

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

August 11, 2014

AGENDA

CALL TO ORDER: 7:00 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

REPORTS:

1. Report on investment performance by Mr. Dan Brea, BNY Mellon Private Wealth Management.

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.)*

2. **Approval** of Minutes for the following meetings:

- A. Minutes of a Regular Council meeting held on February 10, 2014
- B. Minutes of a Regular Council meeting held on March 10, 2014
- C. Minutes of a Organizational meeting held on April 7, 2014
- D. Minutes of a Regular Council meeting held on April 7, 2014
- E. Minutes of a Council Workshop held on May 8, 2014

UNFINISHED BUSINESS: Approximately 8:00 p.m.

3. **Discussion and approval** of an ordinance on first reading requested by Mayor Yaffe amending the hours of construction.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AMENDING SECTION 12-26, PERMISSIBLE HOURS FOR CONSTRUCTION ACTIVITY AND LANDSCAPING; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

4. **Consideration and approval** on first reading of an ordinance amended Section 18-23 of the Town Code to require property owners to install infrastructure necessary to connect to underground installation of utilities in the event that during construction, a utility provider is unwilling to underground overhead wiring. This ordinance was requested by the Town Manager.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 18 OF THE TOWN'S ADOPTED CODE OF ORDINANCES ENTITLED UNDERGROUND UTILITIES; AND SPECIFICALLY AMENDING SECTION 18-22 ENTITLED NEW CONSTRUCTION AND REHABILITATED STRUCTURES, TO REQUIRE PROPERTY OWNERS TO INSTALL INFRASTRUCTURE NECESSARY TO CONNECT TO UNDERGROUND INSTALLATION OF UTILITIES IN THE EVENT THAT DURING CONSTRUCTION, A UTILITY PROVIDER IS UNWILLING TO UNDERGROUND OVERHEAD WIRING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approval.

POLL VOTE

5. **Approval** of Resolution No. ____ requested by Council Member Reid supporting Marriage Equality, urging the State of Florida to stop opposing Marriage Equality through the courts.

A RESOLUTION OF THE TOWN OF BAY HARBOR ISLANDS COUNCIL SUPPORTING MARRIAGE EQUALITY, URGING THE STATE OF FLORIDA TO STOP OPPOSING MARRIAGE EQUALITY THROUGH THE COURTS.

STAFF RECOMMENDATION: Council Discretion

6. **Discussion and possible action** requested by Council Member Reid regarding the Town's status on the National Trust for Historic Preservation's list of America's 11 Most Endangered Historic Places. The discussion might include updating the 2006 survey that the town conducted and possibly offer some incentives to developers to include some MiMo features in future projects.

STAFF RECOMMENDATION: Council Discretion

7. **Discussion and possible action** requested by Council Member Reid regarding putting some questions on the ballot to amend the charter. Enclosed is a list of questions to be addressed.

STAFF RECOMMENDATION: Council Discretion

8. **Discussion and vote** on the Town Manager's request that the Town Council directly entertain the Bid protest for the Tennis Courts Contract.

STAFF RECOMMENDATION: Council Discretion

NEW BUSINESS: Approximately 8:35 p.m.

9. **Consideration and approval** of an ordinance on first reading amending the Town Code Section 23-11(C)(16)(f)(4) to require monthly pressure washing of the sidewalks as part of the manly maintenance required for sidewalk cafes. This ordinance was requested by the Town Manager.

CONSIDERATION AND POSSIBLE VOTE ON AN 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; AND SPECIFICALLY AMENDING SECTION 23-11(C)(16)(f)(4) ENTITLED SIDEWALK CAFES/ OUTDOOR SEATING FOR RESTAURANTS, DEVELOPMENT STANDARDS AND REQUIREMENTS, TO INCLUDE PRESSURE WASHING OF THE SIDEWALKS NOT LESS THAN ONCE A MONTH AS A PART THE REQUIRED MAINTENANCE.

