

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

January 12, 2015

AGENDA

CALL TO ORDER: 7:00 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

REPORTS:

1. Committee Report- Environmental Impact Committee

COUNCIL REPORTS:

GOOD AND WELFARE:

CONSENT AGENDA: Set for approximately 7:45 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 of the following Meetings:
 - A. Regular Council Meeting- June 9, 2014
 - B. Regular Council Meeting- August 11, 2014
 - C. Workshop Meeting - August 20, 2014
 - D. First Budget Hearing - September 8, 2014
 - E. Regular Council Meeting - September 8, 2014

3. **Approval** of Emergency Bascule Bridge Repairs for the replacement thrusters that released the brakes in the amount of \$22,316. The Town Manager is authorized to make emergency repairs according to Section 3.01(e) of the Town Charter.

4. **Consideration** and **Approval** to carry-forward appropriations from the 2013-2014 budget into the 2014-2015 budget.

5. **Consideration** and **Approval** of an expenditure for the lease of four (4) new police vehicles through Mears Motor Leasing Company. The total expense for this year budget is \$21,544.80.

STAFF RECOMMENDATION: Approval

POLL VOTE

UNFINISHED BUSINESS: Approximately 7:55 p.m.

6. **Approval** of an ordinance on **second reading** removing the commercial component from the RM-3 Multi-Family District.

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 23-6 ENTITLED USE REGULATIONS TO DELETE BUSINESS AND COMMERCIAL USES FROM THE PERMITTED USE CATEGORY; AMENDING ARTICLE I, SECTION 23-11(D) ENTITLED LAND DEVELOPMENT REGULATIONS TO DELETE SUPPLEMENTAL BUSINESS AND COMMERCIAL SETBACK REFERENCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion.

POLL VOTE

7. **Request** for **Approval** to replace the Street Lights on the East Island. Town Manager seeks approval to replace the current old HPSV lights with the LED Cobra-Head design at a cost of \$206,453.22.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

NEW BUSINESS: Approximately 8:30 p.m.

8. **Discussion** requested by Mayor Yaffe regarding the agenda organization and the duration of Council Meetings.

STAFF RECOMMENDATION: Approval

9. **Discussion** requested Vice Mayor Leonard about the possibility of adding fitness equipment at other Town Parks.

STAFF RECOMMENDATION: Council Discretion

10. **Discussion** requested by Council Member Bruder regarding holiday decorations for 2015.

STAFF RECOMMENDATION: Council Discretion.

11. **Discussion** requested by Council Member Reid regarding the possibility of adopting an ordinance prohibiting the use of Styrofoam containers.

STAFF RECOMMENDATION: Council Discretion

12. **Discussion** requested by Council Member Reid for approval to have an efficiency study of town departments and a salary survey.

STAFF RECOMMENDATION: Council Discretion

13. **Discussion** requested by Council Member Reid to possibly amend the Town Code to prevent new development from using one bedroom units with a den to convert the unit to two bedrooms later on.

STAFF RECOMMENDATION: Council Discretion

14. **Discussion** and **approval** regarding attendance at the 61st Miami-Dade County League of Cities Installation Gala on Saturday, February 7th, 2015. Enclosed is the information on sponsorship packages and the cost of advertisement in the journal. Staff needs to know how many tickets to purchase and what size advertisement to order.

STAFF RECOMMENDATION: Council Discretion.

15. **Consideration and Approval** for Hardesty and Hanover, LLP to perform construction engineering inspection services associated with the Bridge Rehabilitation Project (BC 142), previously awarded to M&J Construction of Pinellas County, Inc. The cost of this service is \$847,755.75, and will allow Hardesty to perform CEI work over the course of the 18 month Contract Period.

STAFF RECOMMENDATION: Council Discretion.

POLL VOTE

16. **Consideration and Approval** of Scope of Work by Recreational Design & Construction, Inc. for Design/Build services to construct the Bay Harbor Islands Community Center.

STAFF RECOMMENDATION: Council Discretion.

POLL VOTE

17. **Consideration and Approval** of a proposal from Florida Power and Light in the amount of \$190,070 for a underground conversion plan to eliminate the overhead wood electric poles which connect power from the East to West Island. Enclosed is a copy of the proposal.

STAFF RECOMMENDATION: Council Discretion.

POLL VOTE

18. **Consideration and Approval** of Staging Areas for the Broad Causeway Bridge Rehabilitation Project.

STAFF RECOMMENDATION: Council Discretion.

19. Request for **Approval** of a proposal from Federal Signal, Inc. for phase two of the License Plate Reader Program (LPR) for a total of \$69,221.00 to be paid from Capital Outlays from the 2013/2014 Budget. Legal has reviewed and approved the contract.

STAFF RECOMMENDATION: Council Discretion.

POLL VOTE

ADJOURNMENT: Approximately 9:30 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

January 12, 2015

ITEM NUMBER: 1.

ITEM: Committee Report- Environmental Impact Committee

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Marlene Marante, Town Clerk

ATTACHMENTS

1.	EIC report	EIC report.pdf
----	------------	----------------

January 6, 2015

Re: Town of Bay Harbor Islands Beautification Award

Dear Mayor Yaffe & Town Council Members,

At the January 5th 2015 Environmental Impact Committee Meeting, the committee reviewed the two submissions officially received for the Town's inaugural "Beautification Award"; one for a single family home, the other for a multi-family dwelling.

Vicky Motola reported to the Environmental Committee she received an email dated 1/5/2015, from an individual stating they left a package on December 31 (deadline date) with their submission for the Beautification Award. This individual stated in their email they contacted Ayanidys Marante (Building Department) to confirm they received their submission and Ayanidys stated they were not involved in this Town project and she should have dropped off the packet downstairs. Vicky Motola did go upstairs to the Building Department and spoke with Lawrence Wentworth a few minutes after she received the email. She inquired if there was a packet for the Beautification Award; however no packet was found. She spoke with Lawrence and questioned if he recalled this individual was in the Building Department on December 31 and if there was a lot of movement, in and out, with property boards. Lawrence did not recall.

Vicky Motola contacted this individual on Jan 5th by phone and was told the package was left on the 2nd floor, on the floor, outside (exterior) of the Building Department. This individual said there was a lot of movement; there were boards going in and out of the Building Department. On Monday, Jan. 5, Ayanidys contacted this company on a different subject matter and this same individual stated she left the package outside of the Building Department.

The Environmental Committee discussed the possible reasons for such a poor response; the underwhelming number of applications received and the possible reasons for this result may have been not enough lead time for residents to react to the notice due to the holidays, residents thinking the process to submit applications would be time consuming and difficult, and /or general apathy.

The committee concluded that we would like to give our residents another month in which to submit additional applications for the Beautification Award. After further discussion it was suggested by Vicky Motola and Kelly Reid that a formal request be submitted to the Town Council for consideration in extending the deadline date for submissions (the original deadline date was 12/31/14).

We are requesting that the Town Council please review this request and respond at your earliest convenience. If an extension is granted, we would appreciate you speaking briefly about the award in the upcoming Town Council Meeting.

Thank you for your service, time and consideration.

Vincent Martino
EIC Chair

AGENDA ITEM REPORT

January 12, 2015

ITEM NUMBER: 2.

ITEM:

Approval of Minutes of the following Meetings:

- A. Regular Council Meeting- June 9, 2014
- B. Regular Council Meeting- August 11, 2014
- C. Workshop Meeting - August 20, 2014
- D. First Budget Hearing - September 8, 2014
- E. Regular Council Meeting - September 8, 2014

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Alba Chang, Recording Secretary

ATTACHMENTS

1.	Workshop Minutes- August 20, 2014	8-20-14 Workshop - DRAFT.docx
2.	Budget Hearing Minutes- 9-8-14	9-8-14 Budget PH- DRAFT.docx
3.	Minutes - August 11, 2014	8-11-14 DRAFT REG.docx
4.	Minutes -6-9-14	6-9-14 DRAFT reg.docx
5.	Minutes - 9-8-14	9-8-14 REG DRAFT.docx

MINUTES OF A WORKSHOP MEETING

TOWN OF BAY HARBOR ISLANDS

A Workshop Meeting was held on Wednesday, August 20, 2014 at 7:00 p.m. in the Council Chambers. The meeting was opened with the Pledge of Allegiance. Upon roll call, the following Council Members responded:

Vice Mayor Jordan Leonard

Council Member Josh Fuller

Council Member Kelly Reid

Council Member Solange Rousselot

Council Member Issac Salver

Item 1. Presentation of the conceptual design for the Town's Community Center by Eddie Lamas from Stantec Consulting Services.

Town Manager Wasson introduced Mr. Lamas from Stantec Consulting Services. He came forward to make the design presentation to the Council. Mr. Lamas thanked the Council for asking for the presentation. He presented details regarding the design.

He stated that the site would be where the current parking garage was located and parking should not be problem. This would be a mixed used development. The space was about 8000 square feet with the elevator located on the south side of the property for visitors. He stated that the lobby had been re-designed.

The design included three segments; connect, play and learn. Play was flexible spaces to be re-organized as needed. The challenge was the fact that the parking garage was above. The solution would be to sound proof the garage. He informed the Council that had been done on other projects which were similar, even one in Coral Gables.

He explained that there were windows on the west and south side and the rooms were arranged to be wide so residents could have activities, could have a relaxing area and also see what was happening on either side of where they were sitting. He explained that in the lobby area was the entrance and the restrooms were ADA accessible. There was also a gallery area and a learning center. On the left side was a multi-use room that could be divided into 4 rooms. That area would be acoustically treated with a lot of lighting.

He also provided outside exterior samples and explained the retractable canopy and that there would be Wi-Fi available. He explained the wall that would be created for screening, the landscaping, the front seating area for visitors, the importance of night lighting and the daylight on the south walls to extend the daylight that comes in the morning. He also explained that the prices had gone up since last year and gave an update of a cost of 1.5 million dollars.

Council Member Salver verified that the lighting fixtures were within the cost estimate. Council Member Fuller questioned the lighting being addressed on the west side. Mr. Lamas stated that had been addressed with the changes. Council Member Fuller questioned a covered walkway for visitors from the parking garage. There was a brief discussion and Mr. Lamas had a couple of ideas to solve the problem. Council Member Fuller also addressed what would be on the west side. Mr. Lamas felt it could be a flexible space and could have an awning that would be open or shut when needed, which would be flexible. Town Manager Wasson stated that they needed to do more design on that area to keep people dry and out of the sun. Mr. Lamas stated that as they develop the design those item would be addressed.

Council Member Reid stated that she would like the restrooms to be closer to the front door for safety reasons and to be accessible for all residents or anyone walking by. Mr. Lamas stated that the restrooms would be accessible, but in a hallway. To have restrooms you need a wall and the front is an open area.

There was a brief discussion regarding the changes and the costs that caused the price to go up. Council Member Reid questioned why the contingency went up to 22%. Mr. Lamas stated that there would be a lot of exterior work to be done and the contingency goes for that cost. Assistant Manager Jimenez stated that they were not tied to the 22% and could use the original 10%. He also reminded everyone that there was a grant that was received in the amount of 500K.

PUBLIC COMMENT

Kathleen Kennedy, 9721 E. Bay Harbor Drive, came forward to address the Council. She thanked Stantec for their presentation. She reminded everyone that there were no senior activities included in the presentation. She was upset that the plan was to put the children in the garage, because she felt that no one in the administration would like to move to the garage. She felt that they should think about the pollution. Mrs. Kennedy questioned what TDR money would pay for the community center. She questioned if there would be a fee to attend the center. Council Member Fuller reminded everyone, if the grant was accepted, everyone would be allowed to participate in activities. Mrs. Kennedy complained again that there were activities for everyone except for seniors and there was not even a gym.

Council Member Rousselot stated that it was always understood that the community center was always going to be in the garage. She stated that she liked the design and wanted it to happen. She felt that everyone wanted the same thing and the center would be a multi-use center with a flexible area.

Council Member Reid stated that she felt the space should not be looked at like it is in a garage. She brought up the Sunny Isles Community Center, which has something similar with the garage and a library. She stated that it was a gathering center with many activities, a post office and shops. She stated that she never heard any cars and felt it was great. She stated that hours had gone into this design and assured Mrs. Kennedy that all the different activities had been discussed. Council Member Fuller stated that a gym had been discussed, but the cost was prohibitive and the space was limited to 8,000 square feet. He stated that each Council member previously met with Stantec individually to discuss their ideas and concerns.

Town Manager Wasson stated that there was about 957K in TDR monies and 400K in escrow. He also answered that the price for construction was about \$500 per square foot. As for fees, that would be discussed in the future. There was a brief discussion regarding the procedures and the fact that all the residents wanting to speak should have the opportunity.

Frances Neuhut, 9920 W. Broadview Drive, came forward to address the Council. She questioned if the accountant on the Council thought the center was feasible to build. She had a flyer with a lot of programs for the children and questioned if the Town was taking advantage of the joint use agreement with the school. She did not feel it necessary to have classrooms in the center, if that was happening. She questioned if the lighted baseball field for over 6,000 people was part of the center. She also commented that the library furniture did not look comfortable for reading and there were no programs for seniors. Mrs. Neuhut also stated that the Town should get something in return from the developers and questioned why they were not.

Town Manager Wasson stated that they were using the joint use agreement for the past summer camp programs and the agreement was great because they had the ability to use that space at the school when the school was not in session. He stated that the community center would have a lot of the programs that were suggested. Manager Wasson stated that this was all still in the initial stage of the design and there could be any kind of programs that were desired. As for the library, if it comes through in the future the space would be available for that type of use. The TDR monies can be spent as the Council deemed fit, since it goes in the General Fund.

Council Member Salver stated that, based on past dialogue from the Council, the desire for the TDR monies collected was to use it for a facility like the community center. He stated that the net worth for the Town was six million dollars. Mrs. Neuhut asked if it was economically feasible and he stated that, yes, it would be economically ok and would not break the bank. He felt that the Council had invested a lot in the community center and had purchased parks for the good of the residents. He did not feel this would be a waste of money.

Luciana Arestegui, 1060 98th Street, came forward to address the Council. She was happy to have the workshop. She questioned the safety of the glass retractable walls, because she was concerned about security for the children playing around there. Mrs. Firtel also felt the children's area was too small and the classes should have some privacy for concentration when participating. She questioned what kind of material would be on the floor. Also, she questioned if the outdoor courtyard would connect. Mrs. Firtel asked if they could ask developers for money for the community center as a condition to giving them a contract.

Council Member Rousselot stated that legally they could not do that. Town Manager Wasson informed her that the retractable wall would not be glass and the floor material would be varied.

Mr. Lamas stated that the design presented at this meeting was to give them an idea of what was possible, but was not final and was flexible. He stated that the glass on the gallery would be different than the 10 foot wide impact glass walls. He stated that there was room for flexibility. Mr. Lamas also stated that for privacy protection they could use frosted glass.

Paul Ruthfield, 1231 95 Street, came forward to address the Council. He felt that libraries were really computer rooms now and felt the study rooms should have computers. He was concerned about the small space and no physical activities plan. Mr. Ruthfield commented on taking the 500K, knowing that everyone would be able to use the facility, but he felt that 8,000 square feet would be too small. He commented that, if they join the Miami-Dade County Library System, the taxes would increase. He wanted to keep the vacant land, even if only to put a pool on.

Paul Basile, 9240 West Bay Harbor Drive, came forward to address the Council. He thanked the Council for having a workshop. He liked the design, but felt it would be great to have something on the water. Mr. Basile stated that he would be against taking the grant from the State, because he felt the community center should only be open to the residents. Mr. Basile felt it should have the Bay Harbor Islands feel. He suggested calling it the Bobcat Center and incorporating something in the design to show people about the islands and make it special.

Maurice Rapar 1141 - 101 Street, came forward to address the Council. He questioned what analyzes had been done regarding having the community center located at Town Hall. Town Manager Wasson stated that it would cost over 7 million dollars to put it at Town Hall and to move the Police Department and Administrative Offices would cost a lot of money.

Sugar Firtel, 1260 – 98 Street, came forward to address the Council. She thanked the Council for hosting the workshop and was thrilled that the Council was moving forward with the community center. She stated that she had been involved administratively in plans and she felt an important issue was always a concern. She felt that the desk being set back was too far back to control and screen programs. She felt it would be important to have a private administrative area. She questioned where the walls went. Mr. Lamas stated they would be pockets. Ms. Firtel's vision for the center would be programs for all ages, kids to seniors. Town Manager Wasson stated that he has already seen all types of programs come along when needed. She questioned the natural light being lost on the west side.

Mr. Lamas pointed out the common area and the west and south side reception areas. He also pointed out the restrooms location. Vice Mayor Leonard questioned if they looked into how much lighting was needed. Mr. Lamas stated that this was a concept, but they had experts to figure that out when the time came.

Council Member Fuller was happy they were addressing the lighting issue. He felt there would be obstruction on the south and west reception areas. He felt that there might be a problem with the design if the grant was accepted, due to limited space, and there would need to be a person checking everyone in at the entrance. Discussion continued regarding the issues of the entrance, covered walkway, canopy or covering and an open courtyard. Council Member Fuller felt they needed a covered entrance. Mr. Lamas stated that they could cover the entire sidewalk all around the building.

CLOSED PUBLIC COMMENT

Council Member Reid stated that this would not be a physical sports facility. There would be more classes like yoga and Tai Chi. She stated that the 2 breakout rooms could be private if necessary. She felt that incorporating a mixed use was not necessarily going to happen and what to do with the vacant lot was still up for the Council to consider. She wanted to make the empty lot into a green passive area until the decision was made. She felt there could be a sports facility in the future along with other options.

Council Member Fuller felt it would be appropriate to have a coffee shop; perhaps they could lease space to a coffee vendor. He felt it would be nice for the residents to purchase water, coffee and small

refreshments. He did not want a facility with a full kitchen, but just with limited service. He also stated that he would like a family bathroom, which he felt would be easy to add.

There was a brief discussion regarding whether or not to take the grant, the possibility of a small coffee shop, the SunPass conversion savings, the bridge repairs and floating candle lighting maintenance.

Item 2. Discussion and direction from the Town Council requested by the Town Manager.

Town Manager Wasson stated that he needed Council consensus to start with the construction documents, but changes could be made and they would come back to the Council for more design comments.

Consensus of the Council was to take this design and move forward with the proposed community center. Council Member Fuller reiterated the need for a permanent awning for the courtyard, covered entrance, ADA access and an automatic door.

There being no further business the meeting was adjourned at 9:01 pm.

MAYOR

ATTEST:

TOWN CLERK

MINUTES OF A QUASI-JUDICIAL PUBLIC HEARING

FIRST BUDGET HEARING 2014

TOWN OF BAY HARBOR ISLANDS

A Public Hearing was held on Monday, September 8, 2014 at 7:00 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 Yaffe

Vice Mayor Jordan Leonard

Council Member Stephanie Bruder

Council Member Joshua Fuller

Council Member Kelly Reid

Council Member Solange Rousselot

Council Member Issac Salver

Item 1: Announcement of the proposed 2014 property tax rate of 4.9 mills, which is 7.34% more than the rolled back rate, needed to fund expenses for the year beginning October 1, 2014 and ending September 30, 2015.

Town Manager Wasson stated that this was the first year that the property values increased by 17 percent and that had an impact on the budget. He commented that there were 84 employees currently on the payroll. Manager Wasson stated that the projects were the parking garage, the water main replacement, increased landscaping on Kane Concourse, a new park was built even with increased prices, the sidewalk project which came to \$480,000, the bridge project was estimated 9.2 million and came in at 12.2 million, the community center budget increased by \$200,000, Miami-Dade County had increased water rates by 3.9% and Bay Harbor Islands will increase 2% percent on the water. All department heads had submitted their department budgets and they were reviewed. He informed everyone that the Council had suggested a Halloween parade, the nursing care at the school, a fence on the Intracoastal Bridge, and resurfacing of the tennis courts. He stated that this year's increased budget was from the Department of Recreation, but much of the costs were recovered. Manager Wasson stated that the upcoming events that were planed were the annual picnic; continued bus service with work on an extended bus route; adding more movies on the green; continuing story-telling; the 5k/10k run; seniors on the go with one free trip for the seniors; continuing pee wee soccer; continuing senior computer classes and Tai Chi. They were working on tours with the Halloween parade.

Town Manager Wasson reported that they would purchase 3 police cars, replace sewer manholes, rehab a lift station to collect sewage, put \$60,000 into valley cutter repair, purchase 2 pick-up trucks for Public

Works, renovate the 2 bathrooms at Town Hall at a cost of \$20,000, order a new message board, spend approximately \$260,000 on road ways, order a potable water sewer pump, spend approximately \$1.5 million for the community center and he also stated that approximately \$50,000 would be needed for landscaping replacement of the bushes and plants that die throughout the year. He also stated that some of the royal palms on the causeway would be coming to Kane Concourse. Also, they needed to purchase a street sweeper.

Mayor Yaffe welcomed State Representative Rene Garcia and the representative from Jeanette Nunez office to the Council Meeting.

Item 2: Public comment concerning the proposed millage rate and the proposed 2014-2015 budget.

Frances Neuhut, 9920 West Bay Harbor Drive, came forward to address the Council. She passed out a photograph to the Council. She stated that she had noticed that the budget of transportation was reduced. She complained about accidents at the head in parking in front of her building at 1063-95 and other places in Town. She wanted designated bus stops for the Town bus in the right of way. There was a brief discussion regarding the issue, the location and possibility of signs.

Kathleen Kennedy, 9721 East Bay Harbor Drive, came forward to address the Council. She stated that she would like to compliment to Finance Director, Alan Short, for going over the budget with her. She also stated that she was able to review the budget with the Town Manager. She wanted body cams added to the Police officer budget. She felt the budget should be passed.

Item 3: First reading and adoption of the ordinance to levy the Town's property tax millage. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE PROVIDING FOR A MILLAGE OF 4.9 WHICH IS 7.34% MORE THAN THE ROLLED-BACK RATE FOR THE TOWN OF BAY HARBOR ISLANDS FOR THE CURRENT YEAR, A.D. 2014; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Item 4: First reading and adoption of the ordinance making appropriations for the operation of the General Fund, Water Fund, Sewer Fund, Parking Fund, Solid Waste Fund, Causeway Fund, and Stormwater Fund. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE MAKING APPROPRIATIONS FOR THE GENERAL, WATER, SEWER, PARKING, SOLID WASTE, CAUSEWAY, AND STORMWATER FUNDS FOR THE YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015, IN THE TOTAL SUM OF \$19,324,983; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Item 5: Announcement of the date, time, and place of the second budget hearing (September 22, 2014, 7:00 p.m., at the Town Hall).

Mayor Yaffe announced the second budget hearing would be held on September 22, 2014 at 7:00 p.m.

There being no further business the meeting was adjourned at 7:25 p.m.

ATTEST:

TOWN CLERK

MAYOR

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

A regular Council meeting was held on Monday, August 11, 2014 at 7:00 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 Yaffe

Vice Mayor Jordan Leonard

Council Member Stephanie Bruder

Council Member Kelly Reid

Council Member Solange Rousselot

Mayor Yaffe informed the Council that Town Manager Wasson would not be in attendance, but Assistant Manager Jimenez was at the meeting. He reminded everyone of the primary elections for county and state that would be held on August 26, 2014.

REPORTS:

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

Dan Brea, BNY Mellon Private Wealth Management, came forward to report on the second quarter. He stated that the yield was 2.8 percent, 1.39 percent for maturity, the contingency fund was at 1.6 percent, the water fund was at 3.6 percent, and the general fund was at 5.25 percent. He felt the Town portfolio was doing great for this quarter.

Assistant Manager Jimenez reported that the Sunpass project was coming to an end and September 26 would be the conversion date. They were currently in transition and August 13 would be an open house to provide information on the Sunpass. He also reported that the 98th Street Park was under construction, all the drainage and piping was completed and the equipment had been ordered. He informed everyone that the community center workshop would be held August 20th at 7:00 pm. Lastly he reported that the Lift stations at the tot lot had been completed.

