

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

October 13, 2014

AGENDA

CALL TO ORDER: 7:00 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

REPORTS:

1. Planning and Zoning Board Approvals

COUNCIL REPORTS:

GOOD AND WELFARE:

CONSENT AGENDA: Set for approximately 7:35 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 the following Meeting Minutes:
 - A. July 22, 2014 - Council Workshop
 - B. June 9, 2014 - Public Hearing
 - C. June 9, 2014 - Regular Council Meeting
3. Consideration and approval of a renewal of a Mutual Aid Agreement with the Miami-Dade Schools Police Department and the Town of Bay Harbor Islands Police Department.

UNFINISHED BUSINESS: Approximately 7:50 p.m.

4. **Approval** of an ordinance on **second 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: Council Discretion

POLL VOTE

5. **Approval** of an ordinance on **second reading** amending 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: Council Discretion

POLL VOTE

6. **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.

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.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

7. **Approval** of an Ordinance on **second reading** amending Section 20-5 and 20-6 of the Town Code increasing the monthly water service charge and the minimum monthly service charger per meter.. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS AMENDING SECTIONS 20-5 AND 20-6 OF THE CODE OF BAY HARBOR ISLANDS TO INCREASE THE MONTHLY CHARGE FOR WATER SERVICE TO \$4.28 PER ONE THOUSAND GALLONS AND TO INCREASE THE MINIMUM MONTHLY SERVICE CHARGES FOR EACH WATER METER TO \$19.93; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

8. **Approval** of an ordinance on **first reading** amending the RM-3 Multiple-Family District to change the definition to delete balconies from being calculated as part of the building coverage. The ordinance also updates code references to the RBA Zoning District to reflect the name change to RM-3. Attached is 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 TO MODIFY CERTAIN CODE PROVISIONS RELATED TO THE RM-3 MULTIPLE-FAMILY DISTRICT; AMENDING ARTICLE I, SECTION 23-1 ENTITLED DEFINITIONS TO MODIFY THE DEFINITION OF BUILDING COVERAGE TO DELETE EXTERIOR BALCONIES FROM BEING CALCULATED; AMENDING ARTICLE I, SECTION 23-2 ENTITLED DISTRICTS TO UPDATE CODE REFERENCES TO THE RM-3 DISTRICT (FORMERLY KNOWN AS THE RBA TRACT DISTRICT) AND THE LEGAL DESCRIPTIONS FOR VARIOUS ZONING DISTRICTS; AMENDING ARTICLE I, SECTION 23-12(13) ENTITLED GENERAL PROVISIONS TO UPDATE REFERENCES TO CURRENT ZONING DISTRICT NAMES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approval

POLL VOTE

9. **Approval** of a resolution authorizing the Town Manager to execute an agreement with the Florida Department of Transportation for the rehabilitation of the bridges. Attached is the proposed resolution.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS APPROVING THE TOWN MANAGER'S EXECUTION OF THE ECONOMIC DEVELOPMENT TRANSPORTATION PROJECT FUND AGREEMENT.

STAFF RECOMMENDATION: Approval

10. **Approval** of a five year maintenance agreement with TransCore for a total contract not to exceed \$318,262.34. Transcore will perform daily monitoring of all operational systems, computer and Florida Turnpike connectivity and will correct issues as they occur.

STAFF RECOMMENDATION: Approval

POLL VOTE

NEW BUSINESS: Approximately 8:20 p.m.

11. **Request** for an **extension** to an escrow agreement for the Rex Gardens Condominium Association located at 1085-1125 99 Street. The current escrow agreement expires in December and the association is asking for a six (6) month extension to allow them to wait for a nearby construction to be concluded so they can paint their building.

STAFF RECOMMENDATION: Approved

12. **Request for approval** of a six month extension to close on a TDR contract between the Town and Bay Harbor Islands 1, LLC. The contract was entered into October 15, 2013 for the purchase of 13 TDRs to be transferred to the receiving property located at 1100, 1120 - 100 Street. Enclosed is information provided by Ackerman, LLP, who represents the owners.

STAFF RECOMMENDATION: Council Discretion

13. **Approval** of a change of date for the elections in 2015. Due to the fact that there is a religious holiday on the first Tuesday in April next year, Town Clerk Marante request approval to officially change the date of the Elections to Tuesday, April 21st.

STAFF RECOMMENDATION: Approval

14. **Approval of Change Order** numbers 2 and 3 in favor of Halley Engineering Contractors, Inc. in the amounts of \$75,073.05 and \$56,518.31 respectively. These change orders are for the demolition of the Toll Plaza building and the roadwork associated with the SunPass conversion.

STAFF RECOMMENDATION: Approval

POLL VOTE

ADJOURNMENT: Approximately 8:45 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.