requested by Vice Mayor Leonard and also sponsored by Council Member Reid.

DESCRIPTION:

At the request of Vice Mayor Leonard the attached resolution was drafted to send to the Miami-Dade County Mayor and Commission to express the town's desire to join the Taxing District and establish a library branch as part of the proposed community center. The library would be located in the Town's garage at 1165 - 95 Street and would serve the residents of the Town.

RECOMMENDED ACTION:

Council Discretion

FINANCIAL ANALYSIS:

The cost of the build-out in the Town's Garage is approximately \$1.3 million, including the library and community center. The cost for operating the library has been previously estimated at \$250,000 annually.

BUDGET IMPACT:

Submitted By: Marlene Marante, Town Clerk
 Jordan Leonard, Vice Mayor
 Kelly Reid, Council Member

ATTACHMENTS

1.	Resolution - Library	library.doc
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RESOLUTION NO. ____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA; URGING THE HONORABLE MAYOR AND MIAMI DADE COUNTY COMMISSIONERS TO SUPPORT THE TOWN'S EFFORT TO JOIN THE LIBRARY TAXING DISTRICT AND ESTABLISH A BRANCH LIBRARY IN THE TOWN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Bay Harbor Islands is responsible for the public health, safety, and welfare of the citizens of the Town of Bay Harbor Islands and those coming to the Town; and

WHEREAS, the Town has been working with the Miami Dade Public Library System staff for more than two years to study the possibility of a branch located within the Town; and

WHEREAS, the Town has identified a site within the town which was found to be well suited for a branch library in a feasibility study conducted 2012 at the request of the Town Council; and

WHEREAS, Miami-Dade County Mayor Carlos A. Gimenez convened a Mayor's Blue Ribbon Taskforce on October 30, 2013 to analyze and develop a Master Plan for the future of the Miami-Dade Public Library System; and

WHEREAS, During the Fiscal Year 2013-14 budget process the decision was ultimately made to fully fund our existing library service model for the current fiscal year, leaving the MDPLS with a substantial \$21 million projected deficit for fiscal year 2014-2015.

WHEREAS, the Town Council of the Town of Bay Harbor Islands wishes to urge the Miami Dade Mayor, Commissioners and the Mayor's Blue Ribbon Taskforce to consider the Public Library Systems Mission to maintain and improve public library services that meet the informational, educational, and recreational needs of our diverse community; and

WHEREAS, the Town of Bay Harbor Islands strongly supports the implementation of a library branch in this community to provide those services to our residents;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above and foregoing are true and correct and are incorporated herein by reference.

Section 2. Direction to the Town Clerk. The Town Clerk is hereby directed to transmit a certified copy of this Resolution to the Miami-Dade County Mayor, the Miami Dade County

Commission, the Director of the Miami Dade County Public Library System and the members of the Mayor's Blue Ribbon Taskforce to urge everyone to consider the desires of communities such as The Town of Bay Harbor Islands to join the Library Taxing District and establish a branch in the Town.

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

PASSED and ADOPTED this ____ day of March 2014.

MAYOR

ATTEST:

TOWN CLERK

AGENDA ITEM REPORT

March 10, 2014

ITEM NUMBER: 3.

ITEM: Appointment of one resident to fill the vacancy created by the resignation of Nina Gladstone. This term will expire May 2014. Enclosed are resumes of several residents who have expressed an interest to serve on the board.

DESCRIPTION:

Due to the resignation of Board Member Nina Gladstone, the Planning and Zoning Board has a vacancy to fill. The term would end in May 2014. At the last meeting, the Council directed staff to put this on the agenda to fill the vacancy for the next two months until the new appointments are made at the May Council Meeting. The vacancy was advertised in the town's newsletter and three residents responded.

RECOMMENDED ACTION:

Select one resident to fill the vacancy.

