

TOWN OF BAY HARBOR ISLANDS

August 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 PM

PLEDGE OF ALLEGIANCE:

ROLL CALL

SPECIAL PRESENTATION:

1. Student of the Year Award
Miami Beach Senior High School - Alex Radick
Nautilus Middle School - David Frankel
Ruth K. Broad K-8 Center - Katherine Garcia

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

TOWN MANAGER'S REPORT:

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:

2. **Re-consideration** of a request for an appointment to fill a vacancy to the Planning & Zoning Board by residents Terri D'Amico and Robert Saland. Enclosed find copies of the applicants resumes.

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.)*

3. **Approval** of the following Meeting Minutes:
 - a. May 5, 2016 - Special Council Meeting
 - b. May 9, 2016 - Regular Council Meeting
4. **Approval** of an expenditure in the amount of \$35,498.28, for emergency repairs to water main /fire hydrant supply, at the corner of East Broadview Drive and 99th Street. Enclosed find a copy of the invoice from Solo Construction Co.
5. **Approval** of a proposal from Plant Professionals in the amount of \$49,087 for this year's holiday decoration display. Enclosed find a copy of the proposal.
6. **Approval** of a resolution opposing the passage of the Miami Dade County ordinance creating a mandatory Work Force Housing Development Program. Enclosed find the proposed resolution and supporting documents.

STAFF RECOMMENDATION: Council Discretion.

POLL VOTE

ORDINANCES ON SECOND READING:

7. **Approval** of an ordinance on **second** reading amending section 23-12 entitled general provisions to modify sub-section 23-12(6)(a) related to the allowable height of docks. Enclosed is a staff report from Town Planner Michael Miller and a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 23 OF THE TOWN'S ADOPTED CODE OF ORDINANCES ENTITLED ZONING AND PLANNING; AMENDING SECTION 23-12 ENTITLED GENERAL PROVISIONS TO MODIFY SUB-SECTION 23-12(6)(a) RELATED TO THE ALLOWABLE HEIGHT OF DOCKS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approval

POLL VOTE

8. **Approval** of an ordinance on **second** reading amending Section 24-16 entitled minimum landscape standards, to modify the landscape requirements for compliance by nonconforming properties. Enclosed is a report from the Town Planner Michael Miller and a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 23 OF THE TOWN'S CODE OF ORDINANCES ENTITLED PROPERTY MAINTENANCE STANDARDS; AMENDING SECTION 24-16 ENTITLED MINIMUM LANDSCAPE STANDARDS, TO MODIFY THE LANDSCAPE REQUIREMENTS FOR COMPLIANCE BY NONCONFORMING PROPERTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approval

POLL VOTE

9. **Approval** of an ordinance on **second** reading amending Chapter 16 of the Town Code, providing for a renewed eligibility window for the participation of the Town Manager to the Employees Retirement System. Enclosed find a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 16, THE TOWN OF BAY HARBOR ISLANDS EMPLOYEES RETIREMENT SYSTEM, OF THE TOWN OF BAY HARBOR ISLANDS CODE OF ORDINANCES, PROVIDING FOR A RENEWED ELIGIBILITY WINDOW FOR THE PARTICIPATION OF THE TOWN MANAGER IN THE RETIREMENT SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approval

POLL VOTE

10. **Approval** of an ordinance on **second** reading amending Chapter 16, of the Town Code entitled Employees Retirement System providing for compliance requirements for prior military and police service. Enclosed find a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 16, THE TOWN OF BAY HARBOR ISLANDS EMPLOYEES RETIREMENT SYSTEM, OF THE TOWN OF BAY HARBOR ISLANDS CODE OF ORDINANCES, PROVIDING FOR THE USE OF PREMIUM TAX REVENUES PURSUANT TO CHAPTER 185, FLORIDA STATUTES; PROVIDING FOR CONTINUED COMPLIANCE WITH THE REQUIREMENTS FOR QUALIFIED PLANS UNDER SECTION 401(a) OF THE INTERNAL REVENUE CODE; PROVIDING FOR PURCHASE OF CREDITED SERVICE FOR PRIOR MILITARY AND POLICE SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approval

POLL VOTE

ORDINANCES ON FIRST READING:

