

TOWN OF BAY HARBOR ISLANDS

April 13, 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:

PLEDGE OF ALLEGIANCE:

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

COUNCIL REPORTS: Each Council Member will be afforded two (2) minutes to make their reports.

TOWN MANAGER'S REPORT:

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:

1. **Recommendation** from the Parks and Recreation Committee asking the Town Council to consider hosting a Veteran's Day Parade in conjunction with Ruth K. Broad Bay Harbor K-8 Center.
2. **Recommendation** from the Parks and Recreation Committee asking the Town Council to consider installing 4 exercise stations in the North Passive Park.

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.)*

3. **Approval** of Minutes for the following meetings:
 - A. Regular Council Meeting - October 13, 2014
 - B. Regular Council Meeting - November 10, 2014

4. **Approval of a resolution** requested by Council Member Reid to waive building department permit fees as an incentive to residents who wish to upgrade their existing windows/door to hurricane impact resistant products.
5. **Approval of a Resolution** of the Town Council adopting a Title VI program plan as required by Miami-Dade Transit and the Federal Transit Administration as part of the grant agreement which funded the Town's bus shelters.
6. **Approval of a Resolution** requested by Council Member Reid supporting the Miami Dade County Sea Level Rise Task Force recommendations and urging the Miami Dade County Commission to implement such recommendations.
7. **Consideration and Approval** of a Temporary Sales and Construction Office at 9521-41 East Bay Harbor Drive as required by Section 23-4(7) of the Bay Harbor Islands Town Code. Enclosed is a copy of the location of the temporary structure, a copy of the renderings and other information submitted in connection to this request. Also attached is a copy of the pertinent section which requires Council approval.

ORDINANCES ON SECOND READING:

8. **Approval of an ordinance** on second 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

9. **Approval of an ordinance** on second 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

10. **Approval** of an **ordinance** on second reading amending the Town Code to include a new Section 5-5.1 to regulate the demolition of structures. 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

ORDINANCES ON FIRST READING:

11. **Consideration** and **Approval** of an ordinance on first reading amending the Town Code Section 5-5 of the Town Code to require that active construction sites maintain rodent control until they receive a Certificate of Occupancy from the Town.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS FLORIDA AMENDING SECTION 5-5 OF THE BAY HARBOR ISLANDS TOWN CODE WITH REGARD TO THE REGULATION OF CONSTRUCTION SITE OPERATIONS TO INCLUDE A REQUIREMENT FOR RODENT CONTROL; 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 Section 12-26 of the Town Code to change the allowed hours of constructions and to prohibit the operation of construction sites on Saturday.

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

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

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

13. **Consideration and Approval** of a Business Tax Receipt (Occupational License) for a space located at 1076 Kane Concourse. The applicant Paulo Araujo is requesting approval to open a Bar and Tapas on the ground floor of Kane Concourse. According Section 23-5(14) any uses not specifically mention in the Town Code require Town Council approval. Also attached is the Application for New Alcoholic Beverage License, which requires zoning approval as well.

STAFF RECOMMENDATION: Council Discretion.

14. **Consideration and approval** of the revised standard TDR agreement provided by Asst. Town Attorney Simone. The agreement has been revised to require a larger deposit, to include a mechanism to apply for an extension and clarify the time of closing.

STAFF RECOMMENDATION: Council Discretion

15. **Request** for an **Extension** to close on an Agreement for purchase and Sale of Transfer Development Rights between the Town and Furmanos LLC. The contract was entered into May 12, 2014 for the purchase of 9 TDR's to be transferred to the receiving property located at 1170 93 Street. The project has been redesigned and the density reduced so that they only need 5 TDRs instead of 9. Enclosed is information provided by Mathew Amster, Esq., who represents the owners.

STAFF RECOMMENDATION: Council Discretion

16. **Consideration and Approval** of a Transfer of Development Rights (TDR) application requesting to purchase five (5) units from the Town's TDR bank for construction of a previously approved project on April 24, 2014, to be located at 9521-9541 East Bay Harbor Drive. Enclosed is a copy of the application, plans, and other supporting documents.

STAFF RECOMMENDATION: Council Discretion.

17. **Approval** of Change Orders # 1, 2 and 3 in the total amount of \$90,172.00, in favor of M & J Construction. All Change orders are associated with the impact caused by the Rockstar vessel on December 2, 2014. Enclosed are the Change Orders and cost details associated with each Change Order.

STAFF RECOMMENDATION: Approval

POLL VOTE

DISCUSSION ITEMS:

18. **Discussion** requested by Council Member Fuller regarding possibly including Transgender Health Care Insurance Coverage as a Benefit of Employment in Fiscal Year 2015/2016. This was recently discussed and approved by the City of Miami Beach, see attached.

STAFF RECOMMENDATION: Council Discretion

19. **Discussion** requested by Council Member Fuller regarding the possibility to hire a professional landscape architect to redesign the landscape corners on the East Island. Enclosed are some recent pictures of the landscaping on the East Island.

STAFF RECOMMENDATION: Council Discretion.

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.