FINANCIAL ANALYSIS:

N/A

BUDGET IMPACT:

Submitted By: Marlene Marante, Town Clerk

ATTACHMENTS

1.	Teri D'Amico request	teri d'amico letter and resume.pdf
2.	Jed Frankel request	frankel letter and resume.pdf
3.	Scott Hannon request	scott hannon email and resume.pdf
4.	Andre Reuter request	Reuter - PnZ appointment.pdf

Marlene Marante

From: Teri D'amico - D'amico Design Associates <teri@dadausa.com>
Sent: Wednesday, January 15, 2014 3:07 PM
To: Marlene Marante
Subject: P & Z position

Marlene-

I saw the vacancy for the P & Z, please go ahead and use my existing resume / cover letter to apply for this open position. It's a long shot but why not try again.

Thanks.

Teri D'Amico

Marlene Marante

From: Teri D'amico <teri@dadausa.com>
Sent: Thursday, May 09, 2013 9:50 AM
To: Marlene Marante
Cc: Kelly Reid 1; Commissioner BRUDER; FRANCISCO
Subject: Resume for Planning and Zoning Board
Attachments: DAMICO- RESUME 2012.doc

Dear Marlene and Councilpersons:

I would like to be considered to be appointed to the Town's Planning & Zoning Board. Please see attached Resume.

I recently completed writing the Town of Lauderdale by the Sea's, Architectural Guidelines and I am also on their Design Review Committee. I was also the author of Bay Harbor Islands' Mid-Century, a book on the history of Bay Harbors Architecture, where I researched the inventory of the entire East Island. I was a member of the Miami Beach's Design Review Board and received the Key to the City for my volunteer work with the city's Planning Staff.

I was adjunct Professor at FIU's School of Architecture, where I taught construction document in AutoCad, and Hospitality Design. I also had the opportunity to teach with renowned architect, Morris Lapidus, on the history and theory of his architecture, such as the Fontainebleau & Eden Roc Hotels.

I have over 20 years experience working with architects, town planners and engineers as a designer and drafts person and currently own my Design Firm, DADA, specializing in Resort in South Florida and the Caribbean. DADA is an award winning firm and was recently features in Architectural Digest.

Thank you for your time and consideration.

Teri D'Amico

D'Amico Design Associates, DADA

12555 Biscayne Blvd. #783

North Miami, Florida 33181

Phone: 305-945-1770

Email: teri@dadausa.com

Website: www.dadausa.com

TERI D'AMICO

12555 BISCAYNE BLVD. #783
North Miami, FL 33181
Phone: 305.945.1770
Email: teri@dadausa.com

WORK EXPERIENCE

DADA, President, D'Amico Design Associates, (1/97 - present)

Principle and Interior Designer

A full service interior design firm. Specializing in contract interiors.
NCIDQ certified, # 01316, Registered License Florida State Interior Design # ID0004783

Lauderdale By The Sea, Design Consultant (5-2012 - current)

Co-Author, Architectural Design Guidelines, Mid-Century Modern & Paint Program

Architectural Design Review Consultant along with Town Planner.

Michael Rosenthal Associates, ASID (5/94 - 6/96)

3841 N.E. Second Ave., Miami, FL

Architectural / Interior Designer, Project Manager

Design and specify exterior and interior finishes and draft complete sets of construction documents, duties also include programming, store planning, cost estimating, and purchasing. Responsible for designing custom display fixtures, lighting and corporate identity. Coordinate resource library and all office presentations.

LPWK Architects – Simon Wood Associates, AIA (12/92 - 6/94)

Miami Beach / Turks & Caicos Island, BWI

Architectural / Interior Designer, Draftsperson

Designed and specified exterior and interior finishes and drafted complete sets of construction documents for resort hotels in the Caribbean. Coordinated historic preservation projects in Miami Beach Historic District. Responsible for researching historic documents, photography, surveying buildings, preparing presentation boards and presenting them to the Historic Preservation and Design Review Boards.

Imperfect Utopia, Studio of Carlos Bentancourt (4/92 - 2/93)

704 Lincoln Road, Miami Beach, FL

Interior Designer / Draftsperson

Coordinator for interior design projects and drafted award winning custom furniture. Responsible for photographing and documenting furniture, paintings & sculpture, public relations, marketing and gallery administration.

