

TOWN OF BAY HARBOR ISLANDS

November 14, 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

SPECIAL PRESENTATION:

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

TOWN MANAGER'S REPORT:

1. Report on Investment Performance. Mr. Dan Brea of BNY Mellon will provide a report on the period ending September 30, 2016.

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. Parks and Recreation Committee Update.

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 a **resolution** requested by Council Member Reid waiving building department fees for impact windows and doors. Enclosed find a copy of the proposed resolution.

4. **Approval** of a **resolution** setting parking fees for the Town's municipal lots and parking garage. Enclosed find a copy of the proposed resolution and supporting documents.
5. **Approval** of the following meeting Minutes:
 - a. August 8, 2016 - Regular Council Meeting
 - b. August 24, 2016 - Special Council Meeting

STAFF RECOMMENDATION: Approval

ORDINANCES ON SECOND READING:

6. **Consideration** and **Approval** of an ordinance on **second** 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

7. **Consideration** and **Approval** of an ordinance on **second** 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. Enclosed find a copy of the proposed ordinance.

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

8. **Consideration and Approval** of an ordinance on **second** 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 TOWN'S EAST ISLAND; 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, RM-3 AND B-1 ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion.

POLL VOTE

9. **Consideration and Approval** of an ordinance on **second** 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

ORDINANCES ON FIRST READING:

10. **Consideration and Approval** of an ordinance on **first** reading requested by Council Member Yaffe amending Section 5-5 of the Town Code to clarify the provisions of the construction fence requirements. Enclosed find a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS FLORIDA AMENDING SECTION 5-5 OF THE BAY HARBOR ISLANDS TOWN CODE WITH REGARD TO THE REGULATION OF CONSTRUCTION SITE OPERATIONS TO EXPAND THE DEFINITION OF CONSTRUCTION SITE AND TO INCLUDE A REQUIREMENT FOR A SEPARATE PERMIT FOR CONSTRUCTION SITE FENCES; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

11. **Consideration and Approval** of an ordinance on **first** reading requested by Council Member Tricoche regarding the requirement to have construction trailer come before Council for approval. 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 TEMPORARY CONSTRUCTION TRAILERS AND TEMPORARY SALES TRAILER OFFICES; AMENDING SECTION 5-5 OF THE BUILDINGS AND CONSTRUCTION CODE TO ESTABLISH ADDITIONAL REGULATIONS FOR TEMPORARY CONSTRUCTION TRAILERS AND TEMPORARY SALES TRAILER OFFICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

DEFERRED ITEMS:

12. **Consideration and Approval** requested by Mayor Leonard of a proposal by Atlantic Paving, Inc. in the amount of \$523,770 for the painting and striping of dedicated bike lanes for the East Island. Enclosed find a copy of the proposal and supporting documents.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

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

13. **Approval** of Change Order # 25 in favor of M&J Construction of Pinellas County Inc., in the amount of \$927,778.35 to address necessary repairs needed for spalled areas and deteriorating concrete for the Intra Coastal Waterway, Bay Harbor Waterway and the Indian Creek Waterway.

STAFF RECOMMENDATION: Approval

POLL VOTE

14. **Consideration and Approval** of a private Transfer Development Rights (TDR) transaction of the transfer of two (2) dwelling units from Southern Star Condo Association (9260-9280 Bay Harbor Terrace) to 1163-67 100 Street Holdings, LLC (1020 - 93 Street). Enclosed find a copy of the application, site plan, and supporting documents.

STAFF RECOMMENDATION: Approval

15. **Approval** of Change Orders #2 and #3 in favor of Recreational Design & Construction, Inc. in the amount of \$19,602.77 for a new flood barrier and for the new exterior sign reflecting the name of Morris N. Broad. Enclosed find a copy of the change order and supporting documents.

STAFF RECOMMENDATION: Approval

POLL VOTE

16. **Approval** of an expenditure in the amount of \$38,281 to Wire Advice for the network/data wiring, data jacks, security cameras, in-ceiling speakers, wiring for the access control system, wiring for the projector system, wiring for all the TV's and computers, and the electronic black out shades for the community center. Enclosed find a copy of the cost estimates.

STAFF RECOMMENDATION: Approval

POLL VOTE

17. **Discussion and approval** of the Request for Proposals for Solid Waste and Recycling Collection Services. The current contract with Waste Management expires in March 2017. Enclosed find a copy RFP.

STAFF RECOMMENDATION: Approval for Request for Proposal

DISCUSSION ITEMS:

18. **Discussion** requested by Town Manager Wasson regarding a possible Code amendment to prohibit feeding animals on Town property and right-of-way.

STAFF RECOMMENDATION: Council Discretion

19. **Discussion** requested by Council Member Reid and Council Member Yaffe on issuing one complimentary Annual Pass to Planning & Zoning Board Members currently serving the Town, and possibly other Committee Members.

STAFF RECOMMENDATION: Council Discretion

20. **Discussion** requested by Council Member Reid regarding a possible code amendment to require off duty police at construction sites under certain conditions when general traffic flow may be impacted.

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.