COUNCIL REPORTS:

Council Member Bruder informed the Council of the new program for police explorers. She asked, if any one was interested in the program, that they call the Bay Harbor Islands Police Department for more information. She also reminded everyone that School would begin on Monday August 18th and there was a flyer for all the activities offered, which could be registered for at Town Hall.

Vice Mayor Leonard reported that he attended the League of Cities Meeting.

Council Member Reid reported that she attended the last Environmental Impact Meeting and the next one would be Monday. She also attended the League of Cities Meeting and the PACE Meeting.

Council Member Rousselot asked for updates on the 98th Street Park. Assistant Manager Jimenez stated that there had been a lot of work done on the drainage and this week they would begin on the work for the foundation.

Mayor Yaffe reported that he attended the League of Cities Meeting and they donated backpacks for the children going back to school.

Town Attorney Sherman reported on the vacation rental issue. He stated that previously the Council had asked for information regarding the regulation of vacation rentals. He had prepared a memo regarding the issue and apologized for the short notice, but he had just returned to town. He suggested having the Council read the memo first and then it could be discussed later or added to the next agenda.

GOOD AND WELFARE:

Former Mayor Linda Zilber, 1231 – 95 Street, came forward to address the Council. She stated that she felt it was important for residents to participate in the citizen committees and would the council to make a decision on that item.

Frances Neuhut, 1060 Kane Concourse came forward to address the Council. She complained about the Code Enforcement employees. She felt that they were distributing old Code information, the last Special Master meeting was too long ago and that there were other conditions that needed to be addressed, like encroachment, building permits and soil testing. She suggested the Town needed to hire more staff.

Doris Morano, 9400 East Bay Harbor Drive, came forward to thank Council Member Reid for putting her letter on the agenda.

Kathleen Kennedy, 9900 West Bay Harbor Drive, came forward to address the Council. She thanked the Council for the children's camp and thanked administration for adding a women's bathroom on the second floor.

CONSENT AGENDA:

Item 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 an 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

Council Member Reid asked to pull Item B.

ACTION: Vice Mayor Leonard made a motion to approve the minutes without Item B. Council Member Bruder seconded the motion and it passed unanimously.

UNFINISHED BUSINESS:

At this time item 12 was taken out of order.

Item 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.

Jerry Libbin, 1920 Meridian Ave, came forward to address the Council. He explained the services that would be provided by the partnership. He stated that this school year they were launching a teacher grant program. He explained about the membership and he did not want them to pay for it. He thought the money would be better invested in the Town's Business District with one staff person put in the District in the Town to stimulate the businesses. The \$7,500 onetime investment would be all that would be required.

Council Member Bruder felt it was well worth it to spend this money to increase the Business District. She thought the District needed the support.

Council Member Reid thanked Council Member Bruder for her support. She also supported the program and thought it would be very beneficial.

Vice Mayor Leonard supported the initiative and felt Council Member Bruder would be a good representative.

Jerry Libbin, stated that he was giving the entire Council a membership along with the school personnel. Vice Mayor Leonard felt, due to the Sunshine Law, only one Council member needed to be appointed.

Council Member Bruder stated she would like for someone from the community to also be involved. She felt former Mayor Linda Zilber would be an asset if she would accept. Mayor Zilber stated that, yes, she would like to participate.

Francisco Escudero, 10082 West Bay Harbor Drive, and Christina Ericson, 9180 West Bay Harbor Drive, came forward in support of membership with the Chamber of Commerce. They felt that the Chambers had done a great job and complimented the Chambers because of the help given to their businesses.

ACTION: Vice Mayor Leonard made a motion to approve a onetime expense of \$7,500 taken out of reserves for support of the initiative with the Chamber of Commerce and nominated Council Member Bruder the representative. Council Member Rousselot seconded the motion and it passed unanimously.

Council Member Bruder stepped off the dias.

Item 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.

Mayor Yaffe stated that some time ago the for hours of construction was changed. He had received phone calls, emails and stops on the street. Residents felt that the hours of construction should be changed. This ordinance seems to be confusing to residents, as a noise ordinance.

ACTION: Mayor Yaffe made a motion to change the hours of construction to 8 am to 6 pm. There was no second to the motion, so it failed.

Item 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.

Assistant Manager Jimenez stated that this ordinance was for the under grounding. He stated that Town Manager Wasson was the one proposing the ordinance. He informed the Council that FPL could not continue with what they had been doing because it was causing interruption in service. Assistant Manager Jimenez stated that Manager Wasson wanted to require the new construction projects to install the conduit for the undergrounding during the construction process. Council Member Rousselot stated that she felt FPL should have to pay for that expense and they should push for that.

ACTION: Item failed due to no motion being made.

Item 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.

There was a brief discussion regarding resolutions the Town previously approved regarding marriage equality and the three cases currently in the Florida courts.

ACTION: Council Member Bruder made a motion to approve the resolution. Council Member Reid seconded the motion and it passed unanimously.

Mayor Yaffe introduced a couple of supporters of candidates that would be running in the upcoming Judicial Election. The wife of Judge Rodney Smith came forward to address the Council. She explained what he had accomplished in his previous term and asked for their support, punch number 45. Mayor Zilber came forward to address the Council to inform the about her son, Martin Zilber, who was running for judge. She informed them of his past positions and supporters he had. She also stated that he was 4th generation Bay Harbor Islands and fluent in Spanish. She asked for their support, punch number 49.

Item 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.

Council Member Reid stated that there was an article on the front page of the newspaper regarding endangered MiMo properties and the entire East Island was in danger of extinction of the MiMo

buildings. She knew that Mayor Yaffe attended a meeting and would like him to report what happened. She also invited Teri D'Amico to speak on this issue because she was a MiMo expert.

Mayor Yaffe stated that he, Town Manager Wasson and Town Planner Miller had a brief meeting with the Historic Preservation Committee and would report back to the Council at the next meeting.

Teri D'Amico, 9101 East Bay Harbor Drive, came forward to address the Council. She stated that she had read the Town planner's report with the survey that was done in 2006. She stated that survey was out dated. The buildings were 60 years of age and some qualified as a national district, which was an honor to be nominated. She felt that buildings being knocked down with no consideration. Ms. D'Amico wanted to be thoughtful and sensitive to the older structures. She stated that the TDR's were designed to create open public spaces. She wanted the Council to think about harmony for the island.

Vice Mayor Leonard asked who applied for the national designation. Ms. D'Amico stated that she applied.

Hector Garcia, 1155 103 Street, Bruce Ehrenhaft, Architect from Miami, and Colotide Luce, 301 Ocean Drive, and Kathleen Kennedy, 9721 E. Bay Harbor Drive, all came forward in support of the Historical Designation for the Town. They felt it would be good for the Town, it was a unique style, some of the buildings were unique, even though some needed to come down, it would be a postcard look for the coastline and it would set a higher standard for the Town. They all urged to keep the designation.

Markus Frankel, 10261 E. Bay Harbor Drive, came forward to address the Council and handed out a photographic study of the Town. It was his professional opinion that they needed to examine the Town's diverse style. He stated that the Town had a contemporary and art deco style. He thought that the existing design should be examined also. He stated that the East Island was very diverse, but primarily contemporary. It was his recommendation to embrace the diversity and uniqueness of the Town.

Carlos de la Torre, 1135-103 Street, came forward to address the Council. He felt that if the buildings were designated historical the property value would decrease and impact the Town negatively.

Council Member Reid stated that the Historical Society would like to come and make their presentation once the study is finished. She had been told that MiMo had not been accepted in 2006. Since then, Miami Beach has worked on the recognition of MiMo. She also stated that it is focused on the East Island only. She informed the residents could contact the State Preservation Board if they wanted.

Vice Mayor Leonard stated that last year he had requested to create a Town historical preservation board, but it was not approved. He wanted the residents to have a stake in the issue. He knew that there were a

lot of property owners that were afraid of this designation. If the County comes in and designates this as preservation and the owners have no say. He stated that he was concerned about protecting the residents. He also felt that there was a lot of stuff being done behind the scenes that was not ethical and it was embarrassing. He stated that the Town had as strict a building code as Coral Gables. He thought the Town needed to have a real discussion on this issue, because all of this was really about stopping a specific new project being built.

Council Member Rousselt stated that she disagreed with the historic designation. The historic buildings should be based on age and there were lot of buildings that were not well maintained.

Mayor Yaffe thanked the residents that came out to speak. He felt it was import for the residents to speak as a democratic Town that we are. We need to maintain open communication with the residents and the County. He stated that this would be an ongoing discussion.

Item 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.

Council Member Reid stated that this discussion had been ongoing regarding changes to appoint the citizen committees. She stated that there had been citizens that had made suggestions to be made to the Town Charter; such as separating the Mayor from the Council race and the scheduling of the election date. She knew that this would need to be settled by February in order to be on the April 2015 election ballot and that is why she put it on the agenda.

Mayor Yaffe stated, as for the committees, the appointments have been done at the organizational meeting. This year had been different because the council chose to put it on the next Council agenda. He stated that the Charter and Ordinance Review was a Committee that was established back in 2008. There was a complete re write on the charter in 2012 and he would like that Committee to meet every few years to review the Charter.

Paul Ruthfield, 1231 95 Street, came forward to address the Council. He felt that there had been a lot of thought put into the suggested items. He also stated that Bay Harbor Islands was the only community in Miami-Dade County that did not have term limits and suggested to separate the Mayor race, because he felt that the Mayor was the face of the community. He also felt the rescheduling of the elections was simple and would save a lot of money, about \$30,000 a year.

Town Clerk Marante stated that there had been a lot of discussion on the citizen committees and that she was still working on those issues. A survey had been done and at the last meeting the decision was made that the Council members would not be on the committees and there would be a 2 year term limit on

members on the committees, giving others a chance to serve the community. Some of the committees do not meet very often and the new members have been notified of the changes. She stated that this would be on the next agenda.

Council Member Bruder felt that they needed to separate the committees and they needed to move forward on appointing residents to committees.

Council Member Rousselot stated that she felt the way the Town had the elections was very traditional and the Council members didn't get paid for the services provided. She wanted to accomplish more than just the talking that was being done by the Council and not have items on the agenda that are just talked about. She wanted the Council to be more pro-active.

Frances Neuhut, 9920 West Broadview Drive, came forward to address the Council. She questioned why the Council was considering removal of the Charter and Ordinance Committee because it was a heavily involved committee. She felt the Mayor should be separate, there should be term limits, the elections should be held in November and all of it should be put on the ballot.

Vice Mayor Leonard stated that all of these same issues had been discussed before. He knew, from the past, that the rational behind of the election in April was because the residents liked to meet the candidates. By having in April the voters would meet the candidates at the picnic. He also remembered that Council Member Ruder passed a resolution to have a revision of the Charter by the Charter and Ordinance Committee every 10 years.

Council Member Reid stated that she had looked at previous minutes for other committees and they did not contain many discussion on these issues. She felt they needed to have this finished by January.

Town Clerk Marante stated that there had been discussion regarding this in the past. She had been instructed by the Council earlier to bring back information, but as they knew, she had been out on FMLA leave for a month and was now back 3 days a week. She had collected some information, mostly on the Charter and Ordinance Committee for now, and would bring the information back to the Council as soon as possible. She stated that she had informed the Committee members that they had a 2 year term and that the Council Members would not be on the committees any more. Some of the committees had met since then and the members will stay the same until the Council makes a decision.

Council Member Bruder felt that the Charter and Ordinance Committee should be separated from the others. She wanted to move forward at the next meeting to appoint the other members to the committees.

There was continued discussion regarding the issue to resolve these appointments. Mayor Yaffe stated that the committees can still meet during this process.

Discussion was held regarding how long it would take to have an election on this issue. Town Clerk Marante stated that there would need to be a meeting to decide what to put on the ballot, then 2 readings of the ordinance and 60 – 90 days for the County to process, so the earliest there could be a special election would be February 2015. She stated that the next regular election would be April 21, 2015. Mayor Yaffe stated that, by resolution, the Town must review the Charter every 10 years. The recommendation for this to happen should come from the committee.

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

Council Member Bruder stepped off the dais.

Assistant Town Attorney Simone stated that he used the County ordinance for filing protest procedures, because the Town did not have one. He stated that the implementing order, which they are required to follow, is only for items of the Town's expenditure of over \$25,000 and that is all that could be protested. He also looked at the dollar amounts to be expended and there was no legal right for the bid protest. Attorney Simone stated that it was a mute issue and the Council action was final.

Council Member Bruder returned to the dais.

Mayor Yaffe apologized to the residents who came to comment on this issue that there would be no action on this agenda item.

There was discussion regarding the process and future actions to alleviate the need for the residents to wait for an issue that will not be discussed. Mayor Yaffe stated that if there will be no action on an item in the future there would be a notice during the Town Attorney report or the Town Council reports. Assistant Town Attorney Simone also apologized to the residents.

PUBLIC COMMENT

Victor Maya, 1155-103 Street, came forward to address the Council. He questioned adopting the County ordinance. He felt that the attorney was applying a different County procedure for this notice of protest.

Assistant Town Attorney Simone, stated that he used ordinance 2.8.4 and the procedure guidelines were loud and clear. Those expenditures under \$25,000 are not considered. The questions regarding the dollar amounts and, if there were any fees involved in the protest, were made to the Clerk and Manager after his

research. He assured everyone, when something comes to them that has never before, they thoroughly research the question and give the correct legal opinion.

NEW BUSINESS:

Item 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 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.

There was discussion regarding fees, raising of Business Tax Receipt fees, whose responsibility it was to clean the sidewalk, enforcement, more problems in front of restaurants because of the food, and billing the restaurants for the cleaning.

ACTION: Vice Mayor Leonard made a motion to approve the ordinance. Council Member Bruder seconded the motion.

Discussion was held regarding the problems with the cleaning of the sidewalks around the restaurants and amending the ordinance to include a fee for the restaurants and the loss of their license, if they didn't pay within 30 days.

Town Attorney Sherman stated that there would be a change to the title of the ordinance. Therefore, they should revise it and bring it back next month. Mayor Yaffe also asked Assistant Manager Jimenez to bring back information regarding the fees.

ACTION: Motion was withdrawn.

Item 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.

ACTION: Council Member Bruder made a motion to approve attendance by Mayor Yaffe, Council Members Fuller, Reid, Salver and Assistant Manager Jimenez. Vice Mayor Leonard seconded the motion and it passed unanimously.

Item 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.

Town Planner Miller came forward to address the Council. He stated that this was related to the RM3 District. The current definition in the Code is that, if you have a balcony on the building, it gets counted on your lot coverage, but, typically, when you have things such as chimney or balcony that does not get counted. The Town's RM3 District has a 40% maximum coverage, which is less than RM1 and RM2 Districts. He had prepared a paper for the Council to decide. He had no recommendation, just felt it was unusual. Council Member Bruder questioned if this was the only area in Town that the balcony was counted as livable space. Town Clerk Marante stated that it was. Vice Mayor Leonard questioned why this wasn't changed when the districts were revised. Town Planner Miller stated that this was in the generic section in the front of the Code and they were looking at the regulations themselves when revising them. Council Member Reid wanted to see a sketch and Mr. Miller stated that was already available.

PUBLIC COMMENT

Teri D'Amico, 9101 East Bay Harbor Drive, came forward to address the Council. She questioned when the information would be available because she found out yesterday. Mayor Yaffe stated that this was only a discussion item and explained the process. He also stated that this was on the agenda to see if there was any interest in moving forward on this part of the Code. Ms. D'Amico felt this district should be looked at differently.

Hector Walda, 1155-103 Street, came forward to address the Council. He did not want any change to the Code and felt they were only trying to help the developers.

Victor Maya, 1155-103 Street, came forward to address the Council. He was speaking on behalf of the Board of the Condominium and they were opposed to the changes because it would create a larger footprint and was being requested by a developer.

Steve Wernick, Attorney, came forward to address the Council. He was representing the developer for the Bay Harbor Continental. He stated that there had not been any development in the RM3 District since it was created. Attorney Wernick stated that this part of the Code was unusual and more strict than the other districts. He also informed the Council that this would not change the building coverage of 40%. They were just trying to encourage balconies.

ACTION: Vice Mayor Leonard made a motion to extend the meeting past midnight. Mayor Yaffe seconded the motion and it passed unanimously.

Jeffrey Koster, 1135-103 Street, came forward to address the Council. He questioned Attorney Wernick if the balconies would face the water and he stated that he felt that people needed to open their minds. Attorney Wernick stated that they did not have any plans at the time, but wanted to improve the projects in the future.

Doris Morano, 9400 East Bay Harbor Drive, came forward to address the Council. She felt the island was unique, there was nothing wrong with the Code and the change would encroach into the setbacks.

Frances Neuhut, 1060 Kane Concourse, came forward to address the Council. She was opposed to the changes and felt the same mistake was made on the gateways.

Mayor Yaffe questioned if the Code had restrictions on the size of balconies. Town Clerk Marante stated that, yes, it did.

ACTION: After a discussion regarding the possible changes to the RM 3 District, there was a consensus to proceed forward, but Council Member Reid was opposed.

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

ACTION: ITEM WITHDRAWN

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

Council Member Reid informed the Council that this started in South Miami and it has been proven that when they spray for mosquitos there can be more. She wanted the Town Attorney to look at the ordinance in South Miami and bring it back for first reading.

Vice Mayor Leonard objected to that because he knew that the residents wanted the spraying. The County had been here to test if we had a problem. They sprayed only the parks this year. He felt that South Miami had different areas with wild animals which was very different than the Town.

Council Member Bruder questioned what type of chemical they sprayed the parks with, the toxicity of the chemicals. She knew they did have a problem.

Assistant Manager Jimenez explained how and when the County sprays. He also stated that the park would be closed for a while after. Discussion continued regarding what chemical was used, how often they came to spray, how to get the County to come, and an alternative method.

ACTION: Consensus was for Assistant Manager Jimenez to do research and come back to the Council with information regarding the County's chemicals or an alternative.

Item 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.

Corey Hoffman, representing of Beau Rivage, came forward to address the Council. Mr. Hoffman stated that this matter was reviewed thoroughly, there were numerous changes, the number of units had been reduced and they had purchased private TDR's. He asked the Council to consider the approval of the transfer of 4 TDR units.

Teri D'Amico, 9101 East Bay Harbor Drive, came forward to address the Council. She was concerned about the setbacks on page A101. She felt it was encroaching by 2 feet. Town Planner Miller stated that this project had been reviewed by the DRC and the Planning & Zoning Board. He explained how the 5 foot walls worked in the Code. Assistant Town Attorney Simone stated that this plan met the Town Code.

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

Item 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).

Matthew Amster, 200 SE 1 Avenue, Miami, Attorney representing Bay Harbor Holdings, came forward to address the Council for Items 16, 17 and 18, which were all for the same approved project. He explained that this was a 40 unit family project, which was approved in April. The items made up the 14 TDR units that the project required. He stated that the project had met all the requirements and was compatible with the surrounding area. Attorney Amster also stated that these were all private transactions.

Council Member Reid felt that the applications were not filled in completely because there was no dollar amount. She questioned when the appraisal was going to be finished and what months it was being done. Town Clerk Marante stated that the months would be September and March. She had a preliminary report and thought the amount would go up, but did not know at the time what it would be. Discussion was held regarding the TDR process, dollar amount and the fact that the next two items were private transactions, which could be for whatever dollar amount they agreed upon. Assistant Town Attorney

Simone reminded the Council that the Town would regulate the items to be repaired or the building violations on the private transactions.

Discussion continued regarding the 3 lot dimension, frontage on East Bay Harbor Drive, on the waterfront, breezeway and the setback dimensions.

Teri D'Amico, 9101 East Bay Harbor Drive, came forward to address the Council. She complained about the setback extending from the breezeway and felt it went 14 feet into the setback on sheet A1-02. Attorney Amster pointed out that it was a raised structure that is allowed to encroach into the setback as per Code. Town Planner Miller stated that in Section 23-12 regulates that a raised structure is allowed to go into the setback.

ACTION: Vice Mayor Leonard made a motion to approve the transfer. Council Member Bruder seconded the motion and it passed 4 – 1 with Council Member Reid opposed.

Item 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.

Attorney Amster's comments from item 16 were included in this item.

Council Member Reid stated that she was not in favor of these boxy structures and she did not feel the process was not working well. As Council Members they could not speak at the Planning & Zoning Board Meetings. There was discussion regarding past discussions, lack of need for variances, the fact that the project met Code, recent changes that made the Code stricter, possibility to have some way to be more involved in the new projects, possible recommendations from the Council to the Board and the fact that the agenda item is only about TDR transfers. Town Clerk Marante stated that the Charter prohibited the Council from being on the Board and the Code had been amended with suggestions from the Council in the past.

ACTION: Council Member Bruder made a motion to approve the transfer. Vice Mayor Leonard seconded the motion and it passed 4 – 1 with Council Member Reid opposed.

Item 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.

Attorney Amster's comments from item 16 were included in this item.

ACTION: Council Member Bruder made a motion to approve the transfer. Vice Mayor Leonard seconded the motion and it passed 4 – 1 with Council Member Reid opposed.

Item 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.

Town Clerk Marante stated that the price per TDR was \$43,000 for only 8, not 9. She also stated that the project needed 51 TDR's in total.

Matthew Amster, Attorney representing Island Club, LLC, came forward to address the Council for Items 19 and 20, since both were for the same project. He informed the Council that the Board had suggested revisions to the building and breezeway that were made and now the project had 86 units. The project went through DRC and was approved by the Planning & Zoning Board. The project needed 51 TDR's in total and this transaction would be for 8 units. With the next agenda item request of 2 TDR's they would have a total of 10 towards the total needed.

Teri D'Amico, 9101 East Bay Harbor Drive, came forward to address the Council. She questioned the 6 issues that the project needed to address and she felt they should not consider this because the revised plans have not been submitted.

Attorney Amster stated that they turned in the revised plans in December 2013 and they did not have to submit plans with this application. Town Clerk Marante stated that the revised plans had been submitted to the Board and approved.

ACTION: Council Member Bruder made a motion to approve the transfer. Vice Mayor Leonard seconded the motion and it passed 4 – 1 with Council Member Reid opposed.

Item 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.

Mayor Yaffe recused himself for this item and stepped off the dias.

Town Clerk Marante stated that the price per TDR was \$40,000 for these TDR's.

Matthew Amster, Attorney representing Island Club, LLC, came forward to address the Council. He incorporated his comments from the last item and reminded the Council that the sale of these TDR's will enable the condominium to make needed repairs to their building.

Teri D'Amico, 9101 East Bay Harbor Drive, came forward to address the Council. She stated that there was no site plan included with this application and the measurements were incorrect. She also stated that the swale area was sold back to them for \$10 and now they were selling it for \$80,000. She wanted to know when the Council decided to do this.

Town Clerk Marante stated that they have quit claimed the land back to the property owners that they gave the Town for free a long time ago to use exclusively only for parking. The Town can no longer keep the 11 feet that because it is illegal. The Town now does leasing of the 11 feet. The Town has to give it back to everyone for free because the Town does not own that land. Administration had been doing them in house, since instructed by the Council. Assistant Town Attorney Simone stated that was correct, because 7 or 8 years ago since the opinion has been given.

Frances Neuhut, 1060 Kane Concourse, came forward to address the Council. She felt that this property was getting preferential treatment and the donors were getting robbed. She also complained about the quit claim deed process, stating that she paid for the agreement and now they are getting the property for free.

Assistant Manager Jimenez stated that she pays a license agreement for parking rental, which is not the same as the 11 foot dedication that was deemed illegal.

ACTION: Council Member Rousselot made a motion to approve the transaction. Council Member Bruder seconded the motion and it failed 2 – 2 with Council Members Bruder and Reid opposed and Mayor Yaffe off the dias.

Item 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.

ACTION: Vice Mayor Leonard made a motion to approve the agreement. Council Member Rousselot seconded the motion and it passed unanimously.

Item 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.

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

There being no further business the meeting was adjourned at 11:20 p.m.