Henry Myerberg Architects, AIA (11/90 - 1/92)

6 West 18th Street, New York, NY

Designer / Draftsperson

Coordinated and specified furniture, fixtures and equipment. Responsible for programming, drafting, researching materials, maintaining architectural library, marketing, public relations and photography.

Mendola Artists, (12/89 - 6/90)

420 Lexington Ave, New York, NY

Art Director / Sales Representative

Coordinated projects for commercial and architectural illustrators. Responsible for photographing and preparing portfolios and all promotional material.

Multiple Impressions Gallery, (9/85 - 11/89)

128 Spring Street, Soho, New York

Curator / Gallery Director

Curator of exhibitions for International Art Dealer. Responsible for researching and documenting all works of art for inventory and catalog résumés. Directed daily operations of a contemporary fine art gallery.

TERI D'AMICO

12555 BISCAYNE BLVD #783
North Miami, FL 33181
PHONE 305.945-1170

EDUCATION

The Ohio State University, Columbus, Ohio

Bachelors Degree in Art Education, Graduated 8/85

Studies included: Industrial Design Technology; History & Theory of Art, Design and Architecture; Computer Graphics; and Arts Administration.

Miami Dade Community College, Miami, FL

Associates of Science in Interior Design Degree, Graduated 4/93

Associates of Arts Degree, in Architecture, Graduated 4/93

Parsons School of Design, New York, NY, 12/90, Architectural Design

TEACHING

Florida International University, School of Architecture, Adjunct Professor,

Courses Include: Design 5 -Hospitality & Retail Design, Historic Preservation for Interior Design, Construction Drawings 2 in AutoCAD & Morris Lapidus Survey

INTERIOR DESIGN CREDITIALS, PROFESSIONAL BOARDS & SPECIAL INTEREST

NCIDQ, National Council for Interior Design Qualification

Exam passing date, 4/96, Certification # 013136

Florida State Registered, Interior Designer, #ID0004783

City of Miami Beach, Design Review Board, Jan 1999-2002

MiMo,- "Miami Modern", Co-founder of a movement to preserve

Post-War Miami Architecture, 1998

Miami Design Preservation League, Board of Directors, 1994 - 1998

Design Preservation Advisory Committee, responsible for reviewing all projects proposed for the City of Miami Beach's Design Review Board

Education Committee, Product Design Committee & Nominating Committee

Architectural District Tour Guide, responsible for developing: *The City Moderne Tour*, *The Art Deco Interiors Tour*, *The Children's Tour*, and *The Bicycle Tour*.

Urban Arts Committee of Miami Beach/NYC, Curator of Photography exhibit

Contributor to Chronicle Books, MiMo, text and photography

Member of The National Trust for Historic Preservation, Washington D.C.

Member of The International Hospitality Sales and Marketing Association

Member of Hotel - Motel Association, USA

Member of Caribbean Hotel Association, BWI

Member of The Museum of Contemporary Art, North Miami

Eye Magazine, Architectural Critic and free-lance Photographer

Wolfson Today, interview, "The Effects of Hurricane Andrew," 11/92

MDPL, TV Series, Set Design & Arrangements, Channel 36, 2/97

The New Museum of Contemporary Art, New York City, Docent-Volunteer

The Ohio Foundation for the Arts, Columbus, Ohio, Internship

SKILLS

AutoCAD operator * Photographer * Digital Artist * Architectural Renderings

Word Processing * Excel * Bookkeeping * Grant Writing

Jed L. Frankel
1231-99th Street
Bay Harbor Islands, FL 33154

VIA ELECTRONIC MAIL - mmarante@bayharborislands.net
Marlene Marante, Town Clerk
Town of Bay Harbor Islands

1/30/2014

Dear Marlene:

Please accept this as my letter of interest to serve on the Town's Planning and Zoning Board. My wife, Hillary and I have lived in Bay Harbor since 1996. We lived in an apartment on the south side of the east island when we got married and then moved to the north side when our first son was born. We now live on the west island along with our two sons and two dogs.

