

# TOWN OF BAY HARBOR ISLANDS

January 11, 2016

## 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:

### 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. **Consideration** of a request for Appointment to the Parks and Recreation Committee by Ms. Kathleen Kennedy. Enclosed is a copy of Ms. Kennedy letter of interest.

**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. Minutes of a Regular Council held August 10, 2015
- b. Minutes of a Budget Public Hearing held on September 16, 2015
- c. Minutes of a Public Hearing held on September 16, 2015
- d. Minutes of a Regular Council held on September 16, 2015
- e. Minutes of a Public Hearing held on October 16, 2015.

3. **Consideration** and **Approval** of a request from the David L. Singer Memorial Foundation, Inc. for renewal of the Town's customary charity donation of \$500.00 to the 34th Anniversary of the Special Olympics, Summer Games. The next event will be held on February 28th, 2016. Enclosed is a copy of the funding request form and proposed budget for the event.

4. **Consideration** and **Approval** of a proposal from The Bancorp to lease four (4) new patrol vehicles in the amount of \$22,863.80 per year. Enclosed find a copy of the proposed lease agreement.
5. **Consideration** and **Approval** of a renewal for a Mutual Aid Agreement with the Town of Surfside Police Department and the Town of Bay Harbor Islands Police Department. Enclosed find the proposed agreement.
6. **Approval** of the 2016 Regular Council Meetings Calendar. Enclosed find a copy of the proposed calendar.
7. **Consideration** and **Approval** of a proposal from Online Solutions, LLC ("CitizenServe") for the software upgrade to the Code Compliance, Building Permits, and Business Tax Receipt Programs and other miscellaneous databases. Enclosed is the proposed Service Agreement and related documents.

**STAFF RECOMMENDATION:** Approval.

**POLL VOTE**

#### **ORDINANCES ON SECOND READING:**

8. **Consideration** and **Approval** of an ordinance on **second** reading requested by Council Member Yaffe amending Section 5-19.2 of the Town Code relating to driveways in the RD single-family district. Enclosed find 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 AS RELATED TO DRIVEWAYS IN THE RD SINGLE-FAMILY DISTRICT; AMENDING SECTION 5-19.2 OF THE BUILDINGS AND CONSTRUCTION CODE TO PROVIDE REGULATIONS FOR SECURITY GATES AT DRIVEWAY ENTRANCES FOR HOMES ALONG KANE CONCOURSE, TO MODIFY REGULATIONS FOR ALLOWABLE DRIVEWAY WIDTHS, AND TO MODIFY THE LIST OF PERMITTED AND PROHIBITED DRIVEWAY MATERIALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**STAFF RECOMMENDATION:** Council Discretion.

**POLL VOTE**

#### **ORDINANCES ON FIRST READING:**

9. **Re-consideration** and **Approval** of an ordinance on **first** reading requested by Mayor Leonard amending Section 11 of the Town Code entitled land development regulations to create a new Green / Sustainable Building Program. Enclosed find a copy of the proposed ordinance and supporting documents.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES; AMENDING CHAPTER 11 ENTITLED LAND DEVELOPMENT REGULATIONS; CREATING A NEW ARTICLE V TO BE ENTITLED SUSTAINABLE BUILDING PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**STAFF RECOMMENDATION:** Council Discretion.

**POLL VOTE**

10. **Consideration and Approval** on an ordinance on **first** reading requested by Council Member Reid amending Section 24-12 the Town Code relating to air conditioning units and other mechanical equipment on balconies. Enclosed find 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 THE REGULATION OF THE USES ON EXTERIOR BALCONIES; AMENDING SECTION 24-12 OF THE ZONING AND PLANNING CODE TO PROHIBIT AIR CONDITIONING UNITS AND OTHER MECHANICAL EQUIPMENT ON BALCONIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**STAFF RECOMMENDATION:** Council Discretion.

