

TOWN OF BAY HARBOR ISLANDS

March 9, 2015

AGENDA

STATEMENT OF DECORUM

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

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE:

SPECIAL PRESENTATION:

1. Special Presentation from Tobacco Free Workgroup and Students Working Against Tobacco (SWAT).

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

TOWN MANAGER'S REPORT:

2. Intern Update

PUBLIC COMMENT:

*There is a three (3) minute time limit for each speaker during public comment and a two (2) minute time limit for each speaker during all other agenda items. Your cooperation is appreciated in observing the three (3) minute rule. If you have a matter you would like to discuss which requires more than three (3) minutes, please arrange a meeting with the Town Manager or appropriate administrative official. **A request form is available from staff; please fill it in and return it to the Town Clerk prior to the start of the meeting if you would like to speak during public comment.** Please come forward to the podium, give your name and address, and the name and address of the organization you are representing if any.*

COMMITTEE REPORTS:

3. Recommendation from the Parks and Recreation Committee that the Town Council consider installing a permanent electronic message board on Kane Concourse to advertise community events and meetings.

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.)*

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

- A. Council Workshop - August 20, 2014
- B. 2nd Budget Hearing - September 22, 2014
- C. Special Council Meeting - September 22, 2014
- D. Local Planning Agency - February 9, 2015
- E. Public Hearing - February 9, 2015

5. **Approval** of a **resolution** requested by Council Member Reid supporting Florida House Bill 661 and Senate Bill 966 relating to disposable plastic bags. Enclosed is the proposed resolution.
6. **Consideration** and **Approval** to renew the Mutual Aid Agreement between the City of Sunny Isles Beach Police Department and the Town of Bay Harbor Islands Police Department.
7. **Approval** of an **agreement** with the City of Miami Beach for the conveyance of sewerage through the City for disposal services. Enclosed is a copy of the draft agreement.

STAFF RECOMMENDATION: Consent Agenda Approval

ORDINANCES ON SECOND READING:

8. **Approval** of an **ordinance** on second reading amending the Town Code Section 23-9 which relates to the minimum size requirements of living units for residential development. Enclosed is Town Planner Miller staff report, sample dwelling units exhibits and alternative draft text for the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S ZONING AND PLANNING CODE; AMENDING ARTICLE I ENTITLED ZONING REGULATIONS; AMENDING PROVISIONS IN SECTION 23-9 TO REQUIRE THAT DENS OR STUDIES THAT ARE CONVERTED TO BEDROOMS MUST MEET THE MINIMUM SIZE REQUIREMENT OF LIVING UNITS FOR MULTI-FAMILY DEVELOPMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

9. **Consideration** and **Approval** on second reading of an Ordinance requested by Council Member Reid amending Chapter 9 of the Town Code to prohibit the use of Styrofoam products. Enclosed is the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 9 OF THE TOWN'S ADOPTED CODE OF ORDINANCES ENTITLED SOLID WASTE COLLECTION; AND SPECIFICALLY ADDING AND REVISING DEFINITIONS TO SECTION 9.1 AND ADDING A NEW SECTION 9-27 PROHIBITING EXPANDED POLYSTYRENE FOAM PRODUCTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion.

POLL VOTE

ORDINANCES ON FIRST READING:

10. **Consideration and Approval** of an ordinance on first reading amending the Town Code Section 13.13 to allow garage sales to take place outside a building in an area not visible from the street. Enclosed is the proposed ordinance.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AMENDING SECTION 13.13 REGARDING GARAGE SALES; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion.

POLL VOTE

11. **Consideration and approval** of an ordinance on first reading amending the Town Code Section 23-12 (15)(g)1 to allow properties on the RM-2 to construct pools, pool deck and pool equipment on the street side yard on corner lots. Enclosed is the proposed ordinance.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AMENDING SECTION 23-12(15)(g)x TO ALLOW PROPERTIES ON THE RM-2, MULTIPLE FAMILY DISTRICT TO CONSTRUCT POOLS, POOL DECK AND POOL EQUIPMENT ON THE STREET SIDE YARD ON CORNER LOTS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion.

POLL VOTE

12. **Consideration and approval** of an ordinance on first reading amending the Town Code to include a new section on regulations for demolition permits. Enclosed is the proposed ordinance.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA CREATING SECTION 5-5.1, DEMOLITION OF STRUCTURES; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion.

POLL VOTE

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

13. **Request** for an **Extension** to close on Agreement for purchase and Sale of Transfer Development Rights between the Town and 1150 - 101 BH, LLC. The contract was entered into November 12, 2013 for the purchase of 3 TDR' s to be transferred to the receiving property located at 1150 - 101 Street. Enclosed is information provided by Louis A. Supraski, Esq., who represents the owners.

STAFF RECOMMENDATION: Council Discretion.

DISCUSSION ITEMS:

14. **Discussion** requested by Council Member Reid regarding the possibility of offering an incentive to residents who wish to upgrade their windows to impact windows by either waiving the permit fee or offering a discount on the permit fee.

STAFF RECOMMENDATION: Council Discretion

REPORTS:

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

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