I am an attorney, Board Certified in Civil Trial Law by The Florida Bar and "AV" rated (highest possible) by Martindale-Hubbell. In my twenty years' of practice I have been involved in numerous matters involving zoning and related issues. I previously served on the City of Miami Beach Mayor's Committee on Homelessness, Miami Beach Charter Review Committee, and Bay Harbor Charter and Ordinance Review Committee.

I have also been involved in many community organizations, including B'nai B'rith Justice Unit, the Community Association Institute, the Florida Supreme Court's Justice Teaching Program and Miami Beach Basketball Club (Miami Beach High Basketball booster club). One of things I am most proud of was my involvement in the community effort to end overcrowding at (the then) Ruth K. Broad Elementary which resulted in the construction of other elementary schools in Northeast Miami-Dade as well as our own K-8 Center.

I welcome the opportunity to use my expertise and knowledge for the Town's benefit.

Sincerely yours,



Jed L. Frankel

JED L. FRANKEL, Esq.
Board Certified Specialist in Civil Trial Law by The Florida Bar
(954) 894-8000 x 301 (office)
(954) 684-3404 (cellular)
jfrankel@eisingerlaw.com
jedfrankel@yahoo.com

PRACTICE AREAS Complex Commercial Litigation; Real Estate Litigation; Corporate Litigation; Condominium and Homeowners Association Law; State and Local Administrative Law; Bar Admissions; Bench and jury trials in State (Florida) and Federal (Southern District of Florida) Courts. Appeals in Florida's First, Third, Fourth & Fifth District Courts of Appeal and Florida Supreme Court and the United States Circuit Court of Appeals for the Eleventh Circuit.

EXPERIENCE **EISINGER, BROWN, LEWIS, FRANKEL & CHAIET, P.A.** Hollywood, FL
Member January, 2006 – present.

PHILLIPS, EISINGER & BROWN, P.A. Hollywood, FL
Member September, 2002 – December, 2005.
Associate September, 1997 – September, 2002.

LAW OFFICES JEROME H. SHEVIN, P.A. Miami, FL.
Associate September, 1993 – September, 1997.

VIRGIL HAWKINS CIVIL CLINIC Gainesville, FL.
Certified Legal Intern Fall, 1992.

LAW OFFICES WILLIAM P. CAGNEY, III, P.A. Miami, FL.
Summer Clerk Summer, 1992.

FLORIDA INSTITUTIONAL LEGAL SERVICES Gainesville, FL.
Volunteer legal researcher Summer, 1991.

PROFIT PROTECTION, INC. Miami, FL.
Writer / Editor / Researcher Summers, 1987-1990.

Researched, wrote, and edited educational/compliance materials published for the American Bankers Association.

EDUCATION **UNIVERSITY OF FLORIDA COLLEGE OF LAW** Gainesville, FL.
Juris Doctor with Honors May, 1993.

- Dean's List, six semesters
- James B. Locke Scholarship recipient, 1990
- Council of Ten Teaching Fellow
- Certified Legal Intern
- Phi Gamma Delta Fraternity Chapter Advisor

EMORY UNIVERSITY Atlanta, GA.
Bachelor or Arts *summa cum laude* May, 1990.

- Dean's Scholarship recipient, 1986-1990
- Dean's List, seven semesters
- Phi Alpha Theta and Pi Sigma Alpha honor societies

- Phi Gamma Delta Fraternity, Member
- Men's Cross Country and Track Teams, Letter Recipient
- Honors Thesis in History

ADMISSIONS

The Florida Bar (admitted 1993)
 United States District Court for the Southern District of Florida (1994)
 United States Court of Appeals, Eleventh Circuit (1995)

