

TOWN OF BAY HARBOR ISLANDS

February 8, 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: 7:00 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL :

SPECIAL PRESENTATION:

1. Presentation to the Winner of the T-shirt design used for the 10th Annual 5K / 10K Run and Walk.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

COUNCIL REPORTS:

TOWN MANAGER'S REPORT:

2. Report on Investments Performance for the quarter ending December 31, 2015. Mr. Dan Brea of BNY Mellon will provide a 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:

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 the following Meeting Minutes:
 - a. Minutes of a Regular Council Meeting held October 13, 2015
 - b. Minutes of a Public Hearing Meeting held on November 9, 2015
 - c. Minutes of a Regular Council Meeting held on November 9, 2015
 - d. Minutes of a Special Meeting held on November 23, 2015

4. **Approval** of an Inter local Agreement with the Miami-Dade County for the enforcement of Section 21-81, 8CC of the Code of Miami-Dade County. Enclosed find the proposed agreement and supporting documents.
5. **Approval** to carry-forward appropriations from the 2014-2015 budget into the 2015-2016 budget year. Enclosed find a copy of a Memorandum from Finance Director, Alan Short.
6. **Approval** of a Construction Trailer to be located at 9601 East Bay Harbor Drive (Bay Harbor Hotel, LLC) as required by Section 23-4(7) of the Town Code. Enclosed find a copy of the renderings and supporting documents.

STAFF RECOMMENDATION: Approval.

ORDINANCES ON SECOND READING:

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

8. **Approval** on an ordinance on **second** reading requested by Council Member Reid and Mayor Leonard 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

ORDINANCES ON FIRST READING:

9. **Consideration and Approval** on an ordinance on **first** reading requested by Council Member Salver amending Chapter 2 of the Town Code to prohibit contracting with a business which engages in boycott of a person, or entity based on race, color, religion, gender, sexual orientation, marital status or national origin. Enclosed find a copy of the proposed ordinance.

AN ORDINANCE OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE BAY HARBOR CODE OF ORDINANCES BY CREATING SECTION 2-4, "CONTRACTING WITH THE TOWN", OF CHAPTER 2 "ADMINISTRATION" OF THE TOWN CODE, PROHIBITING THE TOWN AND PENSION FUND FROM PROCURING GOODS OR SERVICES FROM, OR OTHERWISE CONTRACTING WITH A BUSINESS WHICH ENGAGES IN THE BOYCOTT OF A PERSON OR ENTITY BASED ON RACE, COLOR, RELIGION, GENDER, SEXUAL ORIENTATION, MARITAL STATUS, OR NATIONAL ORIGIN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion.

POLL VOTE

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

10. **Consideration and Approval** of a private TDR transaction of the transfer of two (2) dwelling units from Bay Harbor Holdings, LLC (10201-10231 East Bay Harbor Drive) to Island Club Towers, LLC (9161 & 9201 East Bay Harbor Drive). Enclosed find a copy of the application, contract, site plans, and other supporting documents.

STAFF RECOMMENDATION: Approval.

11. **Consideration and Approval** of a private TDR transaction of the transfer of six (6) dwelling units from TCPC Corporation (10001 East Bay Harbor Drive) to Island Club Towers, LLC (9161 & 9201 E. Bay Harbor Drive). Enclosed find a copy of the application, contract, site plans and other supporting documents.

STAFF RECOMMENDATION: Approval.

12. **Consideration and Approval** of Change Orders 11, 12 and 13 in favor of M & J Construction of Pinellas County Inc. in the total amount of \$127,884.66. Enclosed find a copy of the change order forms.

STAFF RECOMMENDATION: Approval.

POLL VOTE

13. **Consideration and Approval** of a proposal from Kimley-Horn and Associates, Inc in the amount of \$44,000 for the preparation of a limited due diligence report for the renovation or relocation of Town Hall. Enclosed find a copy of the proposal.

STAFF RECOMMENDATION: Council Discretion.

POLL VOTE

14. **Approval** of a proposal from Airston, Inc. in the amount of \$102,568 for emergency repairs to the Air Conditioning System for Town Hall. Enclosed find a copy of the proposal and supporting documents.

STAFF RECOMMENDATION: Approval.

POLL VOTE

15. **Discussion** requested by Finance Director Short on the Town Investment Policy. Enclosed find a copy of the investment policy and supporting documents.

STAFF RECOMMENDATION: No Action Recommended.

DISCUSSION ITEMS:

16. **Discussion** requested by Council Member Reid for approval to instruct the Town Attorney to draft an ordinance with the required language for a Charter Amendment on Term Limits and the separate election of the Mayor.

STAFF RECOMMENDATION: Council Discretion

17. **Discussion** requested by Mayor Leonard regarding starting talks with neighboring cities to share parks and recreation facilities for the benefit of the town's young residents.

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.