

TOWN OF BAY HARBOR ISLANDS

October 16, 2017

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 of a Proclamation to Dr. Maria Rodriguez, former principal of Ruth K. Broad Bay Harbor K-8 Center.
2. 9/11/01 First Responder's Recognition for current Town Employees that were members of the New York City Police Department during that time. - Town Manager Ronald Wasson, Police Officers Jamy Murphy and Michael LaMantia, and Patrick Prendergast, Director of Code Compliance.
3. At the request of the Town Council, Miami Dade County School Board Representatives will be speaking about the new addition to Ruth K. Broad Bay Harbor K-8 Center.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

TOWN MANAGER'S REPORT:

4. Community Pool Update

COUNCIL REPORTS: Each Council Member will be afforded two (2) minutes to make their reports.

5. Request for **approval** of a scholarship in the amount of \$1,000 to Mast Academy requested by Vice Mayor Bruder.

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:

6. **Consideration** of a request for appointment to fill a vacancy to the Planning & Zoning Board. Enclosed are copies of the residents resumes.

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.)*

7. **Approval** of a Resolution requested by Council Member Yaffe and Council Member Salver opposing legislative efforts to impede municipal home rule powers. Enclosed is a copy of the proposed resolution.
8. **Approval** of a Resolution requested by Council Member Yaffe supporting legislation to require certification for all recovery residences and recovery residence administrators. Enclosed is a copy of the proposed resolution.
9. **Approval** of a Resolution requested by Council Member Yaffe and Council Member Salver supporting the Florida Legislature to take legislative action to assist with funding resources for municipal transportation needs. Enclosed is a copy of the proposed resolution.
10. **Approval** of a Resolution requested by Council Member Yaffe and Council Member Salver supporting legislation to provide long term, recurring and adequate state funding for local government water resources and water quality improvement projects and infrastructure. Enclosed is a copy of the proposed resolution.
11. **Approval** of a Resolution requested by Council Member Yaffe and Council Member Salver supporting legislation reforming the communications services tax in a manner that is revenue neutral. Enclosed is a copy of the proposed resolution.
12. **Approval** of a Memorandum of Understanding (MOU) between the Town of Bay Harbor Islands and the City of Sunny Isles Beach to jointly develop a regional hybrid skatepark and pumptrack in Haulover Park. Enclosed is a copy of the agreement.

ORDINANCES ON SECOND READING:

13. **Consideration and Approval** of an ordinance on **second** reading requested by Council Member Salver amending Section 5-5 of the Town regarding the current parking plan for construction sites in Town.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS FLORIDA AMENDING SECTION 5-5 OF THE BAY HARBOR ISLANDS TOWN CODE OF ORDINANCES REQUIRING A STAGING PLAN FOR SINGLE FAMILY, MULTI-FAMILY, AND COMMERCIAL PROJECTS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

ORDINANCES ON FIRST READING:

14. **Consideration and Approval** of an ordinance on first reading increasing the monthly base and flow charges for sewer service. Enclosed is 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

15. **Consideration and Approval** of an ordinance on first reading increasing the monthly charge for water service. Enclosed a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS AMENDING SECTIONS 20-5 AND 20-6 OF THE CODE OF BAY HARBOR ISLANDS TO INCREASE THE MONTHLY CHARGE FOR WATER SERVICE TO \$4.53 PER ONE THOUSAND GALLONS AND TO INCREASE THE MINIMUM MONTHLY SERVICE CHARGES FOR EACH WATER METER TO \$21.08; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

DEFERRED ITEMS:

16. **Discussion** regarding the location of digital signs requested by Council Member Reid.

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

17. Request for **approval** of a proposal for professional traffic engineering services related to the Transportation Fund Analysis from Calvin Giordano and Associates in the amount of \$34,730. The proposal will include the collection of traffic data and analysis to come up with a formula based on this data to charge a fee for future roadway maintenance and resurfacing.

STAFF RECOMMENDATION: Approval.

POLL VOTE

DISCUSSION ITEMS:

18. **Discussion** requested by Mayor Leonard and Vice Mayor Bruder with regards to RKBBH students living outside of the school boundary.
19. **Discussion** regarding the existing building height regulations for the B-1 Business District. Enclosed is a letter from Attorney Neisen Kasdin and a copy of Section 23-11 of the Town Code.
20. **Discussion** requested by Council Member Salver on a possible Residential Sticker Program. Enclosed are other cities residential parking program.

21. **Discussion** and **direction** regarding the celebration of the Town's 70th Anniversary.
22. **Discussion** requested by Mayor Leonard regarding the town's regulations for trees growing into powerlines.

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.

AGENDA ITEM REPORT

October 16, 2017

ITEM NUMBER: 3.

ITEM: At the request of the Town Council, Miami Dade County School Board Representatives will be speaking about the new addition to Ruth K. Broad Bay Harbor K-8 Center.

DESCRIPTION:

RECOMMENDED ACTION:

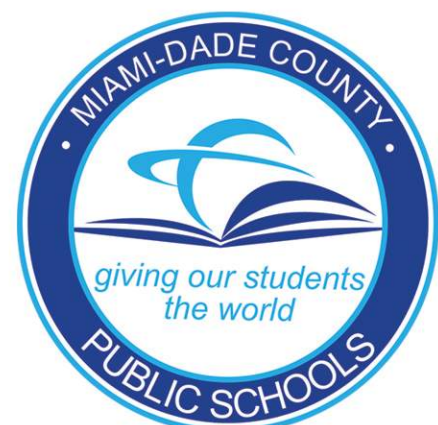
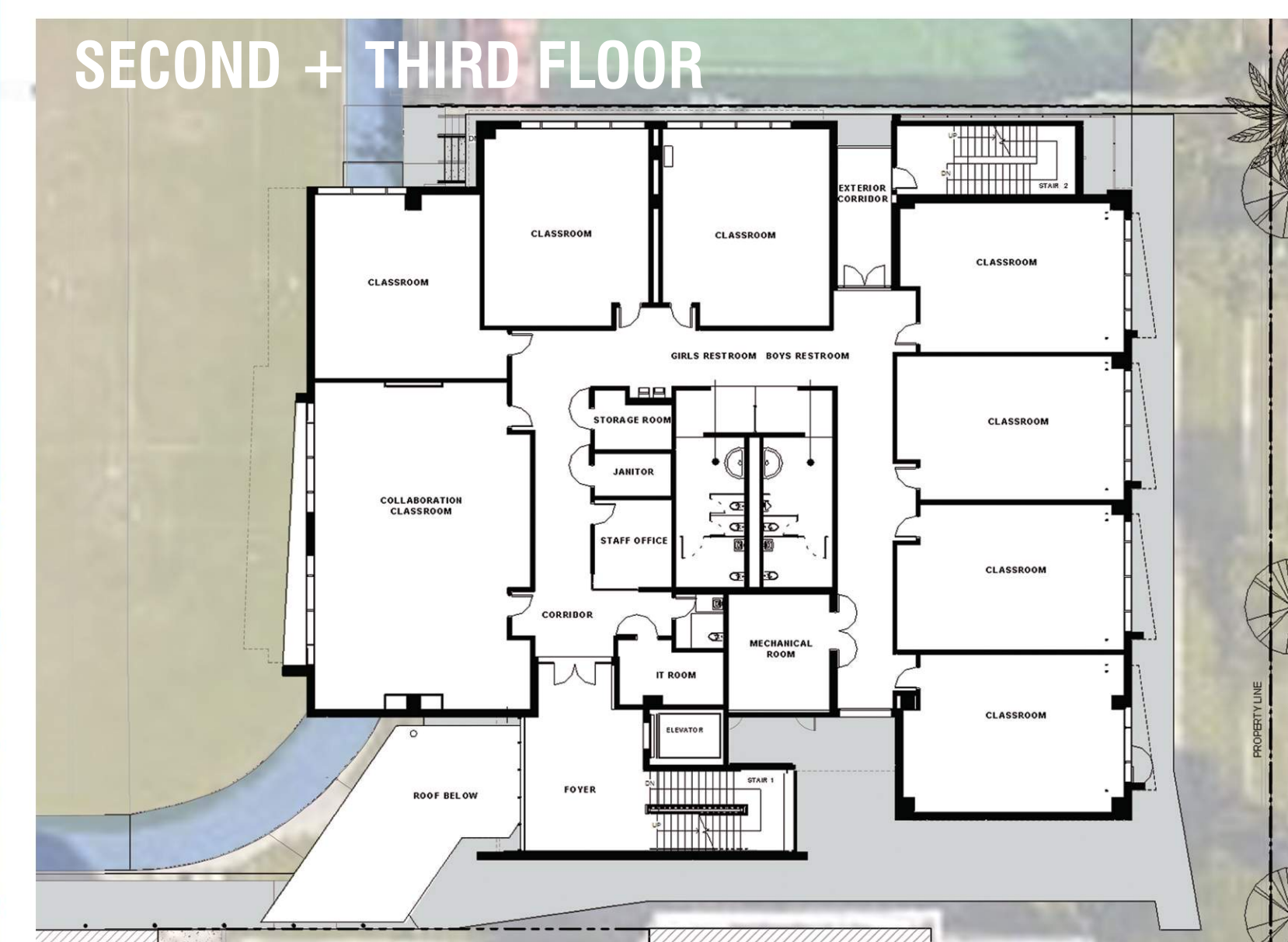
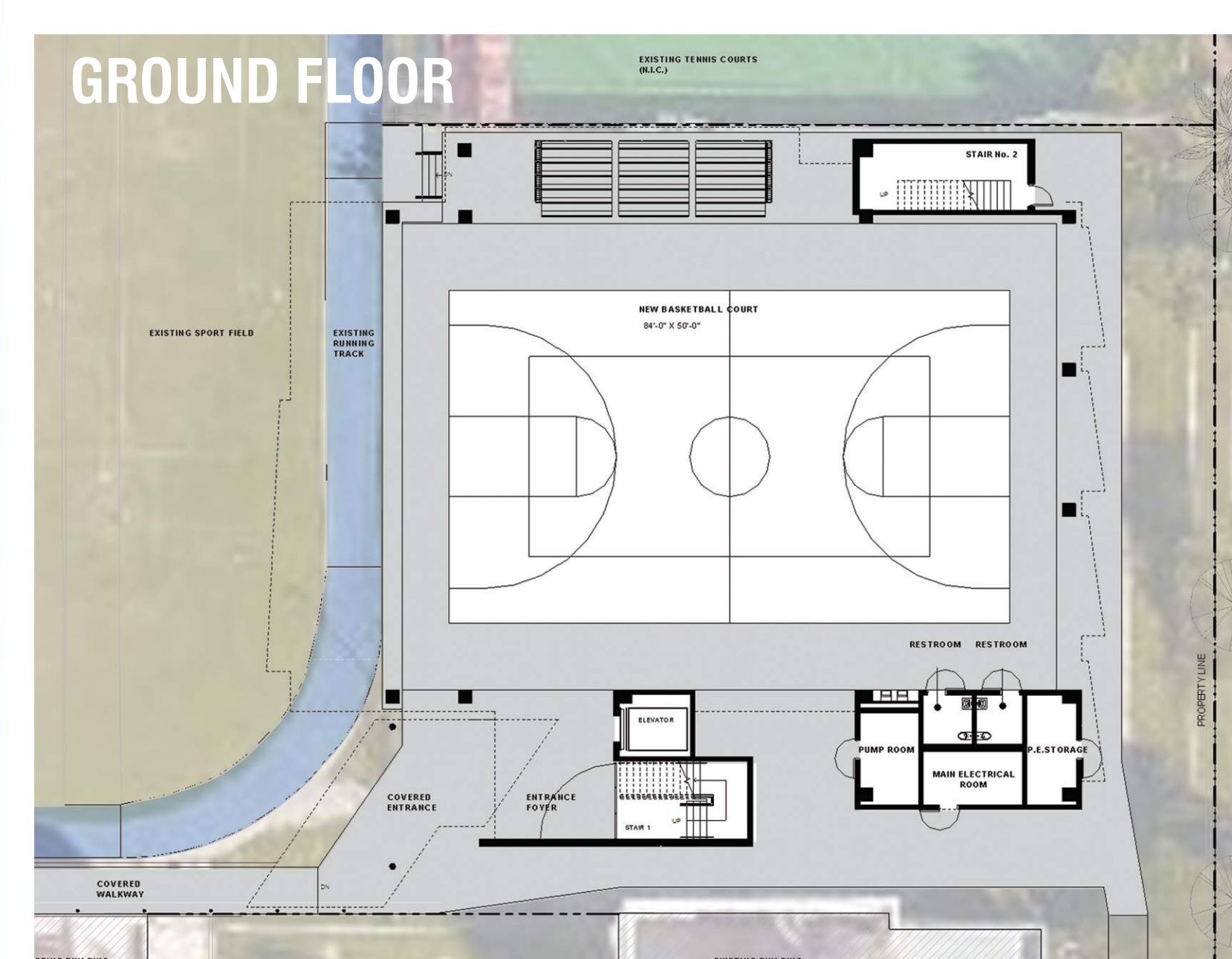
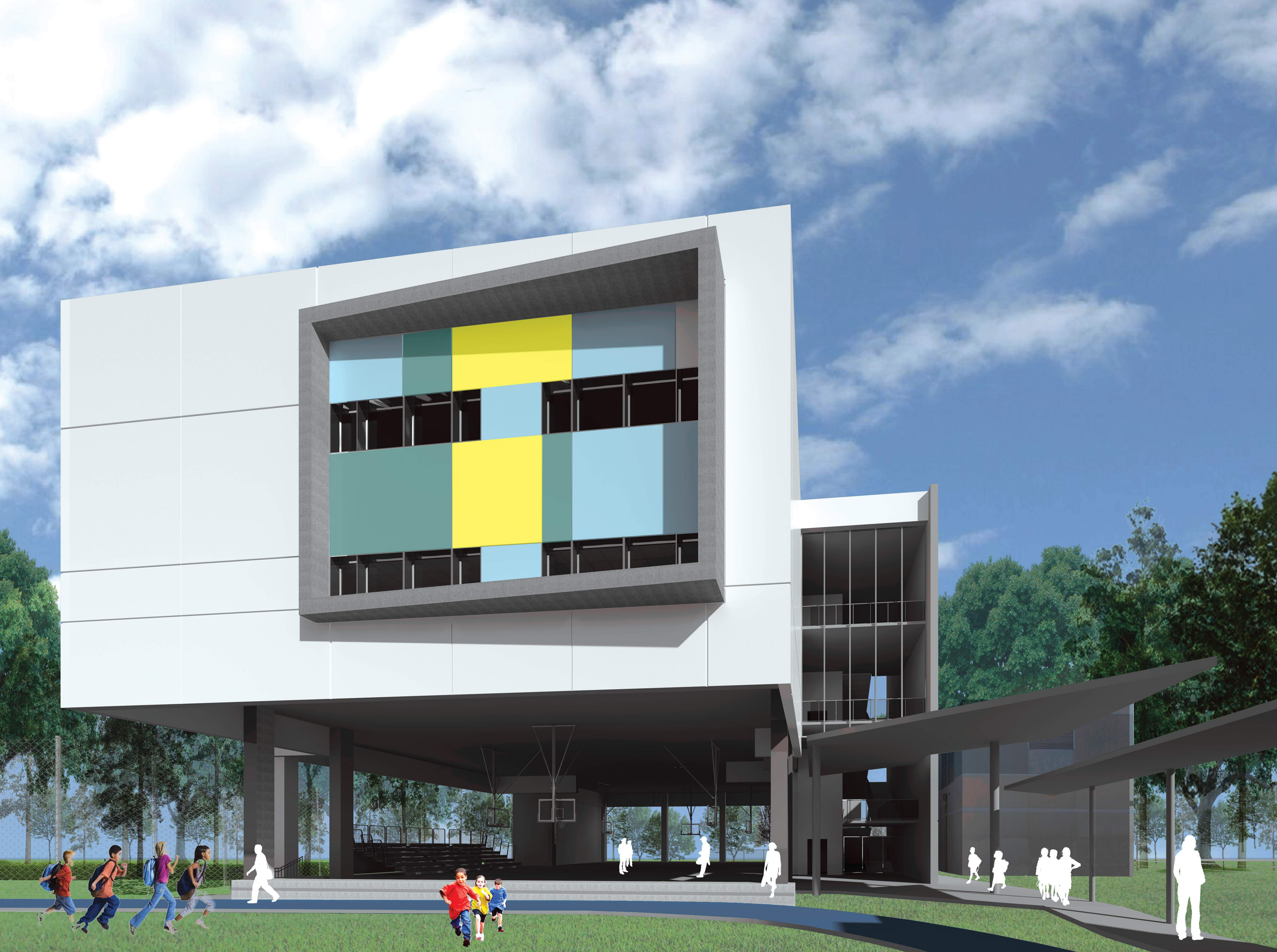
FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Marlene Siegel, Town Clerk

ATTACHMENTS

1.	RKBBHK-8 Renderings	1 - RKBBHK-8 Addition.pdf
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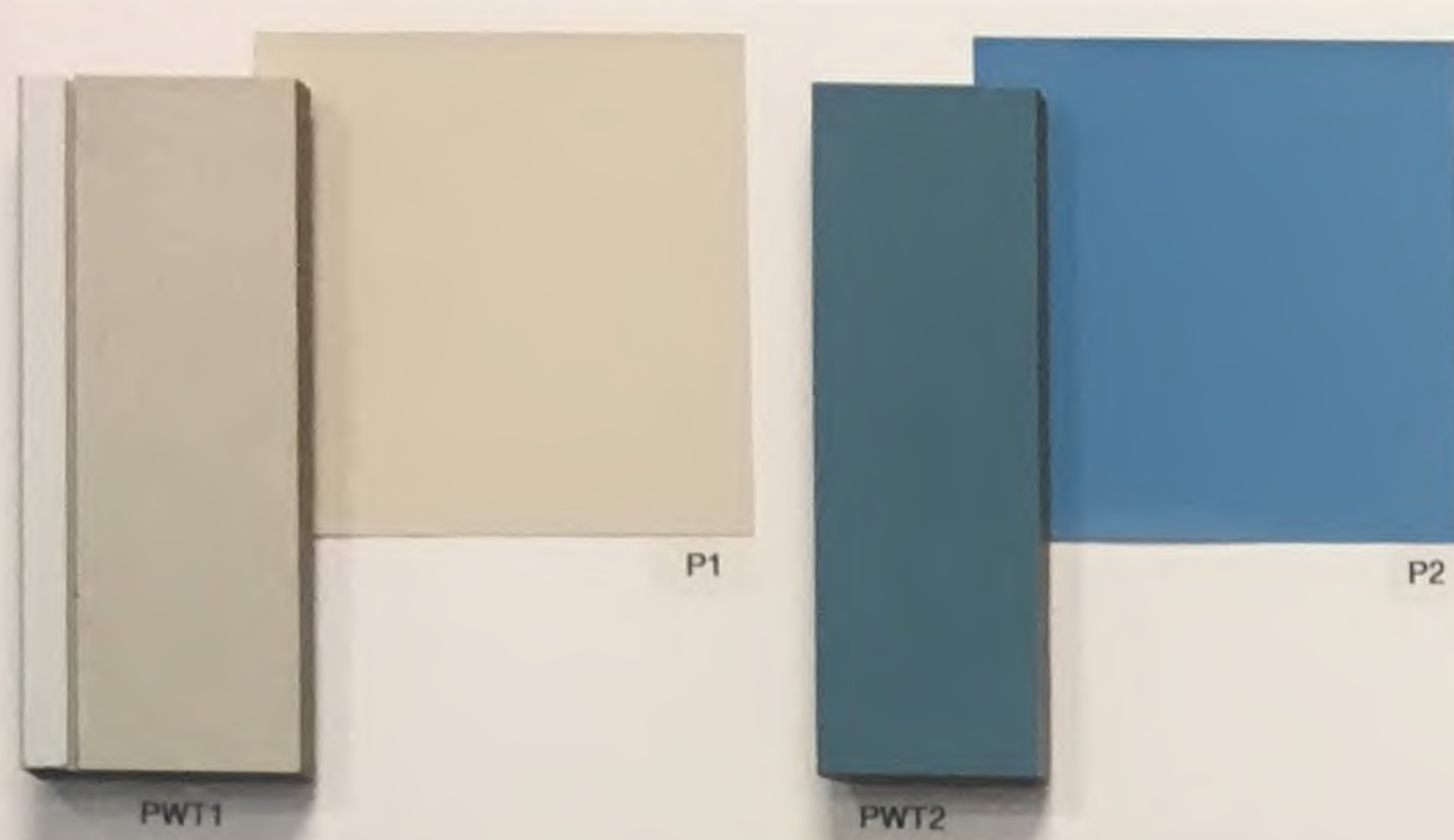


CLASSROOM ADDITION AT RUTH K. BROAD K-8 CENTER

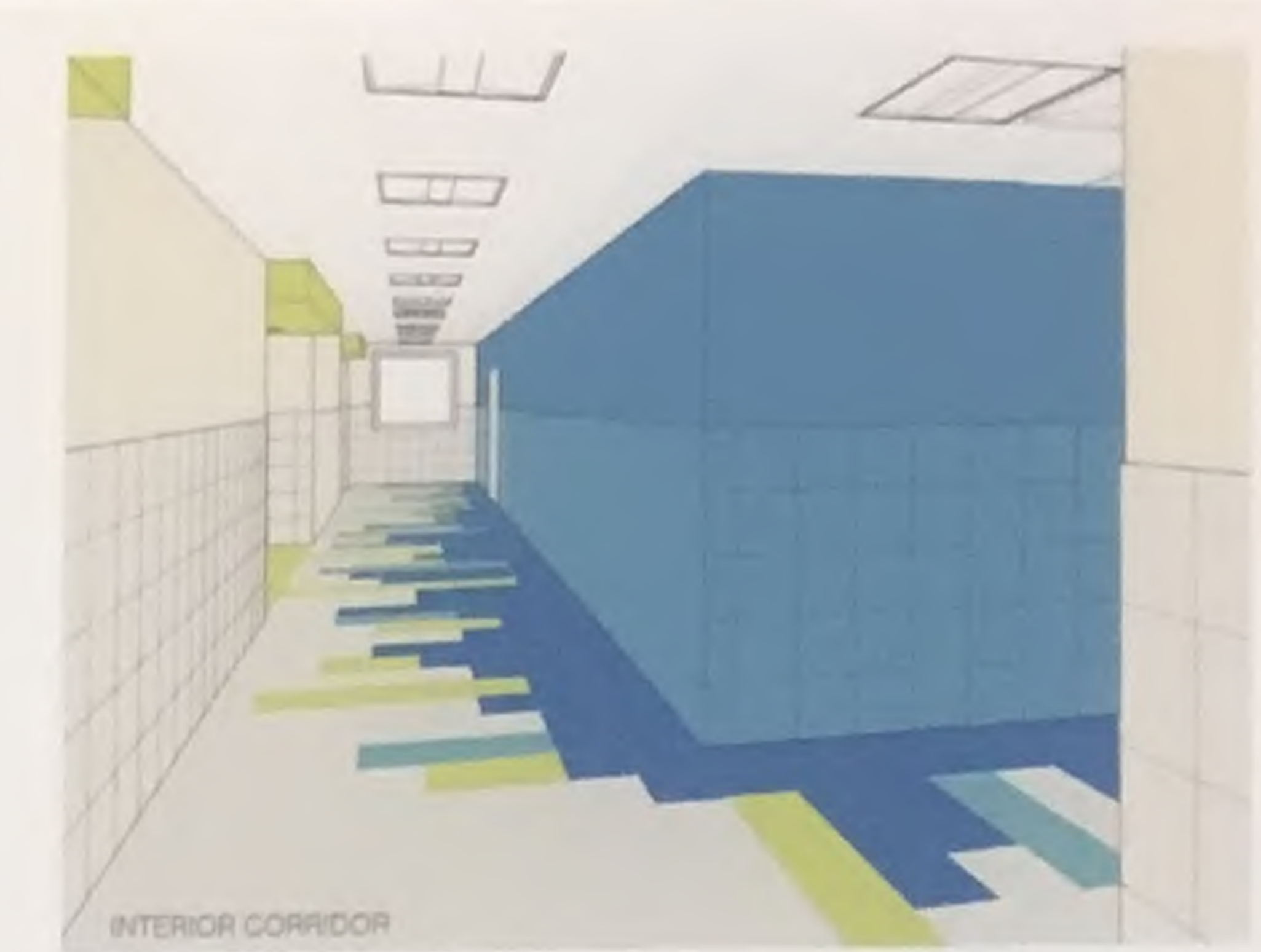
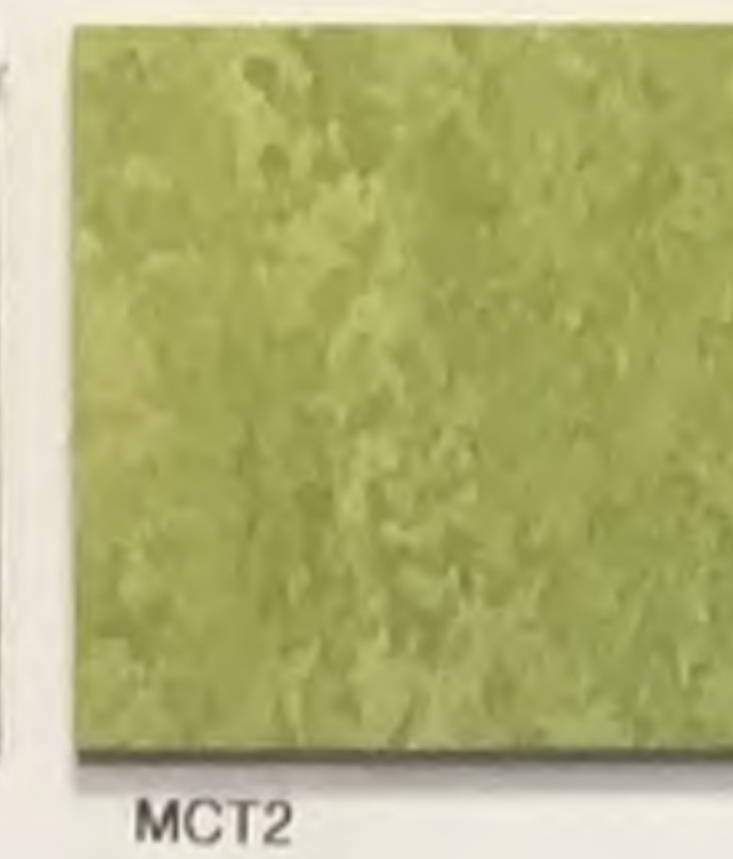
MIAMI-DADE COUNTY PUBLIC SCHOOLS