ORGANIZATIONS AND HONORS

The Florida Bar, Member Trial Lawyers and Real Property Sections
 Board Certified in Civil Trial Law, The Florida Bar (2007-2017)
 “AV” (5.0) rated by Martindale-Hubbell
South Florida Legal Guide 2014 “Top Lawyers” Real Estate/Community Associations
South Florida Legal Guide 2013 “Top Lawyers” Real Estate/Community Associations
 2014 *Florida Super Lawyers*
 Dade County Bar Association, Member
 Volunteer, Justice Teaching Program (Florida Supreme Court)
 Board Member, B’nai B’rith Justice Unit 5207.
 Director and Counsel, Tennis4All Foundation, Inc.
 Director and Counsel, Miami Beach Basketball Club, Inc.
 Member, Community Association Institute – South Florida Chapter.
 Member, Aventura/Sunny Isles Beach Chamber of Commerce.
 Member, Bay Harbor Islands Charter and Ordinance Review Committee, 2005 – 07.
 Board Member, Beth Moshe Congregation, 1998 – 2009
 Board Member, Fraternity of Phi Gamma Delta FIU Graduate Ass’n, 1999 -present
 Member, Bay Harbor Development Association, 2002 - 04
 Member, Miami Beach Charter Review Board, 1994 - 96
 Board Member, Miami Beach Junior Chamber of Commerce, 1993 - 96
 Member, Miami Beach Mayor's Committee on Homelessness, 1994
 Assistant Disciplinary Counsel, Fraternity of Phi Gamma Delta, 1994 – present
 Board Member, Emory Alumni Association of South Florida
 Life Member, University of Florida National Alumni Association
 Member, Miami Beach Senior High School Alumni Association
 Miami Beach Taxpayers' Association, 1993-96
 Recipient, 11th Judicial Circuit, Put Something Back Pro Bono Award, 1994-95
 Recipient, 11th Judicial Circuit Certificate of Appreciation, 1998 (Jury Duty)

REPORTED CASES

Bay Holdings v. 2000 Island Boulevard Condominium Ass’n., Inc., 895 So. 2d 1197 (Fla. 3d DCA 2005).
Monsanto Co. v. Campuzano, 206 F. Supp. 2d 1276 (S.D. Fla. 2002)
Monsanto Co. v. Campuzano, 2002 WL 34382458 (S.D. Fla. 2002)
Resnick v. Uccello Immobilien GMBH, Inc., 227 F. 3d 1347 (11th Cir. 2000)
United States v. Macia, 157 F. Supp. 2d 1369 (S.D. Fla. 2001)
Lamothe v. Bal Harbour 101 Condominium Ass’n., Inc., 2007 WL 781909 (S.D. Fla. 2007)
Arteaga v. Department of Business and Professional Regulation, 54 So. 3d 599 (Fla. 3d DCA 2011)
Kaine v. D.A. Mortgage, Inc., 998 So. 2d 616 (Fla. 3d DCA 2008)
Cantwell v. The Grand Condominium Association, Inc., 986 So. 2d 611 (Fla. 3d DCA 2008)
The Grand Condominium Association, Inc. v. Cohn, 970 So. 2d 365 (Fla. 3d DCA 2007)
Abraham & Associates, Inc. v. Surrey Holding Corp., 939 So. 2d 332 (Fla. 4th DCA 2006)
Carnero v. National Home Mortgage Corp., 941 So. 2d 395 (Fla. 3d DCA 2006)
United Grand Condominium Owners, Inc. v. The Grand Condominium, 929 So. 2d 24 (Fla. 3d DCA 2006)
Davies v. Turner, 802 So. 2d 1195 (Fla. 1st DCA 2002)
Holmes v. Posler, 847 So. 2d 583 (Fla. 3d DCA 2003)

Kearns v. 8911 Normandy Beach, Inc., 814 So. 2d 516 (Fla. 3d DCA April 24, 2002)
Florida Tower Condominium, Inc. v. Mindes, 770 So. 2d 210 (Fla. 3d DCA 2000)
Quintana v. Miami Pizza, Inc. 731 So. 2d 824 (Fla. 3d DCA 1999)
BFI Waste Systems v. Waste Solutions, Inc., 727 So. 2d 414 (Fla. 5th DCA 1999)
Martino v. Metropolitan Dade Co., 655 So. 2d 151 (Fla. 3d DCA 1995)

ARBITRATIONS

Portsvieview at the Waterways Condominium Association v. Lichtenstein
Rose v. Villages of King Creek Condominium Association
In re: Lincolnwood Towers (recall arbitration)
Decoplage Condominium Association v. Kreitman
Dostis v. Mar del Plata Condominium Association

PUBLICATIONS

“Operation of Condominiums” and “Regulation of Condominiums” chapters in *Florida Condominium Law 2005* published by Halfmoon, LLC.

