

TOWN OF BAY HARBOR ISLANDS

October 17, 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:

ROLL CALL

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:

1. **Consideration and Approval** to appoint Ms. Kamm Trumble to the Parks & Recreation Committee. Enclosed find a copy of Ms. Trumble resume.

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 Regular Council Meeting held on August 8, 2016. Enclosed find the draft Minutes.
3. **Approval** of a proposal from Tri-County Pavement Markings in the amount of \$15,000 to re-stripe and re-number the parking spaces within the Town's parking garage. Enclosed find a copy of the cost estimate.
4. **Approval** of a charitable donation to the "Do The Right Thing of Miami" in the amount of \$500.00. Enclosed find a copy of the funding request form and supporting documents.

5. **Approval** of a **resolution** publishing a new building permit fee schedule as per Section 5-6(a) and 5-6(b) of the Town Code.
6. **Consideration** and **Approval** of a construction trailer to be located at 1150- 101 Street as required by Section 23-4(7) of the Town Code. Enclosed find the a copy of the supporting documents.

STAFF RECOMMENDATION: Approval

ORDINANCES ON SECOND READING:

7. **Consideration** and **Approval** of an ordinance on **second** reading amending Section 20-9 of the Town Code increasing the monthly base and flow charges for sewer service. Enclosed find a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS AMENDING SECTION 20-9 OF THE TOWN CODE INCREASING THE MONTHLY BASE AND FLOW CHARGES FOR SEWER SERVICE; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

8. **Consideration** and **Approval** of an ordinance on **second** reading amending Section 9-38(b) of the Town Code increasing the monthly solid waste fees. Enclosed find a copy of the proposed ordinance.

AN ORDINANCE AMENDING SECTION 9-38 (B) OF THE TOWN OF BAY HARBOR ISLANDS CODE INCREASING THE MONTHLY SOLID WASTE FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

ORDINANCES ON FIRST READING:

9. **Consideration and Approval** of an ordinance on first reading requested by Mayor Leonard amending Section 23 of the Town Code, to prohibit licensed professionals from engaging in counseling efforts, practices, or treatments with the goal to change a minor's sexual orientation or gender identity. Enclosed find a copy of the proposed ordinance.

AN ORDINANCE OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AMENDING CHAPTER 23 OF THE CODE OF THE TOWN OF BAY HARBOR ISLANDS, ENTITLED "USE REGULATIONS B-1 DISTRICT," BY CREATING SECTION 23-5.2, TO BE ENTITLED "SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS," TO PROHIBIT LICENSED PROFESSIONALS FROM ENGAGING IN COUNSELING EFFORTS, PRACTICES, OR TREATMENTS WITH THE GOAL TO CHANGE A MINOR'S SEXUAL ORIENTATION OR GENDER IDENTITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

10. **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

11. **Consideration and Approval** of an ordinance on first reading to amend Section 17-20(o) of the Town Code to allow religious institutions to have exterior signs. Enclosed find a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING SECTION 17-20(O) OF THE TOWN'S ADOPTED CODE OF ORDINANCES TO ALLOW RELIGIOUS INSTITUTIONS TO HAVE EXTERIOR SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

12. **Consideration and Approval** of an ordinance on **first** reading amending Section 23-5(8.1) of the Town Code to eliminate the requirement that religious institutions have a public hearing in connection with their approved use.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING SECTION 23-5(8.1) OF THE TOWN'S ADOPTED CODE OF ORDINANCES TO ELIMINATE THE REQUIREMENT THAT RELIGIOUS INSTITUTIONS HAVE A PUBLIC HEARING IN CONNECTION WITH THEIR APPROVED USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

DEFERRED ITEMS:

13. **Re-consideration and Approval** of a proposal submitted by Calvin, Giodano & Associates in the amount of \$9,670 for the design services for a Park to be located on Kane Concourse and West Broadview Drive. Enclosed find a the proposal submitted by Calvin, Giodano & Associates and the Park Sketch.

STAFF RECOMMENDATION: Council Discretion

14. **Discussion** regarding the message boards to be installed in the Town. The Town Council requested that this item be brought back at the recent Budget Hearing. Attached is a sample message sign to be placed on Kane Concourse with photographs provided by Assistant Manager JC Jimenez.

STAFF RECOMMENDATION: Council Discretion.

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

15. **Consideration and Approval** of a private TDR transaction of the transfer of seven (7) dwelling units from Royale Club Towers, LLC (9481 / 9461/ 9431 E. Bay Harbor Drive) to Island Club Towers, LLC (9161 & 9201 East Bay Harbor Drive). Enclosed find a copy of the application, contact, site plans and other supporting documents.

STAFF RECOMMENDATION: Council Discretion

16. **Consideration and Approval** of a public Transfer of Development Rights (TDR) transaction for either thirteen (13) or twenty (20) dwelling units from the Town to Island Club Towers, LLC (9161 & 9201 East Bay Harbor Drive). The number of TDRs requested depends on the Council action on the previous agenda item. Enclosed find a copy of the application, contract, site plans, and supporting documents.

STAFF RECOMMENDATION: Council Discretion

17. **Approval** of Change Order # 23 in favor of M&J Construction of Pinellas County Inc., in the amount of \$324,999.87 for increased quantity of spall repairs and extension of contract time on the Intra-Coastal Water Bridge. Enclosed find a copy of the change order and supporting documents.

STAFF RECOMMENDATION: Approval

POLL VOTE

DISCUSSION ITEMS:

18. **Discussion** requested by Council Member Tricoche with regard to the requirement for Council approval for construction trailers as required by Section 23-4(7) of the Town Code. Enclosed find a copy of the Section 23-4 of the Town Code.

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.