MDCPS PROJECT NO. 01439400

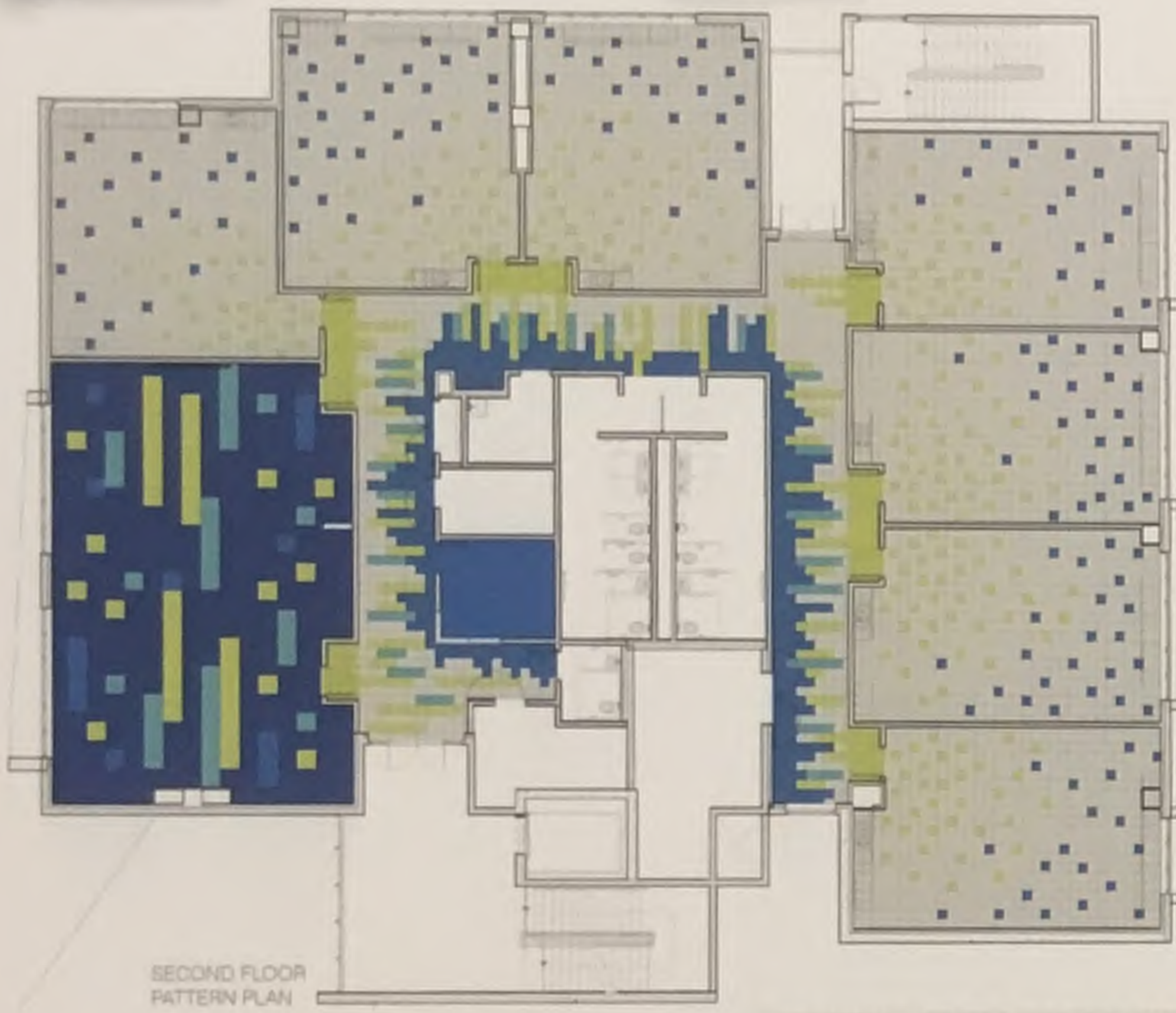




CORRIDORS



CLASSROOMS



COLLABORATION CLASSROOM

RESTROOMS



P10

P11

P12

P13

P14

EXTERIOR FINISHES

CT1

CT2

CT3

CT4

CT5



CLASSROOM ADDITION AT RUTH K. BROAD K-8 CENTER
 MIAMI-DADE COUNTY PUBLIC SCHOOLS
 MDCPS PROJECT NO. 01439400

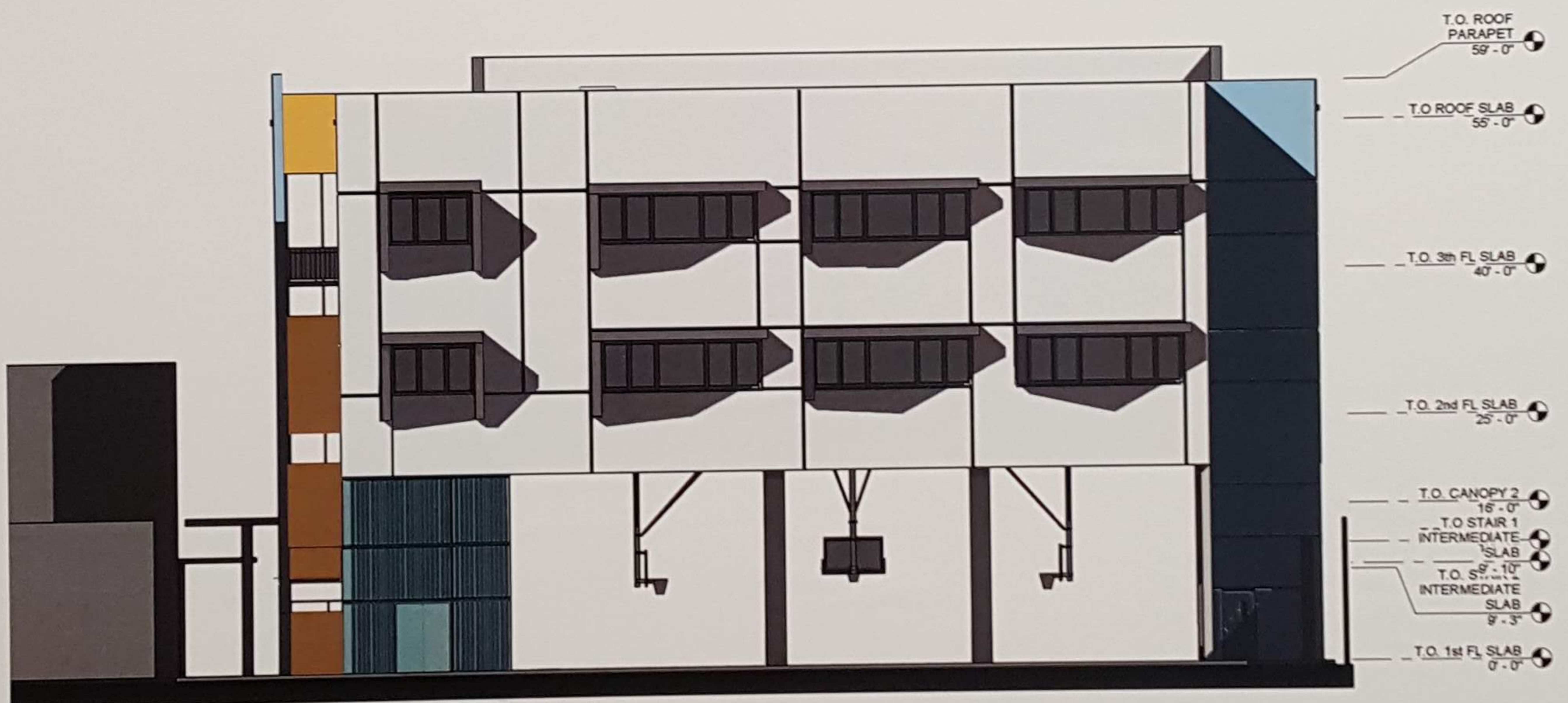




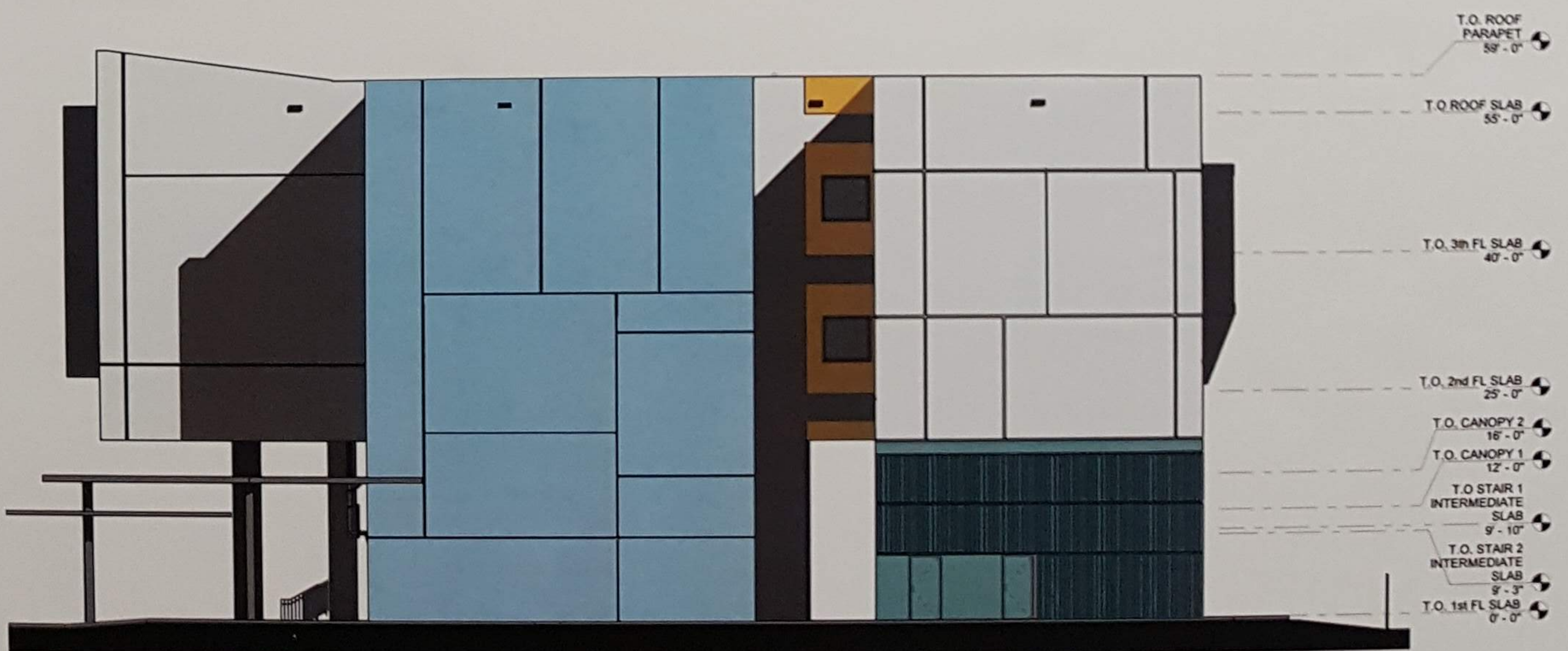
WEST ELEVATION



NORTH ELEVATION



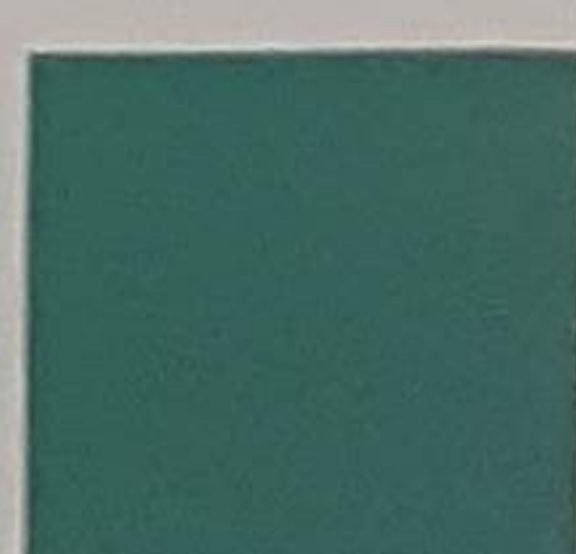
EAST ELEVATION



SOUTH ELEVATION



P1 - FIELD
#27925



P2 - ACCENT
#23785



P3 - ACCENT
#25299



P4 - ACCENT
#24226

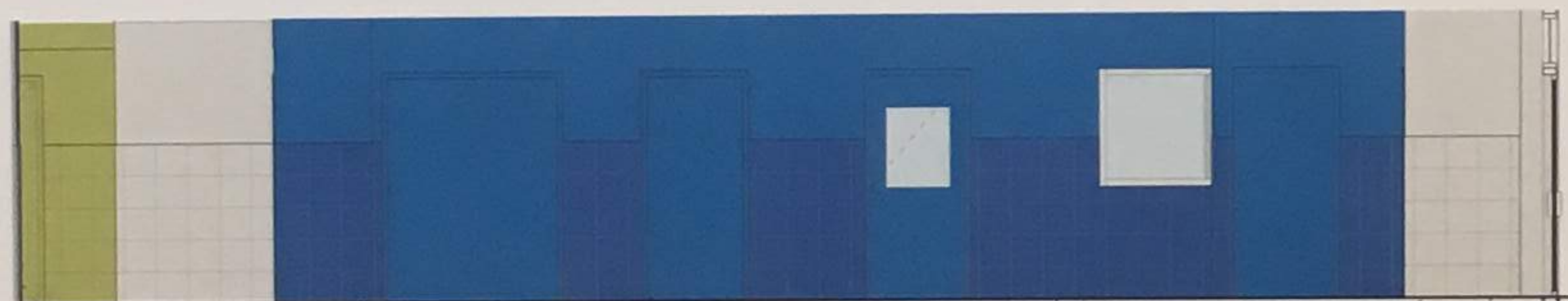
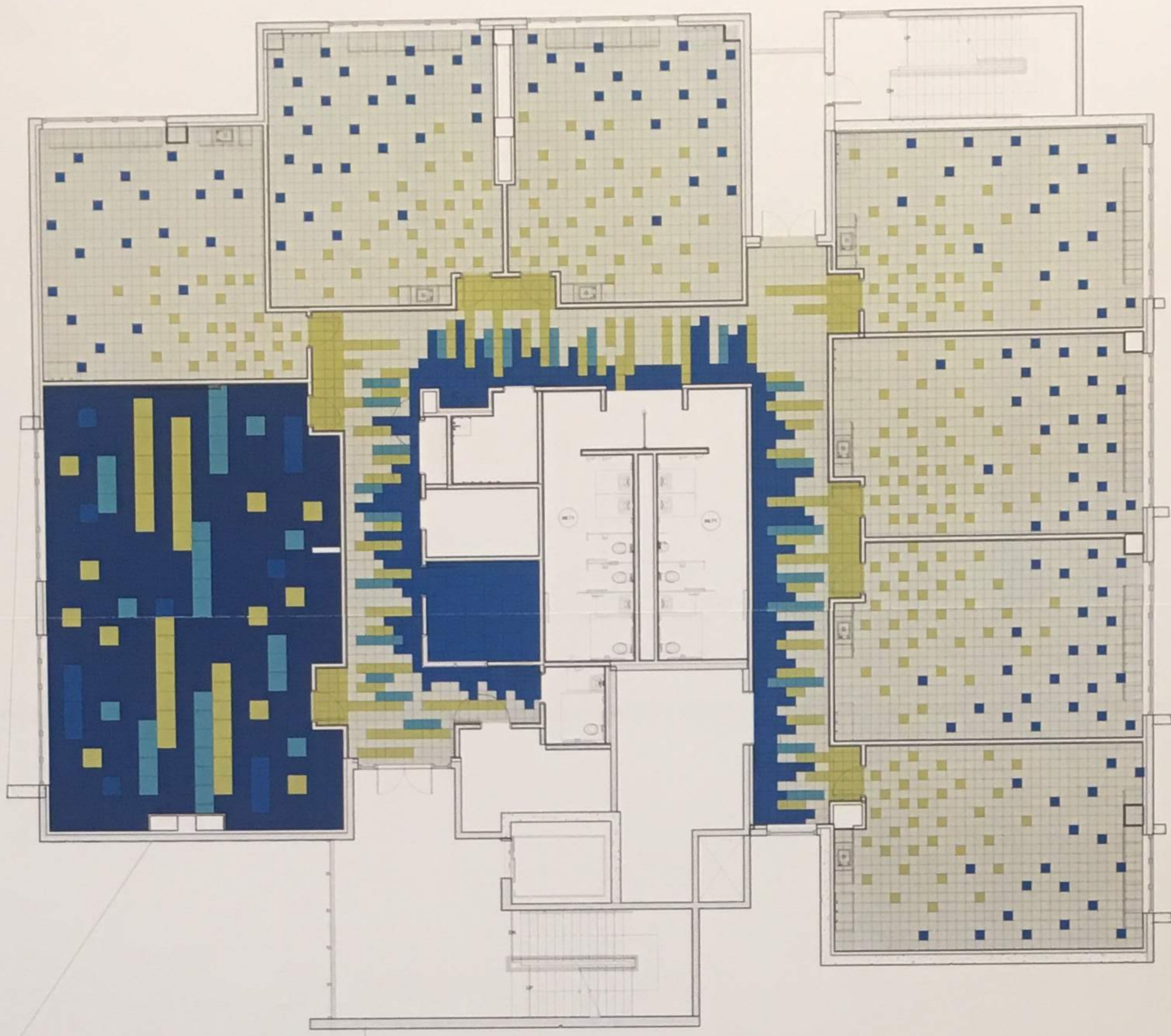


P5 - ACCENT
#25488

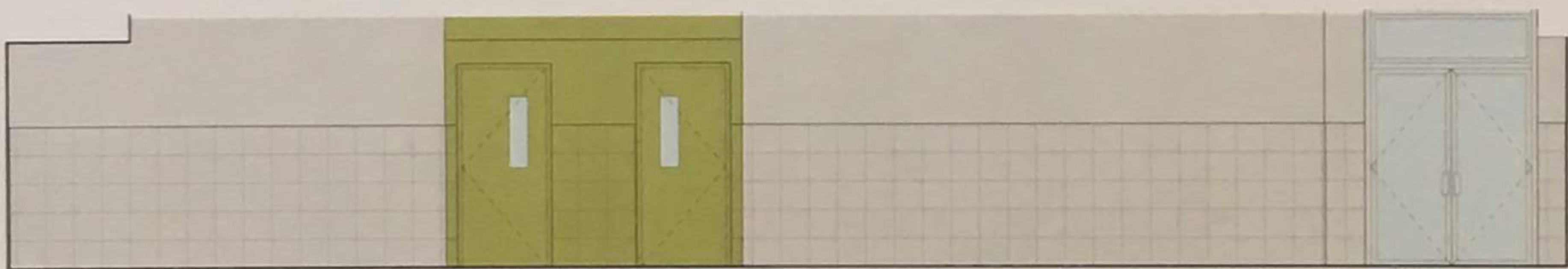


P6 - ACCENT
#26493





CORRIDOR ELEVATION
SCALE: 1/4" = 1'-0"



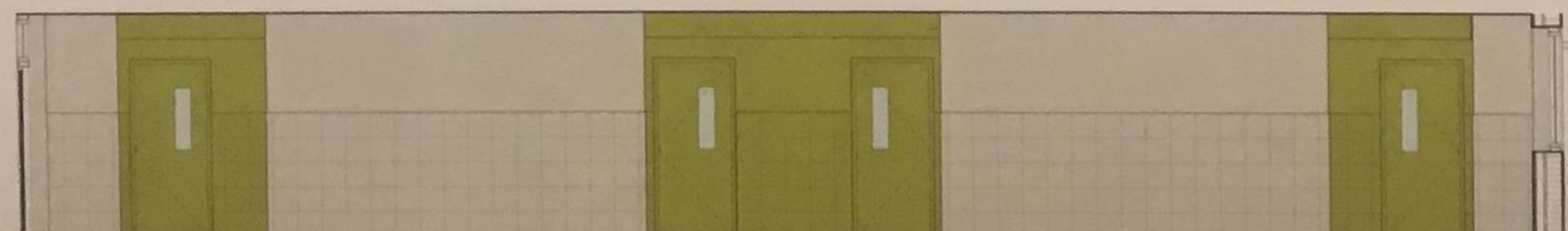
CORRIDOR ELEVATION
SCALE: 1/4" = 1'-0"