ARTICLES

“Documents Should be Closely Reviewed to Avoid ‘Clerical’ Mistakes”, *Daily Business Review*, February 17, 2012.
“Fourth DCA Opens Door to Get Fees for Litigating Fees,” *Daily Business Review*, June 1, 2012.
“Courts Weigh Emotional Support Animals Against Homeowner Rules,” *Daily Business Review*, July 24, 2012.
“Associations May Collect from Delinquent Homeowners,” *Daily Business Review*, January 9, 2013.
“Condo Declarations Are Critical Should Conflict Arise,” *Daily Business Review*, March 1, 2013.

PRESENTATIONS

Best Practices for HOA Debt Collection – HOAleader.com Webinar, March 14, 2013 & June 18, 2013
Strategies to Avoid Litigation – Gulfstream Chapter of the American Society of Home Inspectors, 2012
The New Americans With Disabilities Act – BOMA Miami-Dade Chapter, 2011
How to Survive the Foreclosure Crisis – UAI Seminar for Association Board Members, 2010
Collecting Delinquent Accounts – Continental Management Quarterly Update, 2010
Association Collections Update 2009 – CAI Community Association Forum, 2009
Condominiums/Homeowners Associations – Community Association Coalition Meeting, 2008
Real Estate Legal Issues - EWM Realtors Legal Seminar, 2005
Florida Condominium Law – Halfmoon Seminars, 2005
Real Estate Legal Issues – EWM Realtors Legal Seminar, 2004

PERSONAL

Honors Graduate, Miami Beach Senior High (1986)
Interests include photography, golf, Florida Gator sports and history

Marlene Marante

From: Scott <billyscotth@yahoo.com>
Sent: Wednesday, January 22, 2014 9:01 PM
To: Marlene Marante
Subject: Re: Planning and Zoning Board
Attachments: My Resume 01-22-14.pdf

Hey Marlene, I'd like to apply for the new available position on the Planning and Zoning board. I'm attaching my resume so if you could please submit it I would appreciate it.

On another note I would really appreciate an update on what the council decided on TDR's. Can you please tell me if they put a cap on density and how they decided to allocate town owned TDR's? Can you please also tell me how many town owned are left and what they are selling for?

Thanks for your help.

Scott Hannon
Tel. 305-866-9893

On Thu, 8/22/13, Scott <billyscotth@yahoo.com> wrote:

Subject: Re: Planning and Zoning Board
To: "Marlene Marante" <mmarante@bayharborislands.net>
Date: Thursday, August 22, 2013, 4:23 PM

Ok Marlene, thank you for the info.

From: Marlene Marante
<mmarante@bayharborislands.net>
To: Scott
<billyscotth@yahoo.com>

Sent:
Thursday, August 22, 2013 2:55 PM
Subject: RE:
Planning and Zoning Board

The two seats have been filled. The continued to vote 4 more times until two of the candidates received 5 votes. The one vote was at the beginning so you didn't make it pass that round.

WILLIAM (SCOTT) HANNON

9160 W. Bay Harbor Dr. Bay Harbor Islands, FL 33154 Phone: 305-866-9893 Email: billyscotth@yahoo.com

OBJECTIVE



Being a Bay Harbor stake holder both as a long time resident as well as an East Island multi family property owner I would like to serve on the Planning and Zoning board in efforts to help guide and encourage attractive and compatible new construction and development in Bay Harbor Islands. I believe my in depth and diverse professional Real Estate back ground as well as my past activities in and for Bay Harbor Islands provides more than enough qualifications to bring value to the board as well as the islands in such a position.