**POLL VOTE**

11. **Consideration and Approval** of an ordinance on **first** reading requested by Council Member Reid amending Section 23 of the Town Code entitled zoning and planning to regulate vacation rentals on the East Island. Enclosed find 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; AMENDING CHAPTER 23 ENTITLED ZONING AND PLANNING TO CREATE ARTICLE VI. TO BE ENTITLED VACATION RENTALS; PROVIDING FOR THE REGULATION OF VACATION RENTALS; PROVIDING DEFINITIONS; PROVIDING REQUIREMENTS AND STANDARDS FOR SAFETY AND OPERATION OF VACATION RENTALS; PROVIDING A PROCESS FOR ISSUANCE OF CERTIFICATES OF COMPLIANCE, ADMINISTRATION, PENALTIES, AND ENFORCEMENT; UPDATING THE PERMITTED USES IN THE RM-1, RM-2, AND RM-3 ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**STAFF RECOMMENDATION:** Council Discretion.

**POLL VOTE**

**DEFERRED ITEMS:** *(Items listed on previous agendas that were postponed due to time constraints)*

12. **Discussion and possible** action of Community Showcase Video Program to enhance the Bay Harbor Islands Web Site with community promotions, special events, professional marketing and local BHI business advertising. Attach find a related information pertaining to this request.

**STAFF RECOMMENDATION:** Approval.

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

13. **Consideration and Approval** of a Transfer of Developments Rights (TDR) transaction of the transfer of two (2) dwelling units from Oceanus Condominium, Inc (1060 92nd Street) to Bay Harbor Hotel, LLC (9601 East Bay Harbor Drive). Enclosed is a copy of the application, site plans, and relating documents.

**STAFF RECOMMENDATION:** Approval.

14. **Consideration and Approval** of a Transfer of Development Rights (TDR) transaction of three (3) dwelling units from 9350 BHI, LLC (9350 Bay Harbor Terrace) to Bay Harbor Hotel, LLC (9601 East Bay Harbor Drive). Enclosed find the application, site plans, and related documents.

**STAFF RECOMMENDATION:** Approval.

15. **Consideration and Approval** of a Transfer of Developments Rights (TDR) transaction of the transfer of fifteen (15) dwelling unit from the Town TDR Bank for construction of a previously approved project on November 11, 2015, to be located at 9601 East Bay Harbor Drive. Enclosed is a copy of the application, site plans and other supporting documents.

**STAFF RECOMMENDATION:** Council Discretion.

16. **Consideration and Approval** of a proposal from Miami Dade County Public Library System to establish a library branch at the Bay Harbor Islands Community Center. Enclosed find a copy of the library proposal and associated cost estimates.

**STAFF RECOMMENDATION:** Approval - Option A

**POLL VOTE**

17. **Consideration and Approval** of a proposal from The Bancorp to lease five (5) new Police vehicles in the amount of \$29,679.29 per year. Enclosed find a copy of the proposed lease agreement.

**STAFF RECOMMENDATION:** Approval

**POLL VOTE**

18. **Consideration and Approval** of expenditure for \$123,036.92 for all emergency equipment to retrofit three (3) current vehicles and nine (9) new police vehicles. Enclosed find a copy of the estimates and equipment description.

**STAFF RECOMMENDATION:** Approval

**POLL VOTE**

### **DISCUSSION ITEMS:**

19. **Additional discussion** requested by Council Member Marano regarding the concept presented at last month's meeting of a cohesive plan for the Causeway Island, which includes an entrance feature and a some passive park features on the island's median. Enclosed is information provided by Council Member Marano. Attached is a sample message sign, to be placed on Kane Concourse, which ties in with the concept at Causeway Island and photographs provided by Assistant Manager JC Jimenez at the request of the Council.

**STAFF RECOMMENDATION:** Council Discretion.

20. **Discussion** requested by Council Member Marano on creating a Business District Committee.

**STAFF RECOMMENDATION:** Council Discretion.

21. **Discussion** requested by Vice Mayor Bruder and Council Member Salver pertaining to the ground floor use on Kane Concourse. Enclosed find a copy of Section 23-5 of the Town Code.

**STAFF RECOMMENDATION:** Council Discretion.

22. **Discussion** requested by Council Member Salver to discuss possible legislation to prohibit contracting with a business which engages in boycotting of a person or entity based on race, color, religion, gender, or national origin. Enclosed find a copy of related information for other cities.

**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.*