

TOWN OF BAY HARBOR ISLANDS

May 11, 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: 7:30 PM

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:

1. Report on Investment Performance by Mr. Dan Brea of BNY Mellon.

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:

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.)*

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

- A. November 10th, 2014 - Local Planning Agency Meeting
- B. January 12th, 2015 - Regular Council Meeting
- C. February 9th, 2015 - Regular Council Meeting

3. **Approval** of a **Resolution**, requested by Council Member Reid, urging the Florida Legislature to remove barriers that limits the sale of solar-generated electricity directly to a customer by anyone other than a power company.
4. **Consideration** and Approval of a proposed resolution supporting Students Working Against Tobacco (SWAT) urging the Florida State legislature to enact legislation banning the sale and marketing of flavored tobacco products within the State of Florida. Enclosed find the proposed resolution.

5. **Approval** of Change Order number #04 in Favor of Halley Engineering Contractors, Inc. regarding Project Number BC 139, Broad Causeway AET Conversion.
6. **Approval** of an after the fact Change Order # 4 in favor of M & J Construction of Pinellas County Inc. in the amount of \$275,776.72. These change of orders are related to the boating accident that occurred on December 3rd, 2014. Enclosed the supporting documents.
7. **Consideration** and **Approval** for the landscaping costs associated with the demolition of the Toll Plaza in favor of The Brickman Group LTD, LLC in the amount of \$60,563.00. Enclosed find a memo from Town Engineer Daniel.
8. **Consideration** and **Approval** for the purchase of two (2) new Ford F-150 Trucks for the Public Works Department in the amount of \$37,444.00. Enclosed find an estimate from Don Reid Ford, Inc.

STAFF RECOMMENDATION: Council Discretion.

POLL VOTE

ORDINANCES ON SECOND READING:

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

10. **Consideration** and **Approval** of an ordinance on second 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: Staff recommends Approval of Option A

POLL VOTE

ORDINANCES ON FIRST READING:

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

11. **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.

12. **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

13. **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

14. **Consideration** and **approval** of the purchase of iPads to be used by Council Members and staff for the Council Meeting Agendas, e-mail and research. The approximate cost is \$7,689.

STAFF RECOMMENDATION: Council Discretion

DISCUSSION ITEMS:

15. **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.

16. **Discussion** requested by Mayor Yaffe regarding the placement of A / C units on balconies of Multi-Family buildings.

STAFF RECOMMENDATION: Council Discretion

17. **Discussion** requested by Council Member Reid regarding the possibility to allow Bay Harbor Islands businesses to place advertising in the Town Newsletter. Enclosed is a copy of the Town of Surfside Newsletter.

STAFF RECOMMENDATION: Council Discretion.

18. **Discussion** requested by Council Member Reid regarding the possible amendments to the newly adopted demolition ordinance.

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.