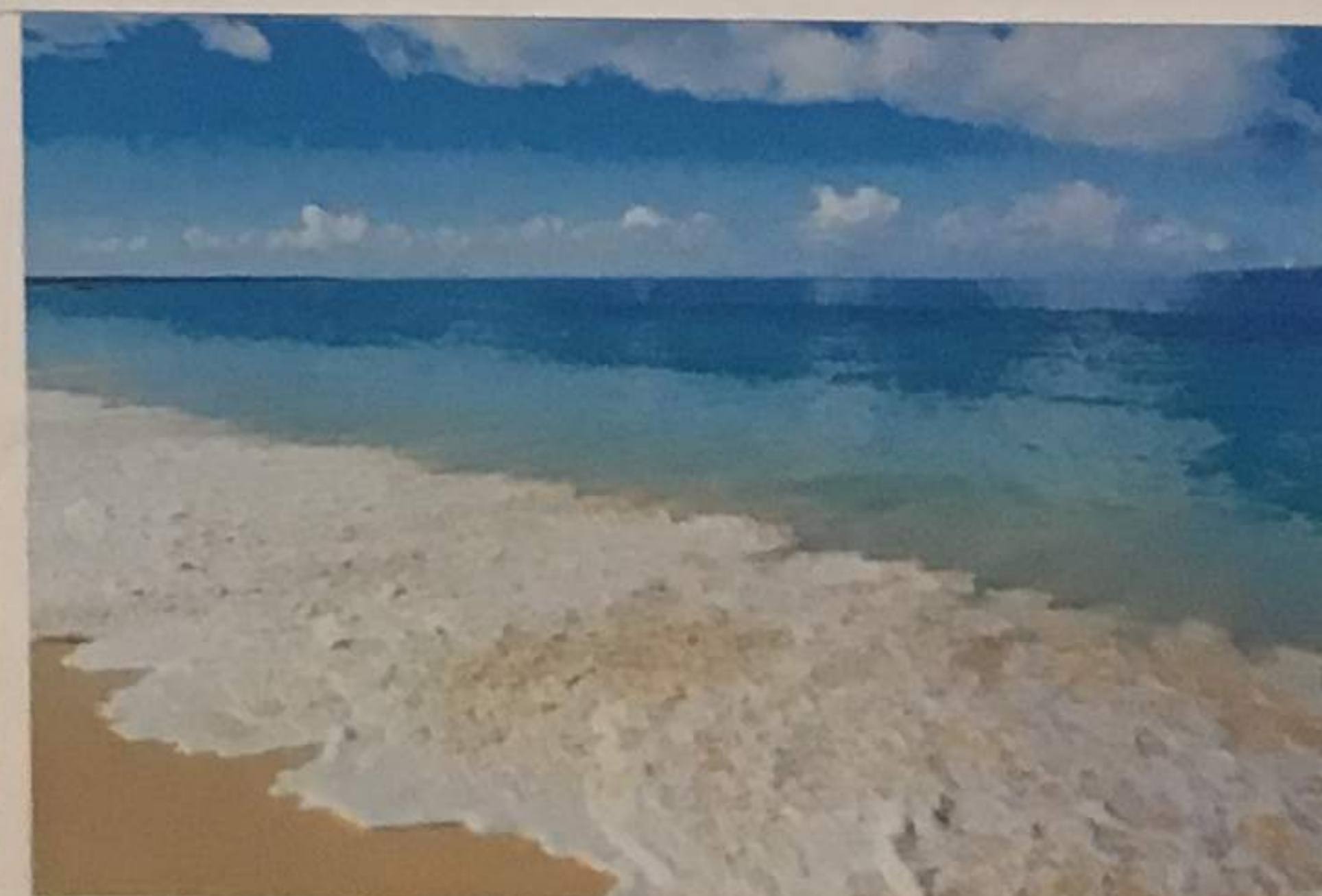
CORRIDOR ELEVATION
SCALE: 1/4" = 1'-0"



CORRIDOR ELEVATION
SCALE: 1/4" = 1'-0"



CORRIDOR ELEVATION
SCALE: 1/4" = 1'-0"

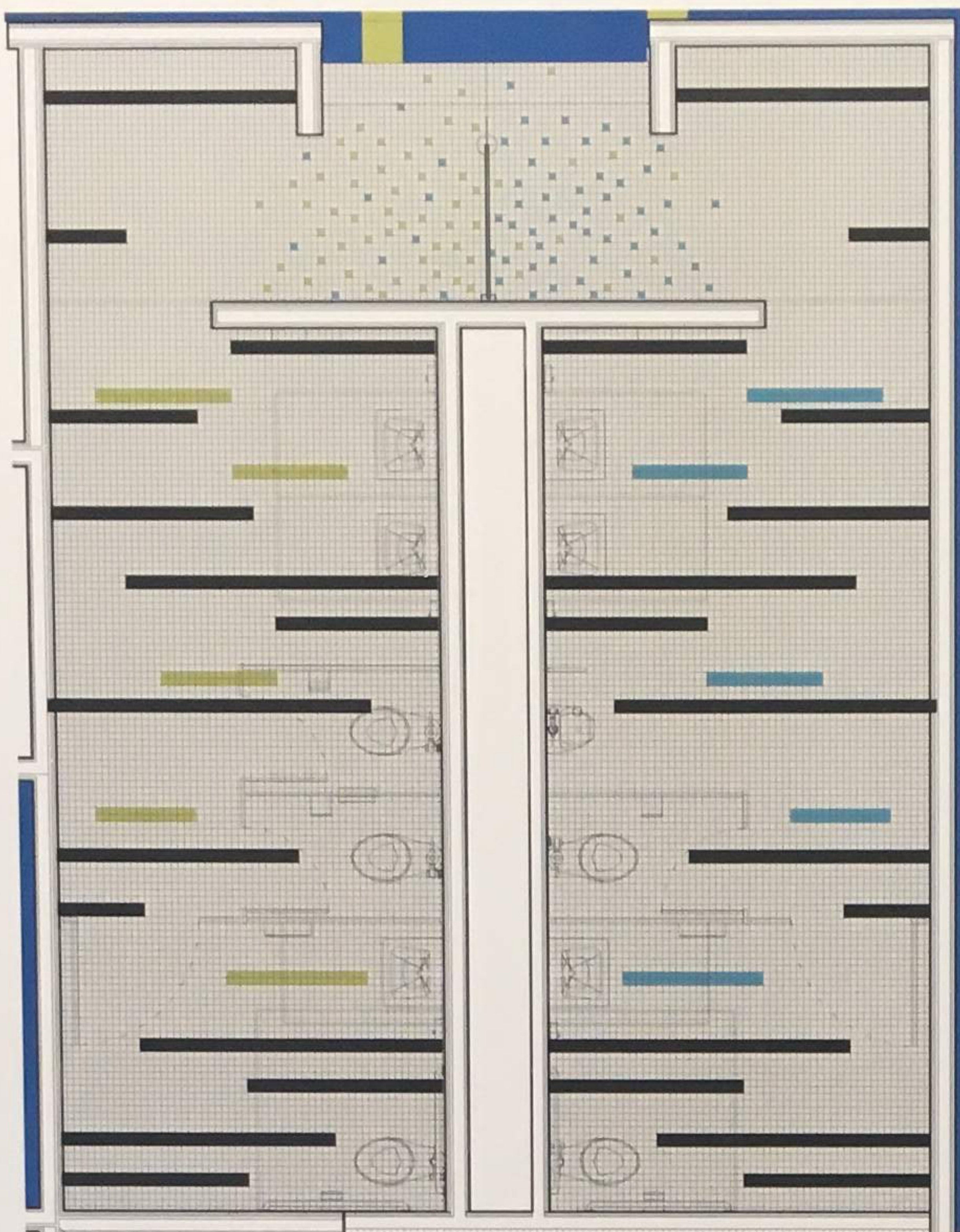


INTERIOR DESIGN CONCEPT



CLASSROOM ADDITION AT
RUTH K. BROAD K-8 CENTER
MIAMI-DADE COUNTY PUBLIC SCHOOLS
ADDP PROJECT NO. 91-03400





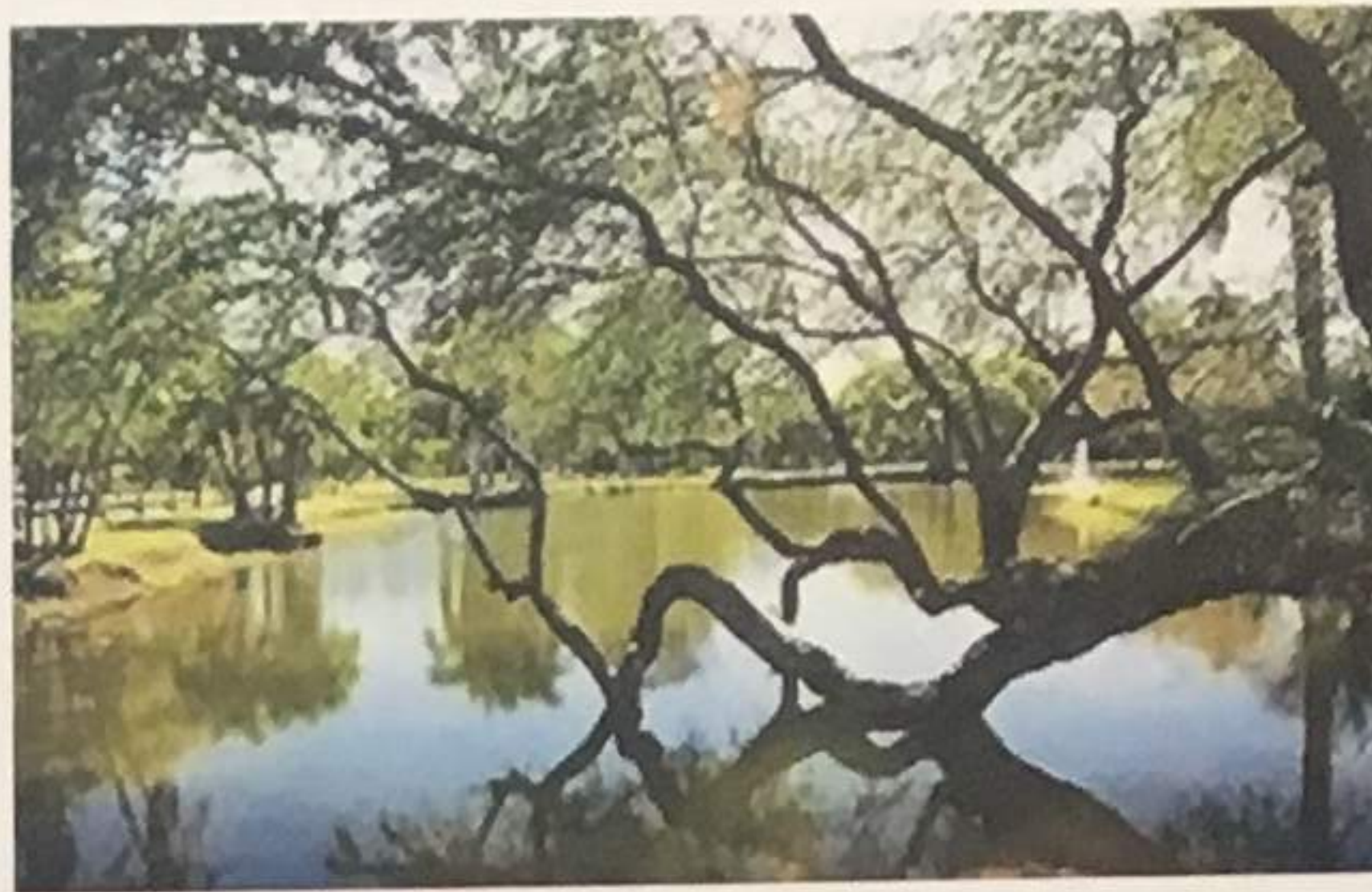
RESTROOMS FLOOR PLAN TYP.

SCALE 3/8" = 1'-0"



RESTROOM ENTRANCE ELEVATION

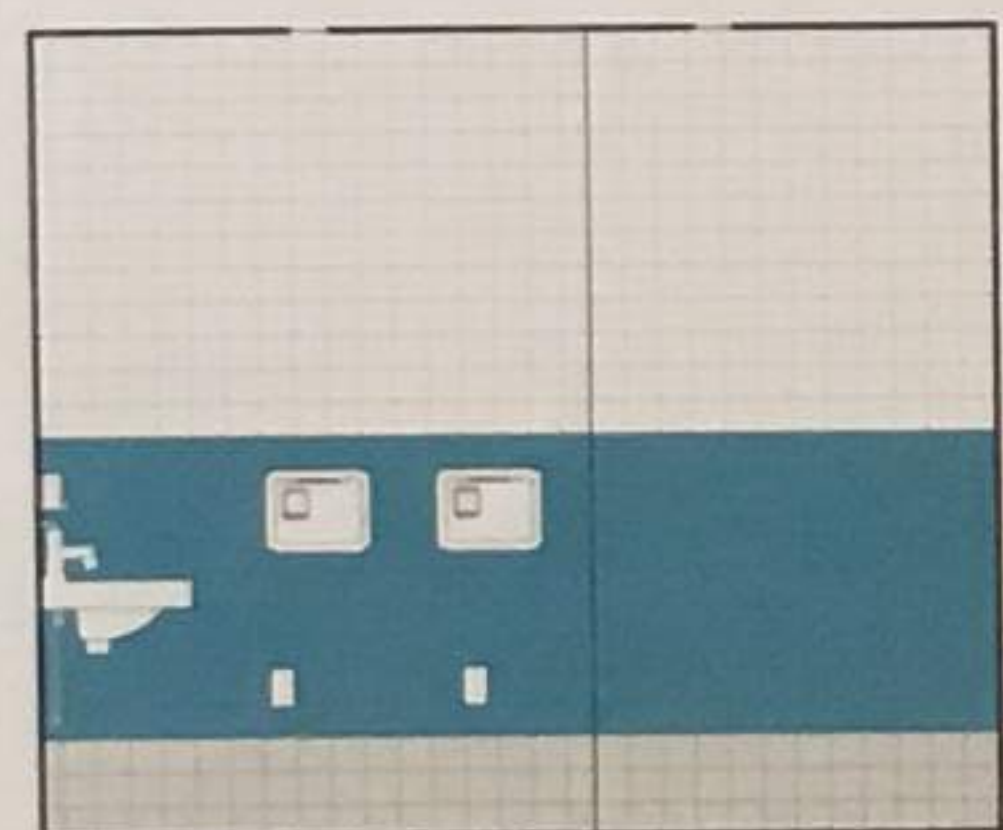
SCALE 3/8" = 1'-0"



RESTROOM
INTERIOR DESIGN INSPIRATION

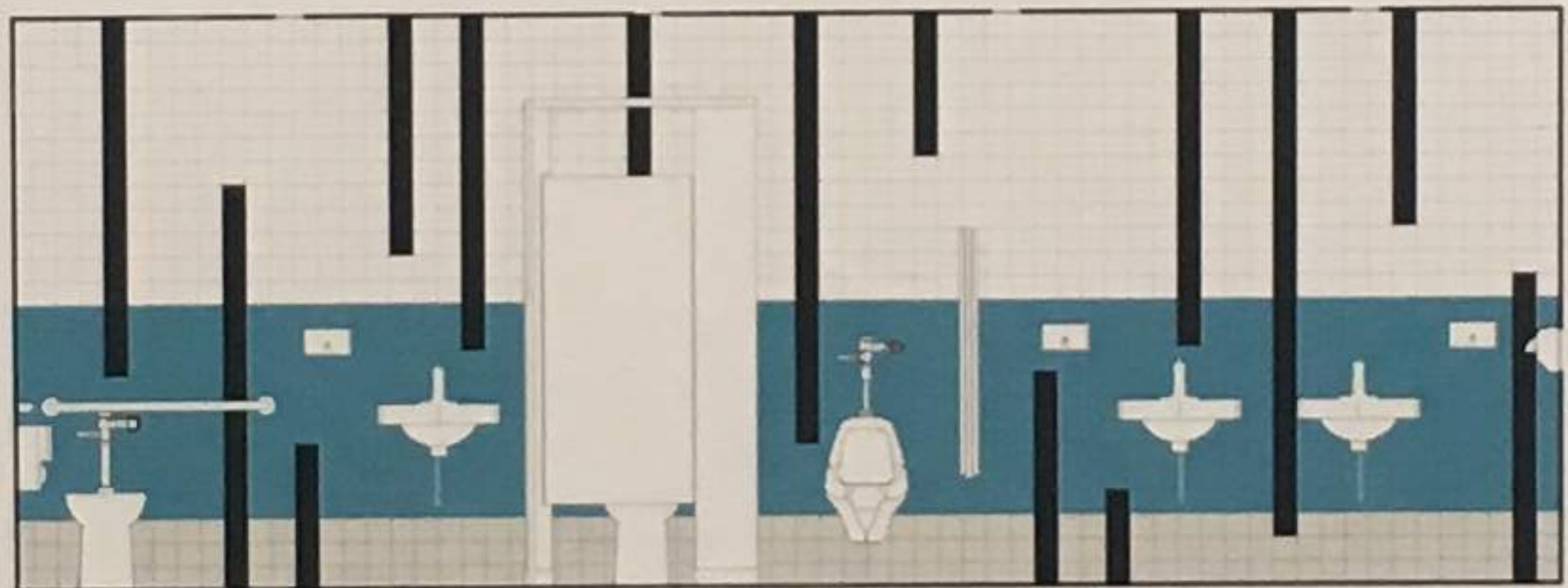


CLASSROOM ADDITION AT
RUTH K. BROAD K-8 CENTER
MIAMI-DADE COUNTY PUBLIC SCHOOLS
MDCPS PROJECT NO. 01439400



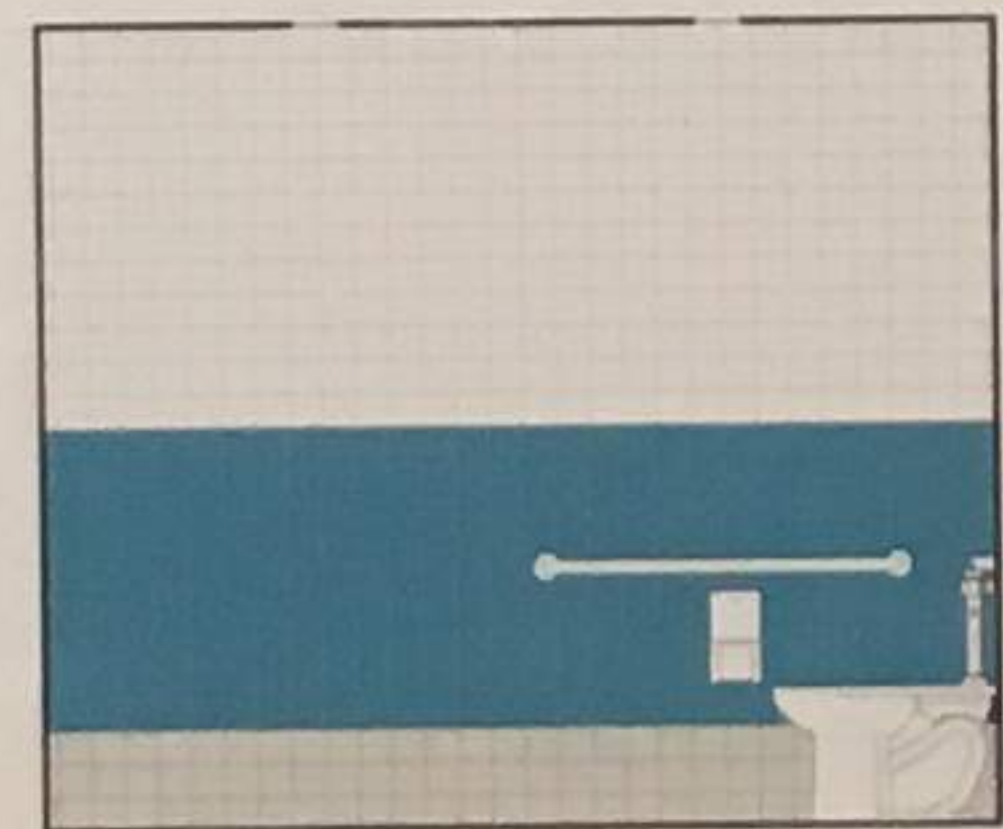
BOYS RESTROOM

SCALE 3/8" = 1'-0"



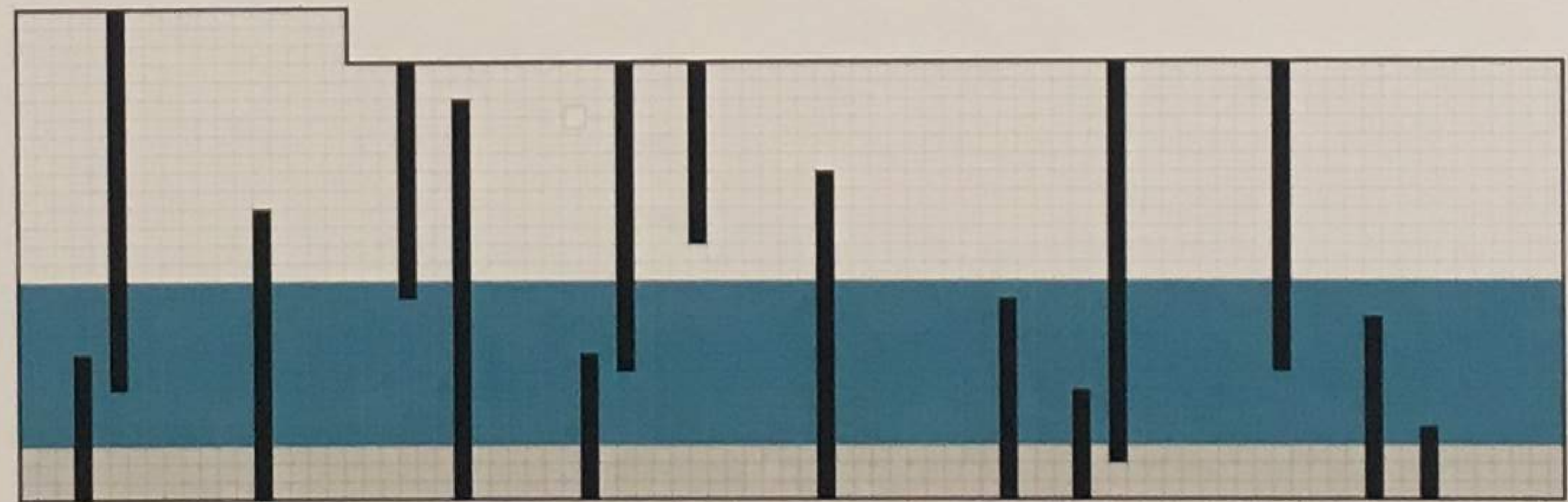
BOYS RESTROOM

SCALE 3/8" = 1'-0"



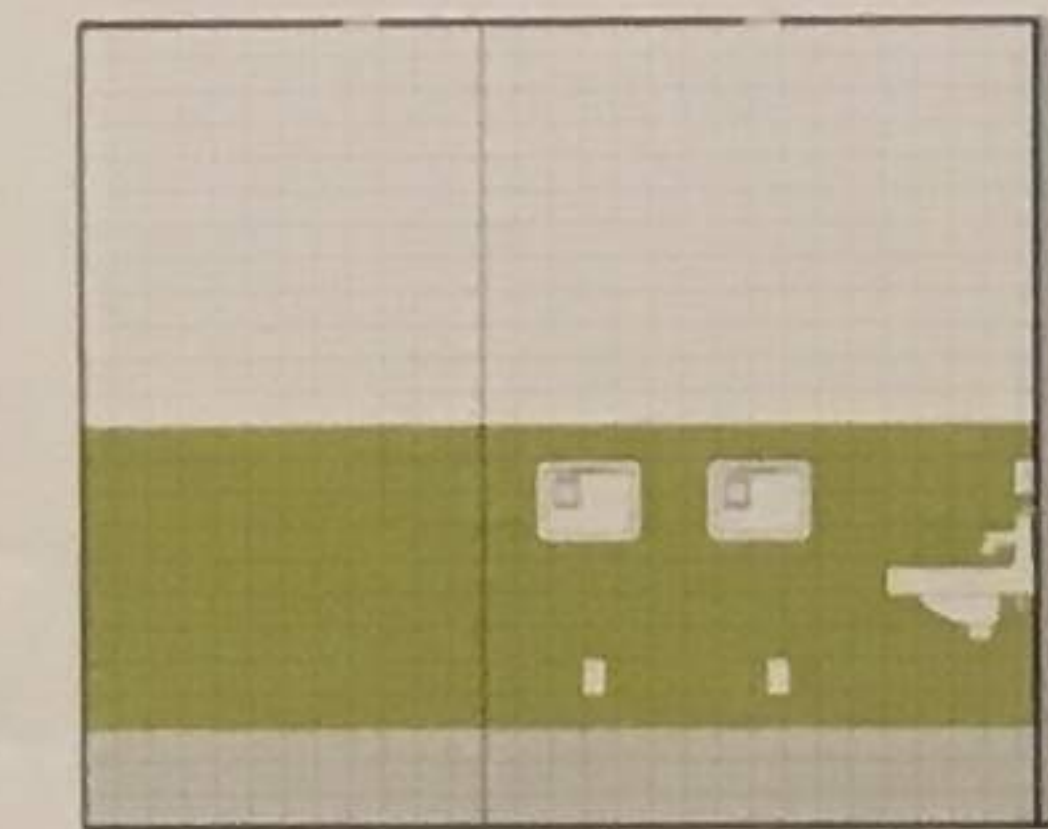
BOYS RESTROOM

SCALE 3/8" = 1'-0"