EXPERIENCE

1992- Present G&S Development Corp. Bay Harbor Islands, FL.
President

- Implemented & or supervised all land acquisition & assemblage activities, construction financing, land development, construction, closure, marketing and Sales of over 112 homes in the Miami-Dade County Area.

1997-Present G&S Realty Advisors Corp. Bay Harbor Islands, FL.
President/Broker

- Participated in the sale, leasing and or management of over \$60 Million of various types of residential and commercial real estate in the Tri-County Areas of S. Florida.

1997-Present 224 West Flagler Holdings Inc. Bay Harbor Islands, FL.
Managing Member

- Implemented land assemblage of the majority of a city block in Down Town Miami CBD district.

1996-Present Park Place Partners Inc. Bay Harbor Islands, FL.
President

- Implemented multifamily rental property acquisitions and management.

■ 1988-1989 Block Publishing/ Tiger Software Coral Gables, FL.

- Started as an intern in the marketing department, was quickly offered a position in sales, then briefly as sales manager.

1989-1992 Bellavista Investments Inc. Miami, FL.
Vice President: Supervised Construction, Development and Sales for a 100 home Real Estate Development.

Implemented & or supervised construction, development, marketing and sales of over 90 single family homes in the Miami-Dade County Area.

EDUCATION

1986-1988 Florida International University Miami, FL.
■ B.A., Business Administration and Real Estate Finance.
■ Awards: Ronald H. Vogal Memorial Award for Marketing & Sales

1984-1986 Miami-Dade Community Colledge Miami, FL.
A.A. Associate in Arts degree

1981-1994 Coral Gables High School Coral Gables, FL.
Graduate

OTHER:

Licensed Florida Real Estate Broker

Present, Bay Harbor Development Association Inc.

Past member of Bay Harbor Islands Charrette committee

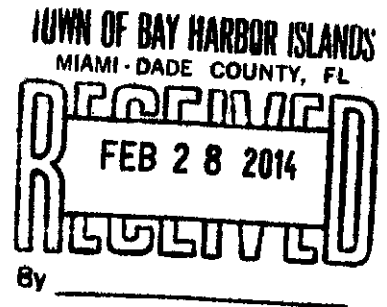
One of the first members of Bay Harbor Islands Design Review Committee.

Co-Founder of Bay Harbor's Movie Night

Past member of the following Down Town Development Authorities committies: a) Main Street, b) Marketing & Economic Development, c) Urban Design & Transportation

References available upon request.

ANDRE REUTER
9500 WEST BAY HARBOR DR. #7 F
BAY HARBOR ISLANDS - FLORIDA - 33154
PHONE (786) 558-5080 - MOBILE (917) 532-3875
REUTERANDRE@ME.COM



Dear Mrs. Marante:

Before hand I thank you for the opportunity to introduce myself,

I am the Andre Reuter, president and resident of the St Regis Apartments Association Inc., located at 9500 West Bay Harbor Drive, Apt. 7 F, Bay Harbor Islands, FL, 33154.

At the St. Regis we are trying to restore its glamour, long gone in decay due to resent and past recessions, bad and no planning at all for the future. However, we are confident that we will achieve our goal quite soon, reassuring quality of life and safety standards for our residents and giving back to Bay Harbor a St. Regis better than it was before.

My professional background is quite mix, from property and project management, public relations, tourism, gemology into to Cinematography, all related in commitment to organization and communication.

With the years, I have had the pleasure, to work and live in many different countries, such us Germany, Brazil, Argentina, Switzerland, Spain, Canada and the USA from all countries I lived I try absorb and learn not only their way of life but also their languages and culture.

I strong believer that one must give back to the community we live in, actively working on its improvement, by reassuring quality of life, safety and ordinances that work for our community and not against it. I move to Bay Harbor Islands, in 2012 and I call it home and I call it my community.

Since I've moved a lot has happen in the island and a lot is going to happen, and I would love to be an active contributor to this changes, helping to build an even better community for all of us. I am a strong believer that honesty and transparency are the most important factors for success in any endeavor one decides to get involve.

I, here by would love to consider for the open position at our Planning and Zoning Board.

Again appreciate your time and I thank you very much for the opportunity to present myself.