MAYOR

ATTEST:

TOWN CLERK

DRAFT

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

A regular Council meeting was held on Monday, June 9, 2014 at 7:35 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 Yaffe	Vice Mayor Jordan Leonard
Council Member Stephanie Bruder	Council Member Joshua Fuller
Council Member Kelly Reid	Council Member Solange Rousselot
Council Member Issac Salver	

REPORTS:

Item 1. Town Manager

Town Manager Wasson stated that the Sunpass would be coming to Bay Harbor Islands soon and that testing would begin next week. He also stated the Town was the recipient of a \$500,000 grant for the future Community Center from a group effort with help from Lobbyist Caserta. He also explained that the Police Department was taking a proactive approach and working with the Code Compliance Department to help monitor early and after hours violations. He stated that working together would benefit the residents and add security.

Item 2. Planning and Zoning Board Approvals - Provided in writing

Item 3. Public Relations status report - None

COUNCIL REPORTS:

Council Member Reid stated that she attended the City of Miami Beach Health Care Task for the nurses; she also attended the FIU MPA internship Program and suggested to have an intern for the staff to educate. She also reported that the Town's website was not operative. Town Clerk Marante stated that the host was down and the IT Department was trying to resolve the problem.

Council Member Salver reported he attended the Children's Trust Board meeting and stated that like the Town they too were in the early stages of budgeting and, if there were any extra funds, they would go towards the programming.

Council Member Fuller reported he attended the Police Benevolent Association Dinner. He was also working on creating a language center for the Town to offer English, Spanish and Mandarin. He added that he would look into bringing back Comedy Improve Dinner for everyone to enjoy sometime in September.

Council Member Bruder reported that school was out of session and stated that summer camp was beginning. She added that the kid's first field trip would be to the Miami Seaquarium on Friday.

Vice Mayor Leonard reported he attended the Annual Dinner with the PBA and also completed a 2 hour course on ethics.

Mayor Yaffe reported that he contacted AT&T with regards to the wood polls in Town and they advised they would be finishing 96 Street and 97 Street soon. He also thanked Town Clerk Marante for updating the TDR bank list and stated that, if all the TDR transactions closed, there would be an estimated \$5.3 Million dollars collected by the Town.

GOOD AND WELFARE:

Paul Ruthfield, 1231 95 Street, came forward to address the Council. He felt disappointed that the suggestions he made at the last Council meeting had not been answered.

Rita Schwartz, 7100 SW 133 Ave., came forward to address the Council. She stated that she was the co-founder for the Pet Trust. She explained that the taxpayers were faced with paying an average of \$300 for each adoptable animal that had been killed last year. She explained that the Pet Trust had provided a solution to relieve the taxpayers by providing spay and neutering for animals at a low cost. She added that this created national attention to start the program and she respectfully asked the Council to add this item to next month's agenda.

Michael Rosenberg, West Kendall, came forward to inform the Council that he had been touring Miami-Dade County to get support for the program. He was a business owner that wanted to protect the animals. He informed the Council that Miami-Dade County was killing approximately 65 animals daily. They had raised 60k to fund the campaign. He asked the Town to support the animals and requested the item to be on the next agenda in August.

Aireen Socada also came forward in support of the program and asked the Council for support.

Council Member Fuller questioned if they could have a special meeting. Town Clerk Marante stated that they could schedule a meeting when they wanted.

Vice Mayor Leonard stated that he had withdrawn the item because he had been concerned with the resolution regarding the funding. He stated that he was waiting to speak to the County Commissioner to get some answers before feeling comfortable sponsoring the program.

Frances Neuhut, 9920 W. Broadview Drive, came forward to address the Council. She had complaints regarding the Planning & Zoning Board and the type of members taking over. She questioned why the Board was needed. She questioned who was over-looking all the stuff that was not up to Code. She also complained about the Council re-appointing the same members year after year.

Council Member Bruder left the dias.

Victor Maya, 1155 103 Street, came forward to address the Council. He stated that there was a lot of discussion on the community center at the past meetings. He felt there was a disconnection on what the

public wanted and what the Town was providing. He felt that the Town should provide a great community center and suggested to hold on to the vacant lot to build on.

Town Manager Wasson stated that they had explored the possibility of building a free standing community center on that property and it would cost around 6.7 million.

Council Member Bruder returned to the dias

CONSENT AGENDA:

Item 4. Approval of Inland Marine Insurance Policy for the year beginning July 15, 2014 and ending July 15, 2015 from Westchester Surplus Lines Insurance Company for a premium of \$116,622.

ACTION: Council Member Salver made a motion to approve the consent agenda as presented. Vice Mayor Leonard seconded the motion and it passed unanimously.

Mayor Yaffe requested to take Item 17 out of order at this time.

Item 17. Award of a three (3) year contract for Tennis Professional services to Edwins Jean. A bid tabulation sheet is attached detailing the bids received.

Assistant Manager Jimenez explained the bid process and tabulation. He stated that he was recommending Edwin because there were never any complaints regarding the company. There were two other companies that bid this year. He explained the limitations of the Town's tennis facility such as the issue that there are no restrooms, office or store. He informed the Council that the Town had a long term lease from the School Board and they have not addressed the issues. They could not have summer camp because of the lack of restrooms.

PUBLIC COMMENT:

Jack Carson, 9550 Broadview Terrace, came forward to address the Council. He wanted to recommend Pedro for the contract. He felt the fact that there were no comments of good intention from Edwin was bad because he felt there should be lots of good things going on even if there were no bathrooms. He stated that Pedro was well respected in the community, well centered and he would like to partner with the local gym to create a future. His classes might be more expensive, but they would be worth it.

Johanna Tesler, 1171 - 101 Street, came forward to address the Council. She wanted to recommend Pedro be awarded the contract for the tennis courts. She felt would be an asset to the Town, great with adults and children. She stated that she knew him for over 10 plus years.

Arleen Carson, 9550 Broadview Terrace, came forward to address the Council. She suggested that the Council read Pedro proposal thoroughly because she felt that he would be a great asset to the Town. From past experience she felt he would bring a lot more revenue to the Town. She knew him to be one of a kind, have and teach mental and physical discipline, be compassionate and work hard.

Michelle Loyd, 10161 E. Broadview Drive, came forward to address the Council. She recommended Pedro for the tennis courts and stated that he currently taught tennis lessons to their family. She also stated that he had excellent work ethics, is very hard working and could reach many different ages, from young to seniors.

Dennis Kendrick, 9500 West Bay Harbor Drive, came forward to address the Council. He stated that he was a 22 year resident of Bay Harbor Islands. He felt that he always saw Edwin at the courts and that he has a great ability to teach and he would recommend him.

Greta Logan, 9141 Dickins Avenue, came forward to address the Council. She stated that her children both participated in Edwin's tennis lessons and love working with him. She recommended that he would be awarded the contract. He managed many different children and they love the program.

Zachary Zayas, 9165 Harding Avenue, came forward to address the Council. He was new in the community, but always saw him there early in the morning. He felt that Edwin was consistent and great with the children. He recommended Edwin for the tennis courts contract.

Pedro Canisa came forward to address the Council. He informed them that he worked in San Souci many years and had played professionally many years. He stated that he was certified and would like to offer the Town 20 percent of all the income. Council Member Reid asked if he could accommodate all of the people that had recommended him. Pedro stated, yes, he could and that he had made a schedule.

Edwin and Aaron came forward to address the Council. They stated that they handled the courts well and would like to cater to the local kids. He stated that they were just trying to make a living. He felt they had done a great job and were a great asset to the Town. Edwin stated he would like to continue the program with the Town.

Vice Mayor Leonard, after looking over the tab sheet, he felt that staff recommendation was based on price. He was concerned about the quality of service and that the kids are not left behind and he felt Edwin out bid everyone because of the lower price. Vice Mayor Leonard would like to consider a negotiation with Mr. Canisa to make sure all kids could participate. There was discussion regarding the cost and how there would be a discount by buying a package or a scholarship being given. Council Member Bruder also stated concerns regarding consideration for residents, special needs kids, teenagers, seniors and having a broader program.

Town Attorney Sherman informed the Council that in the bids process they did not have to take the staff recommendation. They could refuse the bid or decide to refuse all bids and bid again, but any oral modification after the bid process would void the process. Discussion continued regarding the bid process, use of the school bathroom, the proposals, possibility of a partnership and when the present contract would expire.

ACTION: Vice Mayor Leonard made a motion to award the contract to Pedro Canisa. Council Member Bruder seconded the motion and it passed by 5 -2 poll vote with Council Members Salver and Reid opposed.

UNFINISHED BUSINESS:

- Item 5. Approval on second reading of an ordinance amending Section 17-20 of the Town Code allowing for the Planning and Zoning Board to approve signs that do not meet the Code's criteria based on physical location and design.**

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 17-20 TO MODIFY CERTAIN CODE PROVISIONS FOR EXTERIOR SIGNS IN THE B-1 BUSINESS DISTRICT; TO ALLOW THE PLANNING AND ZONING BOARD TO VARY FROM THE ESTABLISHED REGULATIONS BASED ON THE PROPOSED SIGN DESIGN, SIGN LOCATION, BUILDING HEIGHT, ARCHITECTURAL FEATURES OR OTHER UNIQUE CIRCUMSTANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward to oppose the ordinance. She felt that it would hurt her business and others also. She felt this ordinance was a waste of time. She stated that the Planning & Zoning Board was more qualified to decide if a sign was not up to Code, like the pre-school one. She felt this ordinance would cause a problem. She also stated that the Business District had been discriminated against.

Council Member Rousselot left the dias.

Council Member Bruder felt that it should go to the Board to look at for quality of the signage. Town Clerk Marante stated that the Board had not approved primary signs in over 5 years. She stated that this ordinance had nothing to do with primary signs. The problem with the sign that Mrs. Neuhut brought up was that they met Code and would have been approved by the Board, but they just did not put up what was on the plans that were approved.

Council Member Bruder stated that they already spent a lot of time on this matter. Town Clerk Marante stated that this ordinance had nothing to do with what Mrs. Neuhut was talking about, primary signs. Mayor Yaffe stated that this ordinance was for the businesses that would not have space to put in the letters or signs.

Council Member Rousselot returned to the dias.

ACTION: Vice Mayor Leonard made a motion to approve the ordinance as presented. Council Member Bruder seconded the motion and it passed unanimously by poll vote.

- Item 13. Discussion requested by Mayor Robert Yaffe regarding the approval process for primary identification signs.**

There was a brief discussion regarding having the Planning and Zoning Board approve the primary signs. Council Member Bruder felt that a higher quality of signs was important and that they needed to be reviewed by the Board. She stated that she could arrange another meeting with the Business District in August to talk about the issue. She also wanted to table this item until she had time for the meeting.

PUBLIC COMMENT

Frances Neuhut, 1060 Kane Concourse, came forward to address the Council. She stated that she felt that staff had different rules and they were not getting anywhere. She questioned why they were getting a hard time having signs approved.

CLOSED PUBLIC COMMENT

ACTION: Consensus was that a workshop meeting would be held in August.

Item 14. Discussion requested by Mayor Yaffe and Council Member Reid regarding possible environmental testing of soil.

Town Manager Wasson stated that concerns regarding beach sand came to his attention by the Council and Mayor. It was thought that there could be contamination in the 98th Street park. There was a soil test performed and the results were in. It was expected to find arsenic. He stated that he would like to test all the parks for this substance.

Dr. Christopher Teeth, Director of Toxicology, from Tallahassee came forward to address the Council. He has had over 35 years of experience working with cities. He reported on his findings from the soil testing performed in Bay Harbor Islands. He stated the lead level was 2.1 to 9.4, which was low, and that the arsenic level was 1.5 in the 98th Street Park, which was what they expected and not uncommon in Florida. Also, PIH's were discovered, but less than .4, which are associated with cigarette smoke and car exhaust. These are common in this area and he concluded that the parks meet the normal criteria for this area.

Vice Mayor Leonard questioned if they should be concerned and if there was any other substance of high levels. He also asked if they needed to do additional testing. Mr. Teeth answered no need for concern or any additional testing. There was continued discussion regarding leaching of chemicals into the water, concern for children playing in the park, safety of growing fruit trees, and health hazards. There were no concerns from Director Teeth.

ACTION: Vice Mayor Leonard made a motion to extend the meeting past 10 p.m. Council Member Bruder seconded the motion and it passed unanimously.

Council Member Bruder left the dais.

Council Member Reid left the dais.

PUBLIC COMMENT

Susan Luck, 10180 West Bay Harbor Drive, came forward to address the Council. She stated that she dealt with human life and not numbers. She had provided them with an article on arsenic, children, pregnant women and the effect. She voiced her concern with the effect of chemicals on them.

Council Member Reid returned to the dias.

Mrs. Luck felt that as a community they should think about what is used in the parks and that there are precautions taken. She thought there should be concern about the people in the community because they don't know what levels are safe for the children. She questioned how often is the park sprayed or fertilized. She also felt that one sample in a big park was not enough to get good information. Her last point was, when old buildings are taken down, the soil should have to be tested.

Council Member Bruder returned to the dias.

Council Member Bruder questioned Mrs. Luck regarding the treated materials for parks. Mrs. Luck stated that they should use non-arsenic treated wood. Assistant Manager Jimenez stated that they were not using any wood. Town Manager Wasson also stated that, if there were projects bringing in soil, they could ask developers to show that the soil is certified during the permit process. He stated that he would bring back information regarding how that would be handled.

Mayor Yaffe left the dias.

Paul Ruthfield, 1239-95 Street, came forward to address the Council. He questioned who is correct, the State of Florida or others. He wondered why they could not bring in clean earth for the play grounds like they do when they are planting landscape on these new constructions.

Victor Maya, 1155 – 103 Street, came forward to address the Council. He pointed out a sentence in the report that said "does not represent a significant human risk". He questioned what did that mean. He asked what type of risk was there.

Mayor Yaffe returned to the dias.

Item 6. Approval of an amendment to Resolution #2007 to set Toll Rates for Bay Harbor slands Broad Causeway. The proposed resolution changes the fee as follows: All two axle vehicles will be charged \$1 dollar. Each additional axle will be charged an additional \$1.50 per axle.

RESOLUTION OF THE TOWN OF BAY HARBOR ISLANDS REVISING THE SCHEDULE OF TOLLS AND METHOD OF COLLECTION USE OF THE BROAD CAUSEWAY SYSTEM.

ACTION: Council Member Salver made a motion to approve the resolution as proposed. Council Member Bruder seconded the motion and it passed unanimously.

Item 7. Discussion and possible action requested by Council Member Reid regarding the development of a fee schedule for the use of town's right-of-way by developers/contractors.

Council Member Reid felt that having a fence on the right of way for a project would be an impact on the residents. She felt that it will be an imposition during the construction. She wanted to see if there was a way to impose a fee for a certain number of days. She felt there would be a big problem on the perimeter road when all the projects get started.

There was a discussion regarding the different projects in process of construction and the fact that the cranes can't be put on the property you are working on. Assistant Town Attorney Simone stated that this is not something that is needed. Most communities ask for police services in exchange. Also, cities require in the permitting process that the street be repaired once the project is finished. The Town already has these things in effect. Discussion continued regarding the conditions on the West Island after construction was finished. Assistant Town Attorney Simone stated that there is a bond held and it is a matter that the roads are checked before the funds are released. The Council also discussed the need to re-surface the roads sooner than had been planned. Town Manager Wasson stated that they look at them on a case by case basis and try to keep traffic flowing smoothly.

Item 8. Review of Citizen Committee Assignments and appointments or re-appointment of Committee member as applicable.

There was discussion regarding appointment to committees, service on the committee, attendance to the meetings, staff time spent, commitment to the committee, quality work, and selection of the members by Council. There was a suggestion to get on a committee a person should have the vote of four of the members. Also, there was discussion regarding the Council giving better direction to the committees regarding what they wanted them to work on.

There was a detailed discussion on how the committee members were chosen, number of votes, or appointed by default if they applied if there are seats, mission statement for each committee, committees reporting to the Council on a timely basis and a process to remove a member.

Town Clerk Marante stated that, if the committee wants to work on something, perhaps they would have to ask the Council before beginning the work. She informed the Council that there was over \$100,000 spent to revise the Charter and Code recently and it took 65 years to do that. She felt there would not be a lot of work done that had not already been done, thus it would be a waste of time. She also felt that on committees that need technical information, like the Charter and Ordinance Committee, should have requirements and require members to have experience in the field. She suggested not appointing a Charter and Ordinance Committee until a couple of years before the next review in 10 years.

There was continued discussion regarding the structure of the committees and bringing back information regarding how to regulate the committees. Assistant Town Attorney Simone stated that they would still address issues as they came up.

ACTION: Consensus was to have staff come back with detailed information regarding qualifications.

Discussion was also held regarding which committees were still meeting and working on items and the fact that the Disaster Preparedness Committee's need to meet due to the time of the year.

NEW BUSINESS:

Item 9. Approval of Resolution No. ____ requested by Vice Mayor Leonard to encourage the Mayor and County Commission to create the funding mechanisms to support the Pets' Trust.

A RESOLUTION OF THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, RECOGNIZING THAT AN OVERWHELMINGLY MAJORITY OF THE MIAMI-DADE COUNTY ELECTORATE VOTED TO SUPPORT THE INITIATIVES PRESENTED BY PETS' TRUST; URGING THE MIAMI-DADE COUNTY COMMISSION TO IMPLEMENT THE WILL OF THE PEOPLE IN THIS CURRENT BUDGET SESSION BY ESTABLISHING THE FUNDING MECHANISMS FOR SAID INITIATIVES; ENCOURAGING OTHER MIAMI-DADE COUNTY MUNICIPALITIES TO JOIN THE TOWN OF BAY HARBOR ISLANDS IN THEIR SUPPORT FOR THE PETS' TRUST; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: Item Withdrawn

Item 10. Approval of Resolution No. ____ requested by Council Member Reid in support of the library system and asking the Mayor and County Commission to fully fund the libraries.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, SUPPORTING FULL FUNDING OF THE MIAMI-DADE COUNTY LIBRARY SYSTEM; PROVIDING FOR DISTRIBUTION OF RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

There was a brief discussion regarding which resolution to approve. Council Member Salver stated that he would approve the one from the League of Cities. Vice Mayor Leonard had a concern regarding the resolution because he stated that it sounds great to have a fully funded library, but the Town did not pay their fair share into that system. He did not feel the need to approve another resolution, since they had already approved one in the past. He asked to table this item.

PUBLIC COMMENT

Victor Maya, 1155 – 103 Street, came forward to address the Council. He felt that he paid taxes for the library and he suggested fully supporting the library system. He asked the Council to pass the resolution. Mayor Yaffe informed him that they did not pay taxes into the library system, but they just purchased a card and it was not the same.

ACTION: Council Member Salver made a motion to approve the resolution in support of the League. Council Member Bruder seconded the motion and it passed 5 – 1 with Vice Mayor Leonard opposed.

Item 11. Consideration and approval of a private TDR transaction of the transfer of one (1) dwelling unit from Bay Harbor Investment Properties (9901 East Bay Harbor Drive) to Bay Harbor Loft, LLC (1120-24 - 98 Street).

Town Clerk Marante informed the Council of the reasons for this transaction.

PUBLIC COMMENT

Victor Maya, 1155 – 103 Street, came forward to address the Council. He stated that he was confused on the process. The Town sold the TDR to a developer and that developer is now selling to another developer. He questioned if that TDR should have come back to the Town to sell at a higher price.

Assistant Town Attorney Simone stated that it is a property right. Also, he stated that, if the money was not paid or the project was not approved, the TDR would be returned and the money would be lost, if it was never built.

Mr. Maya asked if there was another way to do this process so the TDR could come back to the Town. Assistant Town Attorney Simone stated, no, there was already a process in place.

ACTION: Council Member Salver made a motion to approve the transfer. Council Member Bruder seconded the motion and it passed unanimously.

Item 12. Appointment of Council Member as a representative to the ILA Elected Officials Group. This group meets once a year in March with the School Board Superintendent for an update on school projects, future growth, etc.

Town Manager Wasson stated that this group met once a month and the last meeting was in March.

ACTION: Vice Mayor Leonard nominated Council Member Bruder as the representative and Town Planner Miller as the alternate. Council Member Fuller seconded the motion and it passed unanimously.

Item 15. Discussion requested by Council Member Reid regarding the Town's Noise Ordinance.

Council Member Reid stated that this issue had been brought up by a current member of the Planning & Zoning Board and she would like the Council to consider amending the noise ordinance by changing the decibels.

Town Clerk Marante stated that she would like to spend more money on the equipment being used to read the decibels. She stated that the issue was an exhaust fan that makes noise, but she had only heard the fan. Town Clerk Marante asked to table the item to allow time to purchase new equipment and see if it was the equipment that was faulty. There was a brief discussion regarding the issue.

Victor Maya, 1155 – 103 Street, came forward to address the Council. He stated that there was a project approved with the air conditioning equipment on the 4th and 5th floors. He felt there were no

rules and that all of the underground garages will have these fans that make noise. He felt it was a major issue.

ACTION: Consensus was to purchase a new meter.

Council Member Bruder left the dias.

Item 16. Approval of RFP for Cleaning Services at Town Hall (Administrative Office, Building Department, Police Department, Annex) and it includes the potential to add other town facilities such as the Community Center and Officer Scott Winter's Park facilities.

Vice Mayor Leonard stated that he would like to do background checks on anyone working there.

Council Member Bruder returned to the dias.

ACTION: Council Member Salver made a motion to approve the RFP for Cleaning Services at Town Hall. Vice Mayor Leonard seconded the motion and it passed unanimously.

Item 18. Consideration and approval of a proposal from Stantec Consulting Services, Inc. in the amount of \$227,000 for the final design, construction documents and construction administration of the community center project. Since this item is not in the current budget, an appropriation from General Fund Reserves is required.

There was discussion regarding the previous process regarding the design of the project and the scheduled workshop. Also, there was discussion that possibly there would be changes after the workshop and they might need to negotiate the dollar amount of the design cost.

ACTION: Consensus was to table this item until after the workshop where the design will be discussed and to have Stantec Consulting Services attend the workshop.

There being no further business the meeting was adjourned at 11:55 p.m.

MAYOR

ATTEST:

TOWN CLERK

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

A Regular Council meeting was held on Monday, September 8, 2014 at 7:30 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 Yaffe

Vice Mayor Jordan Leonard

Council Member Stephanie Bruder

Council Member Joshua Fuller

Council Member Kelly Reid

Council Member Solange Rousselot

Council Member Issac Salver

Mayor Yaffe asked for a moment of silence in memory of the two journalists that were killed by terrorists in the Middle East. He then welcomed State Senator Renee Garcia and the representative from the office of Representative Jeanette Nunez.

David Caserta, Town Lobbyist, came forward to report to the Council. He thanked the Town Manager and the Assistant Town Manager for their assistance over the years as he had represented the Town in Tallahassee. He had already given the Council his written report regarding items passed or failed by the Governor. Mr. Caserta reviewed the Flood Insurance Bill 542, Tax Reduction Bill 501, Small City Block Grant, Ethics Bill 846, several transportation bills, prohibition of sale of nicotine devices to those under 18 years of age, and the situation with vacation rentals. He stated that local government could not deny the rentals, but could regulate them on parking. Mr. Caserta had great news for the Council regarding the renovation of the Broad Causeway Bridge. This year they had received one million dollars for the rehabilitation of the Bridge and \$500,000 for the construction of the new community center.

PRESENTATIONS

Mr. Caserta introduced State Senator Garcia and asked him to come forward. He felt it was an honor to appear before the Council and fight for what is right for the Town. He said they worked hard with Senator Gwen Margolis and the office of Representative Nunez. He presented the Mayor with the check for one million dollars for the Causeway renovations. Mayor Yaffe thanked him and stated that the donation was greatly appreciated.

REPORTS

Assistant Manager Jimenez reported that the 98th Street Park bids came back high and they were re-negotiated. He had been working with DERM to get the sewer connection, but the drainage was already in and the walls were going up. He thought it would be completed by the end of October.