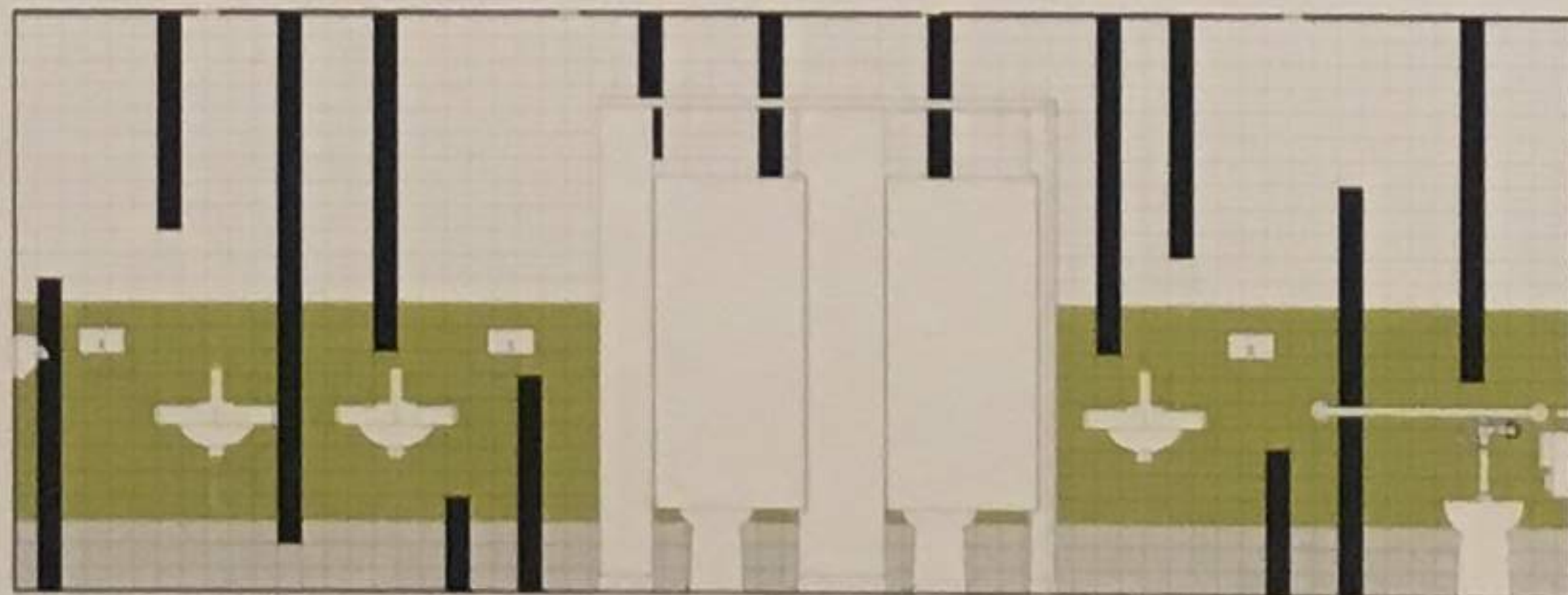
BOYS RESTROOM

SCALE 3/8" = 1'-0"



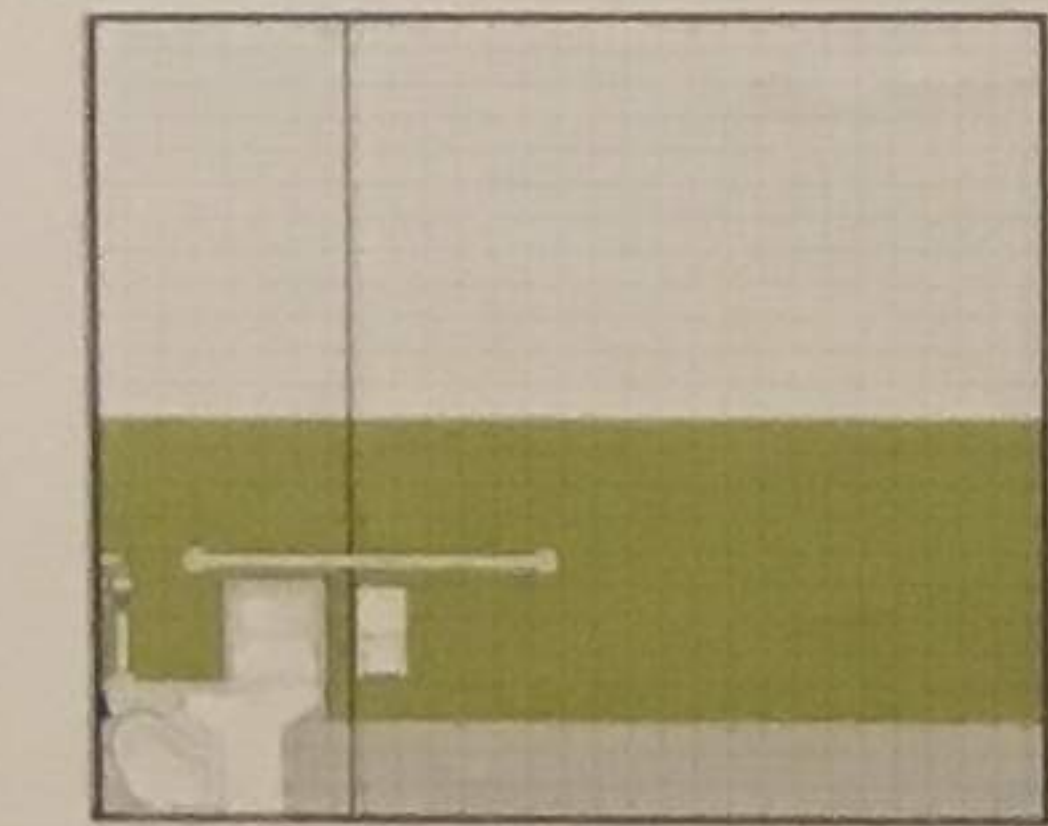
GIRLS RESTROOM

SCALE 3/8" = 1'-0"



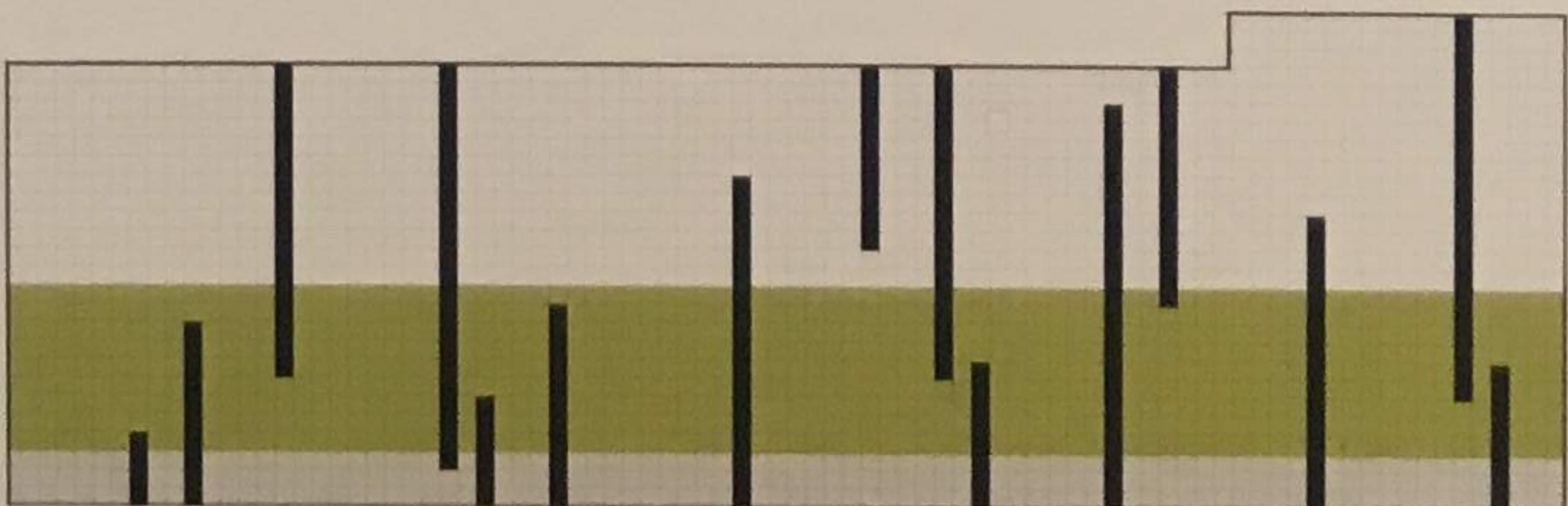
GIRLS RESTROOM

SCALE 3/8" = 1'-0"



GIRLS RESTROOM

SCALE 3/8" = 1'-0"



GIRLS RESTROOM

SCALE 3/8" = 1'-0"

AGENDA ITEM REPORT

October 16, 2017

ITEM NUMBER: 5.

ITEM: Request for **approval** of a scholarship in the amount of \$1,000 to Mast Academy requested by Vice Mayor Bruder.

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Marlene Siegel, Town Clerk

ATTACHMENTS

AGENDA ITEM REPORT

October 16, 2017

ITEM NUMBER: 6.

ITEM:

Consideration of a request for appointment to fill a vacancy to the Planning & Zoning Board. Enclosed are copies of the residents resumes.

DESCRIPTION:

On June 19, 2017, Board Member Thomas Telesco resigned from the Planning & Zoning Board that created a new vacancy. Since the resignation, The Town Clerk's Office advertised the vacancy and received a total of seven (7) new inquiries from residents that would like to consider for appointment. The interested residents are as follow:

- * Marc A. Gidney
- * Tom Kapsalis
- * Wesley Kean
- * Patricia Gill
- * Alejandro Sulser Balbuena
- * Edgar Alfredo Rodriguez
- * Roger Santana

Enclosed are copies of the applicants resume and letter of interest.

RECOMMENDED ACTION:

Council Discretion

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Marlene Siegel, Town Clerk

ATTACHMENTS

1.	Planning & Zoning Board - vacancy	PnZ vacancy.pdf
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PLANNING & ZONING BOARD

2017-2019

AUGUST 14, 2017

NEW INTERESTED RESIDENTS:

- Marc Gidney
- Patricia Gill
- Tom Kapsalis
- Wesley Kean
- Edgar Alfredo Rodriguez
- Roger Santana
- Alejandro Sulser Balbuena

Alba Chang

From: Marlene Siegel
Sent: Friday, July 21, 2017 10:12 AM
To: Alba Chang
Subject: FW: Bay Harbor Islands - Planning & Zoning Board Vacancy
Attachments: CV GIDNEY.DOC

Add to agenda.

Marlene M. Siegel
Town Clerk/Director of Code Compliance
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
E-mail: msiegel@bayharborislands-fl.gov
Website: <http://www.bayharborislands-fl.gov>

From: Marc Gidney [<mailto:marc@gidneycpa.com>]
Sent: Thursday, July 20, 2017 4:09 PM
To: Marlene Siegel
Subject: Bay Harbor Islands - Planning & Zoning Board Vacancy

Dear Ms. Siegel,

I hope this note finds you well.

Please allow this letter to serve as my application for the vacancy on the Planning & Zoning Board.

I was born and raised on Miami Beach and have been a CPA there for over 30 years. I have extensive experience with construction, projects, zoning, etc. from both the professional and personal side as a homeowner. I understand the financial aspects and how construction and building can impact a small town like Bay Harbor.

I have been a resident of Bay Harbor for the past two years and I want to give back to the community in which my family resides. I would like to give back in the same way that I have been assisting on Miami Beach as both a chair and member of the Budget Advisory Committee and Audit Committee. I was also recently appointed to the Florida Bar Grievance Committee.

I strongly believe that if you want to help or change a community, you must be involved. I want to be involved and assist Bay Harbor where I now call home. My son in law, Jonathan Macy, is on the Parks and Recreation Committee and tells me all the time that our community is one that I should be involved in. Stephanie Bruder tells me the same.

I welcome the opportunity to discuss my qualifications with you in greater detail.

Sincerely,

Marc
(305) 788 - 8347

MARC A. GIDNEY, C.P.A

Professional History, Industry Experience and Professional Activities

Higher Education – University of Miami - Masters degree in Accounting

Years of Experience: 27 years in practice, 4 years with Big Four and national accounting firms as a staff member, prior to local firm partnership.

Industry Experience:

- Manufacturing
- Retail
- Real Estate
- Entertainment
- Service Provider Professionals including Doctors, Consultants, and Attorneys

Professional Activities:

- Member – Chair – City of Miami Beach – Budget Advisory Committee
- Member - Florida Institute of Certified Public Accountants
- Immediate Past president, Florida Institute of CPA's Gold Coast Chapter
- Member of the Florida Bar Grievance Committee 11C (as a lay member)

Summary

For more than 27 years I have been involved in the many facets of the profession including but not restricted to the overall topics of Taxation, Audit, Business Management consultations, Computer Hardware and Software consultations, Forensic and Fraud accounting, Insurance Business Valuation loss consulting and Property sales by Foreign entities..

Marlene Siegel

From: trish gill <trishgill11@gmail.com>
Sent: Monday, July 24, 2017 8:09 AM
To: Marlene Siegel
Subject: Planning Board Position

I am interested in the Planning and Zoning Board Member position for the town of Bay Harbor. I have been a resident of Bay Harbor for four years and have grown to love our town.

I was an elected official for 8 years while I lived in Massachusetts. I served on two boards - as a Planning Board member and as a member of the Board of Assessors. I am currently a Certified Real Estate Appraiser. I am an active member of our community and serve as a member of the Coast Guard Auxiliary with an special interest in emergency planning.

I look forward to meeting with you to discuss this opportunity.

Patricia Gill
10350 W. Bay Harbor Dr.
Apt 5-S
Bay Harbor, FL 33154

Total Control Panel

[Login](#)

To: msiegel@bayharborislands-fl.gov
From: trishgill11@gmail.com

Message Score: 1
My Spam Blocking Level: High

High (60): **Pass**
Medium (75): **Pass**
Low (90): **Pass**

[Block](#) this sender
[Block](#) gmail.com

This message was delivered because the content filter score did not exceed your filter level.

TOM KAPSALIS
PAT KAPSALIS

Email: tomkapsalis@hotmail.com

Email: patkapsalis@mac.com

45 EAST CEDAR
CHICAGO, ILLINOIS 60611
TEL. #312-397-1373

9751 EAST BAY HARBOR DRIVE (#602)
BAY HARBOR ISLAND, FLORIDA 33154
TEL. # 305-867-8113

Mr. Tom Kapsalis stopped by the office and spoke to me.
He indicated that he was interested in volunteering
if we needed him. He was a commissioner of aviation
in Chicago in the 1980's.

Marlene Siegel
Town Clerk



Marlene Siegel

Town Clerk/Director of Code Compliance

Town of Bay Harbor Islands

9665 Bay Harbor Terrace

Bay Harbor Islands, FL 33154

E-mail: msiegel@bayharborislands-fl.gov

Website: <http://www.bayharborislands-fl.gov>

July 7th, 2017

Dear Marlene:

I am writing to highlight my interest in serving the vacant seat on the Town of Bay Harbor Islands Planning and Zoning Board. Throughout my career I have learned the importance of community involvement not only as a civic duty, but also as a way to positively influence the work of my practice. In addition to my interest to serve on the board, I am also a contributing champion of the Make a Wish Foundation and Miami Music Project; Two very important charities, dedicated to serving terminally ill and underserved children. As a resident of Bay Harbor, I embrace a civic responsibility to preserve the quality of the urban and architectural character within the community.

I would be honored for the opportunity to serve the vacant seat as a member of the Planning and Zoning board. If selected, I promise to remain sensitive to the architectural character of the city, while maintaining the integrity of the zoning ordinance.

Sincerely,

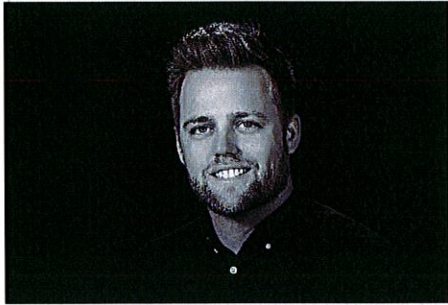
A handwritten signature in black ink, appearing to read 'Wesley Kean'.

Wesley Kean, AIA

#AR97886

Principal, KoDA

KoDA



Wesley Kean (*Principal*) founded the award-winning, multi-disciplinary design firm, KoDA in 2015. Before moving to Miami in 2005, Wesley apprenticed under his father, a local builder and carpenter in the Lakes Region of New Hampshire, who remains a key influence in his work today. Wesley is an active member of the American Institute of Architects and a visiting critic at the University of Miami, Florida International University and Miami Dade College. Prior to founding KoDA, Wesley was mentored by renowned architects Terrance Riley and Allan Shulman, as well as landscape architect Raymond Jungles. During this time of mentorship, he collaborated on numerous design projects such as private gardens, retail centers and boutique hotels. Wesley earned a Bachelor of Architecture degree at the University of Miami which included an Urban Design, Architectural Theory and History of Architecture program in Rome, Italy.

Professional Registration:

Registered Architect (Florida) AR97886

Registered Architect (Colorado) AR97886

National Council of Architectural Registration Board (NCARB) 516373

American Institute of Architects (AIA) 38045819

Charity and Community Contribution:

Make A Wish Foundation – Champion

Miami Music Project

Adjunct Professor: University of Miami

Visiting Critic: Florida International University



Kean Office for Design + Architecture, PA (KoDA), Miami Beach FL

Etnia Barcelona

224 NE 2nd Ave, Miami, FL

Completion: December 2016

Construction Cost: \$6,500,000

Scope of Work: The Interior design and space planning for a 4800 SF distribution/retail center for a Barcelona based eyewear brand. Scope of work included space planning, lighting design, life safety design, MEP design and construction management.

Solar Now: Bayfront Circle

Bayfront Park, Miami, FL

Completion Date: TBD

Construction Cost: Withheld upon client request

Scope of Work: The design of a roof-pavilion made of solar panels for the Bayfront Park Amphitheater

APizza Brooklyn

Coral Gables, Florida

Completion: June 2018

Construction Cost: Withheld at clients request

Scope of Work: Architectural space planning, life safety and Interior design of a new restaurant tenant.

Aviation Design Center

Dania Beach Florida 2016

Completion: February 2018

Construction Cost: \$1,200,000

Scope of Work: Architectural and Interior design of a new office building, including procuring city commission and zoning approvals for site plan and a new plat.



Design District Offices

Design District, Miami, FL

Completion: Summer 2017

Construction Cost: Withheld upon client request

Scope of Work: Interior Design/Office Tenant Improvement

Garden House

Bal Harbour, FL

Completion Date: Summer, 2018

Construction Cost: Withheld upon client request

Scope of Work: Architecture + Interior Design, Landscape design

Ocean Villa

Golden Beach, FL

Completion Date: January, 2018

Construction Cost: Withheld upon client request

Scope of Work: Architecture + Interior Design, Landscape design

Split House

Golden Beach, FL

Completion Date: TBD

Construction Cost: 1,400,000

Scope of Work: Architecture + Interior Design, Landscape design

Tradewinds Residence

Lauderdale By the Sea, FL

Completion Date: January, 2018

Construction Cost: Withheld upon client request

Scope of Work: Architecture + Interior Design



Meridian Courtyard

Miami Beach, FL

Completion Date: TBD

Construction Cost: TBD

Scope of Work: Architecture + Interior Design

Peak 4 Residence

Breckenridge, C.O.

Completion Date: Summer, 2018

Construction Cost: 1,200,000

Scope of Work: Architecture + Interior Design

Solar Plaza

Ft. Lauderdale, FL

Completion Date: Summer, 2018

Construction Cost: Withheld upon client request

Scope of Work: Architecture + Interior Design

4218 NE 2nd Ave-Mixed use Retail

Miami Design District, Florida

Date of Completion: 2019

Construction Cost: \$15.600.000

Scope of Work: Sub-contracted by K/R Architects to provide Architectural Project Management and consultant services for a 60,000SF mixed use, office above retail building.

Vida at The Point Townhomes *(with KZ Architecture)*

Aventura, Florida 2018

Date of Completion: 2017

Construction Cost: \$7.500.000



Scope of Work: Project Architect for a new 21,000 SF townhome development. These high-end luxury units have private rear yards and in some cases a rooftop terrace. The project team worked to procure City of Aventura Site Plan Approval for this complex and controversial development.

The Mansions at Acqualina *(with STA Architectural Group)*

Sunny Isles, Florida

Date of Completion: 2015

Construction Cost: \$50,000,000

Scope of Work: Interior Designer/Project Manager for 15,000 SF of common areas within the new high-rise development on Collins Avenue in Sunny Isles. The project team developed the interior design package along with the procurement of design materials for the project.

South Seas Beach House *(with Shulman + Associates)*

Miami Beach, Florida 2011

Construction Cost: \$28,000,000

Scope of Work: Lead Designer/Project Manager for the complete restoration and renovation of the existing 9 story 49,635 SF historical oceanfront hotel. The project includes the addition of a new 8 story structure on the West side of the existing hotel to capture the ocean views for a total of 68,950 SF of 118 hotel rooms, increased amenities, an enclosed courtyard and a 2 story pool side cabana.

The Savoy and Arlington Hotels *(with Shulman + Associates)*

Miami Beach, Florida 2011

Construction Cost: \$19,000,000

Scope of Work: Lead Designer/Project Manager of the complete restoration and renovation of two historic structures and the addition of four new building components with over 81,000 SF of new residential and commercial space. The overall complex will constitute a 145,000 SF boutique hotel with 134 units.

Collins Plaza Hotel *(with Shulman + Associates)*

Miami Beach, Florida 2011

Construction Cost: \$1,500,000

Scope of Work: Project Manager for the complete restoration of a historic lobby retrofitted to contain a new bar and lounge. The project team worked with the owner to procure City of Miami Beach design approval while serving as design & historic preservation consultant.



The Avalon Hotel (with Shulman + Associates)

Miami Beach, Florida 2011

Construction Cost: TBD

Scope of Work: Lead Designer/Project Manager for the complete restoration and renovation of the 23,313 SF historic Ocean Drive hotel. The project includes the transformation of 3 ground floor hotel rooms into an upgraded kitchen and an increase in amenities which include a new lobby, a new green screen trellis over an existing side yard and new window systems.

The Lincoln Theatre (H&M) (with Shulman + Associates)

Miami Beach, Florida 2010

Construction Cost: \$15,600,000

Scope of Work: Project Manager for the renovation, interior remodeling and expansion of a historic building into a retail space. The project team worked with owner to procure City of Miami Beach design approval and later served as Design Consultant for retail tenant H&M.

Design Competitions:

"Carnival" A Float for a Community, Barranquilla, CO 2010

Project Team: Wesley Kean

"Downtown" Seaplane Terminal Competition, Miami FL, 2011

Project Team: Wesley Kean, Peter Anselmo, Jose Navalujambo

Honorable Mention

http://www.bustler.net/index.php/article/check_out_the_2010_downtown_miami_entries/

"Reimagining the City" Tropic Magazine, Ft. Lauderdale FL, 2012

Project Team: Wesley Kean, Allan Shulman, Mike Gallea, Brand Gonzalez

Honorable Mention

http://www.powerssschram.com/news/pdfs/Tropic_Village%20Scene_article.pdf

Awards + Accolades:

2017 AIA Florida Merit Award of Excellence – Aviation Design Center

2017 Best of Houzz Service Award

2016 AIA Miami Merit Award of Excellence 2016

Edgar Alfredo Rodriguez
1080 94th Street apt. 608 Bay Harbor Islands, FL 33154
D.O.B: March 16, 1958
Place of Birth: Bogota, Colombia

EDUCATION

University of Miami, Homestead, Florida

Attended several classes to learn proper irrigation procedures. Learned about horticulture, the correct type of plants for different locations, and the proper way of manipulating, handling and discharging chemicals, herbicides, and fertilizers. No license acquired.

