

TOWN OF BAY HARBOR ISLANDS

September 17, 2018

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: Set for approximately 7:25 p.m.

SPECIAL PRESENTATION:

1. Dr. Martin Karp, Miami-Dade County School Board - District 3

ROLL CALL:

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

TOWN MANAGER'S REPORT:

2. Report on seawall assessment
3. Town Clerk's report on Town Elections

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

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:

4. **Report** from the Parks and Recreation Committee.
5. **Consideration and Approval** of a request for appointments to the Parks and Recreation Committee. The Committee currently has one vacant seat.

STAFF RECOMMENDATION: Council Discretion

6. **Consideration and Approval** of a request for appointments to the Sustainability & Resiliency Committee. Enclosed is a list of resident that are seeking appointment.

STAFF RECOMMENDATION: Council Discretion

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.)*

7. **Approval** of the following meeting Minutes:
- a. October 16, 2017 - Regular Council Meeting
 - b. December 11, 2017 - Public Hearing
 - c. January 8, 2018 - Regular Council Meeting
 - d. February 12, 2018 - Regular Council Meeting
 - e. March 12, 2018 - Regular Council Meeting
 - f. April 16, 2018 - Organizational Meeting
8. **Consideration and Approval** of a resolution continuing and extending the temporary moratorium on medical marijuana treatment centers and medical dispensing facilities within the Town. Enclosed is a copy of the proposed resolution.
9. **Approval** of a Resolution authorizing the Town Manager to enter into a Local Agency Program (LAP) Agreement with the Florida Department of Transportation which will provide the Town with \$1,201,770 to complete the Shepard Broad Causeway Corridor Enhancements project. Enclosed is a copy of the proposed resolution.
10. **Approval** of Modification #Z0040-1 to the Subgrant Agreement between the Town of Bay Harbor Islands and the Florida Department of Emergency Management increasing the Federal funding by \$43,544.86 and the State funding by \$2,419.16. Enclosed is the agreement modification

STAFF RECOMMENDATION: Approval

POLL VOTE

ORDINANCES ON SECOND READING:

11. **Consideration** and **approval** of a proposed ordinance on **second** reading amending the Town Code with regard zoning and planning regulations to address the minimum open space requirements and second story building area requirements in the RD Single-Family District. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA; AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO ZONING AND PLANNING REGULATIONS TO ADDRESS MINIMUM OPEN SPACE REQUIREMENTS AND SECOND STORY BUILDING AREA REQUIREMENTS IN THE RD SINGLE-FAMILY DISTRICT; AMENDING CHAPTER 23-1 OF THE ZONING AND PLANNING CODE ENTITLED DEFINITIONS; AMENDING CHAPTER 23-11 OF THE ZONING AND PLANNING CODE ENTITLED LAND DEVELOPMENT REGULATIONS; PROVIDING REQUIREMENTS AND STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

ORDINANCES ON FIRST READING:

12. **Approval** of an ordinance on **first reading** amending Chapter 20 of the town code relating to utility billing and collections. Enclosed is a copy of the proposed ordinance and a survey of other municipalities that provide utility service.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 20 OF THE TOWN'S ADOPTED CODE OF ORDINANCES ENTITLED UTILITIES, BY AMENDING SECTIONS 20-7, 20-11, AND 20-15.1 TO PROVIDE FOR UNIFORM BILLING, PAYMENT, COLLECTION, AND THE FILING OF LIENS IN CONNECTION WITH UTILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

DEFERRED ITEMS:

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

13. **Approval** of an expenditure in the amount of \$32,800 for the cost of Root Pruning around Royal Palms, additional soil, and new plants to upgrade the appearance of Kane Concourse. Enclosed is a copy of the proposal provided by Brightview Landscaping. The expenditure will come from the Causeway Funds.

STAFF RECOMMENDATION: Approval

POLL VOTE

14. **Consideration and Approval** of a private Transfer of Development Rights (TDR) transaction for two (2) dwelling unit from BH 101, LLC (1155 101 Street) to Congress Driftwood, LLC (9927-9955 E. Bay Harbor Drive). Enclosed is a copy of the application, contract, site plans and other supporting documents.

STAFF RECOMMENDATION: Approval

15. **Consideration and Approval** of a private Transfer of Development Rights (TDR) transaction for four (4) dwelling units form the Congress BHE, LLC (9781 East Bay Harbor Drive) to the Congress Driftwood, LLC (9955 E. Bay Harbor Drive). Enclosed is a copy of the application, site plans and supporting documents.

STAFF RECOMMENDATION: Approval

16. **Consideration and Approval** of a private Transfer of Development Rights (TDR) transaction for three (3) dwelling units from Congress BH, LLC (103001 E. Bay Harbor Drive) to Congress Driftwood, LLC (9927-9955 East Bay Harbor Drive). Enclosed is a copy of the application, contract, site plans and other supporting documents.

STAFF RECOMMENDATION: Approval

DISCUSSION ITEMS:

17. **Discussion** requested by Mayor Bruder regarding possible Town Hall renovations/facility. Enclosed is information previously distributed to the Council by the Town Manager regarding the same subject.

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.