Town Manager Wasson reported on the bridge project agreement with FDOT, the first week of the program for the children and that plans had started for the Halloween parade. He reminded everyone that the SunPass would begin on the 26th and the cost would be \$1.00 per trip, if you have a SunPass, or \$1.50 per trip, if you don't have a SunPass. There would be a \$2.50 service fee per month, if you were billed by plate. He also stated that the additional roadway and the building would be removed and turned into green space.

Item 1. Planning and Zoning Board Approvals

Town Clerk Marante reported that the Planning & Zoning Board did not meet in July, but had a meeting in August. The sign for Estrell was approve and some home renovations. She informed the Council that the September 2nd meeting had to be rescheduled because the website was down, but the same agenda would be posted for the next meeting.

She reported that she forgot to include the first item given her for this agenda. It was for selection to serve on committees in Orlando, which would involve some travel expenses. Council Member Salver suggested the Council should have a policy to allow Council members to serve on the Florida League of Cities committees without prior Council approval. There was a brief discussion regarding his suggestion and the consensus of the Council was to have a policy to be allowed to serve without prior approval.

COUNCIL REPORTS

Council Member Fuller welcomed the children back to school. He stated that he attended the League of Cities meeting and the ALS Challenge, which he felt was a wonderful cause. He encouraged people to come to another improve comedy show this year to help promote business this year. Consensus was for him to set up one for January.

Council Member Bruder met with the Chamber of Miami Beach to plan an event for Halloween starting at the school, walking over to the stores and ending at bounce houses. She would like for the businesses to participate with some coupons for participants. Also, she reported that La Cross would begin in October for 5 sessions to introduce residents who never participated. She encouraged people to participate in the program.

Vice Mayor Leonard stated that he also participated in the ALS Challenge and attended the last Miami-Dade League of Cities meeting. He stated that he been asked by Commissioner Heymen to defer Item 15 until next month.

Council Member Salver reported that he attended the League meeting also. He stated there was a great presentation on Children's Cancer. They felt research needed to be stepped up on that issue. He also stated that there was an issue with security in the tri-town area with some incidents that recently happened in the area. He asked the chief to report on what they are doing to protect the community.

Chief Hemmingway came forward and stated that all three chiefs had a security briefing last month and addressed the concerns. They had beefed up security with more patrol and the rabbis had informed them of their schedules in order for them to schedule their surveillance at the proper times, which had been scheduled. He stated that everyone had been briefed on what to do to protect the community and security had been improved on the west island also. Vice Mayor Leonard asked to include the Church by the Sea area in their rounds. Chief Hemmingway stated they were already included. Also, included is a crime watch team of about 100 people who will assist in the security.

Council Member Salver reported that he also attended the Children's Trust Hearing for the budget and the trim hearing went fairly smooth. He stated that this was a line item on their tax bill that invested in children programs for early childhood development, programs and professional development.

Council Member Rousselot thanked Assistant Manager Jimenez for his work on the 98th Street Park.

Council Member Reid reported that she attended the Florida League of Cities meeting in Hollywood and would be attending 3 more meetings that would focus on the vacation rentals issue and the 2011 legislation, which prohibited local governments to regulate vacation rentals. She stated that she also attended the outer bomb charrette and would be attending the Climate Summit in October.

Mayor Yaffe reported that he presented a proclamation on Cancer Awareness Month at the League meeting. He also stated that short term rentals were a concern. Mayor Yaffe thanked Town Clerk Marante for the memo on the history on dedication.

GOOD AND WELFARE

Luciana Arestegui, 1060 98 Street, came forward to address the Council. She thanked Council Members Bruder and Rousselot for being at the school and making sure everything was working great.

Frances Neuhut, 1060 Kane Concourse, came forward to address the Council. She stated that she felt that Code Enforcement was being selective and focusing only on Kane Concourse. She also felt that the gateway was being taken advantage of by putting hotels and restaurants there and the Planning & Zoning Board was playing a role. She complained about the signage on Kane Concourse and wanted to know why signs were coming to the Board.

Terri D'Amico, 9101 East Bay Harbor Drive, came forward to address the Council. She pointed out to the Council that there was a project applying for TDR's with a 15 foot encroachment on the setback. She felt that the Code only allowed 6 feet and there was false information. She felt they should follow the Code and they were not.

Kathleen Kennedy, 9721 East Bay Harbor Drive, came forward to address the Council. She thanked former Mayor Zilber's son for winning his judgeship.

Mayor Yaffe welcomed former Mayor Ilene Wallace, who was in attendance.

Paul Ruthfield, 1231 95 Street, came forward to address the Council. He stated that he was disappointed that there was nothing on the agenda on the election laws. He stated that Miami Beach has had two meetings changing their laws and he would like to see some changes. He stated that the Town was among the few towns or municipalities that did not have term limits. He also reported that there was a possible cure for ALS, with the wonderful news out of Israel for a cure going through FDA.

CONSENT AGENDA

Item 2. Consideration and approval of a renewal of a Mutual Aid Agreement with the City of North Miami Beach Police Department and the Town of Bay Harbor Islands Police Department.

Item 3. Approval of proposal for insurance (general, professional, automobile, property, and workers' compensation) from the Florida Municipal Insurance Trust (League of Cities) for the 2014/2015 fiscal year in the amount of \$258,163.

Item 4. Approval of Minutes of a Regular Council Meeting held on March 10, 2014

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

UNFINISHED BUSINESS

Item 5. Re-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 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.

Town Manager Wasson stated that he would like to see required pressure washing on Kane Concourse and this ordinance would require cleaning of the sidewalks on a more regular basis with enforcement by the Code Compliance department.

There was a brief discussion regarding the store owner's responsibility, chemicals that would not be allowed and charging by the Town to do the work.

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

Item 6. Re-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 OR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Town Manager Wasson stated that this ordinance was requested by him because FPL could not always go through the properties. It would allow for owners to install the infrastructure when necessary. He stated that originally the ordinance required new development to have underground wiring, but this ordinance would correct the language to require the developers to underground. Council Member Rousselot felt that FPL provided the service and should pay for the installation.

Aletha Player, FPL representative, came forward to address the Council. She stated that they were highly regulated by the State. She also reviewed the background of the issue to underground. She stated that their rates were the lowest in the southeastern United States. She also informed the Council that there was a 25% reduction if certain criteria were met. There was brief discussion regarding the schedule of trimming the trees and the removal of about a dozen polls that were left.

PUBLIC COMMENT

Victor Maya, 1155 103 Street, came forward to address the Council. He questioned if there was a document from FPL saying when they will underground. He felt there should be a detailed document explaining the requirements before changes were made.

Mayor Yaffe explained that there were government regulations that explained what FPL was required to provide.

ACTION: Council Member Bruder made a motion to approve the proposed ordinance on first reading. Vice Mayor Leonard seconded the motion and it passed 6 – 1 by poll vote with Council Member Rousselot opposed.

Item 7. Consideration and approval of an ordinance on first reading amending the town code Section 23-1 entitled definitions to modify the definition of building coverage to delete exterior balconies from being calculated and to update code references to the RM-3 district (formerly known as the RBA Tract District).

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; AMENDING ARTICLE I, SECTION 23-12(15) ENTITLED PROJECTIONS INTO SETBACK AREAS TO MODIFY VARIOUS PROVISIONS RELATED TO BALCONY ENCROACHMENTS INTO SETBACK AREAS TO INCLUDE THE RM-3 DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Town Planner Miller came forward to explain the proposed ordinance, which was for the RM 3 District (formerly the RBA). There was discussion regarding building lot coverage, balcony in the building coverage, calculations for lot coverage not changing, fact that other cities do not use balconies in their lot ratio, encroachment of the balconies into the setback, and size of the balconies.

PUBLIC COMMENT

Juan LLareno, 1155 103 Street, Hector Walda, 1155 103 Street, Victor Maya, 1155 103 Street, Terry D'Amico, 9101 East Bay Harbor Drive, Paul Basile, 9240 West Bay Harbor Drive, Vincent Martino, 1050 93 Street, Jeffrey Koster, 1135 103 Street, came forward to address the Council and were opposed to the changes.

Hector Walda, 1155 103 Street, came forward to express the idea of the developer coming back with site plans.

Steve Wernick, 1 SE 3 Avenue, Miami, attorney for some of the owners in the RM3 District came forward to address the Council. He wanted to express that there would be no change to the density and the wording regarding the balcony was being removed. There would be no change to the footprint of the building, open space requirement, density, lot coverage and it would allow them to provide a more attractive balcony, enhance the units, and encourage a larger unit. All this would mean is that the balconies would not count on the lot coverage.

Council Member Reid felt that this issue was more complicated and she wanted the Planning & Zoning Board to look into the matter. She suggested having a workshop on this issue to revisit the RM3 District and have the Planning & Zoning Board present.

ACTION: Council Member Salver made a motion to extend the meeting past 10 p.m. Vice Mayor Leonard seconded the motion and it passed unanimously.

Town Attorney Sherman stated that the Council could hold a workshop on this item and invite the Planning & Zoning Board. Council Member Salver did not feel the Board should be asked to review this matter.

ACTION: Council Member Bruder made a motion to table the item, schedule a workshop on the issue, invite the Board to the workshop and have an open discussion. Council Member Reid seconded the motion and it passed unanimously.

Item 8. Approval of a Resolution setting forth the membership requirements of the Charter Review Committee.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA; ESTABLISHING THE TOWN'S CHARTER REVIEW COMMITTEE TO REVIEW THE CHARTER OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AS AMENDED, AND RECOMMEND CHARTER PROPOSALS AND AMENDMENTS AS NECESSARY TO UPDATE THE CHARTER; STATING THE COMMITTEE'S PURPOSE, POWERS, DUTIES, COMPOSITION, APPOINTMENT QUALIFICATIONS AND REQUIREMENTS FOR MEMBERSHIP; PROVIDING FOR OFFICERS, RULES OF PROCEDURE, MEETINGS, QUORUM, LEGAL AND STAFF SUPPORT, ASSIGNMENT OF PERSONNEL AND PUBLIC NOTICE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Marante explained that she had researched other communities and some review every 5, 7, or 10 years. This resolution establishes a review of the Charter every 10 years in the future, which had not been done for 67 years. She explained the work that was done and that the Charter changes were put on the ballot and approved by the voters. She explained the process that was outlined in the resolution such as talk with residents, vacancies, officers, quorum, rules, procedures, Town Attorney being the legal counsel, and the Town Clerk would provide notice.

She stated that a survey was done and, in most cities, the charter review committee reviewed the charter every 10 years. This committee looks at the entire charter and drafts needed changes to the charter. Town Clerk Marante stated that the Council approved this back in 2012 and former Council Member Ruder suggested a review every 10 years.

PUBLIC COMMENT

Victor Maya, 1155 103 Street, came forward to address the Council. He thanked the Mayor for allowing the residents to speak on the previous item. He questioned what the qualifications standards were. Town Attorney Sherman stated that the Council will be able to appoint who they feel are qualified based on their resume and comments. Mayor Yaffe stated that there would be flexibility, but it would be determined who had previous experience. Town Clerk referred them to page 2, stating they should have an interest in the Town. She stated that she was asked to bring this was brought back to the Council for discussion.

Paul Ruthfield, 1231 95 Street, came forward to address the Council. He expressed he felt that ordinances could be reviewed sooner than 2021. He questioned why ordinance was removed.

Frances Neuhut, 9920 West Broadview Drive, came forward to address the Council. He complained that they have been waiting since April 7 to pick the members of the Charter and Ordinance Review Committee members. She felt that this was an existing committee. She was opposed to this resolution.

Doris Morano, 9400 East Bay Harbor Drive, came forward to address the Council. She stated that she felt the Council was trying to keep certain residents. She questioned what the qualifications were for the committee. She questioned why the committee members had not been appointed yet. Mayor Yaffe explained that was a decision made by the Council to increase the participation by taking the Council members off the committees. They have been unable to come to a consensus yet.

Luciana Arestegui, 1060 98 Street, came forward to address the Council. She questioned what the qualifications were.

CLOSED PUBLIC COMMENT

There was a brief discussion to clarify to the public that the qualifications on this item were only for the Charter Review Committee; the Council stopped referring ordinances to the committee, because the review was done by the Council; cost of the revision; ways to change the Charter and ordinances; the experience of Weiss Serota was the reason they were the attorneys that were used; and there was no additional cost from the Town Attorney.

ACTION: Vice Mayor Leonard made a motion to approve the resolution as presented. Council Member Bruder seconded the motion and it passed 5 – 2 with Council Members Reid and Salver opposed.

Item 9. Approval of a resolution establishing standard procedures for the establishment and operation of advisory committees.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, ESTABLISHING A METHOD OF APPOINTMENT FOR MEMBERS OF ADVISORY COMMITTEES CREATED BY THE TOWN COUNCIL; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Marante stated that there had been a lot of discussion on how to appoint the committees, but there was not a lot of information out there when she did the survey. A survey was done and in most cities each council member appoints a citizen to the committee. It provides for vacancies, officer, set a chair, vice chair, and they must report back to the council.

The committees must have a method of reporting back to the council, notice of meetings, quarterly meetings, rules, regulations, option to approve expenditures and a professional consultant. She was recommending appointments be temporary until the resolution is in force.

Council Member Salver made a motion to extend the term of those appointed at this meeting to June 2015, with the next appointment in June. Council Member Bruder seconded the motion for the term ending in June 2015.

PUBLIC COMMENT

Paul Ruthfield, 1231 95 Street, came forward to address the Council. He suggested having an opening for the committees to attend a learning conference.

Frances Neuhut, 1060 Kane Concourse, came forward to address the Council. She questioned if the Charter and Ordinance Committee had been eliminated.

Susan Luck, 10180 West Bay Harbor Drive, came forward to address the Council. She suggested having the Council members on the committees so they can report back to the Council when needed. She stated that there were always Council Members on the committees and they should have at least 1 on the committee for communication.

Vice Mayor Leonard stated that when he proposed to remove the Council for the purpose of creating more participation from the citizens, there was a lot of discussion. The only limitation on that was that a member of the Council could not vote on any of the items on that committee. He also stated that adding a Council member to the committees could be done at any time, but suggested giving a trial run for one year and then come back to see if it works or not.

Former Mayor Ilene Wallace came forward to address the Council. She reminded everyone that Committee members were governed under the sunshine law. The citizens were under the obligation to fill out a Form 1. She stated that there has always been a Council member on the citizen committees for guidance. She suggested having at least one Council member on each committee.

ACTION: Vice Mayor Leonard made a motion to approve the resolution as presented. Council Member Bruder seconded the motion and it passed unanimously by poll vote.

The appointments to the following committees were approved:

Parks & Recreation Committee as presented

Environmental Impact Committee, with the addition of Susan Luck

Disaster Committee as presented

Item 10. Re-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.

Mayor Yaffe recused himself from this item because he was representing one of the parties.

Attorney Matthew Amster came forward representing Island Club Towers who is the applicant requesting 2 TDR's. He briefly reported that the project was approved back to July of this year. They were requesting approval of private transaction. The list of repairs had been finished and the 11 feet of the property had been returned, creating 2 TDR's for sale from this property.

Michael Horovitz, 9300 West Bay Harbor Drive, came forward to address the Council. He stated he was President of the condo assoc. He felt that new construction in Bay Harbor was good. They were disturbed at the last meeting when they were not approved, because they were in total compliance to have the transaction approved. He stated that the money from the sale would be used to help replace the seawall and dock.

Paul Ruthfield, 1231 95 Street, came forward to address the Council. He was not in agreement with the Town giving back the land and felt it was wrong to do.

Frances Neu hut, 1060 Kane Concourse, came forward to address the Council. She was opposed to giving back the 11 feet of land. She did not feel they could have a dedication for exclusive use of the property. She stated that the Council used to approve that for the owners to improve the parking and make sidewalks. She stated that there were 79 and only 25 of them had been quit claimed back. Assistant Town Attorney attempted to explain that they only gave the deed to the Town for a right to use the land. When the deed is given back it becomes a piece of land.

There was a detailed discussion on how the Town bank TDR's were added, how the calculations were done, if the Town bank lost TDR's and how did they gain private TDR's.

Teri D'Amico, 9101 East Bay Harbor Drive, came forward to address the Council. She stated that every inch of land had been accounted for and questioned if the new land given back would be added on the property and the property appraiser's office. Town Clerk Marante stated that it would.

Chuck Wallace, 9300 West Bay Harbor Drive, came forward to address the Council. He felt that there seemed to be a lot of confusion regarding the deed process. He stated that there was no money exchange for the land. They bought property, gave the land in exchange for parking and now it was given back to the property.

Council Member Rousselot felt that there was no negative impact on the Town from this sale and it would only benefit the property. Council Member Reid felt calculation needed to be revisited, the receiving site and the proposed site should be compatible to the surrounding homes and the receiving site did not meet Code.

ACTION: Council Member Salver made a motion to approve the transfer. Council Member Reid seconded the motion and it passed 5 – 1 with Council Member Reid opposed and Mayor Yaffe off the dias.

Item 11. Consideration and approval of a proposal from Stantec Consulting Services, Inc. in the amount of \$218,000 for the final design, construction documents and construction administration of the community center project. Since this item is not in the current budget, an appropriation from General Fund Reserves is required. Please note that this proposal was reduced from \$227,000.

ACTION: Council Member Salver made a motion to approve the proposal in the amount of \$218,000. Vice Mayor Leonard seconded the motion and it passed unanimously by poll vote.

NEW BUSINESS:

Item 12. Approval of an ordinance on first reading amending Section 20-9 of the Town Code increasing the monthly base and flow charges for sewer service.

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 Salver made a motion to approve the proposed ordinance. Vice Mayor Leonard seconded the motion and it passed by unanimous poll vote.

Item 13. Approval on first reading of a proposed Ordinance # _____ amending Section 20-8 and 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 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.

ACTION: Council Member Salver made a motion to approve the proposed ordinance on first reading. Council Member Reid seconded the motion and it passed by unanimous poll vote.

Item 14. 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.

Victor Maya, 1155 103 Street, came forward to address the Council. He expressed his opposition to the resolution because he felt there was no true market value to be given to the TDR's and they were undervalued. He also felt the Town was limiting the value to the private market.

ACTION: Vice Mayor Leonard made a motion to approve the proposed resolution. Council Member Salver seconded the motion and it passed unanimously.

Item 15. Approval of a resolution, requested by Vice Mayor Leonard, urging the Miami-Dade County Commission to amend the County's Historic Preservation Ordinance to require consent of the properly owner prior to historic designation and providing the Board of County Commissioners with jurisdiction over appeals filed by the Historical Preservation Board in the event that the property owner refuses consent.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS URGING THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY TO AMEND THE MIAMI-DADE COUNTY HISTORIC PRESERVATION ORDINANCE TO REQUIRE CONSENT OF THE PROPERTY OWNER PRIOR TO HISTORIC DESIGNATION OF A PROPERTY BY THE HISTORIC PRESERVATION BOARD AND CONFERRING JURISDICTION ON THE BOARD OF COUNTY COMMISSIONERS.

ACTION: This Item was previously withdrawn.

Item 16. Discussion and possible action requested by Council Member Reid regarding the recommendations from the Environmental Impact Committee for an Annual Beautification Award. Enclosed are the minutes from the last meeting of the committee.

Council Member Reid stated there were members of the Committee at the meeting to present the recommendations, but they left. The committee accepted the Council's suggestions from the previous meeting.

ACTION: Council Member Salver made a motion to approve the recommendations of the Committee. Council Member Bruder seconded the motion and it passed unanimously.

Item 17. Consideration and approval of a private TDR transaction of the transfer of five (5) dwelling units from Bay Harbor Lodge Condo Association (1165-71 99 Street) to 1045 92 BH, LLC (1045 92nd Street).

Louis Supraski, applicant, came forward to address the Council. He stated that he was seeking approval of the transfer of 5 TDR's. The project was approved by the Planning & Zoning Board in January and the funds would be placed in an escrow account pending repairs.

Frances Neuhut, 1060 Kane Concourse, came forward to address the Council. She felt that this 5 TDR's for this property was listed correctly, but in her opinion not all properties were correct.

ACTION: Council Member Salver made a motion to approve the transaction. Vice Mayor Leonard seconded the motion and it passed 6 – 1 with Council Member Reid opposed.

Item 18. Consideration and approval of a Transfer of Development Rights (TDR) application requesting to purchase six (6) units from the Town's TDR bank for construction of a previously approved project on January 21, 2014. to be located at 1045 - 92nd Street.

There was a brief discussion regarding the price of the TDR's, number of TDR's, size of units, surrounding buildings, and the fact that the Planning & Zoning Board approved the project unanimously.

Victor Maya, 1155 103 Street, came forward to express his opposition to the transfer.

Council Member Fuller felt that the project unit size was very small and that the project would probably lower the property value of the surrounding buildings.

Marcus Frankel, architect, came forward to explain the project had one bedroom units that would be 970 square feet and the Board unanimously approve the project. He also stated that there were a lot of amenities and the project met the Town Code.

ACTION: Council Member Bruder made a motion to approve the transfer. Council Member Salver seconded the motion and it was approved 5 – 2 with Council Members Fuller and Reid opposed.

Item 19. Approval of a Project Fund Agreement requested by FDOT in regards to a State grant that will be used to partially finance rehabilitation of Town owned bridges.

ACTION: Council Member Bruder made a motion to approve the agreement. Council Member Rousselot seconded the motion and it passed unanimously.

There being no further business the meeting was adjourned at 12:46 a.m. on September 9, 2014.

MAYOR

ATTEST

TOWN CLERK

AGENDA ITEM REPORT

January 12, 2015

ITEM NUMBER: 3.

ITEM:

Approval of Emergency Bascule Bridge Repairs for the replacement thrusters that released the brakes in the amount of \$22,316. The Town Manager is authorized to make emergency repairs according to Section 3.01(e) of the Town Charter.

DESCRIPTION:

On December 2nd at around 3:40 PM a vessel was impacted by the East Leaf of the Broad Causeway Draw Bridge. The cause of the accident is under investigation. The town convened a team of personnel who is familiar with the bridge operations- electronic and mechanical and who had previously worked on the bridge, in an attempt to diagnose the problem and make the necessary repairs.

The team did not form a conclusion as to the cause of the accident but observed that the thrusters that released the brakes appeared to not be working properly. Replacement thrusters were unavailable as individual units and complete brake and thruster assemblies had to be procured and installed at the cost of \$22,316.00.

RECOMMENDED ACTION:

Approve the expenditure of \$22,316.00 in favor of Electro Hydraulic Machinery Co.

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Randy Daniel, Town Engineer
Randy Daniel, Town Engineer

ATTACHMENTS

TOWN OF BAY HARBOR ISLANDS MEMORANDUM

DATE: JANUARY 7, 2015
TO: RONALD J. WASSON, TOWN MANAGER
FROM: ALAN K. SHORT, FINANCE DIRECTOR
RE: CARRYFORWARD OF FUNDING INTO THE 2014/2015 BUDGET

It is recommended that the Council approve the following appropriation carryforwards representing projects funded in 2013/2014 but not completed or deferred until after September 30, 2014. The sum to be carried forward is the total previously approved amount less any amounts expended prior to September 30, 2014. Some of the projects may be substantially complete at this time but were still in process at September 30th. Since final payments will be made in the 2014/2015 fiscal year the funding needs to be brought forward.

Description	Account Number	Amount
License Plate Reader System	001-521.0-400064.000	\$81,741
Community Center	001-572.0-400063.000	210,297
98 th Street Park	001-572.0-400063.000	282,160
Library Card Reimbursements	001-571.0-400081.000	8,900
Causeway Corridor & Bridge Rehab Project	401-541.5-400063.000	11,098,470
Rehab Sewer Manholes	402-535.0-400063.000	69,876
Sewer Hub Rehabilitation	402-535.0-400063.000	84,600
96 th Street Mains	403-533.0-400063.000	119,094
Inspection & rehabilitation of Stormwater Outfalls	406-538.0-400063.000	75,553
Total		\$12,030,691

AGENDA ITEM REPORT

January 12, 2015

ITEM NUMBER: 5.