San Thomas University, Bogota, Colombia

Received accounting degree

Liceo Modern, Bogota, Colombia

Received a high school diploma

WORK EXPERIENCE

City of Miami Beach, Miami Beach, Florida

1995 to 2003

Parking Meter Collector Supervisor.

Duties: Supervised a staff of fourteen employees, filled out paper work, completed daily reports, and inspected areas tended to by my crew. Designed innovative programs for a better system and worked together with meter technicians and accounting employees.

City of Miami Beach, Miami Beach, Florida

M.S.W. III, South Beach Service Team division.

2003 to 2004

Duties: Supervised a crew of eleven employees, inspected streets, parks and enforced City regulations. Reported violations or issues to other departments and performed minor maintenance repairs.

City of Miami Beach, Miami Beach, Florida

M.S.W. III, Sanitation Department.

2004 to 2007

Duties: Supervised a crew of six employees, cleaned and maintained City of Miami Beach facilities, beaches, and streets.

City of Miami Beach, Miami Beach, Florida

M.S.W. III, Parks and Recreation – Greenspace Management

2007 to 2015

Duties: Performed park maintenance, such as planting, pruning, watering plants, applying mulch, and litter control.

City of Miami Beach, Miami Beach, Florida

M.S.W. III, Parks and Recreation – Greenspace Management

2015 to Present

Duties: Currently, as an inspector, I perform inspections after the private contractors do their work, complete paperwork, and write reports detailing any deficiencies found during inspection.

July 18, 2017

My name is Roger Santana and I would like to apply for the Planning & Zoning position of the Town of Bay Harbor Islands.

Since my family and I moved to Bay Harbor Islands, I've been trying to get involved and give my contribution to the best place we've ever lived. If chosen, I'll gladly accept it and will do my very best working with P&Z as well as all departments of the Town Hall, including the council.

I'm originally from Brazil, where I graduated Law school. Moved to the US in 1985. Lived in Stillwater, MN till 87...accepted a position at the Brazilian Embassy in Washington DC where I was the head of the commercial department for 13 years, where we implemented and developed several programs to facilitate and improve trading between the two countries.

In 2000 I was hired by Deutsche Post to develop a charge back system that in less than a year was being used in over 30 countries.

In 2005, Deutsche Post became DHL and the company decided to move the headquarters to Weston, FL. I accepted the invitation. Stayed with DHL for 3 years and decided to part ways and create my own logistic company (Pectrade) that has been growing substantially ever since.

We moved to Bay Harbor Islands in the summer of 2015...it was love at first sight. From the very beginning, I wanted to do something to improve the quality of life on the island...noticed several areas that needed improvement such as pedestrian safety, traffic areas that needed changes, among others.

I am strong supporter of sustainability. This would probably be the biggest topic of my agenda if I would have gotten elected to town council in the last election. I have a great relationship with all members of the City Council, Town Manager as well as everybody working for the city...but most importantly is that I believe I left a good impression with the residents of Bay Harbor Islands.

I'm a team player and I use common sense to judge and make decisions. But I believe I'm best at dealing with possibilities that can become reality and always looking for alternatives and well planned solutions for any project. I have the time, experience and willingness to help and give back to the city that provided me and my family such an amazing place to live.

A handwritten signature in blue ink, appearing to read 'Roger Santana', with a stylized, cursive script.

Roger Santana

Alejandro Sulser Balbuena
1108 Kane Concourse, suite 212
Bay Harbor Islands, FL. 33154
305 934 6728
sulserb@desajni.com

July 20th, 2017

Marlene M. Siegel
Town Clerk
Bay Harbor Islands

Dear Miss. Siegel,

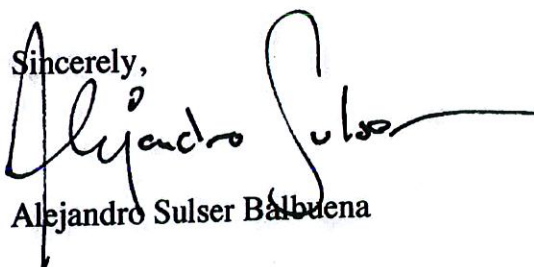
I am sending this letter in response to the Town of Bay Harbor Islands public notice in which it communicates the need of a volunteer to participate as a member of the Planning and Zoning Board.

I am an enthusiast Bay Harbor resident (work), with experience in the fields of residential development, architecture, urban and interior design and construction materials.

I humbly believe that my education, professional experience, knowledge regarding Florida and Miami Dade building codes, and enthusiasm would represent a valuable asset to the Planning and Zoning Board.

I would be honored to be given an opportunity to contribute with this beautiful town of ours.

Please feel free to contact me at anytime regarding any doubts you may have.

Sincerely,

Alejandro Sulser Balbuena

Alejandro Sulser Balbuena

1108 Kane Concourse, suite 212. Bay Harbor Islands, FL. 33154

305.934.6728 sulserb@desajni.com

Highly motivated and dynamic entrepreneur, committed to his clients and employees. Convinced that a high quality and a socially responsible approach towards business in the present is the key to success in the future.

PROFESSIONAL EXPERIENCE

Desajni (2014- Present) CEO

Bay Harbor Islands, FL. Construction materials manufacturer, with a wide range of product categories and a catalogue with over 1000 sku's. Active operations in Mexico, United States, China and Costa Rica

- Responsible for opening U.S.A. Branch in 2015.
- Full development of USA product line, resulting in a catalogue of over 1000 products, **all fully and strictly compliant with Florida Building Code and Miami Dade regulations.**
- Launched www.quickfaucets.com, retail e-commerce channel for kitchen and bathroom faucet product lines.
- Active member of the Miami Beach Chamber of Commerce.

Desarrollo Inmobiliario y Edificaciones, S.A. de C.V. (2007-present) COO

Mexico City, Mexico. Real Estate Development Company focused on the development and sales of middle-class housing projects, and remodeling of luxury houses. Committed to creating a life long quality product, which guarantees the safety and comfort of its clients.

- Fully developed and sold twenty-four unit building in Mexico City. (35,000 square feet)
- Fully developed and sold nine luxury house gated community in Mexico City (29,700 square feet)
- Remodeled and sold three single living houses in Luxury housing zone in Mexico City (42,000 square feet)
- Fully developed and sold sixteen luxury unit building in Mexico City (32,120 square feet)
- Created business model which will allow the company to replicate the development of the same housing unit in different locations without requiring new architectural or financial projects
- Enforced a mandatory education program for under educated construction workers, allowing them to take two hours off per day during six months, in order to help them achieve a high school diploma.

Almazan Arquitectos Asociados (2015- Present) Consultant

EDUCATION

Northeastern University, Boston, Ma. Masters of Science on Technological Entrepreneurship

Universidad Anahuac, Mexico City, Mexico. Bachelor's Degree in Business Administration

American School Foundation, Mexico City, Mexico. High School Diploma

ADDITIONAL INFORMATION

Languages: English: Native, Spanish: Native, Chinese: Learning

Knowledgeable on Florida Building Code and Miami Dade construction regulations.

Active stock, FOREX and derivatives trader.

AGENDA ITEM REPORT

October 16, 2017

ITEM NUMBER: 7.

ITEM: Approval of a Resolution requested by Council Member Yaffe and Council Member Salver opposing legislative efforts to impede municipal home rule powers. Enclosed is a copy of the proposed resolution.

DESCRIPTION:

RECOMMENDED ACTION:

Approval

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Marlene Siegel, Town Clerk
 Robert Yaffe, Council Member

ATTACHMENTS

1.	Proposed Resolution	Home Rule - Resolution.pdf
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RESOLUTION NO. ____

A RESOLUTION OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, OPPOSING LEGISLATIVE EFFORTS TO IMPEDE THE CONSTITUTIONAL RIGHT FLORIDA’S CITIZENS HAVE ENJOYED FOR NEARLY 50 YEARS TO GOVERN THEMSELVES UNDER MUNICIPAL HOME RULE POWERS; OPPOSING THE LEGISLATURE’S PERSISTENT INTRUSION INTO LOCAL FINANCES, WHICH ARE NECESSARY TO PROVIDE FINANCIAL STABILITY AND ESSENTIAL SERVICES UNIQUELY REQUIRED BY MUNICIPAL RESIDENTS AND LOCAL BUSINESSES; DIRECTING CITY ADMINISTRATION TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO THE FLORIDA LEAGUE OF CITIES, THE MIAMI DADE COUNTY LEGISLATIVE DELEGATION AND ANY OTHER INTERESTED PARTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the expressed will of the voters of Florida to have the right to govern themselves under municipal Home Rule powers; and

WHEREAS, Floridians have possessed this constitutional right of local self-government for nearly 50 years; and

WHEREAS, as the only form of voluntary government, Florida’s municipalities are the embodiment of the Florida Constitution’s right of local self-government; and

WHEREAS, municipal Home Rule powers include all governmental, corporate and proprietary powers necessary to conduct municipal government, perform municipal functions and render municipal services for the unique benefit of the people who live and work within a municipality; and

WHEREAS, Floridians exercise their Home Rule powers by voting to incorporate and be governed under a municipal form of government for a variety of reasons, including increased services, a unique business and residential environment, and greater voice in how their government is run; and

WHEREAS, municipal citizens further exercise their Home Rule powers by voting on a charter that specifies the desired form, functions and powers of their municipal government; and

WHEREAS, Floridians’ constitutional right to govern themselves locally, under municipal Home Rule powers and pursuant to their adopted municipal charters, is being increasingly eroded and limited by actions of the Florida Legislature; and

WHEREAS, these actions of the Florida Legislature take power away from Florida citizens to ensure their chosen municipal government provides their desired level of services, offers their desired quality of life and otherwise meets their needs in a timely and effective manner; and

WHEREAS, municipalities are authorized by the Florida Constitution and by general law to levy ad valorem and other forms of local taxation, and are further authorized by general law and their Home Rule powers to impose special assessments and fees; and

WHEREAS, municipal residents and local businesses pay local taxes, assessments and fees for the specific purpose of obtaining and enhancing their desired level of municipal services and amenities; and

WHEREAS, intrusion from the Florida Legislature into municipal finances prohibits elected municipal leaders from meeting the expectations of their residents and local businesses that local revenues will be used as intended; and

WHEREAS, the Florida League of Cities has included the protection of local self-government under municipal Home Rule powers as one of its 2018 Legislative Priorities.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, THAT:

Section 1. The above “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are incorporated herein by this reference.

Section 2. The Town Council of the Town of Bay Harbor Islands urges all members of the Florida Legislature to oppose legislation that limits Floridians’ constitutional right to govern themselves under municipal Home Rule Powers.

Section 3. The Town Council of the Town of Bay Harbor Islands urges all members of the Florida Legislature to oppose legislation that would interfere with or intrude into municipal finances.

Section 4. The Town of Bay Harbor Islands Administration is directed to transmit a certified copy of this Resolution to the Florida League of Cities, the Miami Dade County Legislative Delegation and any other interested parties.

Section 5. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

Section 6. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

Section 7. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED THIS 11th DAY OF September, 2017.

JORDAN W. LEONARD
Mayor

ATTEST:

MARLENE M. SIEGEL
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

FRANK C. SIMONE, ESQ.
Assistant Town Attorney

AGENDA ITEM REPORT

October 16, 2017

ITEM NUMBER: 8.

ITEM: Approval of a Resolution requested by Council Member Yaffe supporting legislation to require certification for all recovery residences and recovery residence administrators. Enclosed is a copy of the proposed resolution.

DESCRIPTION:

RECOMMENDED ACTION:

Approval

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Marlene Siegel, Town Clerk
 Robert Yaffe, Council Member

ATTACHMENTS

1.	Proposed Resolution	Resolution on Sober Homes Certification.pdf
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RESOLUTION NO. ____

A RESOLUTION OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, SUPPORTING LEGISLATION TO REQUIRE CERTIFICATION FOR ALL RECOVERY RESIDENCES AND RECOVERY RESIDENCE ADMINISTRATORS TO ENSURE THAT THE VULNERABLE POPULATION IN RECOVERY IS PROTECTED AND THAT RECOVERY RESIDENCE ADMINISTRATORS HAVE THE COMPETENCIES NECESSARY TO RESPOND APPROPRIATELY TO THE NEEDS OF RESIDENTS; DIRECTING CITY ADMINISTRATION TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO THE FLORIDA LEAGUE OF CITIES, THE MIAMI DADE COUNTY LEGISLATIVE DELEGATION AND ANY OTHER INTERESTED PARTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, recovery residences, also known as “sober homes,” are not required to be licensed under Florida law; and

WHEREAS, recovery residences that are run safely and effectively provide peer-supported housing that assists recovering individuals in their quest to be drug or alcohol-free; and

WHEREAS, recovery residences impact residential neighborhoods and, when unlicensed and unregulated, create health, safety and welfare hazards for both their residents and surrounding neighbors; and

WHEREAS, the certification of recovery residences and recovery residence administrators will create a consistent standard of operation to provide uniform and safe operation throughout the state; provide for accountability of the owners and administrators of these facilities; help end abuses that are occurring in sober homes; ensure that certain life safety standards are followed to keep residents safe; and promote the well-being and recovery of their residents; and

WHEREAS, the uniform certification of recovery residences and administrators will provide safety to a disadvantaged group and will protect both the residents of the Town of Bay Harbor Islands and surrounding communities; and

WHEREAS, the Town of Bay Harbor Islands determines that the certification of recovery residences and administrators would be in the best interests of and would protect the health, safety and welfare of its residents, both temporary and permanent; and

WHEREAS, the Florida League of Cities has included the support of minimum certification standards for recovery residences and administrators as one of its 2018 Legislative Priorities.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS FLORIDA, THAT:

Section 1. The above “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are incorporated herein by this reference.

Section 2. The Town Council of the Town of Bay Harbor Islands urges all members of the Florida Legislature to support minimum certification standards for recovery residences and recovery residence administrators located throughout the State of Florida.

Section 3. The Bay Harbor Islands administration is directed to transmit a certified copy of this Resolution to the Florida League of Cities, the Miami Dade County Legislative Delegation and any other interested parties.

Section 4. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

Section 5. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

Section 6. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED THIS 11th DAY OF September, 2017.

JORDAN W. LEONARD
Mayor

ATTEST:

MARLENE M. SIEGEL
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

FRANK C. SIMONE, ESQ.
Assistant Town Attorney

AGENDA ITEM REPORT

October 16, 2017

ITEM NUMBER: 9.

ITEM: Approval of a Resolution requested by Council Member Yaffe and Council Member Salver supporting the Florida Legislature to take legislative action to assist with funding resources for municipal transportation needs. Enclosed is a copy of the proposed resolution.

DESCRIPTION:

RECOMMENDED ACTION:

Approval

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Marlene Siegel, Town Clerk
Robert Yaffe, Council Member
Isaac Salver, Council Member

ATTACHMENTS

1.	Proposed Resolution	Resolution on Transportation Funding.pdf
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RESOLUTION NO. ____

A RESOLUTION OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, SUPPORTING LEGISLATION THAT PRESERVES LOCAL CONTROL OF TRANSPORTATION PLANNING, PROVIDES FOR A MORE EQUITABLE TRANSPORTATION FUNDING FORMULA BETWEEN MUNICIPALITIES AND COUNTIES, AND PROVIDES FOR ADDITIONAL DEDICATED REVENUE OPTIONS FOR MUNICIPAL TRANSPORTATION INFRASTRUCTURE AND TRANSIT PROJECTS; DIRECTING CITY ADMINISTRATION TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO THE FLORIDA LEAGUE OF CITIES, THE MIAMI DADE COUNTY LEGISLATIVE DELEGATION AND ANY OTHER INTERESTED PARTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, safe and efficient transportation is fundamental to the vitality, economy and public safety of the Town of Bay Harbor Islands as well as to the State of Florida; and

WHEREAS, the State of Florida has 112.8 million visitors each year and more than 1,000 new residents each day; and

WHEREAS, transportation congestion is a growing problem throughout the state and in the Town of Bay Harbor Islands; and

WHEREAS, the state's growing population and influx of visitors causes additional wear and tear on existing transportation infrastructure, which contributes to a growing, recurring need for regular repair and replacement; and

WHEREAS, transportation infrastructure is underfunded, which has adversely impacted the ability of the Town of Bay Harbor Islands to facilitate economic growth, meet businesses' distribution needs, encourage downtown revitalization, and accommodate future growth in population and visitors; and

WHEREAS, gas tax revenues at both the state and federal levels have not kept up with inflation, while transportation construction costs continue to escalate; and

WHEREAS, the continued increase in the number of fuel-efficient vehicles has resulted in lower gas tax revenues; and

WHEREAS, federal, state and county governments have a variety of tools available to address transportation funding needs, but municipalities have very limited revenue options for funding transportation needs; and

WHEREAS, while the state has authority to charge tolls on certain roadways or increase vehicle registration fees to help fund transportation needs, and counties have the authority to

impose additional gas taxes or other sales surtaxes through voter referenda to address transportation funding needs, municipalities do not have authority to exercise these options for addressing municipal transportation funding needs; and

WHEREAS, legislative action is needed to assist municipalities with funding resources for municipal transportation needs, including, but not limited to, low interest loans or grants from the state for municipal transportation projects, or a dedicated and recurring funding mechanism for municipal transportation infrastructure and transit projects; and

WHEREAS, the Florida League of Cities has included municipal transportation infrastructure funding as one of its 2018 Legislative Priorities.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS FLORIDA, THAT:

Section 1. The above “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are incorporated herein by this reference.

Section 2. The Town Council of the Town of Bay Harbor Islands urges all members of the Florida Legislature to preserve local control of transportation planning, and further urges the Legislature to authorize dedicated revenue options and mechanisms for municipal transportation infrastructure and transit projects.

Section 3. The Town of Bay Harbor Islands Administration is directed to transmit a certified copy of this Resolution to the Florida League of Cities, the Miami Dade County Legislative Delegation and any other interested parties.

Section 4. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

Section 5. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

Section 6. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED THIS 11th DAY OF September, 2017.

JORDAN W. LEONARD
Mayor

ATTEST:

MARLENE M. SIEGEL
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

FRANK C. SIMONE, ESQ.
Assistant Town Attorney

AGENDA ITEM REPORT

October 16, 2017

ITEM NUMBER: 10.

ITEM: Approval of a Resolution requested by Council Member Yaffe and Council Member Salver supporting legislation to provide long term, recurring and adequate state funding for local government water resources and water quality improvement projects and infrastructure. Enclosed is a copy of the proposed resolution.

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Marlene Siegel, Town Clerk
Robert Yaffe, Council Member
Isaac Salver, Council Member

ATTACHMENTS

1.	Proposed Resolution	Resolution on Water Funding.pdf
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RESOLUTION NO. ____

A RESOLUTION OF THE TOWN OF BAY HARBOR ISLANDS FLORIDA, SUPPORTING LEGISLATION TO PROVIDE LONG-TERM, RECURRING AND ADEQUATE STATE FUNDING THAT IS EQUITABLY DISTRIBUTED THROUGHOUT THE STATE, FOR LOCAL GOVERNMENT WATER RESOURCE AND WATER QUALITY IMPROVEMENT PROJECTS AND INFRASTRUCTURE, INCLUDING, BUT NOT LIMITED TO, PROJECTS THAT REDUCE NUTRIENT AND POLLUTANT LOADING FROM WASTEWATER SOURCES, MITIGATE STORM WATER AND FLOODING IMPACTS, AND INCREASE AVAILABLE WATER RESOURCES AND SUPPLIES; DIRECTING CITY ADMINISTRATION TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO THE FLORIDA LEAGUE OF CITIES, THE MIAMI DADE COUNTY LEGISLATIVE DELEGATION AND ANY OTHER INTERESTED PARTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida's ability to meet the water needs of its growing population, industries and natural environment exceeds available supply and infrastructure; and

WHEREAS, it is estimated that \$48.7 billion will be needed over the next 20 years to meet Florida's needs for drinking water, wastewater, flood control, nutrient pollution reduction, Everglades restoration, and beach and inlet erosion; and

WHEREAS, the extent and nature of the state's water and infrastructure problems vary among regions and locales, but include challenges associated with nutrient pollution from septic tanks, wastewater systems and storm water, dwindling water supplies and high costs associated with creating alternative water supplies, and impacts from tidal and storm flooding; and

WHEREAS, Florida's current problems and future needs are attributable to multiple sources and stakeholders – urban, rural, agricultural, business and industrial – and all of them have a shared responsibility for addressing current problems and future needs; and

WHEREAS, Florida's local governments lack adequate fiscal resources to address these needs alone; and

WHEREAS, Florida lacks a dedicated, long-term, recurring source of state funding for water supply, water quality and associated infrastructure; and

WHEREAS, Florida's state and local governments, residents, businesses and industries must collaborate on shared solutions that will meet Florida's water and infrastructure challenges comprehensively, equitably and for the long-term; and

WHEREAS, the Florida League of Cities has included water resource and water quality funding as one of its 2018 Legislative Priorities.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS FLORIDA, THAT:

Section 1. The above “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are incorporated herein by this reference.

Section 2. The Town Council of the Town of Bay Harbor Islands urges all members of the Florida Legislature to support long-term, recurring and adequate state funding for water resource and water quality improvement projects and infrastructure necessary to assist Florida’s local governments in addressing current deficits and meeting future demand, and which will benefit natural systems and all stakeholders.

Section 3. The Town of Bay Harbor Islands Administration is directed to transmit a certified copy of this Resolution to the Florida League of Cities, the Miami Dade County Legislative Delegation and any other interested parties.

Section 4. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

Section 5. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

Section 6. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED THIS 11th DAY OF September, 2017.

JORDAN W. LEONARD
Mayor

ATTEST:

MARLENE M. SIEGEL
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

FRANK C. SIMONE, ESQ.
Assistant Town Attorney

AGENDA ITEM REPORT

October 16, 2017

ITEM NUMBER: 11.

ITEM: Approval of a Resolution requested by Council Member Yaffe and Council Member Salver supporting legislation reforming the communications services tax in a manner that is revenue neutral. Enclosed is a copy of the proposed resolution.

DESCRIPTION:

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Marlene Siegel, Town Clerk
Robert Yaffe, Council Member
Isaac Salver, Council Member

ATTACHMENTS

1.	Proposed Resolution	Resolution on CST.pdf
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RESOLUTION NO. ____

A RESOLUTION OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, SUPPORTING LEGISLATION REFORMING THE COMMUNICATIONS SERVICES TAX IN A MANNER THAT IS REVENUE NEUTRAL; PROVIDING FOR A BROAD AND EQUITABLE TAX BASE; PROVIDING FOR ENHANCED STABILITY AND RELIABILITY AS AN IMPORTANT REVENUE SOURCE FOR LOCAL GOVERNMENT; AND PROVIDING A UNIFORM METHOD FOR TAXING COMMUNICATIONS SERVICES IN FLORIDA; DIRECTING CITY ADMINISTRATION TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO THE FLORIDA LEAGUE OF CITIES, THE MIAMI DADE COUNTY LEGISLATIVE DELEGATION AND ANY OTHER INTERESTED PARTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2000, the Florida Legislature restructured taxes and fees on telecommunications, cable, direct-to-home satellite and related services under the Communications Services Tax Simplification Act (Act); and

WHEREAS, the Act replaced and consolidated seven state and local taxes and fees into a single tax that has two centrally administered parts, the state and the local communications services tax (CST); and

WHEREAS, the local CST is one of the main sources of locally levied general revenue for municipalities, providing them with more than \$421 million annually; and

WHEREAS, Florida's local governments need adequate fiscal resources to provide services their citizens desire; and

WHEREAS, in the past two decades technological advancements in communications have been made which leave the taxation structure of communications services outdated; and

WHEREAS, over the past few years, competition among communications providers and legislative actions have eroded the tax base for the CST; and

WHEREAS, CST reform should promote a competitively neutral tax policy that will free consumers to choose a provider based on tax-neutral considerations; and

WHEREAS, the Florida League of Cities has included communications services tax reform as one of its 2018 Legislative Priorities.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS FLORIDA, THAT:

Section 1. The above "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are incorporated herein by this reference.