11. **Approval** of an **ordinance** on **first reading** amending Chapter 16, the Employees Retirement System to implement the recommendations of the Board of Trustees (Retirement Board) regarding enhancements to the General Employees benefits under the retirement plan. Enclosed is a copy of the proposed ordinance and actuarial impact statement.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 16, THE TOWN OF BAY HARBOR ISLANDS EMPLOYEES RETIREMENT SYSTEM, OF THE TOWN OF BAY HARBOR ISLANDS CODE OF ORDINANCES, PROVIDING FOR AN INCREASED BENEFIT MULTIPLIER FOR GENERAL EMPLOYEES; PROVIDING FOR AN INCREASE IN THE RETIREMENT SUBSIDY FOR GENERAL EMPLOYEES; PROVIDING FOR A PARTIAL LUMP SUM PAYMENT OPTION FOR GENERAL EMPLOYEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approval

POLL VOTE

12. **Approval** of an ordinance on **first** reading authorizing the Town's participation in a Florida Municipal Loan Council (Florida League of Cities) Bond Issue to refund the remaining bonds from the 2003 Community Enhancements bonds issue. 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, AUTHORIZING THE NEGOTIATION OF A LOAN IN AN AGGREGATE AMOUNT NOT TO EXCEED \$3,250,000 FROM THE FLORIDA MUNICIPAL LOAN COUNCIL TO REFUND A PRIOR LOAN, AS DESCRIBED HEREIN; APPROVING THE FORM OF AND THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH THE FLORIDA MUNICIPAL LOAN COUNCIL; APPROVING THE FORM OF AND THE EXECUTION AND DELIVERY OF A BOND PURCHASE CONTRACT; APPROVING THE FORM OF AND THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION WITH THE MAKING OF SUCH LOAN; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approval

POLL VOTE

13. **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 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 23 ENTITLED ZONING AND PLANNING TO CREATE ARTICLE VI TO BE ENTITLED VACATION RENTALS; PROVIDING FOR THE REGULATION OF VACATION RENTALS ON THE EAST ISLAND IN THE MULTI-FAMILY RESIDENTIAL DISTRICTS; PROVIDING DEFINITIONS; PROVIDING REQUIREMENTS AND STANDARDS FOR SAFETY AND OPERATION OF VACATION RENTALS; PROVIDING A PROCESS FOR ISSUANCE OF CERTIFICATES OF COMPLIANCE, ADMINISTRATION, PENALTIES, ENFORCEMENT, AND VESTING; UPDATING THE LIST OF 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:

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

14. **Request for extension** to close on a agreement for the sale and purchase of a Transfer of Development Rights (TDR) between the Town and Global Reach Investments, LLC. The Town approved the TDR transaction on August 10, 2015 for the transfer of two (2) TDR's to property located at 9290 W. Bay Harbor Drive. Enclosed find supporting documents.

STAFF RECOMMENDATION: Council Discretion

15. **Approval** of Change Order in favor of FXP Corporation in the amount of \$38,750 to replace the condensers that are associated with project number BHI-171 for the installation of a new A/C chiller for Town Hall. Enclosed find a copy of the change order.

STAFF RECOMMENDATION: Approval

POLL VOTE

16. **Approval** of Change Order 21 in favor of M&J Construction of Pinellas County Inc., in the amount of \$16,502.59 for steel reinforcement to the bent caps & plinths of the Broad Causeway Bridge. Enclosed find a copy of the change order and supporting documents.

STAFF RECOMMENDATION: Approval

POLL VOTE

17. **Discussion** and possible **approval** of the attached Gift Agreement between the Town of Bay Harbor Islands and Shirley Martinelli Restated Revocable Trust (the Donor) for a donation in the amount of \$5,000 to be used for new computers at the Town's new community center. Enclosed find a copy of the gift agreement.

STAFF RECOMMENDATION: Approval.

18. Town Manager Wasson requests **authorization** to negotiate the possibility of acquiring a waterfront lot on the corner of W. Bay Harbor Drive and Kane Concourse. Attached is an appraisal ordered to determine the value of the property being considered.

STAFF RECOMMENDATION: Council Discretion

DISCUSSION ITEMS:

19. **Discussion and possible action** requested by Mayor Leonard to obtain cost estimates for the painting and striping of dedicated bike lanes. Enclosed find a copy of an initial cost estimate and supporting documents.

STAFF RECOMMENDATION: Council Discretion

20. **Discussion and possible action** requested by Mayor Leonard regarding the purchase of three (3) Soofa Core solar powered stand alone phone charging stations at a total cost of \$7,875. The proposal is attached.

STAFF RECOMMENDATION: Council Discretion.

21. **Discussion** requested by Council Member Yaffe regarding the adoption of a Town policy on expenditure of Town funds on projects outside of Bay Harbor Islands.

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.