ITEM: Consideration and Approval of an expenditure for the lease of four (4) new police vehicles through Mears Motor Leasing Company. The total expense for this year budget is \$21,544.80.

DESCRIPTION:

Request for approval to purchase/lease four (4) new police vehicles through Mears Motor Leasing for 21,544.80.

Vehicles to be purchased through the Florida Sheriff's Association Contract.

RECOMMENDED ACTION:

Approval

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Curtis Johnson, Lieutenant
 Sean Hemingway, Chief of Police

ATTACHMENTS

AGENDA ITEM REPORT

January 12, 2015

ITEM NUMBER: 6.

ITEM: Approval of an ordinance on **second reading** removing the commercial component from the RM-3 Multi-Family District.

DESCRIPTION:

The Town Council discussed the commercial component on the RM3 district at the October Council meeting and requested that staff draft a proposed ordinance eliminating this provision from the town code. Enclosed is a proposed ordinance and a report from Town Planner Michael Miller.

RECOMMENDED ACTION:

Council Discretion.

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Alba Chang, Recording Secretary

ATTACHMENTS

1.	RM3 Commercial Ord	BHI Draft Ord RM-3 Comm Uses Oct 14 2014.doc
2.	Town Planner Report	BHI RM-3 Commercial Use TC Staff Report Oct 27 2014.pdf

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 CERTAIN CODE PROVISIONS RELATED TO THE RM-3 MULTIPLE-FAMILY DISTRICT; AMENDING ARTICLE I, SECTION 23-6 ENTITLED USE REGULATIONS TO DELETE BUSINESS AND COMMERCIAL USES FROM THE PERMITTED USE CATEGORY; AMENDING ARTICLE I, SECTION 23-11(D) ENTITLED LAND DEVELOPMENT REGULATIONS TO DELETE SUPPLEMENTAL BUSINESS AND COMMERCIAL SETBACK REFERENCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

WHEREAS, the Town Council desires to amend the Town's Zoning and Planning Code to delete Code provisions that allow business and commercial uses in the RM-3 Multiple-Family District, and

WHEREAS, a public meeting was held before the Local Planning Agency (LPA) for the Town which is charged with reviewing proposed modifications to the Town's Zoning and Planning Code; and

WHEREAS, the Town Council held duly advertised public hearings 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 Article I, Sections 23-6 entitled "Use Regulations" to delete business and commercial uses from the permitted uses in the RM-3 Multiple-Family Residential District; amending Article I, Section 23-11(D) entitled "Land Development Regulations" to delete supplemental business and commercial setback references in the RM-3 Multiple-Family district; as more fully set forth in the attached Exhibit "A", and by reference are 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, 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 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”

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

ARTICLE I. ZONING REGULATIONS

Sec. 23-6. - Use regulations, RM-3 district.

In the RM-3 Multiple Family Residential 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 or more of the following uses:

- (1) Any use permitted in the RM-1 or RM-2 Multiple Family districts.
- (2) ~~Such business or commercial uses as may be approved by the town council upon specific application therefor and upon the giving of specific permission therefor by the town council. Such accessory business~~ Allowable residential uses shall not be construed to include hotels, motels, condo-hotels, and interval ownership (timeshare) units, ~~bars or nightclubs open to the general public. The town reserves the right to regulate the types of business uses, the hours of operation, screening, off street parking provisions, signage and the location of such uses within the site/structure.~~

Sec. 23-11. - Land development regulations.

In all area districts hereinabove set forth and designated, there shall be front, rear and side yard setbacks provided for of not less than the dimensions specified, and other land development standards, as follows, to wit:

(D) RM-3 Multiple Family Residential district.

Purpose. The purpose of the district is to provide appropriate land development regulations for the large waterfront properties (tracts A—F) located on the northern and southern tips of the eastern island of the town. As the platted lots are considerably larger than other multifamily sites in the town and abut wide waterways surrounding the island where no adjacent development occurs, the regulations reflect appropriate development criteria.

- (1) Front yard setback (street frontage). All lots shall have a minimum front yard (street) setback as follows:
 - (a) Buildings up to 30 feet in height—Twenty feet.
 - (b) Buildings up to 45 feet in height—Twenty-five feet.
 - (c) Buildings up to 75 feet in height—Thirty feet.
 - (d) For buildings over 75 feet in height as approved under subsection (11) below the front setback dimension shall be negotiated during the site plan process, but shall not be less than 30 feet.

- (2) Rear yard (waterfront) setback. All lots shall have a minimum rear yard (waterfront) setback of 20 feet.
- (3) Side yard setbacks. All lots shall have minimum side yard setbacks as follows:
 - (a) Buildings up to 30 feet in height—Twenty feet.
 - (b) For each additional three feet of building height above 30 feet, there shall be one additional foot of building setback for that portion of the structure over 30 feet in height. Notwithstanding the above provision, the maximum required setback shall be 30 feet.
- ~~(4) Supplemental business and commercial setbacks. In the event application shall be made to the town council for permission to provide a business or commercial use pursuant to the provisions contained in section 23-6, then, in such event, the town council may require an increase of the side yard setbacks to ensure adequate separation and buffering of incompatible land uses occurs. In no event shall an increased side setback required by the Town be greater than twice the normal required side setback.~~
- ~~(5)~~ (4) Flex setbacks. A project designer has the option to offer creative design solutions to the building configurations and the planning and zoning board may allow portions of the building structure to encroach into the setback requirements stated above. The total amount of encroachment shall not exceed one-third of the allowable width or length of the building. This provision shall serve to create an architectural opportunity for creative design approaches while promoting the beneficial purposes of building setbacks in the district. In no case shall any portion of a building encroach into the base building setbacks set forth above for portions of the building below 30 feet in height.
- ~~(6)~~ (5) Maximum building length. The maximum overall length of any single building in a linear shape with no breaks or angles greater than 15 degrees facing parallel to a street frontage shall not exceed 260 feet, except as hereinafter provided.
- ~~(7)~~ (6) Maximum building length/breezeways. A building may exceed 120 feet in length if breezeways, divide such building, except for common floors and roofs, into parts not exceeding 120 feet in length. Such breezeways shall have a minimum unobstructed width, completely through the building, of 20 feet. Notwithstanding the above, this provision shall not apply to buildings less than 45 feet in height. The Planning and Zoning Board may modify the application of this requirement for townhouse development or in instances where enhanced architectural articulation and detailing is provided on the building façade to break the massing of the building. A breezeway is not required on a building constructed on a single platted lot. For the purpose of this section platted lots are those depicted on the subdivision plat of Bay Harbor Island recorded in Plat Book 46, at Page 5 of the public records of Miami-Dade County, Florida.
- ~~(8)~~ (7) Minimum distance between structures. The minimum distance, unobstructed, between buildings on a lot, plot or parcel of land shall be 20 feet; however, such buildings may be connected by a covered ground level walkway which must be open to the sides.

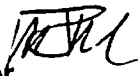
- ~~(9)~~ (8) Maximum building coverage. The maximum building coverage of any lot shall not exceed 40 percent of the plot area for all principal structures. If an elevated parking garage structure is provided the combined total of all building coverage shall not exceed 60 percent of the plot. An elevated parking garage shall not include any living quarters, meeting rooms or recreational facilities. See section 23-1 for the definition of building coverage.
- ~~(10)~~ (9) Maximum building height. No building shall exceed 75 feet in height, unless otherwise approved by the town residents and town council in accordance with section 86 of the Town Charter, but in no case more than 120 feet in height, which includes the primary building, parking garage or any other accessory structure, but does not include rooftop mounted structures as defined in subsection 23-12(11). The town council reserves the right, as part of any consideration to allow a building to exceed 75 feet in height, to require site plan modifications, project mitigation and/or tradeoffs (including but not limited to off-site improvements, on-site improvements, pedestrian walkways, enhanced view vistas to adjoining waterways, etc.)
- ~~(11)~~ (10) Building roof design. All rooftops of buildings with flat roof decks, including parking garage roof decks, shall be designed to minimize negative appearances by screening mechanical equipment, minimizing the ponding of stormwater and maintaining the roof surface in an attractive manner. The use of flat roof decks for on-site recreational facilities is encouraged, including the use of landscape materials for aesthetic and environmental "greenhouse gas reduction" purposes. If a flat roof deck is utilized for parking or recreational purposes, a minimum of 15 percent of the area used for such purposes shall be landscaped. For the purposes of this section the term landscaping shall not include swimming pools, decks, patios or other impervious surfaces.
- ~~(12)~~ (11) Landscape requirements. Each plot shall provide for a minimum of 20 percent landscaped "green" open space at ground level. An applicant shall be required to submit a detailed landscape plan to the town for consideration at the time of site plan approval. Trees shall be provided to provide shade and accentuate the building design. Shrubs shall be provided as foundation plantings, to screen mechanical equipment and as buffering to adjacent properties. The plan shall be sensitive to surrounding properties and shall be utilized to enhance the subject property.
- ~~(13)~~ (12) Maximum allowable density. The maximum allowable base density is 34 dwelling units per acre. The maximum allowable overall density (includes base density/TDR units) is 80 dwelling units per acre. If the Town approves a development with a height exceeding 75 feet in accordance with the Town Charter provisions, the maximum density shall be as determined at the time of Site Development Plan/TDR approval. Partial units below one-half are rounded down to the nearest whole number. Individual project density may be increased on a case-by-case basis only through the process described in Chapter 23.
- ~~(14)~~ (13) Interpretation of side lot lines. Side setbacks shall be regarded as those setbacks other than ones abutting streets and water.

~~(15)~~(14) Vested rights. Notwithstanding the above regulations, for those developments existing as of December 10, 2002, when section 86 of the Town Charter was approved by the town voters that established a maximum building height for any new building of 75 feet, the existing residential density, building height, lot coverage, building setbacks and other land development regulations are vested and may continue so long the owners elect to maintain the development as originally approved. If the existing development is damaged by a natural disaster, fire or flooding to the extent of 50 percent or more of the assessed value of the building improvements when the damage occurs, and the owners voluntarily elect to demolish and rebuild the project, the subsequent new development shall comply with all current land development regulations, except existing building height and residential density, which shall continue to be vested without the need to acquire TDR units. However, in no event shall the new development be greater in density or height than the development being replaced, unless TDR units are acquired or pursuant to section 86(1) of the Town Charter.

~~(16)~~(15) Parking garage structures. For any redevelopment of an existing RM-3 site after the effective date of Ordinance No. 907, not less than 90 percent of the required parking spaces shall be contained within a fully enclosed parking garage structure. The portion of a parking garage structure above finished grade shall be substantially screened from view from adjoining roads and adjacent properties. This shall not prohibit the parking garage structure driveway openings from being visible from an adjoining street. The exterior building façade of any parking garage structure not substantially screened by earthen berming, planters and adequate landscaping materials shall incorporate the same architectural features and elements on the main building façade to disguise the parking garage structure.

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

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

From: Michael J. Miller, AICP 
Consultant Town Planner

Date: October 27th, 2014

Subject: Town of Bay Harbor Islands
Land Development Code Amendment
RM-3 Multiple Family Residential District
Removal of Accessory Commercial Uses
MMPA Acct. No.: 01-0702-0500

ISSUE

Over the last decade the Town Council, seeking to modernize and update its original (1950-1960) development standards, studied its Land Development Regulations and adopted amendments thereto addressing virtually every aspect of site design and development criteria. In 2009-2010 the Town studied and amended the former RBA Tract District / now named the RM-3 Multiple Family Residential District. Considerable analysis of the existing development characteristics and desired future development criteria was undertaken and the updated Code provisions were adopted in December 2010. The 2010 Code update tightened the types of allowable accessory commercial uses and provide that the Town can require greater setbacks and screening of such uses. Since the founding of the Town in the late 1940s and included in its Zoning Code since the 1950s accessory commercial uses have been allowed in the RM-3 District. It is a common practice in higher density developments to allow limited accessory commercial uses that primarily serve the residents of the building complex and to a lesser degree neighborhood needs. If one examines high density residential development patterns along Collins Avenue this land use pattern is common (spas / dry cleaners / travel agencies / banks / restaurants / etc.). However, the Town's RM-3 sites are located geographically in a much different "isolated" location than the aforementioned Collins Avenue / other major roadway locations. There are currently no accessory commercial uses operating in the Town.

The Town recently received interest in the re-development of a parcel of land in the RM-3 Zoning District. Through meetings and subsequent discussions about possible redevelopment, the Town became aware of a few Code sections (building coverage / commercial uses) that have caused the Town to re-examine the Code provisions. The RM-3 Zoning District currently allows for business or commercial uses subject to approval by the Town Council and subject to

**Town of Bay Harbor Islands
Land Development Code Amendment
Commercial Uses – RM-3 Multiple Family Residential District
October 27th, 2014
Page 2**

supplemental setbacks requested by the Town Council. This subject was discussed at several recent Town Council meetings (Sept. / Oct. 2014), at which time, the Town Council instructed staff to prepare Ordinances to amend the definition of Building Coverage to remove "balconies" attached to the exterior of buildings from being counted. Also, a request was made to remove accessory business / commercial uses from the RM-3 District entirely. MMPA has prepared a suggested Code amendment to accomplish this request.

BACKGROUND

Business and commercial uses have been permitted in the RM-3 (formerly RBA) district since the Code was established for this zoning district. This model of accessory business / commercial uses within higher density residential districts is very popular along Collins Avenue in nearby municipalities (Bal Harbour Village, Miami Beach, Sunny Isles Beach, Hollywood, Hallandale Beach, Fort Lauderdale, etc.). It is felt by Town staff and the Town Council that this land use model may not fit Bay Harbor Islands today because of the distinctly different geographical location (not on higher volume road) and the allowable development density / building height (75') is so restrictive. The permitted intensity of future multi-family buildings could most likely not support accessory business / commercial uses, and the impacts of delivery trucks / noise / odors / etc. could negatively affect the nearby areas.

SUMMARY

The RM-3 Multiple Family Residential Zoning District currently allows for limited accessory business or commercial uses, subject to individual approval by the Town Council and subject to supplemental setbacks as may be requested by the Town Council. This subject was discussed at several recent Town Council meetings, at which time, the Town Council instructed staff to prepare an Ordinance to remove the allowance of accessory business / commercial uses from the district entirely. MMPA coordinated with Town staff on this request and has prepared a draft Ordinance for consideration.

AGENDA ITEM REPORT

January 12, 2015

ITEM NUMBER: 7.

ITEM: Request for Approval to replace the Street Lights on the East Island. Town Manager seeks approval to replace the current old HPSV lights with the LED Cobra-Head design at a cost of \$206,453.22.

DESCRIPTION:

FPL offer two types of lighting to replace the existing street lights on the East Island. It should be noted that this item was originally part of Community Enhancements Phase III, however due to the high cost of the lights selected and the loss of street parking, it was decided to replace the high pressure sodium vapor lights with FPL replacement fixtures. The good news is that when this process began several years ago, LED technology was still developing and over the last several years the cost of these lights have come down dramatically. These new fixtures save both on the cost of replacement on the actual use of power which is good for BHI. The original plan was to go with a modern type of fixture but as mentioned previously, the cost and parking impacts put that on hold.

We have now two types of LED replacement fixtures to chose from:

- a. LED Teardrop
- b. LED Cobra Head

The main difference is the teardrop is more old fashioned looking and the cobra-head has a more modern appearance. Additionally, the cobra-head comes only in grey and the teardrop comes in black. Looking back at the original choice from CE3, the cobra-head is more in keeping with a modern, sleeker look.

Undersigned recommends approval of replacing the current old HPSV lights with LED Cobra-Head design. This will enhance the lighting for streets at night and give a new modern look. Additionally, the design will save the Town significant funds which can be used for other infrastructure upgrades in the future.

Town Manager Wasson will bring sample light fixture to the meeting.

RECOMMENDED ACTION:

Council Discretion

FINANCIAL ANALYSIS:

Recommended option Installation and equipment total cost \$206,453.22. Original design cost \$534,180. This results in a savings to the Town of \$327,727.

BUDGET IMPACT:

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

ATTACHMENTS

1.	Lights	FPL Lighting 1.pdf
2.	Lighting quotes	lighting quotes.pdf
3.	Street Lights	Street Lights.pdf

DRAFT

FPL Premium Lighting Program

STANDARD POLE OPTIONS

Concrete	Coral Gables	Fiberglass
		
1	2	3
Pole Height	Pole Height	Pole Height
35' 28'	12'	20' 15.5'
Fixture Height	Fixture Height	Fixture Height
20' 13'	12'	13' 10'

PREMIUM POLE OPTIONS

Dark Bronze Fiberglass	Black Octagonal Decorative Concrete	Washington
		
4	5	6
Pole Height	Pole Height	Pole Height
35'	37'	18.5'
Fixture Height	Fixture Height	Fixture Height
29'	31'	14.5'

BRACKETS

	
Manufacturer	Manufacturer
Holophane	Holophane
Style	Style
Teardrop and Domus	Acorn
Color	Color
Black	Black

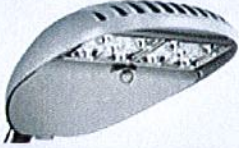


FPL Premium Lighting Program

FPL offers a variety of premium street light options for customers looking for an alternative to standard sodium-vapor lighting. The premium lights utilize light-emitting-diode (LED) technology, which is energy-efficient, does not contain mercury and offers a whiter, brighter and more consistent light compared to traditional sodium-vapor lighting technology. Customers can select post-top, side mount or roadway LED fixtures in a variety of styles and colors for all of their lighting needs.

FPL's service includes installation and maintenance. Visit FPL.com/NewStreetlights for more information and to get started.

ROADWAY FIXTURES

Fixture	Manufacturer	Wattage	Color Temperature	Typically Replaces	.ies File
	Cree	29w	4,000k	70w HPSV	XSPA_3GF-U-CONFIGURED
	Cree	41w	4,000k	100w HPSV	XSPA_3GD-U-CONFIGURED
	Cree	53w	4,000k	150w HPSV	BXSPA_2GA-U
	Cree	101w	4,000k	200w HPSV	BXSPA_3HA-U
	Cree	168w	4,000k	400w HPSV	BXSPA_3HL-U
	GE	258w	4,000k	400w HPSV	455012
	GE	268w	4,000k	400w HPSV	455422

DECORATIVE FIXTURES

Fixture	Pole Types	Manufacturer	Style	Color	Model	Wattage	Lumens	Color Temp	Glare (BUG) Rating	.ies File
	1-13', 3	Holophane	Traditional	Black	Carriage	38w	2,526	5,000k	B1-U3-G2	247L_10LEDE10_5K_MVOLT_R3_AY.ies
	1-13', 3	Holophane	Traditional	Black	Carriage	72w	4,862	5,000k	B1-U3-G2	247L_20LEDE10_5K_MVOLT_R3_AY.ies
	1-13'	Holophane	Contemporary	Gray	Contemporary	38w	2,746	5,000k	B1-U3-G2	245L_10LEDE10_XXXX_5K_R3_RNA.ies
	1-13'	Holophane	Contemporary	Gray	Contemporary	72w	5,034	5,000k	B1-U3-G2	245L_20LEDE10_XXXX_5K_R3_RNA.ies

DECORATIVE FIXTURES

Fixture	Pole Types	Manufacturer	Style	Color	Model	Wattage	Lumens	Color Temp	Glare (BUG) Rating	.ies File
	5	Holophane	Teardrop	Black	Teardrop w/o Skirt	150w	11,828	5,000k	B3-U3-G3	500811
	5	Holophane	Domus	Black	Teardrop w/ Skirt	150w	8,799	5,000k	B2-U0-G2	500815
	6	Holophane	Acorn - Clear Top	Black	Granville	100w	7,065	5,000k	B2-U4-G4	501317
	6	Holophane	Acorn - Clear Top	Black	Granville	80w	6,675	5,000k	B2-U4-G4	501326
	6	Holophane	Acorn - Painted Top	Black	Granville	100w	7,065	5,000k	B2-U4-G4	502070PP5
	6	Holophane	Acorn - Painted Top	Black	Granville	80w	6,675	5,000k	B2-U3-G4	502078PP3
	6	Holophane	Acorn - Painted Top	Green	Granville	100w	7,065	5,000k	B2-U4-G4	502070PP5
	6	Holophane	Acorn - Painted Top	Green	Granville	80w	6,675	5,000k	B2-U3-G4	502078PP3
	2, 6	Holophane	Acorn - Clear Top	Silver	Granville	100w	7,065	5,000k	B2-U4-G4	501317
	2, 6	Holophane	Acorn - Clear Top	Silver	Granville	80w	6,675	5,000k	B2-U4-G4	501326
	4	GE	Shoebox	Bronze	EASA	120w	10,000	5,700k	B2-U0-G2	455134
	4	GE	Shoebox	Bronze	EASA	199w	16,500	5,700k	B2-U0-G3	455132

DRAFT

FPL Premium Lighting Program

STANDARD POLE OPTIONS

Concrete	Coral Gables	Fiberglass
		
1	2	3
Pole Height	Pole Height	Pole Height
35' 28'	12'	20' 15.5'
Fixture Height	Fixture Height	Fixture Height
20' 13'	12'	13' 10'

PREMIUM POLE OPTIONS

Dark Bronze Fiberglass	Black Octagonal Decorative Concrete	Washington
		
4	5	6
Pole Height	Pole Height	Pole Height
35'	37'	18.5'
Fixture Height	Fixture Height	Fixture Height
29'	31'	14.5'

BRACKETS



Manufacturer

Holophane

Style

Teardrop
and Domus

Color

Black



Manufacturer

Holophane

Style

Acorn

Color

Black



DRAFT

FPL Premium Lighting Program

STANDARD POLE OPTIONS

Concrete



1

Pole Height	
35'	28'
Fixture Height	
20'	13'

Coral Gables



2

Pole Height	
12'	
Fixture Height	
12'	

Fiberglass



3

Pole Height	
20'	15.5'
Fixture Height	
13'	10'

PREMIUM POLE OPTIONS

Dark Bronze Fiberglass



4

Pole Height	
35'	
Fixture Height	
29'	

Black Octagonal Decorative Concrete



5

Pole Height	
37'	
Fixture Height	
31'	

Washington



6

Pole Height	
18.5'	
Fixture Height	
14.5'	

BRACKETS



Manufacturer
Holophane
Style
Teardrop and Domus
Color
Black



Manufacturer
Holophane
Style
Acorn
Color
Black



CHANGING THE CURRENT. FPL

FPL.com



CHANGING THE CURRENT. FPL

1A
FPL

Decorative Streetlighting Non-Refundable Deposit Invoice

October 20, 2014

Ron Wasson
Town Manager
9665 Bay Harbor Ter
Bay Harbor Island, FL 33154

Re: DSL Invoice ----->

0

Project Information

Interior Roads

0
0
0

INTERIOR
COBRA-HEAD CHANGE-OUT
WITH COBRA-LED

Total Project Cost	
Lump Sum:	\$85,458
Total Monthly Cost (Maintenance + Energy)	
*Lump Sum (M+E):	\$256
Product Information	
Fixture Information (# and type):	48 GE 258w LED ERS4 20,300 Lumens w/8' Brkt
Pole Information (# and type):	48 Existing FPL Pole
Construction Information	
Will Cust. Install conduit?	0
Linear Trench Footage:	0
Linear Bore Footage:	0
Will Cust. Bore?	0

This preliminary cost estimate for approximately **\$85,457.74** includes basic project information, and does not account for all aspects of construction (e.g., restoration). In order to proceed with a more detailed cost estimate, a non-refundable deposit for a detailed estimate in the amount of **\$1,709.00** will be required. Upon completion of the project, this deposit amount will be credited to your decorative streetlight account. This invoice becomes null and void after 180 days from invoice date.