Section 2. The Town Council of the Town of Bay Harbor Islands urges all members of the Florida Legislature to support reforming the Communications Services Tax in a manner that is revenue neutral; provides for a broad and equitable tax base; provides for enhanced stability and reliability as an important revenue source for local government; and provides a uniform method for taxing communications services in Florida that will benefit all stakeholders.

Section 3. The Town of Bay Harbor Islands administration is directed to transmit a certified copy of this Resolution to the Florida League of Cities, the Miami Dade County Legislative Delegation and any other interested parties.

Section 4. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

Section 5. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

Section 6. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED THIS 11th DAY OF September, 2017.

JORDAN W. LEONARD
Mayor

ATTEST:

MARLENE M. SIEGEL
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

FRANK C. SIMONE, ESQ.
Assistant Town Attorney

AGENDA ITEM REPORT

October 16, 2017

ITEM NUMBER: 12.

ITEM: Approval of a Memorandum of Understanding (MOU) between the Town of Bay Harbor Islands and the City of Sunny Isles Beach to jointly develop a regional hybrid skatepark and pumptrack in Haulover Park. Enclosed is a copy of the agreement.

DESCRIPTION:

RECOMMENDED ACTION:

Approval

FINANCIAL ANALYSIS:

This item was previously approved at the June 12, 2017, Regular Council Meeting.

BUDGET IMPACT:

Submitted By: Marlene Siegel, Town Clerk

ATTACHMENTS

1.	Memorandum of Understanding	MOU- Skatepark.pdf
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MEMORANDUM OF UNDERSTANDING

BETWEEN

TOWN OF BAY HARBOR ISLANDS, FLORIDA

AND

CITY OF SUNNY ISLES BEACH, FLORIDA

HAULOVER PARK SKATEPARK

THIS MEMORANDUM OF UNDERSTANDING (this "MOU") is made this ____ day of _____, 2017 by and between the **TOWN OF BAY HARBOR ISLANDS, FLORIDA**, a Florida municipal corporation (hereinafter referred to "Bay Harbor"), and the **CITY OF SUNNY ISLES BEACH**, a Florida municipal corporation (hereinafter referred as to "Sunny Isles Beach"). Town of Bay Harbor and Sunny Isles Beach shall each hereinafter be referred to as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, it is a long-standing priority of the Town of Bay Harbor to foster outdoor recreation for the community; and

WHEREAS, Miami-Dade County ("County") and neighboring municipalities, including Sunny Isles Beach, City of Miami Beach, Bal Harbour Village and Town of Bay Harbor Islands (hereinafter, the neighboring municipalities referred to collectively as the "Participating Municipalities"), have agreed to jointly develop a regional hybrid skatepark and pumptrack in Haulover Park, at the location indicated in Attachment "A" (the "Skatepark"); and

WHEREAS, Sunny Isles Beach received a proposal under the National Joint Powers Alliance from Velosolutions on behalf of American Ramp Company to design, permit and construct the Skatepark, with a total project cost of \$267,375.00; and

WHEREAS, the Skatepark is a logical initiative for Bay Harbor due to limitations of space within Bay Harbor to build a skatepark, and will expand recreational amenities, enhance mobility, build a sense of community and further the efforts to cooperate on projects of mutual interest between the coastal communities in the region; and

WHEREAS, the land, maintenance and operational costs of the proposed Skatepark will be provided by the County, pursuant to a separate agreement with Sunny Isles Beach; and

WHEREAS, the Town Council of Bay Harbor Beach has agreed to contribute an amount of \$50,000 to Sunny Isles Beach in support of the Skatepark, and to be disbursed upon execution of this MOU; and

WHEREAS, it is in the best interest of the Parties to enter into this MOU to support the Skatepark, and to evidence the payment to Sunny Isles Beach of Bay Harbor's contribution

towards the cost of the Skatepark, in cooperation with the County and the Participating Municipalities.

NOW, THEREFORE, in consideration of the mutual agreements and covenants contained therein and for other good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged, it is mutually agreed and covenanted, under seal, by and between the Parties to this MOU, as follows:

TERM

1. Recitals Incorporated. The above recitals are true and correct and incorporated herein by reference.

2. Bay Harbor Contribution to Skatepark. Within three (3) days of execution of this MOU by the Parties, Bay Harbor shall make payment and disbursement to Sunny Isles Beach in the amount of \$50,000.00 (Fifty Thousand Dollars) for the Skatepark Contribution, to be deposited in an account created by Sunny Isles Beach ("the Bay Harbor Contribution"). The Bay Harbor Contribution shall be used solely for costs in connection with the design and construction of the Skatepark, in coordination with the County and the Participating Municipalities. During the term of this MOU, Sunny Isles Beach agrees to administer and disburse the Bay Harbor Contribution only in furtherance of the design, permitting, construction and other benefits directly related to the Skatepark. Bay Harbor agrees there are no refunds after the purchase of equipment for the Skatepark unless a refund is provided to Sunny Isles Beach by the vendor/contractor. Bay Harbor further agrees that all funds for the Skatepark must be transferred to Sunny Isles Beach prior to its purchase of equipment for the Skatepark.

3. Acceptance and Acknowledgement by Sunny Isles Beach. Sunny Isles Beach hereby accepts the Bay Harbor Contribution and agrees to utilize said funds consistent with Paragraph 2 above. Sunny Isles Beach shall further accept contributions from the other Participating Municipalities. Each one of the Participating Municipalities shall contribute an amount not to exceed \$50,000.00 (Fifty Thousand Dollars) towards the Skatepark. Sunny Isles Beach agrees to contribute the balance of the funds necessary and towards completion of the Skatepark and other facility-related enhancements or features (such as benches, shade features, landscaping and trees, etc.), up to the amount of \$150,000.00 (One Hundred and Fifty Thousand Dollars). Upon request, Participating Municipalities shall be provided with copies of any and all Memorandums of Understanding or agreements entered between Sunny Isles Beach and other Participating Municipalities contributing to the Skatepark. Sunny Isles Beach shall serve as the fiscal agent to collect the funds from all Participating Municipalities, including the Town of Surfside, the City of Miami Beach, Bal Harbour Village, and the Town of Bay Harbor Islands in connection with the Skatepark.

4. Use of Haulover Park Land from County; Operation and Maintenance. Sunny Isles Beach, in coordination with the County, shall enter into the appropriate agreement(s) as necessary for use of the site and for the procurement, development and construction of the Skatepark, and the long-term operation and maintenance thereof by the County. Bay Harbor shall be provided with copies of any and all such agreements entered between the County and Sunny Isles Beach for the Skatepark.

5. **Development of Skatepark.** Sunny Isles Beach shall, working in coordination with the County, hire or engage the Contractor for the design, development and construction of the Skatepark, and keep Bay Harbor and other Participating Municipalities fully informed of development and construction status on an as needed basis. The Skatepark shall be designed in substantially the same design proposal under the National Joint Powers Alliance from Velosolutions on behalf of American Ramp Company to design, permit and construct the Skatepark, with a total project cost of \$267,375.00, attached hereto as Attachment "B".

6. **Effective Date; Termination.** This MOU shall become effective upon execution and approval by the Parties and shall continue in full force and effect until such time as it is terminated by either Party. Either Party may terminate this MOU upon thirty (30) days written notice to the other Party.

7. **Notice.** All notices required or permitted to be given under this MOU shall be deemed given when delivered by hand or sent by registered or certified mail, return receipt requested, addressed as follows:

Town of Bay Harbor Islands
Attention: Ronald J. Wasson, Town Manager
9665 Bay Harbor Terrace
Bay Harbor Islands, Florida 33154

With a Copy To:

Town Attorney
Craig B. Sherman, Esq.
9665 Bay Harbor Terrace
Bay Harbor Islands, Florida 33154

City of Sunny Isles Beach
Attention: Christopher J. Russo, City Manager
18070 Collins Avenue, 4th Floor
Sunny isles Beach, Florida 33160

With a copy to:

Hans Ottinot, City Attorney
City of Sunny Isles Beach
18070 Collins Avenue, 4th Floor
Sunny Isles Beach, Florida 33160

8. **Governing Law.** This MOU shall be governed by and construed in accordance with the laws of the State of Florida, and venue for any dispute or litigation shall be in Miami-Dade County, Florida.

9. **Costs.** Each Party shall pay its own costs and expenses of and incidental to the negotiation, preparation, execution and implementation by it of this MOU and any other agreements pertaining to the Skatepark.

10. **Counterparts.** This MOU may be executed in counterparts, each of which shall be deemed an original and such counterparts shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Town of Bay Harbor Islands and the City of Sunny Isles Beach have executed this MOU as of the day and year written below their signatures.

TOWN OF BAY HARBOR ISLANDS, FLORIDA,
A Florida municipal corporation

Ronald J. Wasson, Town Manager

Date Executed: _____

ATTEST:

Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Town Attorney

CITY OF SUNNY ISLES BEACH, FLORIDA,
a Florida municipal corporation

Christopher J. Russo, City Manager

Date Executed: _____

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY:

City Attorney

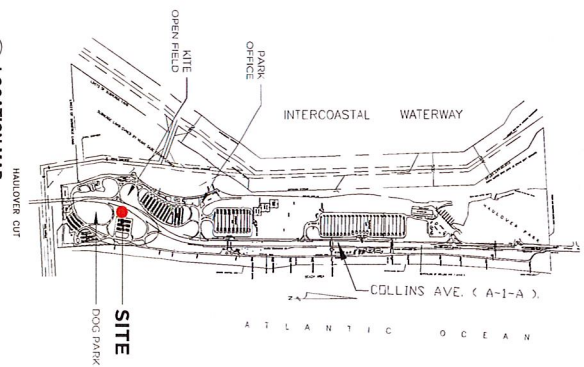
2 **DRAFT PLAN**
Scale: 24" X 36" SHT 1



3 SITE PHOTO
Scale: NTS



1 LOCATION MAP
Scale: NTS



ATTACHMENT "A"

601 McKinley
Joplin, MO 64801
Toll-free 877-RAMP-778
Local 417-206-6816
Fax 417-206-6888
sales@americanrampcompany.com



August 3, 2017

Project Description: Haulover Park, Velosolutions Pumptrack
Quote #Q21057

NJPA Contract # 030117-ARC

Florida Contractors License # CGC1518152

Category	Item	Total
Planning/Design	Velosolutions Design Package	\$ 34,500.00
Accommodations	Mobilization Housing, Per Diem, and Misc. Accommodations	\$ 28,750.00
Labor	Superintendent/Machine Operators	\$ 109,250.00
Equipment	Machines Tools Gas/Fuel, Grease, Consumables, Etc.	\$ 11,500.00
Materials	Fill, Subbase, Asphalt, etc. Drainage, Misc. Construction Materials	\$ 86,250.00
Aesthetics	Landscaping Fencing	\$ 17,250.00
Sub-Total		\$ 287,500.00
NJPA Discount - 7%		\$ (20,125.00)
Grand Total		\$ 267,375.00

Notes:

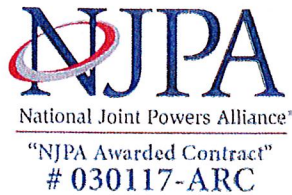
- This quote includes payment and performance bonds as required by project.
- Payment Terms are as follows: 25% Upon Contract Signing, 25% Upon Mobilization, 25% Upon completion of earthwork, 25% Balance Upon Project Completion
- Pricing includes fee for permitting to be paid by contractor.

ATTACHMENT "B"

601 McKinley
Joplin, MO 64801
Toll-free 877-RAMP-778
Local 417-206-6816
Fax 417-206-6888
sales@americanrampcompany.com



WE LOOK FORWARD TO BUILDING YOU A GREAT PARK!





Miami-Dade County deserves to become a pioneer in Hybrid Park Construction

Imagine having a city amenity
that will be welcomed by the
community



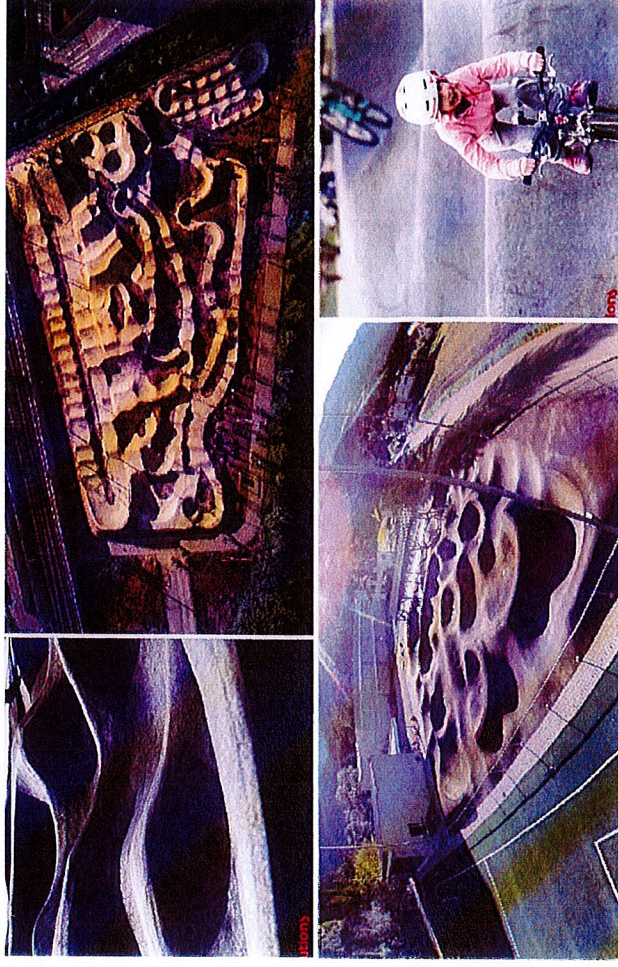
Haulover Park Proposal

Sq. ft.

Size of the Park

7,500

Velosolutions Planning and Design (Includes Engineering)	\$30,000.00
Velosolutions Construction (10 people / 32 days)	\$95,000.00
Materials (gravel, dirt, fill, asphalt, drainage, concrete, etc)	\$75,000.00
Specific tools and machinery rental	\$10,000.00
Landscaping/Fence	\$15,000.00
Accommodation and Transportation of the crew	\$25,000.00



601 McKinley
Joplin, MO 64801
Toll-free 877-RAMP-778
Local 417-206-6816
Fax 417-206-6888



sales@americanrampcompany.com

Warranty Statement

Velosolutions Asphalt Pumptrack

- **1-year limited on all asphalt surfaces**

Begins on the date of final project delivery or when the on-site work is complete, under the condition that the Velosolutions Asphalt Pumptrack has no defect in material and/or workmanship. Warranty items covered include:

1. Asphalt surface failure due to ineffective subgrade compaction.
2. Surface cracking greater than the width of two quarters.

Should purchaser believe American Ramp Company has failed to meet the terms of this warranty, they shall notify American Ramp Company, and American Ramp Company shall, at its sole discretion, repair or provide replacement parts. This warranty is exclusive and is in lieu of all other warranties, whether expressed, implied, or statutory.

Exceptions to Warranty

Asphalt by its inherent characteristics develop hairline checks, cracks, discolor, and stain, and therefore will not be covered by this warranty except when such checks or cracks exceed the thickness of two quarters. Damage caused by surface or subterranean drainage under or around said concrete or earth fill movement or expansive soil, explosions, wrecking, and the like. Damage caused by improper landscape drainage (not performed by American Ramp Company), stopped up drain, excessive humidity, or motorized vehicular traffic on asphalt surface. Damage caused by premature use of the concrete surface by foot traffic, furniture, equipment, or vehicles. Repairs required by normal wear, neglect, abuse, accident, vandalism, use of products other than the intended purpose, and acts of nature or God are not warrantied. The warranty does not cover any modifications, additions, or changes to the Velosolutions Asphalt Pumptrack unless approved in writing by American Ramp Company.

Disclaimer of Consequential Damages

American Ramp Company shall not be held liable to purchaser, purchaser's customers, or other users of the product, or to anyone else for incidental, consequential or any other direct loss or damage or for lost profits or revenues of any kind, arising out of this agreement, whether in any action for or arising out of breach of contract, tort, fraud, or otherwise.

Safety

Velosolutions Asphalt Pumptrack surfaces should be inspected regularly by purchaser to ensure that it is safe and in good repair. Should the purchaser neglect any suggested maintenance, this warranty is rendered invalid. Purchaser assumes all liability for site location and any and all problems resulting from such placement (noise, vandalism, traffic, etc.).

Nothing contained herein shall be construed as extending or otherwise increasing or modifying the obligation of any surety of American Ramp Company, other than the one-year guarantee as to materials and workmanship provided by this surety with respect to any claim by purchaser for defective work or materials under applicable law. Surety's obligation shall be limited to that set forth in its agreement and American Ramp Company. and applicable law. Nothing contained herein shall be construed as establishing a contractual or other relationship between surety and purchaser.

Purchaser: _____
Representative: _____
Date: _____

AGENDA ITEM REPORT

October 16, 2017

ITEM NUMBER: 13.

ITEM:

Consideration and **Approval** of an ordinance on **second** reading requested by Council Member Salver amending Section 5-5 of the Town regarding the current parking plan for construction sites in Town.

DESCRIPTION:

At the June 12, 2017, Regular Council Meeting, the Town Council had a discussion on the requirements for a staging plan for the single family homes, multi-family and commercial projects. It was noted that the current Code only require a staging plan for the multi-family and commercial projects.

Consensus was for staff to draft an ordinance on first reading to amend Section 5-5 of the Town Code that would require a staging plan for the single family projects.

Enclosed is a copy of the proposed ordinance for first reading.

RECOMMENDED ACTION:

Council Discretion

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Marlene Siegel, Town Clerk
Isaac Salver, Council Member

ATTACHMENTS

1.	Proposed Ordinance	rev-Construction Site Operations - West Island Construction.docx
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ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS FLORIDA AMENDING SECTION 5-5 OF THE BAY HARBOR ISLANDS TOWN CODE OF ORDINANCES REQUIRING A STAGING PLAN FOR SINGLE FAMILY, MULTI-FAMILY, AND COMMERCIAL PROJECTS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Bay Harbor Islands is charged with protecting and preserving the public health, safety and welfare of the residents and those coming into the Town of Bay Harbor Islands; and

WHEREAS, the Town Council of the Town of Bay Harbor Islands is charged with preserving and maintaining the high quality and standards and aesthetic beauty contained within the Town; and

WHEREAS, the regulation of construction site operations is necessary for preserving and maintaining the public health, safety, welfare and high quality and standards and aesthetic beauty within the Town; and

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS as follows:

Section 1.

Section 5-5 of the Code of Bay Harbor Islands is hereby amended as follows:

ARTICLE I. IN GENERAL

Sec. 5-5. - Construction site operations.

It is the purpose of this section to promote the public health, safety, and general welfare and to minimize public and private losses arising as a result of unauthorized access to construction sites, or from loose and unsecured materials at construction sites during emergency weather conditions, to minimize exposure and prohibit activities which may pose a danger to persons located off the construction site, from debris, materials or activities carried on at the construction site by enacting the following regulations.

- (a) *Definitions*. The following words or phrases when used in this section shall have the meanings ascribed to them herein:
 - (1) *Construction site* includes all sites where new construction, renovations, or additions take place, other than just interior work that is not visible to the exterior of the premises, and any construction that shall include excavation or exposure of the interior of an existing structure. A construction site shall not include paving or repaving of a driveway, or other re-surfacing and/or minor interior renovations or construction that is not exposed to the elements.
 - (2) *Secure*, in reference to items, includes fastening down or removing all hazardous objects, including but not limited to, such as construction shacks, temporary toilets, roofing tile, building materials, trash, forms, insecure structures, and temporary electric service poles, The term "secure" as applied to construction site access, includes protecting the construction site, during the hours described herein in paragraph (i), by way of locked fence surrounding the perimeter of the site and/or the provision of a security.
- (b) *Debris control*. A construction site shall be maintained in a neat and orderly manner. A trash enclosure, dumpster, or other container shall be maintained in the construction site at all times. Loose debris shall be placed within the enclosure. A cover shall be

maintained over such debris containers during periods when no construction activity is taking place and at the end of each construction day.

- (c) *Erosion and run-off control.* In compliance with the town's National Pollution Discharge Elimination System (NPDES) permit requirements, prior to beginning any clearing, grubbing, or construction activities, as part of the building permit process, the contractor shall submit a plan (Erosion and Sediment Control Plan) detailing the location and handling of materials, soils and outlining the actions that will be taken to prohibit run-off of dirt, sand, fluids, vegetation or any other item into the town's stormwater system or onto adjacent property and waterways. Piles of soil, or any other methods approved by the town, shall provide for a containment area to reduce run-off.
- (d) *Temporary bathroom facilities.* Temporary bathroom facilities shall be placed at a location that minimizes visibility from off-site. Any such facility shall be located behind a temporary construction fence, which shall completely screen the construction site on all sides. The bathroom facilities shall be maintained in sanitary condition and emptied on a regular basis. Failure to do so will constitute a violation of this section. No temporary bathroom facility may be kept on a construction site unless construction activities are actively occurring.
- (e) *Vegetation maintenance.* Vegetation such as grass, shrubs, trees and groundcovers shall be maintained in such a fashion so that the construction site does not appear overgrown or unkempt. Within 30 days of demolition of an existing structure, the construction site must be sodded and properly maintained, until such time as a construction fence is erected and construction activity begins.
- (f) *Temporary construction fence.* A temporary construction fence screening the construction site shall be erected and maintained in good order at all times. The temporary construction fence shall be erected and completely in place as a requirement for the issuance of a building permit and prior to the beginning of construction activities. The temporary construction fence shall be six feet chain link fence with a screening material attached to visually screen and minimize impact to neighboring properties which may be affected by construction site dust and debris. A fence permit is required to be issued for the temporary construction fence, and the fence installed, inspected, and the fence permit must be closed-out by the building department prior to the issuance of a building permit.
 - (1) A temporary construction fence will be required for all new construction and substantial renovations.
 - (2) Work being done within the unit is exempt from this requirement. However, if a temporary bathroom facility and/or a dumpster is to be located on-site, the temporary construction fence must be installed.
 - (3) Work on pools, pool installations or substantial renovations will require a temporary construction fence at all times to avoid health and safety hazards. Also pools undergoing renovations and new pools being installed must be emptied of accumulated water at all times.
- (g) *Construction staging plan.* The owner, occupant or user of any construction site for a commercial and multifamily project, shall be required to present a plan to the town manager or his/her designee for approval prior to the issuance of a building permit by the building official. The plan shall include, but shall not be limited to, the following elements:
 - (1) Parking provisions for construction workers.
 - (2) General traffic and detours including specific routes to and from the construction site.
 - (3) Delivery and location of cranes.
 - (4) Delivery and storage of materials.
 - (5) Use of state certified flaggers with state approval equipment and/or off-duty police officers. Off-duty police officers will be required for the following activities: a complete street closure for more than one hour, a concrete pour lasting more than six hours, when cranes are delivered and set-up and when they are being removed from the construction site, and any other activity as may be required by the town manager or his designee. Certified flaggers may be used for normal deliveries and short time single lane closures.