STAFF RECOMMENDATION: Approval

POLL VOTE

10. **Discussion and possible action** requested by Mayor Yaffe for approval of any Council Member that is interested in attending the upcoming Florida League of Cities 88th Annual Conference.

STAFF RECOMMENDATION: Council Discretion

11. **Discussion and possible action** requested by Mayor Yaffe regarding possible amendment to Section 23-11(D)(9) which applies to the RM-3 district, regarding building coverage.

STAFF RECOMMENDATION: Council Discretion

12. **Discussion and possible action** requested by Council Member Bruder and Council Member Reid to join the City of Miami Beach, Chamber of Commerce. Enclosed is the Membership information and prices.

STAFF RECOMMENDATION: Council Discretion.

13. **Discussion and possible action** requested by Council Member Bruder to join the Aventura Marketing Council. Enclosed is the Membership information and prices.

STAFF RECOMMENDATION: Council Discretion.

14. **Discussion and possible action** requested by Council Member Reid regarding mosquito spraying. Enclosed is a copy of a news article on mosquito spraying.

STAFF RECOMMENDATION: Council Discretion

15. **Consideration and Approval** of a private TDR transaction of the transfer of four (4) dwelling unit from 9350 Condo of Bay Harbor Association (9350 W. Bay Harbor Drive) to Beau Rivage, LLC (9781 E. Bay Harbor Drive). Enclosed is a copy of the staff report, application, contract, plans, and other supporting documents.
- STAFF RECOMMENDATION:** Approval
16. **Consideration and approval** of a private TDR transaction of the transfer of two (2) dwelling units from 9770 E. Bay Harbor Properties, LLC (1050 98th Street & 9770 - 9790 E. Bay Harbor Drive) to Bay Harbor Holdings, LLC (10201-10231 E. Bay Harbor Drive). Enclosed is a copy of the application, contract, plans and other supporting documents.
- STAFF RECOMMENDATION:** Approval
17. **Consideration and approval** of a private TDR transaction of the transfer of four (4) dwelling unit from 9770 E. Bay Harbor Properties, LLC (9800 E. Bay Harbor Drive) to Bay Harbor Holdings, LLC (10201-10231 E. Bay Harbor Drive). Enclosed is a copy of the application, contract, plans, and other supporting documents.
- STAFF RECOMMENDATION:** Approval
18. **Consideration and approval** of a private TDR transaction of the transfer of eight (8) dwelling unit from Bay Harbor Holdings, LLC (10270-10290 E. Bay Harbor Drive) to Bay Harbor Holdings, LLC (10201-10231 E. Bay Harbor Drive) Enclosed is a copy of the application, contract, plans and other supporting documents.
- STAFF RECOMMENDATION:** Approval
19. **Consideration and approval** of a private TDR transaction of the transfer of nine (9) dwelling units from Trio Commons Community Association, Inc. (9970, 9976, 9980 E. Bay Harbor Drive) to Island House Towers, LLC (9161 & 9201 E. Bay Harbor Drive). Enclosed is a copy of the application, contract, plans, and other supporting documents.
- STAFF RECOMMENDATION:** Approval
20. **Consideration and approval** of a private TDR transaction of the transfer of two (2) dwelling unit from 9300 W. Bay Harbor Drive Condominium, Inc. (9300 W. Bay Harbor Drive) to Island Club Towers, LLC (9161 & 9201 E. Bay Harbor Drive). Enclosed is a copy of the application, contract, plans, and other supporting documents.
- STAFF RECOMMENDATION:** Approval
21. **Approval of Agreement** with the City of Miami Beach to provide sewage conveyance for disposal services. The objective of the new agreement is to formalize the existing month to month arrangement
- STAFF RECOMMENDATION:** Approval
22. **Approval of Construction Engineering Inspection Services** for the Design Engineer, Calvin Giordano and Associates, to perform Construction Engineering Inspection Services during execution of the Contract to install new water mains on Kane Concourse. The amount of this request is \$19,470.00 and a copy of the proposal from CGA is attached.
- STAFF RECOMMENDATION:** Approval

ADJOURNMENT: Approximately 10:00 p.m.

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