Please remit your payment to:

Florida Power & Light Company

If you have any questions about this estimate, or need additional information on FPL's Decorative Street Lighting Program, please contact me at 0

Sincerely,


Rey Cabrales
Senior Engineer

FPL

Enclosed herewith please find a cost estimate for FPL to install street light facilities and a deposit invoice. Upon receipt of the deposit, FPL will develop a final estimate and will advise you of the exact amount that you will be charged, as the amount set forth in the cost estimate is at this time, simply an estimate and the total amount to install the street light facilities may exceed the amount shown herein. The exact amount will be reflected in the Premium Street Lighting Agreement which will be provided to you in the near future.

Please sign below indicating that you have read this letter and return it with your deposit. We look forward to working with you.

Customer _____

Date: _____

By _____
Signature

13

EXTERIOR
COBRA-LED W-LED Change out

FPL

Decorative Streetlighting Non-Refundable Deposit Invoice

September 20, 2014

Town of Bay Harbor Islands
Ronald Wasson
Town Manager
9665 Bay Harbor Ter
Bay Harbor Islands, FL 33154

Re: DSL Invoice ----->

Project Information

Perimeter Cobrahead-Led replacement
only Perimeter roads
Town of Bay Harbor Islands
Bay Harbor Islands, Dade

Total Project Cost	
Lump Sum:	\$120,995
Total Monthly Cost (Maintenance + Energy)	*Franchise fees and taxes not included
*Lump Sum (M+E):	\$363
Product Information	
Fixture Information (# and type):	68 GE 258w LED ERS4 20,300 Lumens w/8' Brkt
Pole Information (# and type):	68 Existing FPL Pole
Construction Information	
Will Cust. Install conduit?	No
Linear Trench Footage:	0
Linear Bore Footage:	0
Will Cust. Bore?	No

REPLACE EXISTING COBRA-HEADS ON PERIMETER ROAD WITH LED-COBRAHEADS

This preliminary cost estimate for approximately **\$120,995.48** includes basic project information, and does not account for all aspects of construction (e.g., restoration). In order to proceed with a more detailed cost estimate, a non-refundable deposit for a detailed estimate in the amount of **\$2,420.00** will be required. Upon completion of the project, this deposit amount will be credited to your decorative streetlight account. This invoice becomes null and void after 180 days from invoice date.

Please remit your payment to:

Florida Power & Light Company
14250 SW 112th Street
Miami, FL 33186
Rey Cabriales

If you have any questions about this estimate, or need additional information on FPL's Decorative Street Lighting Program, please contact me at 305-387-6661

Sincerely,


Rey Cabriales
Senior Engineer

FPL

Enclosed herewith please find a cost estimate for FPL to install street light facilities and a deposit invoice. Upon receipt of the deposit, FPL will develop a final estimate and will advise you of the exact amount that you will be charged, as the amount set forth in the cost estimate is at this time, simply an estimate and the total amount to install the street light facilities may exceed the amount shown herein. The exact amount will be reflected in the Premium Street Lighting Agreement which will be provided to you in the near future.

Please sign below indicating that you have read this letter and return it with your deposit. We look forward to working with you.

Customer _____

Date: _____

By _____
Signature



*INTERIOR
TEAR DROP
NO SKIRT*

Decorative Streetlighting Non-Refundable Deposit Invoice

September 20, 2014

Town of Bay Harbor Islands
Ronald Wasson
Town Manager
9665 Bay Harbor Ter
Bay Harbor Islands, FL 33154

Re: DSL Invoice ----->

Project Information

Perimeter Cobrahead-Led replacement
Interior Roads
Town of Bay Harbor Islands
Bay Harbor Islands, Dade

Total Project Cost	
Lump Sum:	\$152,669
Total Monthly Cost (Maintenance + Energy)	*Franchise fees and taxes not included
*Lump Sum (M+E):	\$628
Product Information	
Fixture Information (# and type):	63 Tenon mount TearDrop LED 8,799 Lumens
Pole Information (# and type):	63 Existing FPL Pole
Construction Information	
Will Cust. Install conduit?	No
Linear Trench Footage:	0
Linear Bore Footage:	0
Will Cust. Bore?	No

(+ 15 Poles)

*NOTE: CHANGING OUT EXISTING COBRAHEADS IN
INTERIOR ROADS FOR LED TEARDROP PLUS ADDING
15 MORE*

This preliminary cost estimate for approximately **\$152,669.05** includes basic project information, and does not account for all aspects of construction (e.g., restoration). In order to proceed with a more detailed cost estimate, a non-refundable deposit for a detailed estimate in the amount of **\$3,053.00** will be required. Upon completion of the project, this deposit amount will be credited to your decorative streetlight account. This invoice becomes null and void after 180 days from invoice date.

Please remit your payment to:

Florida Power & Light Company
14250 SW 112th Street
Miami, FL 33186
Rey Cabriaes

If you have any questions about this estimate, or need additional information on FPL's Decorative Street Lighting Program, please contact me at 305-387-6661

Sincerely,

Rey Cabriaes
Senior Engineer

2B

FPL

Decorative Streetlighting Non-Refundable Deposit Invoice

September 20, 2014

Perimeter
TearDrop
NO Base / skirt.

Town of Bay Harbor Islands
Ronald Wasson
Town Manager
9665 Bay Harbor Ter
Bay Harbor Islands, FL 33154

Re: DSL Invoice ----->

Project Information

Perimeter Cobrahead-Led replacement
only Perimeter roads
Town of Bay Harbor Islands
Bay Harbor Islands, Dade

Total Project Cost

Lump Sum: \$163,744

Total Monthly Cost (Maintenance + Energy)

*Lump Sum (M+E): \$608

*Franchise fees and taxes not included

Product Information

Fixture Information (# and type): 68

Tenon mount TearDrop LED 11,828 Lumens

Pole Information (# and type): 68

Existing FPL Pole

Construction Information

Will Cust. Install conduit? No

Linear Trench Footage: 0

Linear Bore Footage: 0

Will Cust. Bore? No

NOTE: PERIMETER ROAD REPLACE COBRA WITH
TEAR-DROP LED - 11,828 LUMENS.

This preliminary cost estimate for approximately **\$163,744.26** includes basic project information, and does not account for all aspects of construction (e.g., restoration). In order to proceed with a more detailed cost estimate, a non-refundable deposit for a detailed estimate in the amount of **\$3,275.00** will be required. Upon completion of the project, this deposit amount will be credited to your decorative streetlight account. This invoice becomes null and void after 180 days from invoice date.

Please remit your payment to:

Florida Power & Light Company
14250 SW 112th Street
Miami, FL 33186
Ray Cabriales

If you have any questions about this estimate, or need additional information on FPL's Decorative Street Lighting Program, please contact me at 305-387-6661

Sincerely,



Ray Cabriales
Senior Engineer



Decorative Streetlighting Non-Refundable Deposit Invoice

January 26, 2011

Town of Bay Harbor Islands
Mr. Ronald J. Wasson
Town Manager
9665 Bay Harbor Ter.
Bay Harbor Islands, FL 33154

Re: DSL Invoice →

Project Information

East Island - Perimeter lighting
91st ST to 103rd ST
Town of Bay Harbor Islands
Bay Harbor Islands / Miami-Dade

\$4,605 Dec Light Fixture

Total Project Cost

Lump Sum: \$354,605

Total Monthly Cost (Facility + Maintenance + Energy)

*Lump Sum (M+E): \$1,233

*Franchise fees and taxes not included

Product Information

Fixture Information (# and type): 77

Side mount TearDrop 250W MH - bracket

Pole Information (# and type): 77

Existing FPL Pole

Construction Information

Will Cust. Install conduit? Yes

Linear Trench Footage: 0

Linear Bore Footage: 0

Will Cust. Bore? Yes

This preliminary cost estimate for approximately **\$354,605.04** includes basic project information, and does not account for all aspects of construction (e.g., restoration). In order to proceed with a more detailed cost estimate, a non-refundable deposit for a detailed estimate in the amount of **\$7,092.00** will be required. Upon completion of the project, this deposit amount will be credited to your decorative streetlight account. This invoice becomes null and void after 180 days from invoice date.

Please remit your payment to:

Florida Power & Light Company
9250 W Flagler ST
Miami, FL 33174
Mr. Victor Muñiz

If you have any questions about this estimate, or need additional information on FPL's Decorative Street Lighting Program, please contact me at (305) 552-4056

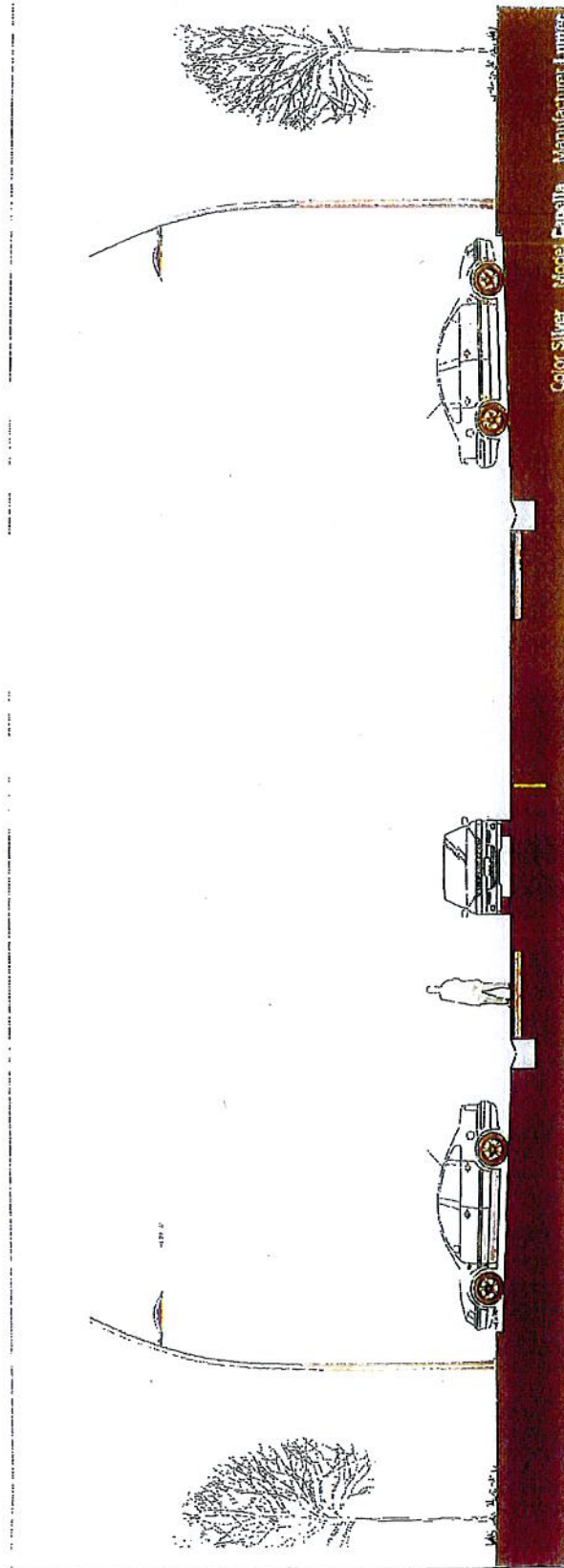
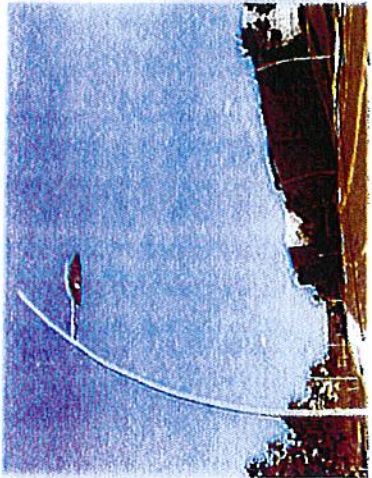
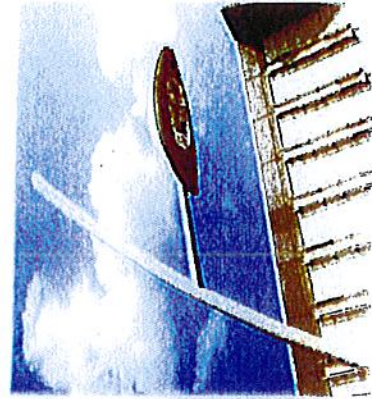
Sincerely,

Mr. Victor Muñiz
Customer Consultant

Approved lighting option



D:



Recommendation by P-Z Board - Presented as "Lighting Option 3" Proposed Improvements





Google earth

feet
meters





Google earth

feet 30
meters 10





Google earth

feet
meters



AGENDA ITEM REPORT

January 12, 2015

ITEM NUMBER: 8.

ITEM: Discussion requested by Mayor Yaffe regarding the agenda organization and the duration of Council Meetings.

DESCRIPTION:

Due to the fact that lately our Council meetings have been very long and exhausting and after three hours Council Members are not able to give it's due consideration to the items on the agenda, it is proposed to end the meetings after 3 hours (10 PM) and reconvene the next morning or evening for those items left. This would be for items that are time sensitive and cannot be postponed to the next Council meeting.

Staff also recommends that the agenda be streamlined in order to improve the way items are presented. Enclosed is an example of a proposed agenda outline and an amendment to Resolution No. 437 for your consideration and approval.

RECOMMENDED ACTION:

Approval

FINANCIAL ANALYSIS:

BUDGET IMPACT:

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

ATTACHMENTS

1.	Proposed agenda format	sample agenda and resolution.pdf
2.	Proposed Resolution	Reso amending 437.pdf

TOWN OF BAY HARBOR ISLANDS

Date

AGENDA

STATEMENT OF DECORUM

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

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

SPECIAL PRESENTATION:

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

PUBLIC COMMENT:

There is a three (3) minute time limit for each speaker during public comment and a three (3) minute time limit for each speaker during all public hearings. Your cooperation is appreciated in observing the three (3) minute rule. If you have a matter you would like to discuss which requires more than three (3) minutes, please arrange a meeting with the Town Manager or appropriate administrative official. A request form is available from staff; please fill it in and return it to the Town Clerk prior to the start of the meeting if you would like to speak during public comment. Please come forward to the podium, give your name and address, and the name and address of the organization you are representing if any.

COMMITTEE REPORTS:

CONSENT AGENDA: *(Consent agenda items are those which are routine, do not require discussion or explanation prior to Town Council action, or have already been discussed and/or explained and do not require further discussion or explanation. Items can be removed from the consent agenda by the request of an individual Council member for independent consideration provided such request is made prior to the vote on the consent agenda.)*

Many cities/towns included Resolutions under consent agendas, it is suggested that we do the same.

ORDINANCES ON SECOND READING:

ORDINANCES ON FIRST READING:

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

DISCUSSION ITEMS:

REPORTS:

1. Town Council Members
2. Town Manager
3. Town Attorney

ADJOURNMENT: Set for 10:00 p.m. *(Any items not addressed by 10:00 PM, will be continued to the following morning at 9:00 AM)*

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.

RESOLUTION NO. 437

WHEREAS, the increasing complexities of municipal government has led to long agendas at Council meetings of the Town of Bay Harbor Islands, and

WHEREAS, the matters presented are frequently controversial and are frequently such as to entail understanding of technical matters which require expert opinions, and

WHEREAS, the citizens of Bay Harbor Islands take a laudable interest in their government, many of them attend the Council meetings and take part in the discussions, and

WHEREAS, much time is required and is spent on the discussions and in explaining the problems of the agenda items to the citizens present at the Council meetings, and

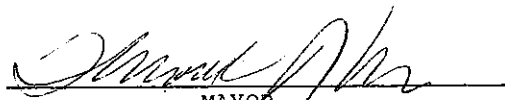
WHEREAS, the reading of proposed ordinances and resolutions presented to the Council is time consuming, and

WHEREAS, all of the foregoing is mentally and physically exhausting to members of the Council as human beings after deliberating for three hours, and

WHEREAS, after three hours of intense activity at a meeting, members of the Council cannot give their best attention and best thought to any undisposed of items that may remain on the agenda,

NOW, THEREFORE, it is hereby resolved that no meeting of the Town Council of the Town of Bay Harbor Islands will continue for more than three hours from the time of its commencement, but at the expiration of three hours will adjourn to a future date and time to be determined by motion passed by a majority of the members of Council present. However, on motion passed by a majority of the members of Council present, the meeting may proceed beyond the three hours.

PASSED by the Town Council of the Town of Bay Harbor Islands this 19th day of October, 1976


MAYOR

Attest:


TOWN CLERK

RESOLUTION NO. ____

**RESOLUTION OF THE TOWN OF BAY HARBOR ISLANDS
AMENDING RESOLUTION NUMBER 437, WHICH
PROHIBITED MEETINGS OF THE TOWN COUNCIL TO
CONTINUE FOR MORE THAN THREE HOURS UNLESS
EXTENDED BY MAJORITY VOTE.**

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, on or about October 18, 1976, the Town Council of the Town of Bay Harbor Islands passed and adopted Resolution Number 437, which prohibited Town Council meetings to continue beyond three hours unless extended by a majority vote; and

WHEREAS, Council Meetings have become mentally and physically exhausting to members of the Council after deliberating for many hours; and

WHEREAS, the extensions of meeting have become a matter of routine and have lost the intended effect over time; and

WHEREAS, the current Town Council wishes to amend the resolution to eliminate the extension provision and add, in its place, a requirement to move items that are not time sensitive to the next month's Council meeting or to reconvene the following date for items that are essential and time sensitive.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bay Harbor Islands as follows:

Section 1. Resolution Number 437 is hereby amended.

Section 2. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 12th day of January 2015.

MAYOR

ATTEST:

TOWN CLERK

AGENDA ITEM REPORT

January 12, 2015

ITEM NUMBER: 9.

ITEM: Discussion requested Vice Mayor Leonard about the possibility of adding fitness equipment at other Town Parks.

DESCRIPTION:

I was contacted by a resident who asked if we could provide similar exercise equipment on the passive parks on the West Island or other parks and I wanted to bring this up for Council discussion.

RECOMMENDED ACTION:

Council Discretion

FINANCIAL ANALYSIS:

Unknown at this time.

BUDGET IMPACT:

Submitted By: Alba Chang, Recording Secretary
 Jordan Leonard, Vice Mayor

ATTACHMENTS

AGENDA ITEM REPORT

January 12, 2015

ITEM NUMBER: 10.

ITEM: Discussion requested by Council Member Bruder regarding holiday decorations for 2015.

DESCRIPTION:

RECOMMENDED ACTION:

Council Discretion.

FINANCIAL ANALYSIS:

Unknown

BUDGET IMPACT:

Submitted By: Marlene Marante, Town Clerk
 Stephanie Bruder, Council Member

ATTACHMENTS

AGENDA ITEM REPORT

January 12, 2015

ITEM NUMBER: 11.

ITEM: Discussion requested by Council Member Reid regarding the possibility of adopting an ordinance prohibiting the use of Styrofoam containers.

DESCRIPTION:

The ban has been adopted in the City of Miami Beach, Bal Harbour Village and the Village of Key Biscayne. Attached is the ordinance adopted in Miami Beach.

Request approval to draft a similar ordinance in the town.

RECOMMENDED ACTION:

Council Discretion

FINANCIAL ANALYSIS:

BUDGET IMPACT:

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

ATTACHMENTS

1.	Styrofoam Ban Ordinance	styrofoam ban MB ordinance.pdf
----	-------------------------	--------------------------------



COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: July 23, 2014

SECOND READING

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE III, ENTITLED "LITTER," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY AMENDING SECTION 46-92 THEREOF, ENTITLED "LITTER; DEFINITIONS; PROHIBITIONS ON LITTER; PENALTIES FOR LITTER AND COMMERCIAL HANDBILL VIOLATIONS; COMMERCIAL HANDBILL REGULATIONS, FINES, AND REBUTTABLE PRESUMPTIONS; SEIZURE AND REMOVAL OF LITTER BY THE CITY; ENFORCEMENT; APPEALS; LIENS" TO AMEND THE DEFINITION OF LITTER IN SUBSECTION (A) BY SUBSTITUTING THE WORD "POLYSTYRENE" FOR THE WORD "STYROFOAM" AND TO AMEND SUBSECTION (C) TO PROHIBIT ANY PERSON FROM CARRYING ANY EXPANDED POLYSTYRENE PRODUCT INTO ANY PARK WITHIN THE CITY; AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY CREATING SECTION 82-7 THEREOF, ENTITLED "PROHIBITIONS REGARDING SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY CITY CONTRACTORS AND SPECIAL EVENT PERMITTEES," TO PROHIBIT THE SALE, USE, AND OFFERING OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY CITY CONTRACTORS AND SPECIAL EVENT PERMITTEES IN CITY FACILITIES AND ON CITY PROPERTY; AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS-OF-WAY," BY AMENDING DIVISION 5, ENTITLED "SIDEWALK CAFES," BY AMENDING SUBDIVISION II, ENTITLED "PERMIT," BY AMENDING SECTION 82-385 THEREOF, ENTITLED "MINIMUM STANDARDS, CRITERIA, AND CONDITIONS FOR OPERATION OF SIDEWALK CAFES," TO PROVIDE PROHIBITIONS REGARDING EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES ON THE RIGHT-OF-WAY; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

BACKGROUND

At the May 22, 2014 Sustainability Committee meeting, the Committee discussed restricting the sale and use of expanded polystyrene (commonly known as Styrofoam) products, to reduce litter and pollutants in the City's waterways and to enhance the environmental sustainability of the City. The Sustainability Committee unanimously passed a motion recommending that the City Commission approve an ordinance drafted by the City Attorney's Office, which would (1) prohibit the carrying of expanded polystyrene products into City parks; (2) prohibit the sale or use in public facilities and on public property of expanded polystyrene food service articles by City contractors, vendors, lessees, concessionaires, operators of City facilities and properties, and special event permittees; and (3) prohibit expanded polystyrene food service articles on the right-of-way and prohibit sidewalk café permittees from providing expanded polystyrene food service articles to sidewalk café patrons. On June 11, 2014, the City Commission approved the Ordinance on First Reading. Subsequent to its approval on First Reading, a minor language revision has been made to Section 82-7 to clarify that public facilities and property refer only to City facilities and property. Attachment A shows the Ordinance as it is being presented for Second Reading.

ANALYSIS

Miami Beach is a barrier island with approximately 70 miles of shoreline along numerous canals and waterways, including Indian Creek, Surprise Lake, and Lake Pancoast, as well as the Atlantic Ocean and the Biscayne Bay Aquatic Preserve. The waters surrounding the City support a wide variety of flora and fauna, including threatened and endangered species like the West Indian manatee, the American crocodile, Johnson's seagrass, and smalltoothed sawfish. These waters also act as nurseries and habitat for migratory birds, including brown pelicans and ospreys, and for commercially and recreationally important fish, such as snapper, sailfish, and mahi-mahi. Furthermore, the City's beaches support shorebird species, including seagulls and royal terns, and are a designated nesting habitat for the protected Loggerhead, Green, and Leatherback sea turtles.

It is especially critical that the City limit pollutants from entering the environment due to its proximity to the City's vast system of interconnected waterways and sensitive marine habitats. One pollutant of particular concern is expanded polystyrene, a petroleum based by-product which constitutes a large portion of the litter in the City's streets, public places, and waterways. The Environmental Protection Agency has determined that floatable debris, like expanded polystyrene, can have "serious impacts on human health, wildlife, the aquatic environment and the economy" (Assessing and Monitoring Floatable Debris, August 2002; EPA-842-B-02-002). Expanded polystyrene is a particularly harmful pollutant because it is non-biodegradable and not readily recyclable. Furthermore, it fragments into smaller pieces that easily enter and remain in the environment harming or killing marine life and other wildlife that accidentally ingest it.

Section 46-92 of the City Code currently bans the use of Styrofoam products on the City's beaches. The proposed Ordinance replaces the word "Styrofoam" in the definition of "litter" in this section with the correct term "polystyrene". Additionally, the Ordinance extends the prohibition of expanded polystyrene products to parks because many City parks, including South Pointe Park, Maurice Gibb Park, Pine Tree Park, and North Shore Open Space Park, are located along in close proximity to bodies of water and, therefore, litter at these locations can easily enter the marine environment.