- (6) Construction fencing with visual/dust barrier.
- (7) Construction signs.
- (8) Temporary construction trailer approval required by the town manager in subsection 23-4(7), provided:
 - a. The location of any trailer provides for safe and efficient completion of the project with minimal disruption to existing residents, businesses, parking or traffic flows, and to ensure that public services and facilities are available.
 - b. No more than one trailer is permitted per development site.
 - c. No trailer may exceed one-story/12 feet in height above grade.
 - d. No trailer may exceed 530 square feet in size.
 - e. The location of the trailer shall be approved by the town manager to minimize the impact on neighboring properties.
 - f. The trailer and all related temporary facilities shall be removed from the site prior to the issuance of a certificate of occupancy.
 - g. Construction trailers are permitted to be located on a neighboring staging area if proof is submitted that the property owner agrees to its proposed location.
- (9) Temporary sales office approval is required at the discretion of the town council in subsection 23-4(7), provided:
 - a. The location of any office provides for safe and efficient completion of the project with minimal disruption to existing residents, businesses, parking or traffic flows, and to ensure that public services and facilities are available.
 - b. No office may exceed one-story / 12 feet in height above grade.
 - c. The office and all related temporary facilities must be removed prior to the issuance of a certificate of occupancy.
- (10) Use of meter parking spaces.
- (11) Use of right-of-way.
- (12) Provisions for pedestrian safety and pedestrian paths.
- (13) Location of construction dumpsters and temporary bathroom facilities.
- (14) Any other issues which may uniquely relate to a particular construction site.

Staging plans shall ~~not~~ be required ~~of~~ for single family, multi-family and commercial projects.; ~~however, the owner shall be required to furnish a letter addressing the town's concerns with traffic, parking and location of construction facilities.~~

The construction staging plan shall be presented to the town in the form of site plans, location maps, critical path diagrams, and explanatory commentary. The building and zoning department will coordinate the review of the construction staging plan with the public works department, town engineer, police department, building official, town planner, code compliance department and town manager's office. No permit shall be issued on a construction project which requires a construction staging plan, until such plan has been approved by all the appropriate departments.

- (h) *Job site maintenance.* The owner, occupant or user of a Construction Site shall complete job site maintenance, on a daily basis, prior to the conclusion of each day's work. Daily job site maintenance shall include the following:
 - (1) Sweeping of public roadways which are directly affected by construction site dust, debris or activities;
 - (2) Pick up and disposal of litter at or generated by the construction site;
 - (3) Washing down of any street signs or public facilities which are impacted by dust or debris from the construction site activity;
 - (4) Stacking of construction materials in a manner which assures that the materials and the material packaging shall not fall or be transported into any canals, drainage facilities or other water bodies in the vicinity of adjacent to the site;
 - (5) Watering of exposed loose earth at the site so as to minimize off-site transport of particulate matter.

- (6) Compliance with additional job site maintenance components which are described in an applicable construction staging plan for the construction site.
- (i) *Job site security.* The owner, occupant or user of a construction site shall secure the construction site from unauthorized access between the hours of 6:00 p.m. and 9:00 a.m. of the next day by the use of a locked fence and/or security, assuming construction activities are occurring during the day. In the event that a hurricane watch is issued by the United States Weather Bureau, the owner, occupant or user of a construction site shall comply with the requirements of section 8-16 of the Miami Dade County Code, by taking all steps necessary to secure the construction site, including removal or securing of hazardous or loose objects.
- (j) *Parking.* Motor vehicles which are used by construction workers and others involved in the construction of the project at the site for the purpose of commuting to and from the construction site, shall not be parked off of the construction site except in the area or location which shall be first approved in writing by the town manager or his/her designee. Parking areas within the construction site are to be properly screened from the public and shall not be detrimental to the surrounding neighborhood. The town approval shall be based on assuring that: public street or right-of-way are not blocked; that adequate parking remains for existing residences and businesses; and that any impact to public parking resources is mitigated.
- (k) *Public right-of-way.* Any construction vehicles or equipment involved in construction at a construction site which block a public roadway or right-of-way shall require a town right-of-way use permit and approval, with appropriate conditions, as issued by the town manager or his/her designee, 72 hours in advance of any such activities which impact a public right-of-way.
- (l) *Netting.* All structures exceeding 30 feet in height shall provide a dust/debris netting barrier erected in such a way to completely surround the structure. Structures being erected on waterfront lots and exceeding 20 feet in height shall provide a dust/debris netting barrier on the portion of the structure facing the water. The type of netting material shall be identified in the construction staging plan and is subject to town approval.
- (m) *Enforcement.* Failure to abide by the provisions of this section shall constitute a violation of the Town Code. Each day that a violation continues shall be deemed a separate violation. Any owner, occupant or user of a construction site who fails to correct a violation of this section, after being given notice by the town, shall have a fine imposed in the amount of \$250.00 for the a first violation and \$500.00 for a subsequent or repeat violation. If the violation is corrected within the time prescribed in the notice, then the fine shall be waived unless the violation is irreparable or irreversible in nature.

Section 2. Penalties

Violation of this Ordinance shall be subject to the imposition of penalties as provided by Dade County, Florida, and under Sections 1-8, 23-17, 23-37, and any other penalty section(s) of the Code of the Town of Bay Harbor Islands.

Section 3. Severability

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code

It is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Town of Bay Harbor Islands; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" may be

changed to "Section" or any other appropriate word.

Section 5. Effective Date

This Ordinance shall be effective immediately upon passage by the
Town Council on Second reading.

PASSED AND ADOPTED on first reading this____day of_____, **2017.**

PASSED AND ADOPTED on second reading this____day of _____, **2017.**

By: _____
JORDAN W. LEONARD
Mayor

ATTEST:

MARLENE M. SIEGEL
Town Clerk

APPROVED AS TO FORM:

FRANK C. SIMONE, ESQ.
Assistant Town Attorney

AGENDA ITEM REPORT

October 16, 2017

ITEM NUMBER: 14.

ITEM: Consideration and Approval of an ordinance on first reading increasing the monthly base and flow charges for sewer service. Enclosed is a copy of the proposed ordinance.

DESCRIPTION:

RECOMMENDED ACTION:

Council Discretion

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Alba Chang, Deputy Town Clerk

ATTACHMENTS

1.	Proposed Ordinance	sewer rate- ordinance.pdf
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ORDINANCE NO. _____

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.

WHEREAS, the Town Council of the Town of Bay Harbor Islands is charged with protecting and preserving the public health, safety and welfare of the residents and those coming into the Town of Bay Harbor Islands; and

WHEREAS, the Town of Bay Harbor Islands purchases its sewer services from the City of Miami Beach, which in turn pays Miami-Dade County; and

WHEREAS, Miami-Dade County has indicated an increase of 4.95% for sewer services in its preliminary budget and the City of Miami Beach has indicated an unspecified increase in their surcharge; and

WHEREAS, the Town of Bay Harbor Islands does not currently have an alternative source to purchase sewer services and in order to maintain proper fiscal discipline must pass-through the County’s increase; and

WHEREAS, the Town of Bay Harbor Islands wishes to increase the rates for sewer service charges in order to fund increased costs for sewage disposal;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS as follows:

Section 1. Section 20-9 is hereby amended to read as follows:

Sec. 20-9. Sewer service- Rates.

The schedule of rates for service supplied by the sewer system, which schedule shall be subject to such increase, decrease or revision from time to time as may be necessary to carry out the provisions of this section, shall be as follows:

Residential Users:
Sewage charges shall be based upon water usage (excluding water usage through meters used exclusively for irrigation) at a rate of ~~\$7.11~~ \$7.46 per thousand gallons. In addition, there shall be a monthly base charge of ~~\$18.70~~ \$19.63 per living unit regardless of usage.

Non-residential users:
Sewage charges shall be based upon water usage (excluding water usage through meters used exclusively for irrigation) at a rate of ~~\$7.11~~ \$7.46 per thousand gallons. In addition, there shall be a monthly base charge regardless of usage depending upon the size of the water meter as follows:

Water Meter Size	Monthly Base Charge	Monthly Base Charge
1”	\$77.85	\$81.70
1.5”	\$155.69	\$163.40
2”	\$249.12	\$261.45
3”	\$467.03	\$490.15

An initial deposit of \$50.00 per water closet to ensure payment of the sewer charge.

A tapping charge of \$250.00 for each service connection made to any single-family dwelling unit and \$650.00 for each service connection made to any multiple-family dwelling or commercial establishment. To the charges set forth above shall be added that percent of such charges as determined from time to time by Miami-Dade County to compensate for the Miami-Dade County Water and Sewer utility services charge to finance the environmental resources management department's water protection and utility regulation program.

Section 2. **Penalties**

Violation of this Ordinance shall be subject to the imposition of penalties as provided by Miami-Dade County, Florida, and under Section 1-8 and any other penalty section(s) of the Code of the Town of Bay Harbor Islands.

Section 3. **Severability**

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. **Inclusion in the Code**

It is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Town of Bay Harbor Islands; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" may be changed to "Section" or any other appropriate word.

Section 5. **Effective Date**

This Ordinance shall be effective for all billings rendered after November 1, 2017.

PASSED this 16th day of October, 2017 on first reading.

PASSED AND ADOPTED this 13th day of November, 2017 on second reading.

MAYOR

ATTEST:

TOWN CLERK

AGENDA ITEM REPORT

October 16, 2017

ITEM NUMBER: 15.

ITEM: Consideration and Approval of an ordinance on first reading increasing the monthly charge for water service. Enclosed a copy of the proposed ordinance.

DESCRIPTION:

RECOMMENDED ACTION:

Council Discretion

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Alba Chang, Deputy Town Clerk

ATTACHMENTS

1.	Proposed Ordinance	water rates increase - ordinance.pdf
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ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS AMENDING SECTIONS 20-5 AND 20-6 OF THE CODE OF BAY HARBOR ISLANDS TO INCREASE THE MONTHLY CHARGE FOR WATER SERVICE TO \$4.53 PER ONE THOUSAND GALLONS AND TO INCREASE THE MINIMUM MONTHLY SERVICE CHARGES FOR EACH WATER METER TO \$21.08; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Bay Harbor Islands is charged with protecting and preserving the public health, safety and welfare of the residents and those coming into the Town of Bay Harbor Islands; and

WHEREAS, the Town of Bay Harbor Islands purchases its water from Miami-Dade County; and

WHEREAS, Miami-Dade County has indicated an increase of 5.76% for water services in its preliminary budget; and

WHEREAS, the Town of Bay Harbor Islands does not currently have an alternative source to purchase water and in order to maintain proper fiscal discipline must pass-through the County's increase; and

WHEREAS, it is necessary for the Town of Bay Harbor Islands to increase the rates which it charges for water services because of higher operating costs;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS as follows:

Section 1. Section 20-5 of the Code of the Town of Bay Harbor Islands is hereby amended as follows:

The charges for water service in the Town shall be at the rate of ~~four dollars and twenty-eight cents (\$4.28)~~ four dollars and fifty-three cents (\$4.53) per one thousand (1,000) gallons plus that percent of such charges as determined from time to time by Miami-Dade County to compensate for the Miami-Dade County Water and Sewer utility charges to finance the Environmental Resources Management Department's water protection and utility regulation program.

Section 2. Section 20-6 of the Code of the Town of Bay Harbor Islands is hereby amended as follows:

There shall be a minimum water service charge for each water meter in the amount of ~~\$19.93~~ \$21.08.

Section 3. **Severability**

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code

It is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Town of Bay Harbor Islands; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" may be changed to "Section" or any other appropriate word.

Section 5. Effective Date

This Ordinance shall be effective for all billings rendered after November 1, 2017.

PASSED this 16th day of October, 2017 on first reading.

PASSED AND ADOPTED this 13th day of November, 2017 on second reading.

MAYOR

ATTEST:

TOWN CLERK

WORDS WITH A LINE THROUGH THEM ARE DELETED
UNDERSCORED WORDS ARE ADDITIONS

AGENDA ITEM REPORT

October 16, 2017

ITEM NUMBER: 16.

ITEM: Discussion regarding the location of digital signs requested by Council Member Reid.

DESCRIPTION:

After the reported issues with the location of signs on Kane Concourse when staff discussed this option with FDOT, staff was asked to research other locations. Enclosed is a rendering showing a sign to be located on Causeway Island.

While this location and rendering for a sign is what is being requested by the Council below are some things to consider:

1. Traffic is going at 30 mph and drivers will only have a few limited seconds to focus on the signage.
2. Focusing on the signage is a distraction for drivers and could cause problems (accidents) by drivers trying to read the signs (FDOT does not allow for this reason).
3. The sign is intended to provide information for residents but it will be less effective because of the speed limit of vehicle.
4. The sign will be right in front of any future welcome signs to the Town.

RECOMMENDED ACTION:

Council Discretion

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Marlene Siegel, Town Clerk
Kelly Reid, Council Member

ATTACHMENTS

1.	Digital Sign - Causeway	Welcome Sign with Digital Board-REV.pdf
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GRAPHPLEX
S I G N S
Sign Design & Manufacture
2830 North 28th Terrace • Hollywood, Florida 33020

954.920.0905
954.549.5566
www.graphplex.com



CLIENT: City of Bay Harbor Islands
ADDRESS: WELCOME SIGN

DATE: 7/28/2017 (8/1)

FILENAME: Bay Harbor Islands /Welcome Sign with Digital Board-REV

DRAWN BY: RL

Sales: Bob Webster

THIS ORIGINAL DRAWING (OR COPY) IS FOR YOUR CONSIDERATION FOR A PROJECT WE ARE PROPOSING FOR YOU. IT IS NOT TO BE COPIED (IN FULL OR PART) OR EXHIBITED TO ANYONE OUTSIDE YOUR ORGANIZATION WITHOUT WRITTEN PERMISSION FROM GRAPHPLEX SIGNS.

New Monument with Digital Board

Illuminated Push Thru Letters “Bay Harbor Islands” and Reverse Channel Letter “Logo”



C Front View
Scale: 3/4"= 1'- 0"

D Side View
Scale: 3/4"= 1'- 0"



GRAPHPLEX
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954.920.0905
954.549.5566
www.graphplex.com



CLIENT: City of Bay Harbor Islands
ADDRESS: WELCOME SIGN

DATE: 7/28/2017 (8/1)

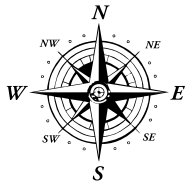
FILENAME: Bay Harbor Islands /Welcome Sign with Digital Board-REV

DRAWN BY: RL

Sales: Bob Webster

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NEW WELCOME SIGN



 GRAPHPLEX S I G N S Sign Design & Manufacture 2830 North 28th Terrace • Hollywood, Florida 33020	 CLIENT: City of Bay Harbor Islands ADDRESS: WELCOME SIGN	DATE: 7/28/2017 (8/1)	DRAWN BY: RL
		FILENAME: Bay Harbor Islands /Welcome Sign with Digital Board-REV	Sales: Bob Webster

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LOOKING EAST

 GRAPHPLEX S I G N S Sign Design & Manufacture 2830 North 28th Terrace • Hollywood, Florida 33020	 CLIENT: City of Bay Harbor Islands ADDRESS: WELCOME SIGN	DATE: 7/28/2017 (8/1)	DRAWN BY: RL
		FILENAME: Bay Harbor Islands /Welcome Sign with Digital Board-REV	Sales: Bob Webster

THIS ORIGINAL DRAWING (OR COPY) IS FOR YOUR CONSIDERATION FOR A PROJECT WE ARE PROPOSING FOR YOU. IT IS NOT TO BE COPIED (IN FULL OR PART) OR EXHIBITED TO ANYONE OUTSIDE YOUR ORGANIZATION WITHOUT WRITTEN PERMISSION FROM GRAPHPLEX SIGNS.

AGENDA ITEM REPORT

October 16, 2017

ITEM NUMBER: 17.

ITEM: Request for **approval** of a proposal for professional traffic engineering services related to the Transportation Fund Analysis from Calvin Giordano and Associates in the amount of \$34,730. The proposal will include the collection of traffic data and analysis to come up with a formula based on this data to charge a fee for future roadway maintenance and resurfacing.

DESCRIPTION:

The engineering company will collect traffic data and will summarize the total trips generated by the existing parcels and land uses and compare against the total number of miles of roadway to be resurfaced. Based on this data the engineers will come up with a formula in order to charge a fee on a monthly basis.

The firm has developed and is collecting impact fees for the Village of Estero, the City of Weston and the Town of Surfside.

RECOMMENDED ACTION:

Approval.

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Marlene Siegel, Town Clerk

ATTACHMENTS

1.	Proposal	Transportation Fund Study Proposal.pdf
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Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS™

September 5, 2017

Mr. Ronald Wasson
Town Manager

Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

RE: Bay Harbor Islands Transportation Fund Study
CGA Proposal No. 17-9723

Dear Mr. Wasson,

Calvin, Giordano & Associates, Inc. is pleased to submit this proposal for professional traffic engineering services related to the Transportation Fund Analysis for the Town of Bay Harbor Islands. The specific traffic engineering services offered herein are outlined below.

I. Professional Engineering Services

A. Traffic Engineering

1. **Data Collection-** CGA traffic engineers will research existing property information within the Town of Bay Harbor Islands. This information will include the type of lane use per parcel based on the existing Miami Dade County Property Appraiser Records. CGA traffic engineers will summarize this property information in spreadsheet format.
2. **Trip Generation-** CGA traffic engineers will complete trip generation analysis for the existing parcels within the Town based on the prior data collection. The trip generation will be calculated based on the Institute of Transportation Engineers Trip Generation Handbook, 9th Edition.
3. **Roadway Resurfacing Opinion of Probable Cost-** CGA traffic engineers will prepare an opinion of probable cost for the resurfacing of a mile of Town roadway based on up to three different ROW widths. Unit costs will be based on the current published FDOT 12 month moving Statewide Average.

Building Code Services
Civil Engineering / Roadway
& Highway Design
Coastal Engineering
Code Enforcement
Construction Engineering &
Inspection (CEI)
Construction Services
Data Technologies &
Development
Electrical Engineering
Engineering
Environmental Services
Facilities Management
Geographic Information
Systems (GIS)
Governmental Services
Indoor Air Quality
Landscape Architecture
Planning
Project Management
Redevelopment
& Urban Design
Surveying & Mapping
Traffic Engineering
Transportation Planning
Water / Utilities Engineering
Website Development

1800 Eller Drive
Suite 600
Fort Lauderdale, FL
33316
954.921.7781 phone
954.921.8807 fax

www.cgasolutions.com

4. Transportation Fund Analysis- CGA traffic engineers will summarize the total trips generated by the existing parcels and land uses and compare against the total number of miles of roadway to be resurfaced. CGA traffic engineers will come up with a formula based on this information in order to charge residents and businesses on a monthly basis. This transportation trust fund analysis will be summarized in report format with tables and figures. This scope of services includes one revision based on a comprehensive set of review comments provided by the Town of Bay Harbor Islands.
5. Meeting Attendance- CGA traffic engineers will attend up to two meetings with Town staff to discuss the results of these scope of services. Any additional meeting attendance will be provided hourly per our hourly rates schedule.
6. Note: The Town will provide historical information related to costs for the most recent resurfacing maintenance program for the Town's streets. This information will be used to compare against the opinion of probable costs for resurfacing of roadways in Miami Dade County.
7. Note: The Town will provide information related to existing development approvals as necessary for parcels of land in the Town of Bay Harbor Islands. This will be used to refine the Data Collection and Trip Generation tasks. This scope of services does not include forecasting future conditions or estimated net trip generation for future redeveloped parcels.
8. Note: This scope of services is based on using the number of trips generated per parcel as the attribute to be used as the basis for the fee. If the attribute should change to taxable value or other variable, an additional service will be provided to further analyze this information. The Town Attorney will be consulted with in the early stages of this task work order to discuss the legal rational nexus for the assessment of these fees per parcel.
9. Note: The Town will provide information regarding the development of the current Town of Bay Harbor Islands Storm water Fund, This includes current formula and justification for this fund rate.
10. Note: This scope of services does not include plan production, design services or permitting for the resurfacing of the Town's roadway facilities. These services can be provided as an additional services as requested by the Client.

BASIS OF PROPOSAL

- Any opinion of the construction cost prepared by Calvin, Giordano & Associates, Inc. represents its judgment as a design professional and is supplied for the general guidance of the CLIENT since Calvin, Giordano & Associates, Inc. has no control over the cost of labor and material, or over competitive bidding or market conditions. Calvin, Giordano & Associates, Inc. does not guarantee the accuracy of such opinions as compared to contractor bids or actual cost to the CLIENT.
- Any outside engineering services, studies, or laboratory testing not specifically mentioned in the Scope of Services will be the responsibility of the CLIENT. All municipal, permit, and agency fees as well as Title Certificates will be paid by the CLIENT.
- Basic services outlined within this proposal shall be considered complete when the project plans are submitted to the regulatory agencies for Certification.
- Calvin, Giordano & Associates, Inc. is performing the consultant services set forth in this Agreement strictly as a professional consultant to CLIENT. Nothing contained in this Agreement shall create any contractual relationship between Calvin, Giordano & Associates, Inc. and any contractor or subcontractor performing construction activities on the project, or any of CLIENT's other professional consultants.
- Calvin, Giordano & Associates, Inc. shall not be responsible for the contractor's schedules or failure to carry out the construction in accordance with the construction documents. Calvin, Giordano & Associates, Inc. shall not have control over or charge of acts or omissions of the contractor, subcontractors, or their agents or employees, or of any other persons performing portions of the construction.
- Calvin, Giordano & Associates, Inc. will require that all consultants carry proper insurance, including professional liability insurance, if appropriate.
- Permit construction certification will include one partial and one final inspection.

ADDITIONAL FEES

The following services are NOT included in this proposal and will be considered Additional Services, which will be addressed in a separate contractual agreement. The services include but are not limited to:

- Architectural, structural (i.e., retaining walls, bridges, docks), mechanical (i.e., fire pumps), fire protection, geotechnical and testing, environmental assessment, power, gas, telephone, cable television, site lighting services.
- Calculations for needed fire flow for site demands, based on building type use and size, if required.
- Calculations of off-site flood stages.
- Construction quality control inspections.

- Off-site engineering and negotiations for off-site easements, if required (other than as specified in the Scope of Services).
- Permit application or negotiation with permitting authorities other than those specifically listed herein.
- Preparation of construction contract documents, other than drawings and technical specifications (e.g., bid schedule, project manual);
- Professional land surveying not included in the scope of services (i.e., buried utility investigation, easement research, condominium documents, project stake-out and as-built drawings).
- Professional services required due to conditions different from those itemized under the Scope of Services or due to events beyond the control of Calvin, Giordano & Associates, Inc.
- Professional services required, due to changes in the site plan initiated by the CLIENT, their representatives or other consultants (e.g., architects, landscape architects, etc.) after either design or preparation of the construction drawings has commenced.
- Re-review of rejected shop drawings.
- Review and approval of Contractor pay requests.
- Review of Data supplied by the CLIENT (i.e. GIS data sets, databases, aerial images, etc.) required for integration into this project.
- Review of shop drawings for contractor or Client selected alternatives, materials, products, etc.
- Special shop drawing annotation and modification to expedite shop drawing approval process.
- Updated boundary survey, site evaluation or closing assistance work, unless specified above.

REIMBURSABLE EXPENSES

Calvin, Giordano & Associates, Inc. and its consultants will be reimbursed for the printing of drawings and specifications, deliveries, Federal Express services, required travel time and travel expenses, long distance telephone calls, fax transmittals, postage, fees paid for securing approval of authorities having jurisdiction over the project, renderings, models and mock-ups required by CLIENT, as required. Reimbursable expenses and sub-consultant invoices will be billed directly to the CLIENT at a multiplier of 1.25.

MEETING ATTENDANCE

Due to the difficulties of predicting the number or duration of meetings, no meetings other than those listed above, are included in the Schedule of Fees shown below. Preparation for and meeting attendance, as necessary, will be provided on a time and materials basis and will be billed at the standard hourly rates in accordance with the attached Hourly Rate Schedule.