Best regards,


Andre Reuter
reuterandre@me.com

Feb. 28. 2014.

André Reuter
 9500 West Bay Harbor Dr. Apt. 7F
 Bay Harbor Islands – 33154 – FL
 reuterandre@me.com Phone: 917-532-3875

Employment:

Jul. 12 – Present	AR INTERNATIONAL SERVICERS CORP President, CAM FIRM Real Estate & CAM Licensed in Florida	Bay Harbor Islands, USA
Mar. 03 Jan. 12	Directing shot movies, Postproduction, Editing, and consulting for international coproduction Latin America/Europe	Buenos Aires, Argentina
June. 03 – Jan 12	Project Manager (self employed) Consulting & Execution Project Manger Coordination and execution of new infrastructures for historical properties Located in Buenos Aires, Argentina, Río de Janeiro, Brazil	Buenos Aires, Argentina & R. Janeiro Brazil
NOV. 98 – JAN. 03	S.C.A.A. ADVERTISING AGENCY LTD. Public Relations Product Mangement and Placement Consulting/Organization for International Events	NYC, USA & Munich, Germany
Mar. 90 – NOV. 98	Vermögensverwaltung Leuthen GmbH Propriety management, Project Manager and supervisor of development from three hundred USA / Canadian shopping mall Units though a coordinated marketing, advertising and promotion campaigns, radio and printed media. Germany, Switzerland and Italy residential and commercial portfolio and project Manager on restoration and environmental friendly alternatives.	Munich, Germany
Nov. 89 - Feb. 90	Genie Travel Corporate Accounts Manager	Toronto, Canada
Mar. 89 - Oct. 89	ICAB travel Corporate Accounts Manager	Barcelona, Spain
Jun. 88 - Feb. 89	Genie Travel Travel Consultant	Toronto, Canada
Feb. 86 - Jan. 87	Rede Globo de Televisão Trainee in the marketing and sales department	Rio de Janeiro, Brazil
Education:		
Mar. 03 – Dec. 09	UNIVERSIDAD DEL CINE Degree in Cinematography	Buenos Aires Argentina
Jan. 97 - June 99	Benedict School Spanish as a second language	Munich, Germany
Nov. 92 – Nov. 93	GIA College (Gemological Institute of America) College Degree with Diploma as GG (Graduated Gemologist)	Santa Monica, USA
Apr. 90 - Sept. 92	Goethe Institute German Business advanced	Munich, Germany
Mar. 89 - Oct. 89	ESAD business intensive International Trade	Barcelona, Spain
Apr. 88 - Aug. 88	Toronto University Linguistic and international relations	Toronto, Canada
Oct. 82 - Dec. 87	Cultura Inglesa Intense classes for English as a second language	R. Janeiro, Brazil

Apr. 86 - Aug. 87	Maria Augusta Studios History of Fashion, Haute Couture and event management	R.Janeiro, Brazil
June 87 - Mar. 88	Universidade Candido Mendes Economics	R.Janeiro, Brazil
Jan. 84 - Feb. 87	Colégio Santa Bernadete (Private institute) Highschool	R.Janeiro, Brazil

Additional Information :

Language skills: German, Portuguese, English, Spanish

Date of birthday: November 6, 1968

AGENDA ITEM REPORT

March 10, 2014

ITEM NUMBER: 4.

ITEM:

Town Manager Wasson requests that a Council Workshop Meeting be held to help with prioritizing future town projects and capital plans prior to the budgetary process begins.

DESCRIPTION:

Manager requests that Council Workshop Meeting be held help with prioritizing future town projects and capital plans prior to the budgetary process begins. There has been a request to explore having a survey done prior to the budget process to get more citizen involvement. I recommend a Workshop Meeting so if a survey is approved, the basis of the survey will have a common starting point for staff to develop questions. Often we receive requests during the year for different things that so have a financial impact on the budget so minimally, I would recommend having the Workshop Meeting

RECOMMENDED ACTION:

Approval

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Ronald Wasson, Town Manager

ATTACHMENTS