The proposed Ordinance also amends Chapter 82 of the City Code by creating Section 82-7, which prohibits the sale or use in public facilities and on public property of expanded polystyrene food service articles by City contractors and special event permittees. City contractors are defined as contractors, vendors, lessees, and concessionaires of the City and operators of a City facility or property. Special event permittees are defined as any person or entity issued a special event permit by the City for a special event on City property or in a City facility. The prohibition only applies to new contracts entered after the effective date, unless an entity with an existing contract or special event permit agrees to voluntarily cease using expanded polystyrene food service articles. Once the ordinance is passed and adopted, the Administration will reach out to contractors and special event permittees with existing contracts and permits to notify them of the Ordinance and to encourage them to voluntarily cease using and offering expanded polystyrene food service articles.

Finally, the proposed Ordinance amends the minimum standards for sidewalk cafés in Section 82-385 to prohibit expanded polystyrene food service articles on the right-of-way and to prohibit sidewalk café permittees from providing expanded polystyrene food service articles to sidewalk café patrons. The City has over 225 permitted sidewalk cafés citywide. These non-enclosed establishments can be major contributors to litter nuisance as lightweight articles, such as expanded polystyrene products, are picked up by wind and rain. By eliminating expanded polystyrene products in parks and prohibiting the use of expanded polystyrene food service articles by City contractors, special event permittees, and sidewalk café permittees, the proposed Ordinance will reduce the presence of this pollutant on the City's rights-of-way and waterways and enhance the City's environmental sustainability.

CONCLUSION

The Administration recommends approving the Ordinance.

Attachments: Expanded Polystyrene Ban Ordinance

JMJ/MVF/ESW/MKW

T:\AGENDA\2014\July\Polystyrene Ordinance - MEM Second Reading.doc

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE III, ENTITLED "LITTER," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY AMENDING SECTION 46-92 THEREOF, ENTITLED "LITTER; DEFINITIONS; PROHIBITIONS ON LITTER; PENALTIES FOR LITTER AND COMMERCIAL HANDBILL VIOLATIONS; COMMERCIAL HANDBILL REGULATIONS, FINES, AND REBUTTABLE PRESUMPTIONS; SEIZURE AND REMOVAL OF LITTER BY THE CITY; ENFORCEMENT; APPEALS; LIENS" TO AMEND THE DEFINITION OF LITTER IN SUBSECTION (A) BY SUBSTITUTING THE WORD "POLYSTYRENE" FOR THE WORD "STYROFOAM" AND TO AMEND SUBSECTION (C) TO PROHIBIT ANY PERSON FROM CARRYING ANY EXPANDED POLYSTYRENE PRODUCT INTO ANY PARK WITHIN THE CITY; AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY CREATING SECTION 82-7 THEREOF, ENTITLED "PROHIBITIONS REGARDING SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY CITY CONTRACTORS AND SPECIAL EVENT PERMITTEES," TO PROHIBIT THE SALE, USE, AND OFFERING OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY CITY CONTRACTORS AND SPECIAL EVENT PERMITTEES IN CITY FACILITIES AND ON CITY PROPERTY; AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS-OF-WAY," BY AMENDING DIVISION 5, ENTITLED "SIDEWALK CAFES," BY AMENDING SUBDIVISION II, ENTITLED "PERMIT," BY AMENDING SECTION 82-385 THEREOF, ENTITLED "MINIMUM STANDARDS, CRITERIA, AND CONDITIONS FOR OPERATION OF SIDEWALK CAFES," TO PROVIDE PROHIBITIONS REGARDING EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES ON THE RIGHT-OF-WAY; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach ("City") declares that it is in the interest of the public health, safety, and welfare of its residents and visitors to reduce litter and pollutants on the land and in the waters of the City; and

WHEREAS, expanded polystyrene, a petroleum by-product commonly known as Styrofoam, is neither readily recyclable nor biodegradable and takes hundreds to thousands of years to degrade in the environment; and

WHEREAS, expanded polystyrene is a common pollutant, which fragments into smaller, non-biodegradable pieces that are ingested by marine life and other wildlife, thus harming or killing them; and

WHEREAS, due to the physical properties of expanded polystyrene, the EPA states "that such materials can also have serious impacts on human health, wildlife, the aquatic environment and the economy"; and

WHEREAS, disposable food service articles constitute a portion of the litter in the City of Miami Beach's streets, parks, public places, and waterways; and

WHEREAS, the City's goal is to replace expanded polystyrene food service articles with reusable, recyclable or compostable alternatives; and

WHEREAS, the City encourages the use of unbleached, non-coated, recycled-content paper food service articles and other fiber-based food service articles as the most environmentally preferable alternatives when the use of reusable food ware is not feasible; and

WHEREAS, as an environmental leader among local governments in the State of Florida, the City of Miami Beach, by virtue of this Ordinance, will prohibit the use of expanded polystyrene food service articles by its contractors and special event permittees in City facilities and on City property; will prohibit the use of expanded polystyrene food service articles by sidewalk cafes on the public right-of-way; and, will strengthen its litter laws by prohibiting expanded polystyrene products in City parks; and

WHEREAS, this Ordinance will preserve and enhance the environment of the City of Miami Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Division 1 of Article III of Chapter 46 of the Code of the City Miami Beach is hereby amended as follows:

CHAPTER 46

ENVIRONMENT

* * *

ARTICLE III. Litter

* * *

DIVISION 1. Generally

Sec. 46-92. Litter; definitions; prohibitions on litter; penalties for litter and commercial handbill violations; commercial handbill regulations, fines, and rebuttable presumptions; seizure and removal of litter by the city; enforcement; appeals; liens.

(a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

(5) Litter means any paper, handbill, commercial handbill, garbage, bottle caps, chewing gum, tobacco products, including, but not limited to, used and unused cigarettes, cigars, pipe or chewing tobacco, ~~styrofoam~~ polystyrene or plastic products, or other waste, including, but not limited to, tree, plant, and grass cuttings, leaves, or other yard maintenance debris, that has been placed or deposited on a public sidewalk, street, road, avenue, beach, swale, median, building, fence, wall, boardwalk, beachwalk, baywalk, cutwalk, park, or in a gutter, drain, or sewer, or on any other public property,

right-of-way or place, or on any object located on public property, or on the kneewall, window ledge or sill of any public or private building, or on a motor vehicle, or on any other type of private real or personal property. Handbills and commercial handbills attached to a trash receptacle, but not within the trash receptacle in the usual manner, shall also be considered litter.

* * *

(c) *Prohibitions on beaches and parks.* It shall be unlawful for any person to carry onto any beach within the city a glass or metal bottle or other glass or metal container. In addition, it shall be unlawful for any person to carry any ~~styrofoam~~ expanded polystyrene product onto any beach or into any park within the city or for any business to provide plastic straws with the service or delivery of any beverage to patrons on the beach.

SECTION 2. That Article I of Chapter 82 of the Code of the City Miami Beach is hereby amended as follows:

CHAPTER 82
PUBLIC PROPERTY

* * *

ARTICLE I. In General

* * *

Sec. 82-7 **Prohibitions regarding sale or use of expanded polystyrene food service articles by city contractors and special event permittees.**

- (a) *Legislative intent.* Expanded polystyrene, a petroleum byproduct commonly known as Styrofoam, is neither readily recyclable nor biodegradable and takes hundreds to thousands of years to degrade. Expanded polystyrene is a common pollutant, which fragments into smaller, non-biodegradable pieces that are harmful to marine life, other wildlife, and the environment. The City's goals are to reduce the use of expanded polystyrene and encourage the use of reusable, recyclable, or compostable alternatives.
- (b) *Definitions.* For purposes of this section only, the following definitions shall apply:
- (1) *City contractor* means a contractor, vendor, lessee, concessionaire of the City, or operator of a City facility or property.
 - (2) *Expanded polystyrene* means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead foam), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene).
 - (3) *Expanded polystyrene food service articles* means plates, bowls, cups, containers, lids, trays, coolers, ice chests, and all similar articles that consist of expanded polystyrene.
 - (4) *Public City facilities* includes, but are is not limited to, any buildings, structures,

parks, beaches, or golf courses owned, operated, or managed by the City.

(5) *Public City property* includes, but is not limited to, any land, water, or air rights owned, operated, or managed by the City.

(6) *Special event permittee* means any person or entity issued a special event permit by the City for a special event on ~~public~~ City property or in a ~~public~~ City facility.

(c) City contractors and special event permittees shall not sell, use, provide food in, or offer the use of expanded polystyrene food service articles in ~~public~~ City facilities or on ~~public~~ City property. A violation of this section shall be deemed a default under the terms of the City contract, lease, or concession agreement and is grounds for revocation of a special event permit. This subsection shall not apply to expanded polystyrene food service articles used for prepackaged food that have been filled and sealed prior to receipt by the City contractor or special event permittee.

(d) Any City contract, lease, or concession agreement entered into prior to the effective date of this section or any special event permit issued prior to the effective date of this section shall not be subject to the requirements of this section, unless the City contractor or special event permittee voluntarily agrees thereto.

SECTION 3. That Subdivision II of Division 5 of Article IV of Chapter 82 of the Code of the City Miami Beach is hereby amended as follows:

CHAPTER 82

PUBLIC PROPERTY

* * *

ARTICLE IV. Uses in Public Rights-of-Way

* * *

DIVISION 5. Sidewalk Cafes

* * *

Subdivision II. Permit

Sec. 82-385. Minimum standards, criteria, and conditions for operation of sidewalk cafes

* * *

(p) No food preparation, food storage, expanded polystyrene food service articles, refrigeration apparatus or equipment, or fire apparatus or equipment, shall be allowed on the right-of-way. In addition, expanded polystyrene food service articles shall not be provided to sidewalk café patrons.

* * *

SECTION 4. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____, 2014.

PASSED AND ADOPTED this _____ day of _____, 2014.

ATTEST:

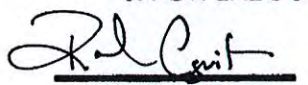
Rafael E. Granado, City Clerk

Philip Levine, Mayor

(Sponsored by Commissioner Michael Grieco)

Underline denotes additions
~~Strike through~~ denotes deletions

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *DT*

7/14/14

Date

AGENDA ITEM REPORT

January 12, 2015

ITEM NUMBER: 12.

ITEM: Discussion requested by Council Member Reid for approval to have an efficiency study of town departments and a salary survey.

DESCRIPTION:

RECOMMENDED ACTION:

Council Discretion

FINANCIAL ANALYSIS:

BUDGET IMPACT:

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

ATTACHMENTS

AGENDA ITEM REPORT

January 12, 2015

ITEM NUMBER: 13.

ITEM: Discussion requested by Council Member Reid to possibly amend the Town Code to prevent new development from using one bedroom units with a den to convert the unit to two bedrooms later on.

DESCRIPTION:

There are specific size requirements for one, two bedroom units and this appears to be a way to get around the unit size requirements.

The Town code requirements are as follow:

Sec. 23-9. - Minimum size of living units in all use districts. Every building hereafter erected, constructed, reconstructed or structurally altered, shall provide a floor area, per family, of no less than the following: (1) No single-family residence may be erected with floor area, exclusive of garage, carport, porches and terraces, of less than 1,500 square feet; provided, however, that on waterfront lots no residence may be erected or constructed with floor area, exclusive of garage, carport, porches and terraces, of less than 2,000 square feet. (2) No duplexes or two-family residences may be erected with floor area, exclusive of garage, carport, porches and terraces, of less than 2,000 square feet. (3) No apartment house, bungalow court, or hotel may be erected with a total floor area, exclusive of garage, carport, porches and terraces, of less than 2,500 square feet. (4) No dwelling unit shall contain less than 750 square feet of floor area within the limiting walls of any family unit; a one-bedroom apartment shall have a minimum of 900 square feet of floor area; a two-bedroom apartment shall have a minimum of 1,150 square feet of floor area; and there shall be a minimum of 200 square feet additional for each additional bedroom. All measurements are to be inside wall-to-wall measurements. Exterior terraces or unenclosed living areas are not intended to be included in computing the minimum areas as required by this section. A minimum of 25 square feet of area with at least seven feet of headroom must be added for each apartment for outside storage purposes, which space shall be located outside the apartment. (5) Hotel rooms (intending to mean a hotel room available for housing accommodation to hotel guests) must average at least 340 square feet, but may not be less than 300 square feet, inclusive of closet area and bathroom area, within the inside limiting walls of a hotel room unit. (6) Notwithstanding the above, for residential uses in the B-1 Business district, the following minimum square footages may be provided if included as part of a site development plan approved by the town: 650 square feet for a studio unit, 800 square feet for a one-bedroom unit and 950 square feet for a two-bedroom unit. For each additional bedroom, a minimum of 150 square feet of additional floor area shall be provided.

RECOMMENDED ACTION:

Council Discretion

FINANCIAL ANALYSIS:

BUDGET IMPACT:

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

ATTACHMENTS

AGENDA ITEM REPORT

January 12, 2015

ITEM NUMBER: 14.

ITEM: Discussion and approval regarding attendance at the 61st Miami-Dade County League of Cities Installation Gala on Saturday, February 7th, 2015. Enclosed is the information on sponsorship packages and the cost of advertisement in the journal. Staff needs to know how many tickets to purchase and what size advertisement to order.

DESCRIPTION:

The Miami-Dade County League of Cities will be celebrating its 61st Annual Installation Gala on Saturday, February 7, 2015. In past years the Town has sponsor the Bronze Package in the amount of \$2,500 which includes 1 table for ten (10), quarter page recognition in the event program, recognition night of the event, recognition on the web site, and award recognition.

RECOMMENDED ACTION:

Council Discretion.

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Alba Chang, Recording Secretary

ATTACHMENTS

1.	MDCLC Annual Gala	MDCLC- Gala.pdf
----	-------------------	-----------------



MIAMI-DADE COUNTY LEAGUE OF CITIES

226 East Flagler Street • Suite 200 • Miami, FL 33131
Phone 305.416.4155 Fax 305.416.4157 www.mdclc.org

Richard Kuper, Esq.
Executive Director

OFFICERS

President
Hon. Cindy Lerner
Mayor, Pinecrest
First Vice President
Hon. Jon Burgess
Councilman, Homestead
Second Vice President
Hon. Francis Suarez
Commissioner, Miami
Third Vice President
Hon. Oliver Gilbert, III
Mayor, Miami Gardens
Secretary
Hon. Jordan W. Leonard
Vice Mayor, Bay Harbor Islands
Treasurer
Hon. George Vallejo
Mayor, North Miami Beach

BOARD OF DIRECTORS

Hon. Howard Weinberg
Commissioner, Aventura
Hon. Seth Salver
Councilman, Bal Harbour
Hon. Robert Yaffe
Mayor, Bay Harbor Islands
Hon. Robert "Bob" Anderson
Commissioner, Biscayne Park
Hon. Vince Lago
Commissioner, Coral Gables
T.B.A.
Cutler Bay
Hon. Christi Fraga
Vice Mayor, Doral
Hon. Claudia Cubillos
Mayor, El Portal
Hon. R.S. Shiver
Commissioner, Florida City
Hon. Judy Lusskin
Councilwoman, Golden Beach
Hon. Paul Hernandez
Councilman, Hialeah
Hon. Yisot De La Cruz
Mayor, Hialeah Gardens
Hon. Elvis Maldonado
Councilman, Homestead
Hon. Bernard Klepach
Mayor, Indian Creek
Hon. Frank Caplan
Councilman, Key Biscayne
Hon. Roberto Martell
Mayor, Medley
Hon. Wifredo "Willy" Gort
Commissioner, Miami
Hon. Sally A. Heyman
Commissioner, Miami-Dade County
Hon. Dr. Wilbert "Tee" Holloway
Board Member
Miami-Dade County School Board
Hon. Michael Grieco
Commissioner, Miami Beach
Hon. Felicia Robinson
Vice Mayor, Miami Gardens
Hon. Nelson Rodriguez
Councilman, Miami Lakes
Hon. Herta Holly
Mayor, Miami Shores
Hon. Xavier Garcia
Mayor, Miami Springs
Hon. Connie Leon-Kreps
Mayor, North Bay Village
Hon. Marie Erlande Steril
Councilwoman, North Miami
Hon. Marlen Martell
Councilwoman, North Miami Beach
Hon. Myra Taylor
Mayor, Opa-Locka
T.B.A.
Palmetto Bay
Hon. James McDonald
Councilman, Pinecrest
Hon. Walter Harris
Vice Mayor, South Miami
T.B.A.
Sunny Isles Beach
Hon. Barry Cohen
Commissioner, Surfside
Hon. Jose M. Diaz
Mayor, Sweetwater
Hon. Richard Block
Councilman, Virginia Gardens
Hon. Eduardo Muñia

December 10, 2014

The Honorable Robert Yaffe
Mayor, Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154



Immediate Past President

Hon. Deede Weithorn
Commissioner, City of Miami Beach

Past Presidents

Hon. Luis Gonzalez
Council Vice-President, City of Hialeah
Hon. Isaac Salver
Councilman, Town of Bay Harbor Islands
Hon. R.S. Shiver
Commissioner, City of Florida City
Hon. Wifredo "Willy" Gort
Commissioner, City of Miami

Dear Mayor Yaffe:

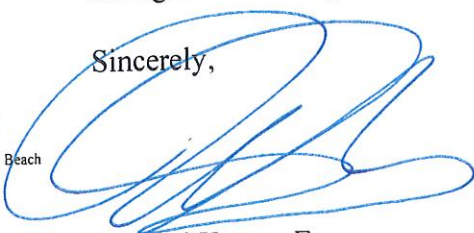
On behalf of President Cindy Lerner, the Executive Board and the Board of Directors. I want to thank you and the Town of Bay Harbor Islands for being a member of our organization. Thanks to the membership and sponsorship of municipalities such as yours the League has accomplished many of its goals and objectives.

The League recently held its Fourth Annual Best Practices Conference that was attended by over three hundred (300) elected officials, administrators and associate members. Additionally, we just completed our 8th Annual Thanksgiving Turkey Drive where we were able to distribute more than one thousand (1,000) turkeys and one thousand (1,000) bags of non-perishable food items to families in need, and we are currently working on our December Toy Drive for the children at Holtz Children's Hospital-Jackson Health System.

On February 7, 2015 the MDCLC will be celebrating its 61st Annual Installation Gala. In the past years we have counted on the support that the Town has given by being a Bronze Sponsor (\$2,500.00). As we are preparing for the Gala we would like to know if we could count on your support again. Please let me know so that we can plan accordingly.

Once again, thank you for your collaboration and for making the MDCLC the largest and strongest local League in the State.

Sincerely,


Richard Kuper, Esq.
Executive Director

RK/mr
Enclosure



61st Annual Installation Gala

Saturday, February 7, 2015

Platinum Sponsor \$15,000

2 tables of twelve with premium seating
Title sponsorship
Full page recognition in the event program (color)
Recognition on the event invitation
Recognition night of the event
Recognition on the web site
GOBO recognition displayed night of the event
Award recognition night of the event

Gold Sponsor \$10,000

2 tables of ten with premium seating
Full page recognition in the event program (color)
Recognition on the event invitation
Recognition night of the event
Recognition on the web site
GOBO recognition displayed night of the event
Award recognition night of the event

Silver Sponsor \$5,000

1 table of twelve with quality seating
Half page recognition in the event program (color)
Recognition night of the event
Recognition on the web site
Award recognition night of the event

Bronze Sponsor \$2,500

1 table of ten with quality seating
Quarter page recognition in the event program (color)
Recognition night of the event
Recognition on the web site
Award recognition night of the event

Tickets

Individual Tickets- \$165

Tables of Ten- \$1,500

Advertising Opportunities

Full Page Color - \$1,250
(5.5 X 8.5)

Half Page Color- \$750
(5.5 X 4.25)

Half Page B/W- \$500
(5.5 X 4.25)

Quarter Page Color- \$600
(2.75 X 4.25)

Quarter Page B/W- \$250
(2.75 X 4.25)

Contact Information

(305) 416-4155

AGENDA ITEM REPORT

January 12, 2015

ITEM NUMBER: 15.

ITEM: Consideration and Approval for Hardesty and Hanover, LLP to perform construction engineering inspection services associated with the Bridge Rehabilitation Project (BC 142), previously awarded to M&J Construction of Pinellas County, Inc. The cost of this service is \$847,755.75, and will allow Hardesty to perform CEI work over the course of the 18 month Contract Period.

DESCRIPTION:

In February 2013, the Town Council approved an amount of \$400,000 in favor of Hardesty and Hanover LLP (Hardesty) to design repairs to all the bridges owned by the Town. The design was completed and the Project was put out for public bids. Bids were received on July 22nd 2014, and at the Special Meeting on September 22nd 2014, Council approved the award of this Contract to M & J Construction in the amount of \$11,458,976.21.

This item seeks approval for Hardesty to perform Construction Engineering Inspection (CEI) services associated with the Project BC 142. The cost of this service is \$847,755.75, and will allow Hardesty to perform CEI work over the course of the 18 month Contract Period.

RECOMMENDED ACTION:

Council Discretion.

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Name	Impact Date	Fund(s)	Account(s)	Project #(s)	Amount Budgeted
Hardesty and Hanover, LLP	01/12/2015	\$847,755.75		BC 142	

Submitted By: Randy Daniel, Town Engineer

ATTACHMENTS

AGENDA ITEM REPORT

January 12, 2015

ITEM NUMBER: 16.

ITEM: Consideration and Approval of Scope of Work by Recreational Design & Construction, Inc. for Design/Build services to construct the Bay Harbor Islands Community Center.

DESCRIPTION:

The new community center will be located at the ground floor level of the existing city parking garage located on 95th street in Bay Harbor Islands. The shell space of the community center is approximately 8,000 SF, it includes approximately 2,155 SF allocated space for library use.

The project is mainly interior build out and some exterior improvements. The exterior improvements consist of an exterior courtyard, landscape, exterior glazed entrance, signage, and entrance canopy. The interior spaces include four multipurpose rooms, a library reading room, library study room library workroom, gallery space, office, break room, and restrooms. The multipurpose rooms will be separated by acoustical folding partitions to allow flexibility of use between the spaces. Folding glass partitions will be provided between the gallery space and the reading room. A hung acoustical barrier ceiling will be provided to the underside of the double tees to isolate the noise from the parking garage vehicular traffic above the space. Acoustical tile ceilings will be provided below the barrier ceiling for additional acoustical properties, and accent color ceiling clouds in the lobby, corridor and gallery spaces. Double glazed interior wall sections will be provided for natural light between the multipurpose rooms and the corridors, gallery and lobby.

Finishes include acoustical vinyl flooring in the multipurpose rooms, reading room, lobby and gallery space, a built in reception desk in the lobby and built in cabinets in the kitchen/break room. General and ambient LED lighting with a combination of pendant, recessed and track lighting in the public areas will be provided. New exterior storefront system will be provided at the entrances for more natural light into the space with an entrance glass canopy and signage along 95th street.

RECOMMENDED ACTION:

Council Discretion.

FINANCIAL ANALYSIS:

The Total Project budget price for the above scope of work and services is \$1,505,951.00

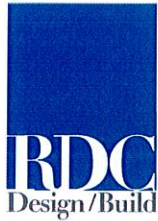
BUDGET IMPACT:

Submitted By: Ronald Wasson, Town Manager

Ronald Wasson, Town Manager

ATTACHMENTS

1.	Scope	bay harbor islands Scope of wk - signed JC.pdf
----	-------	--



Recreational Design & Construction, Inc. RDCDesignBuild.com
3990 North Powerline Road T: 954.566.3885
Fort Lauderdale, Florida 33309 F: 954.566.3335

December 22, 2014

Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Attn: Ronald J. Wasson, Town Manager
Reference: Bay Harbor Islands Community Center

Scope of Work

Recreational Design & Construction, Inc. (RDC) is pleased to provide Design/Build services as outlined in the Gibson Park Cooperative Purchase agreement for the completion of the Bay Harbor Islands Community Center located on the corner of West Bay Harbor and 95th street, Bay Harbor Islands, FL. The scope of work is based on the PowerPoint presentation, meetings and sketches provided by Stantec.

Scope of work is noted as follows.

Project description:

The Town of Bay Harbor Islands will be located at the ground floor level of the existing town parking garage located on 95th street in Bay Harbor Islands. The shell space of the community center is approximately 8,000 SF, it includes approximately 2,155 SF allocated space for library use. The project is mainly interior build out and some exterior improvements. The exterior improvements consist of an exterior courtyard, landscape, exterior glazed entrance, signage, and entrance canopy.

The interior spaces include four multipurpose rooms, a library reading room, library study room, library workroom, gallery space, office, break room, and restrooms. The multipurpose rooms will be separated by acoustical folding partitions to allow flexibility of use between the spaces. Folding glass partitions will be provided between the gallery space and the reading room. A hung acoustical barrier ceiling will be provided to the underside of the double tees to isolate the noise from the parking garage vehicular traffic above the space. Acoustical tile ceilings will be provided below the barrier ceiling for additional acoustical properties, and accent color ceiling clouds in the lobby, corridor and gallery spaces. Double glazed interior wall sections will be provided for natural light between the multipurpose rooms and the corridors, gallery and lobby. Finishes include acoustical vinyl flooring in the multipurpose rooms, reading room, lobby and gallery space, a built in reception desk in the lobby and built in cabinets in the kitchen/break room. General and ambient LED lighting with a combination of pendant, recessed and track lighting in the public areas will be provided. New exterior storefront system will be provided at the entrances for more natural light into the space with an entrance glass canopy and signage along 95th street.

Existing items to remain:

The existing flood barrier panels to protect the exterior openings will remain in place. New exterior improvements will be coordinated to maintain the existing foundations of the diagonal bracing of the panels in place.

Time Frame:

The anticipated time frame to complete the interior improvements is 186 business days from the receipt of the Town of Bay Harbor Islands permits, with the assumption that Client design approvals will be issued within 5 business days.

Client's Responsibilities:

Client shall furnish any required information for the project and shall render decisions as expeditiously as necessary for the orderly progress of the services and the work. Client shall provide the following prior to start of work: Design and permit drawings.

Detailed Cost Estimate:

RDC shall submit a detailed cost estimate including project supervision, labor and materials once the plans and specifications have reached 50% and again at 90% in order to assure the client that the project budget is being achieved. If budget is not being adhered to RDC and client may discuss alternative materials, systems and reduce scope in order to stay on budget.

Exclusions:

- Design and Permit drawings
- Unforeseen Conditions and Differing Site Conditions
- As-built drawings
- Civil Design Services
- Structural Design Services & MEP Design Services
- Asbestos Testing
- Utility Connections and Locates (on-site and offsite)
- Printing, reproductions, plots, standard form documents;

The Total Project budget price for the above scope of work and services: \$1,505,951.00
One Million five hundred five thousand nine hundred fifty one and 00/100 Dollars.

We look forward to working with you and having this project completed in a timely manner.

Sincerely,
Recreational Design & Construction, Inc.



Joseph C. Cerrone, III
President

O:\RDC Projects\Bids\BIDS 2014\104-2014 Bay Harbor Islands Community Center\Harbor islands community Center scope of work 12-5-14.rtf

AGENDA ITEM REPORT

January 12, 2015

ITEM NUMBER: 17.

ITEM: Consideration and Approval of a proposal from Florida Power and Light in the amount of \$190,070 for a underground conversion plan to eliminate the overhead wood electric poles which connect power from the East to West Island. Enclosed is a copy of the proposal.

DESCRIPTION:

Over the past three years I have worked with FPL to design an underground conversion plan eliminating the overhead wood electric poles which connect power from the East to West Island. After long discussion, it was finally decided this project could be considered with BHI compensating FPL for the pole removal and undergrounding of the power lines. However additionally, FPL will do additional undergrounding on the West Island to enhance the system and allow for backing feeding the island and making it more reliable. The additional cost was approximately \$350,000. (This cost would not be borne by BHI) I am seeking an approval for the conversion plan for a total cost of \$190,070.00. This is an unbudgeted expense and an appropriations from the Causeway Funds is being requested.

RECOMMENDED ACTION:

Council Discretion.

FINANCIAL ANALYSIS:

Amount is not budgeted and requires an appropriation from Causeway Reserve Fund in the amount of \$190,070

BUDGET IMPACT:

Submitted By: Ronald Wasson, Town Manager

ATTACHMENTS

1.	Overhead to Underground Electric Conversion	FPL proposal.pdf
----	---	------------------

Overhead to Underground Conversion - Customer Cost Sheet

Project: Kane Concourse

Date Estimate Provided to Customer: October 17, 2014

FPL performs all UG work

Underground Cost

New UG Installation (+)	\$306,934	Cost for FPL to install new underground facilities
Equivalent OH Installation (-)	(\$184,299)	Cost to install an overhead system at current hardening standards

Existing Overhead Cost

OH Removal Cost & Make ready (+)	\$63,436	Cost for FPL to remove existing overhead facilities
Existing OH Value (+)	\$9,582	Net Book Value of existing OH facilities to be removed
Operational Costs Differential (+)	\$0	30-year Net present value of the est. operational OH / UG Diff. cost
Salvage Value (-)	\$0	Credit for re-usable items
Subtotal*	\$195,653	Total customer contribution as specified in Tariff 12.2.3
ASRC	(\$9,783)	Tier #3 5%
CIAC	\$185,870	
Engineering Deposit (-)	\$0	Engineering deposit previously collected
Net Due FPL	\$185,870	Total customer contribution owed

Cost Breakdowns for Customer Contributions

	Total	Labor/Vehicle	Material	Direct Engineering, Supervision, and Support
New UG Facilities (+)	\$306,934	\$190,279	\$72,787	\$43,868
Credit for equivalent OH (-)	(\$184,299)	(\$76,513)	(\$80,023)	(\$27,763)
OH Removal Cost & Make ready (+)	\$63,436	\$42,717	\$12,254	\$8,465
Total	\$186,071	\$156,483	\$5,018	\$24,570
Net Book Value (+)	\$9,582			
Operational Costs Differential (+)	\$0			
Salvage Value (-)	\$0			
Subtotal*	\$195,653			
ASRC	(\$9,783)			
CIAC	\$185,870			
Engineering Deposit (-)	(\$0)			
Net Due FPL	\$185,870			

(+) 7,500 = \$190,070.00

Major Material Breakdown

	Quantity	Item
Install	8,505	Primary UG Cable (feet)
	0	UG Switch Cabinet
	0	UG Transformer (each)
	0	Splice box for UG feeder (each)
Remove	2,055	OH Primary Conductor (feet)
	6	Poles (each)
	2	OH Transformer (each)
	0	Primary UG Cable (feet)





ELIMINATE

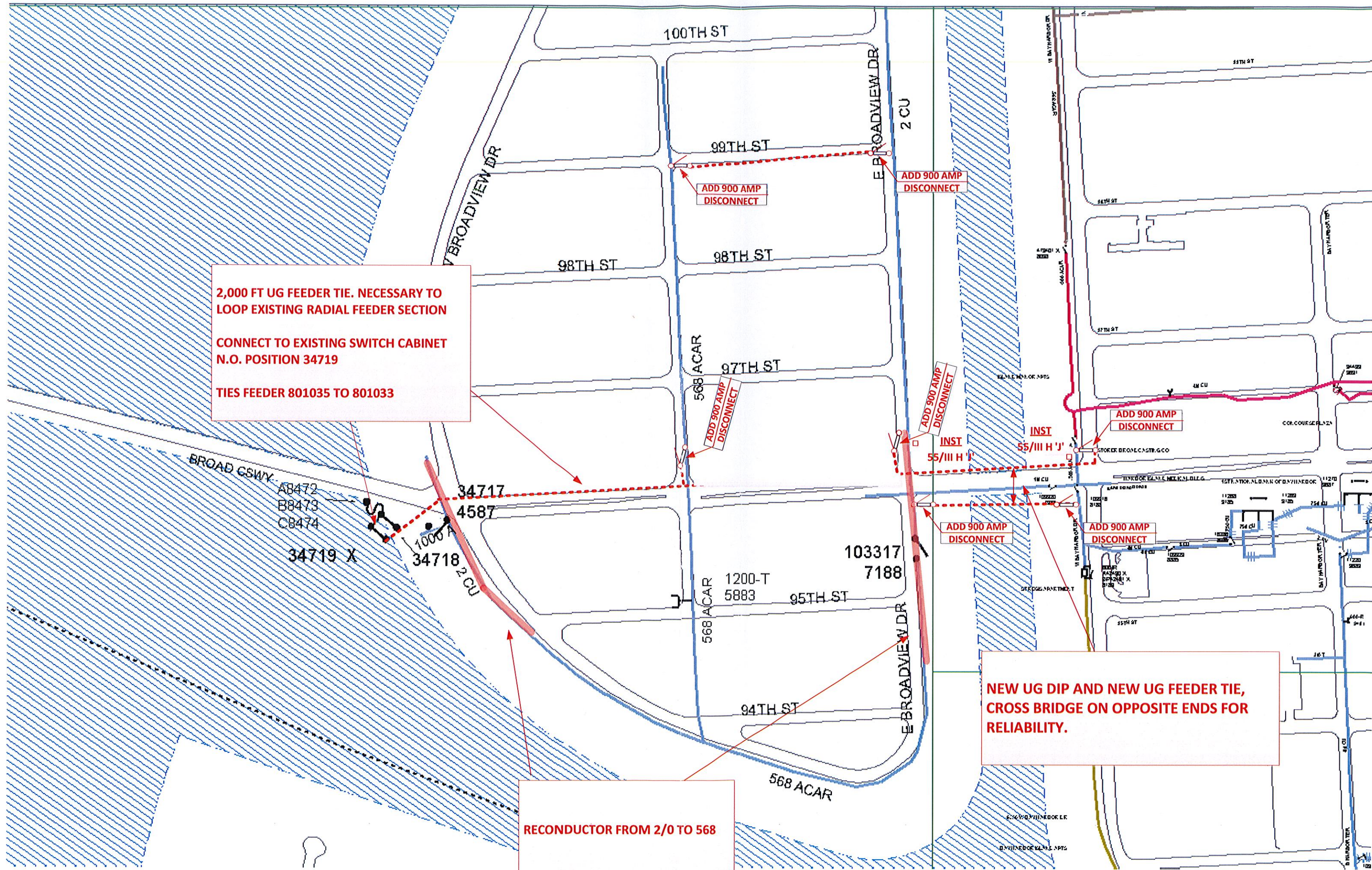
W Bay Harbor Dr

NO
TURN
ON RED



REMOVE | ELIMINATE





2,000 FT UG FEEDER TIE. NECESSARY TO
LOOP EXISTING RADIAL FEEDER SECTION

CONNECT TO EXISTING SWITCH CABINET
N.O. POSITION 34719

TIES FEEDER 801035 TO 801033

NEW UG DIP AND NEW UG FEEDER TIE,
CROSS BRIDGE ON OPPOSITE ENDS FOR
RELIABILITY.

RECONDUCTOR FROM 2/0 TO 568

AGENDA ITEM REPORT

January 12, 2015

ITEM NUMBER: 18.

ITEM: Consideration and Approval of Staging Areas for the Broad Causeway Bridge Rehabilitation Project.

DESCRIPTION:

This staging area is required for the BHI Bridge rehabilitation project which will take approximately 18 months to complete. There will be 3 separate areas utilized for staging of the equipment and materials needed to do the required work. There will be several palm trees moved, however, they will be replanted or replaced at the end of the project . Screened fencing will be placed to limit the view into the work areas are required for the code.

RECOMMENDED ACTION:

Council Discretion.

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Ronald Wasson, Town Manager
Ronald Wasson, Town Manager

ATTACHMENTS

1.	Staging Plan	Causeway Staging Area.pdf
----	--------------	---------------------------

M & J CONSTRUCTION COMPANY

OF

PINELLAS COUNTY, INC.

809 S. SAFFORD AVE. TARPON SPRINGS, FLORIDA 34689

PHONE (727) 938-6478

(727) 934-4665

Transmittal 217-001

December 2, 2014

The Town of Bay Harbor Islands
Hardesty & Hanover, LLC
1000 Sawgrass Corporate Pkwy
Suite 544
Sunrise, FL 33323

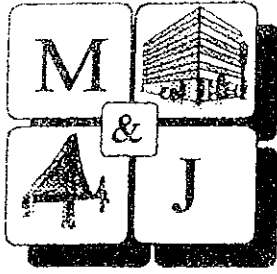
Attention: Alfred G. Banz, P.E. – Construction Engineer Inspector

**Re: Town of Bay Harbor Islands
Rehabilitation of Broad Causeway Bridges
Bridge Nos. 875101, 875102, 875103
Project: BC-142**

We are sending you the following items: *Via:* // FedEx ☒ Email // US Mail // Hand Deliver

☒ Attached ☐ Shop Drawings ☐ Plans ☐ Specifications ☐ Copy of Letter

COPIES	DATE	NO.	DESCRIPTION
1	2 Dec 14	217-SUB-001	Submittal 217-SUB-001
			Office Trailer Location / Laydown Area Request - Memo
			Laydown Plan



M&J Construction Company of Pinellas County, Inc.

P.O. Box 698 • 809 S. Sanford Ave., Tarpon Springs, FL 34689-0698 • (727) 938-6478 • Fax (727) 934-4665

Memo

To: The Town of Bay Harbor Islands

From: Brian Reilly

In re: Office trailer location/laydown area request

Date: 24 November 2014

Please refer to the enclosed plan.

We propose to locate the office trailer (connex style, set on dimensional lumber to level it) close to the existing boat davits. We further propose to have Quality Electric make a proper temporary power connection at the existing service. Cost for that service and all energy used there by M&J Construction.

We will also have a porto-let directly adjacent to the office.

We propose to set up to six connex boxes in the parking lot behind the gas station. These will be used for sub contractor office and material storage. We propose to use the lot up to a plane extending north to south, just west of the existing dumpster enclosure, encompassing most of the existing lot. We will have a 6' (green screened) chain link fence on temp stands. There will also be a porto let in this area.

We propose to (temporarily, restoring before the end of the work) level out the detention swale on the south side of the east end of the tool plaza island. We will line the swale with geo-textile landscape fabric, fill it, and use this area to receive and trans-ship the large and heavy elements of the work. This area will also be fenced and screened, with driven posts. We may employ a glare screen attached to the jersey wall in the first MOT phase.

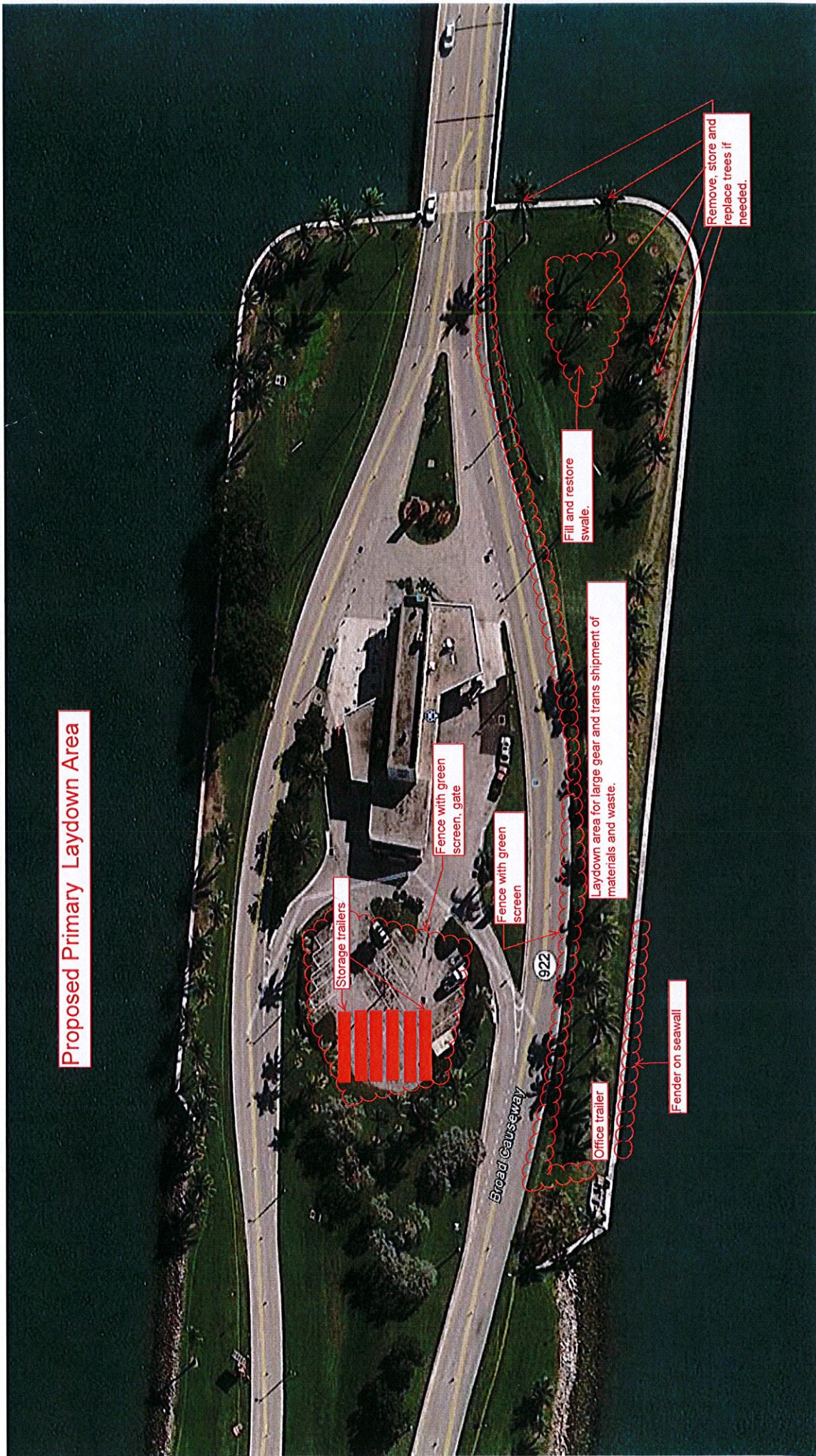
We propose to remove no more than 6 of the palm trees that will be in the way. We will have a horticultural contractor remove and store the trees, returning them to their original location after the laydown area has been restored at the end of the work.

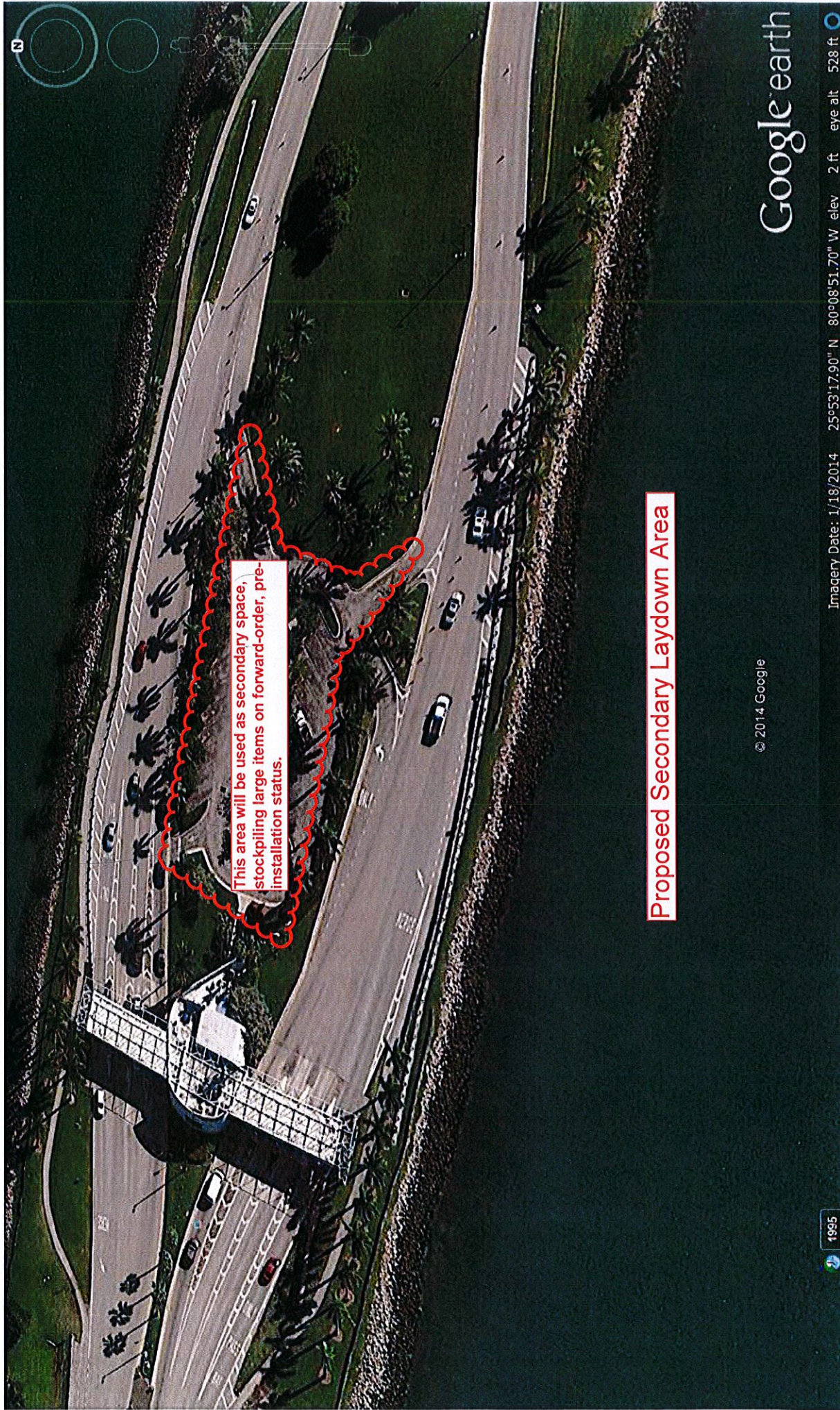
We propose to install approximately 50 lf fender on the seawall nose to prevent any damage to it. We plan to install a 2" X 6" (doubled) fender secured with 304 SS drop in anchors. At the end of the work, all fender will be removed, and the seawall coping patched properly with an epoxy or cementitious material, as the engineer may direct.

CORPORATE MEMBER SSPC: the society of protective coatings



Proposed Primary Laydown Area





This area will be used as secondary space, stockpiling large items on forward-order, pre-installation status.

Proposed Secondary Laydown Area

© 2014 Google

Google earth

1995

Imagery Date: 1/18/2014

25°53'17.90" N 80°08'51.70" W elev

2 ft

eye alt

528 ft



Storage trailers

Fence with green screen, gate

Fence with green screen

Office trailer

Fender on seawall

Laydown area for large gear and trans shipment of materials and waste.

Fill and restore swale.

Remove, store and replace trees if needed.

AGENDA ITEM REPORT

January 12, 2015

ITEM NUMBER: 19.

ITEM: Request for **Approval** of a proposal from Federal Signal, Inc. for phase two of the License Plate Reader Program (LPR) for a total of \$69,221.00 to be paid from Capital Outlays from the 2013/2014 Budget. Legal has reviewed and approved the contract.

DESCRIPTION:

Approval of the proposal from Federal Signal, Inc. for phase two of the License Plate Reader Program (LPR) for a total of \$69,221.00 to be paid from Capital Outlays from the 2013/2014 Budget. Legal has reviewed and approved the contract.

RECOMMENDED ACTION:

Council Discretion.

FINANCIAL ANALYSIS:

Appropriations from Capital Outlays from the 2013 / 2014 Budget year in the amount of \$69,221.

BUDGET IMPACT:

Submitted By: Curtis Johnson, Lieutenant
 Sean Hemingway, Chief of Police

ATTACHMENTS