SCHEDULE OF FEES

Calvin, Giordano & Associates, Inc. will perform the Scope of Services for a lump sum fee as shown in the proposed Schedule of Fees:

PROPOSED SCHEDULE OF FEES		
I	Professional Engineering Services	
A	Professional Traffic Engineering Services	\$34,730.00
	Traffic Impact Analysis	\$31,730.00
	Other Traffic Work Activity	\$3,000.00
II	Meetings not included in I thru I	Hourly
TOTAL (Plus Hourly Services)		\$34,730.00

TERMS OF THE AGREEMENT

- Calvin, Giordano & Associates, Inc. is preparing and providing drawings, plans, specifications and other documents as outlined in the scope of services for this Agreement for use in the construction of this project, based upon design and construction criteria prepared and provided by others, including but not limited to the CLIENT and CLIENT's consultants. Calvin, Giordano & Associates, Inc. is not responsible for any errors and omissions in the aforesaid design and construction criteria provided by others.
- CLIENT agrees to indemnify, hold harmless and, at Calvin, Giordano & Associates, Inc.'s option, defend or pay for an attorney selected by Calvin, Giordano & Associates, Inc., to defend Calvin, Giordano & Associates, Inc., its officers, agents, servants, and employees against any and all claims, losses, liabilities, and expenditures of any kind, including attorney fees, any appellate attorney costs, court costs, and expenses, caused by, arising from, or related to any acts, omissions or negligence of CLIENT or its consultants.

- CLIENT agrees to limit Calvin, Giordano, & Associates, Inc.'s liability for any and all claims that CLIENT may assert on its own behalf or on behalf of another, including but not limited to claims for breach of contract or breach of warranty, to the amount of fees paid to Calvin, Giordano & Associates, Inc., pursuant to this Agreement.
- Drawings, specifications, and other documents and electronic data furnished by Calvin, Giordano & Associates, Inc. in connection with this project are instruments of service. All original instruments of service shall be retained by Calvin, Giordano & Associates, Inc. and will remain their property, with all common law, statutory and other reserved rights, including copyright, in those instruments. This information provided in the instruments of service is proprietary and will not be shared with others without prior written consent. The CLIENT may request reproducible copies, and all original documents upon payment of all outstanding invoices, and expenses.
- Invoices for work accomplished to date will be submitted monthly and are payable within thirty (30) days. The CLIENT will pay invoices upon receipt and understands interest charges of 1.5% per month will be applied to any unpaid balance past thirty (30) days. Calvin, Giordano & Associates, Inc. may elect to stop work until payment is received. If work is stopped for thirty (30) days or more, Calvin, Giordano & Associates, Inc. may request compensation for start-up costs when work resumes.
- PURSUANT TO SECTION 558.0035, FLORIDA STATUTES, AN INDIVIDUAL EMPLOYEE OR AGENT OF CALVIN, GIORDANO & ASSOCIATES, INC. MAY NOT BE HELD INDIVIDUALLY LIABLE IN NEGLIGENCE FOR ANY CLAIMS, DAMAGES, LOSSES, OR DISPUTES ARISING OUT OF OR SUBJECT TO THE CONTRACT.
- The CLIENT or their representative shall be available to meet with Calvin, Giordano & Associates, Inc. and provide decisions in a timely manner throughout the course of the project. The CLIENT will provide all plans and other pertinent information, which are necessary for Calvin, Giordano & Associates, Inc. to provide complete professional services as outlined in this contract.
- The terms of Agreement shall be valid for the Client's acceptance for a period of thirty (30) days from the date of execution by Calvin, Giordano & Associates, Inc. after which time this contract offer becomes null and void if not accepted formally (evidenced by receipt of an executed copy of this document). All rates and fees quoted in this document shall be effective for a period of six (6) months, after which time they may be renegotiated with the CLIENT.

MISCELLANEOUS PROVISIONS

- CLIENT and Calvin, Giordano & Associates, Inc., respectively, bind themselves, their partners, successors, assigns, and legal representatives to the other party to this Agreement and to the partners, successors, assigns, and legal representatives of such other party with respect to all covenants of this Agreement. Neither CLIENT nor Calvin, Giordano & Associates, Inc. shall assign this Agreement without written consent of the other.

- This Agreement represents the entire and integrated agreement between the CLIENT and Calvin, Giordano & Associates, Inc. and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both Calvin, Giordano & Associates, Inc. and the CLIENT.
- Unless otherwise provided, this Agreement shall be governed by the law of the place where the project is located.

TERMINATION OF THE AGREEMENT

- This Agreement may be terminated by either party upon not less than seven (7) days written notice should the other party fail substantially to perform in accordance with the terms of this Agreement through no fault of the party initiating the termination. Failure of CLIENT to make payments to Calvin, Giordano & Associates, Inc., in accordance with this Agreement, shall be considered substantial nonperformance and cause for termination.
- In the event of termination in accordance with this Agreement or termination not the fault of Calvin, Giordano & Associates, Inc., Calvin, Giordano & Associates, Inc. shall be compensated for services properly performed prior to receipt of notice of termination, together with Reimbursable Expenses then due.

We appreciate the opportunity to submit this proposal. Calvin, Giordano & Associates, Inc. is prepared with the necessary manpower to proceed with the proposed scope of services upon receipt of the executed authorization. Our personnel are committed to completing the project in a timely manner. Please indicate your acceptance of this proposal by signing below and returning one executed copy of the contract to this office. We look forward to working with you in making this project a success.

Sincerely,

CALVIN, GIORDANO & ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read 'D. Giordano', with a long horizontal flourish extending to the right.

Dennis J. Giordano

President

Cost of these services are \$34,730.00 plus hourly as noted in fee breakdown.

ACCEPTANCE OF CONTRACT

CALVIN, GIORDANO & ASSOCIATES, INC.

By:  Date: 9/5/17
Name: Dennis J. Giordano
Title: President

By: _____ Date: _____
Name: Mr. Ronald Wasson
Title: Town Manager

AGENDA ITEM REPORT

October 16, 2017

ITEM NUMBER: 18.

ITEM: Discussion requested by Mayor Leonard and Vice Mayor Bruder with regards to RKBBH students living outside of the school boundary.

DESCRIPTION:

RECOMMENDED ACTION:

Council Discretion.

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Marlene Siegel, Town Clerk
Jordan Leonard, Mayor
Stephanie Bruder, Vice Mayor

ATTACHMENTS

AGENDA ITEM REPORT

October 16, 2017

ITEM NUMBER: 19.

ITEM: Discussion regarding the existing building height regulations for the B-1 Business District. Enclosed is a letter from Attorney Neisen Kasdin and a copy of Section 23-11 of the Town Code.

DESCRIPTION:

NR/Wharton Kane Concourse, LLC request for the Council consideration to possibly amend Section 23-11 of the Town Code that relates to the allowable height for the B-1 Business District (Maximum height - 65 Feet).

The Town Code currently limits the height of all new buildings in the B-1 District to 65 feet. However, Article V, of the Town Charter permits new building within the Town to a maximum of 75 feet.

RECOMMENDED ACTION:

Council Discretion

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Marlene Siegel, Town Clerk

ATTACHMENTS

1.	B-1 District	Letter to Town re Height Discussion Item.pdf
2.	1177-KC concept	Concept Rendering1177kc.pdf
3.	Staff Report - MM	BHI TC Staff Report B-1 Bldg Hgt Aug 1 2017.pdf



Akerman LLP
Three Brickell City Centre
98 Southeast Seventh Street
Suite 1100
Miami, FL 33131
Tel: 305.374.5600
Fax: 305.374.5095

July 21, 2017

Ronald J. Wasson
Town Manager
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, Florida 33154

**Re: Request for Inclusion of Discussion Item on August 14th Town Council Agenda,
to Consider Amending Allowable Height in the B-1 Business Zoning District.**

Dear Mr. Wasson:

Our firm represents NR/Wharton Kane Concourse Property Owner LLC ("NRW"), owner of the property at 1177 Kane Concourse in the Town of Bay Harbor Islands ("Town"), as well as other adjacent properties between Kane Concourse and 97th Street. NRW is looking to develop a neighborhood-oriented retail, high-end boutique office, and luxury rental project at this assemblage. However, existing height regulations in the B-1 Business zoning district ("B-1") are hindering design of the high quality development that NRW is hoping to bring to this underutilized stretch of Kane Concourse. A rendering of NRW's proposed project is attached for your reference. Based on this, NRW is requesting the Town Council consider an amendment to the allowable height in the B-1 district at the Council's next scheduled meeting on August 14th.

Existing Height Regulations

Building height regulations for the B-1 district are set forth in the Town's land development regulations, under Section 23-11 of the Town Code of Ordinances ("Code"). Currently, the maximum height for all new buildings in the B-1 district is set at 65 feet. Note, however, that Article V of the Town Charter permits new buildings within the Town to rise as high as 75 feet. The Town does not restrict the maximum number of floors in a building, but the 65 foot height limit would result in inadequate floor to ceiling heights for first class retail, office and residential.

Contemporary high quality retail development and high-end office products require tall floor to ceiling heights, and lower ceiling heights make development of first class office, residential and retail products less feasible. NRW believes there is demand for this high-end development product along Kane Concourse. NRW will be submitting a package of materials to the Town for the August 14th Council meeting demonstrating examples of successful developments utilizing these tall ceiling heights, which have led to pedestrian-oriented, highly activated spaces.

Proposed Amendment

For the reasons expressed herein, NRW is respectfully requesting that the Town Council consider adoption of a Code amendment to increase the allowable building height in the B-1 district from 65 to 75 feet. NRW proposes that this change can be accomplished by introducing an ordinance to adopt the following text amendment to Section 23-11(C)(8) of the Code:

- (8) *Building height*: No building or portion thereof shall exceed ~~65~~ 75 feet in height, except for those allowable rooftop structures listed in subsection 23-12(11).

This will facilitate the high quality development needed to activate Kane Concourse. Other cities that have successful contemporary mixed-use developments encourage higher floor to ceiling heights. Regulations incentivizing higher floor to ceiling heights have been a catalyst for new retail and office development.

Effects of the Change

This height amendment is the best way for the Town to promote revitalization of Kane Concourse. Increasing maximum height to 75 feet in the B-1 district would allow the freedom for architects to expand floor to ceiling heights for high quality and feasible development.

We have attached a preliminary draft rendering that depicts the design NRW is considering for the 1177 Kane Concourse property. This conceptual rendering demonstrates the type of high quality design elements that could be achieved with a 75 foot height limit in a 5 story building, which would attract the most exciting restaurants and businesses to Kane Concourse.

Conclusion

We believe the amendment is a great opportunity for the Town to facilitate revitalization along Kane Concourse, and will have a significant impact on activating this commercial corridor. The height amendment will allow the Town's B-1 district to accommodate development at contemporary standards.

We are happy to address any further questions you may have on this proposal and our thoughts behind the need for the change. We are looking forward to further discussing this B-1 height amendment at the August 14th Town Council meeting.

Sincerely,



Neisen O. Kasdin

Enclosure

cc: Marlene Siegel
Michael Miller
Frank Simone, Esq.



ARQUITECTONICA

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1177 KANE CONCOURSE
Bay Harbour Islands, FL 33154

RENDERING

Scale: N.T.S.

DATE:
07.21.2017

A5-01

**TOWN OF BAY HARBOR ISLANDS
COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Mayor and Town Council Members
Town of Bay Harbor Islands

CC: Ronald J. Wasson - Town Manager
Marlene M. Siegel - Town Clerk
Craig Sherman, Esq. / Frank Simone, Esq. - Town Attorney

From: Michael J. Miller, AICP 
Consultant Town Planner

Date: August 1st, 2017

Subject: Request for Possible Land Development Code Amendment
New Owner of 1177 Kane Concourse Properties
B-1 Business District Building Height
MMPA Acct. No.: 01-0702-500A

ISSUE

On December 20th, 2016, the former "Taplin" properties located at the northeast corner of Kane Concourse and West Bay Harbor Drive changed ownership for over \$20 million. The new owner has engaged architectural firms who have prepared various development scenarios. A mixed-use development is being studied (retail / office / residential). Preliminary conversations between the new owners and Town officials have begun. MMPA has not been involved in this early process to date other than providing information on the Town's existing Land Development Regulations. On July 21st, 2017, the Town received a letter from the Akerman law firm requesting consideration of a possible Zoning Code amendment to increase the allowable building height in the B-1 Business District from sixty-five (65) feet to seventy-five (75). The rationale submitted is that to achieve a high-quality development (retail 1st floor / offices upper floors) the height of the floors should be taller. It is argued that ground-level retail space should be 14+/- feet in height. The minimum Class "A" office space floor to floor span is recommended to be 12+/- feet. Based on the current Zoning Code allowance (65 feet) a 5-story building would be possible utilizing the above floor spans. Raising the allowable building height limit (75 feet) would allow a 6-story commercial building. No mention is made on the impact this would have on the proposed residential complex adjoining 97th Street, but the illustrations show seven (7) floors of residential units over a ground floor space (retail / parking). MMPA was requested to review the Akerman letter and provide comments to the Town Council.

BACKGROUND / ANALYSIS

Since 2004+/- the Town has undertaken numerous studies and Code modernizations / updates in virtually all land areas. This included all of the residential districts (single-family / multi-family), the Kane Concourse commercial sites, and specialty sites (Gateway / Planned Development). The Comprehensive Plan was updated which included a system to allocate / monitor residential density allocations in multi-family areas due to errors in the original plan. This system has proved extremely useful to the community's property owners and the Town by generating revenue from the sale of TDR units. In 2002 a Town Charter limit was adopted limiting the height of buildings to 75 feet, unless a specific proposal was submitted to the electorate for a vote.

The former BAA "Business" Zoning District was created in 1957 and modified only 4 times in 48 years. Most of the commercial land parcels were developed during that time period. However, the Town officials believed the community had stagnated and real property tax revenue was in decline. In 2002 the Town retained an urban planning consultant (Glatting Jackson) and held a Community Visioning process. In 2003-04 the Town retained another urban planning consultant (Bermello Ajamil Partners) who studied / prepared design recommendations for the Kane Concourse / business properties in the Town. These efforts attempted to frame issues and set basic development / building massing visions for the community.

In 2005-06 the Town refined those design concepts and adopted a series of Land Development Regulation modifications to the renamed B-1 Business District. Mixed land uses (commercial / residential) have been allowed in the B-1 District since the district rules were written. A key component of the discussions was the allowable height of buildings. Prior to the 2006 Code update the business district limited building heights to six (6) stories. At that time there was definition as to what height constituted a "story" – this was added later at a maximum of 10 feet per floor – due to community concerns with excessive building height. The tallest existing commercial building (1111 Kane Concourse) is about 72 feet in height to the main flat roof with a 20+/- foot tall elevator/stair tower on top of the building. The Bermello Ajamil Downtown Study recommended the commercial building heights be set at 75 feet. However, the Glatting Jackson Community Visioning Study recommended maintaining the 6-story limit. The Town Council at the time of adoption decided to remove the "story" limitation and set maximum building height at 65 feet, allowing a project designer the freedom to create varying interior floor heights. Town staff / MMPA were not opposed to the 75 feet limit, as we were more concerned with the 6-story limit. Some of the main reasoning given was the existing low-scale of the buildings along the roadway and the fact that the height limit in the adjoining RM-2 Multi-family District areas north of 97th Street and south of 95th Street are 65 feet. It was felt the non-Kane Concourse frontage sites would be either parking lots / parking garages or residential uses. The district has special setbacks for residential uses along those streets.

MMPA understands the applicant's request to modify the Code, as the cited floor height dimensions are generally correct in today's marketplace. MMPA reviewed the site plans for the new hotels (Grand Beach / Monarch) and CBTS and notes the ground floor spaces (lobbies / retail / restaurants) are all about 14 feet in height. Class "A" office space is desirable but mostly found in dense downtown areas. More common in suburban commercial areas like Kane Concourse are Class "B" office spaces.

**Town of Bay Harbor Islands
Town Council Staff Report
Developer Request to Increase Building Height
B-1 Business District
August 1st, 2017
Page 3**

Following are some initial thoughts we have on this subject:

- As currently requested, this would be a zoning district wide change - there would be no distinction between the height of commercial buildings along Kane Concourse and any residential buildings placed along 95th Street or 97th Street. If the Town was interested in pursuing a change to the B-1 District height limits for just the Kane Concourse frontage sites or all of the B-1 sites the Town could require some form of specified (have established list of desired items) direct public benefit to the community, which must be approved by the Town Council to achieve 75 feet.
- It is believed the developer will seek to consolidate the various sites into a single development and possibly relocate / redesign the alley, as was done at the Cadillac dealer many years ago. This will involve utility relocations and re-platting, as was done on the Ocean Cadillac site. The cost of any relocation of utilities or the alley would have to be totally borne by the developer.

SUMMARY

In late December 2016, the former "Taplin" properties located at the northeast corner of Kane Concourse and West Bay Harbor Drive changed ownership. The new owner knew of the Town's existing building height limits and density / intensity limits before they acquired the site. The new owner has engaged architectural firms who have prepared various development scenarios. A mixed-use development is being studied (retail / office / residential). On July 21st, 2017, the Town received a letter from the Akerman law firm requesting consideration of a possible Zoning Code amendment to uniformly increase the allowable building height in the B-1 Business District from sixty-five (65) feet to seventy-five (75). MMPA was requested to review the letter and prepare a "white paper" listing our initial thoughts on the request.

A good argument is made by the law firm to consider adjusting the building height limit for a high-quality commercial development (no mention of need for the residential building), if that is what the Town desires. MMPA notes a taller building does not automatically equate to quality. MMPA feels extra building height (10 feet) needs to relate to substantive public benefits to Bay Harbor Islands, such as a true mixed-use development, park enhancements, etc. as pre-established by the Town. As an example, in Sunny Isles Beach, to obtain extra density / building height a developer must meet one or more of that City's list of specified public benefits. Most of the current buildings along Kane Concourse are low-scale (2-3 stories) with a few newer taller buildings (5-6 stories). The illustrative sketch attached the law firm's letter shows a 4-5 story commercial building and a 7-8 story residential building. This is an urban design policy decision.

If the Town was interested in pursuing this change a more "tailored" Code revision could be crafted based on community desires. MMPA will provide some ideas for consideration. MMPA recommends the Town consider the community's 2002-2004 Community Visioning / Downtown Design recommendations and public discussions when the B-1 Business District was updated in 2006, our thoughts listed herein, other ideas, and the community's desired urban design.

**Town of Bay Harbor Islands
Town Council Staff Report
Developer Request to Increase Building Height
B-1 Business District
August 1st, 2017
Page 4**

As to the question of appropriate building height, as we have stated before, there is no real right or wrong decision that would dramatically change the appearance of the Town based on a few feet of building height. All new building heights are generally capped at 75 feet via the Charter and density / intensity is already limited via the Comprehensive Plan and Land Development Regulations.

AGENDA ITEM REPORT

October 16, 2017

ITEM NUMBER: 20.

ITEM: Discussion requested by Council Member Salver on a possible Residential Sticker Program. Enclosed are other cities residential parking program.

DESCRIPTION:

RECOMMENDED ACTION:

Council Discretion

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Marlene Siegel, Town Clerk
Isaac Salver, Council Member

ATTACHMENTS

1.	City of Miami Beach Parking Regulations	City of Miami Beach - Parking Regulations.pdf
2.	Town of Surfside - Parking	Surfside pd parking.pdf
3.	City of Parkland - Parking	The City of Parkland Florida Parking Project.pdf
4.	City of Lighthouse Point - Parking	Lighthouse Point - parking.pdf



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

TO PURCHASE AND RENEW A RESIDENTIAL PARKING PERMIT RESIDENTS MUST HAVE ALL THREE (3) REQUIRED DOCUMENTS

1. VALID PHOTO ID

Issued by local state or federal agency (Driver's license, passport)

2. VALID VEHICLE REGISTRATION

Vehicle registration belonging to the person requesting the residential permit, if the registration is under a different name, resident must provide proof of Insurance.

3. VALID PROOF OF RESIDENCY FOR YOUR ZONE

One (1) of the following monthly bill/statement with the resident's name and address that has been mailed within the last **30 days**.

Note: Internet/Electronic bills are not acceptable proof of domicile.

- Utility bill (FPL, phone, gas, cable)
- Cell phone bill
- Bank statement
- Credit card statement
- Vehicle insurance bill
- Mortgage statement
- Property tax statement (last one received)
- Voter registration

For more information, please call 305-673-7505

Parking Department
1755 Meridian Avenue, Suite 100
Miami Beach, FL 33139



We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.

MIAMI BEACH

RESIDENTIAL PARKING PERMIT APPLICATION

NAME _____
LAST FIRST MIDDLE INITIAL

ADDRESS: _____
STREET # STREET NAME APT # ZIP CODE

EVENING PHONE: _____ DAYTIME PHONE: _____

E-MAIL ADDRESS: _____ BIRTH MONTH: _____

VEHICLE MAKE: _____ VEHICLE MODEL: _____

TAG NUMBER: _____ STATE: _____ VEHICLE YEAR: _____

HYBRID DECAL: _____

Residential permits are not permitted on commercial vehicles in accordance with Miami-Dade Sec.142-1103.

By execution of this Residential Parking Permit Application, as evidence by my signature below, I hereby swear and affirm that I am a legal resident of the City of Miami Beach, Florida and I fully understand that all permits are the sole property of the City of Miami Beach Parking Department. The visitor permits are for the exclusive use of my guest; there is a limit of 10 visitor permits per month.

By signing below, I acknowledge that said permit(s) are for the sole use of the above resident and not intended for resale nor transferable. Any violation(s) of the above guidelines may result in termination of parking privileges.

SIGNATURE OF APPLICANT: _____ DATE: ____/____/____

Please note that your license plate will now serve as your virtual permit. This means that an enforcement officer with an LPR (license plate recognition) reader will scan your license plate and confirm its validity.

- Residential status will now be based on your birth month.
- During the transition period your residential status will be validated through _____
- To renew your residential status, you will receive a letter in the mail with a code to verify your residency or you will be randomly selected to visit the Customer Service Center to provide the required documents.
- Your payment is valid through _____. Please remember to pay the remaining balance via our online Parking Portal. You will receive reminder emails before your residential permit expires.

- Your temporary permit expires on _____. Please visit our office before this date with the following required document(s) _____. Failure to comply, will subject your vehicle to be cited and/or towed.

You will be receiving an invitation e-mail with a username and generic password to access our secure online Parking Portal where you will:

- Change your generic password to one that you select.
- Will be able to pay for your permit renewal.
- Will be able to renew your residential status if you were not selected to visit the Customer Service Center and provide required documents .
- Purchase virtual visitor permits.

Zone	Neighborhood		Rate	Annual
1	South Pointe		\$4.55	
1	Ocean Drive		\$16.35	
2	Flamingo Park		\$4.55	
3	MICHIGAN/LENOX	1st vehicle	-	\$26.75
3	MICHIGAN/LENOX	2nd vehicle	-	\$10.70
4	Museum District		\$4.55	
5	Art Deco District		\$22.85	
6	Indian Creek		\$10.70	
7	Meridian Ave		\$16.05	
9	Mount Sinai		\$0.00	
10	Sunset Harbour		\$16.05	
11	Lake Pancoast		\$4.55	
12	Upper West Ave		\$4.55	
14	Belle Isle		\$4.55	
15	Altos del Mar		\$16.05	
16	North Michigan Avenue		\$16.05	
17	Bayshore		\$10.70	
19	Sheridan Avenue		\$0.00	
20	Flamingo Drive		\$0.00	
21	Lower Sheridan		\$4.55	
22	Nautilus Drive		\$0.00	



You can now purchase *Virtual Visitor Passes!*

The link is <http://secure.miamibeachfl.gov/parking> Or Parking Main Number: 305-673-7505

Username: Phone Number /Email address

Password: Pin/ _____

The following Zones are now available to purchase Virtual Visitor Passes

Zone 1 South -

DIVISION 2. - RESIDENTIAL PARKING PERMITS

Sec. 106-76. - Declaration of necessity and purpose.

It is hereby found and declared that:

- (1) There exists within certain residential areas of the city, heavy concentration of vehicles that park all day or all evening, or that in the evening hours are driven therein without specific destination and congregating at various points committing offenses against the peace and dignity of the city and the residents thereof.
- (2) The presence of these vehicles cause vehicular congestion on residential streets, impede the movement of traffic, and unduly restrict entry of residents to their homes.
- (3) Such vehicular congestion creates polluted air, excessive noise, and trash and refuse.
- (4) That the conditions and evils mentioned in subsections (1), (2), and (3) of this section creates blighted or deteriorated residential areas.
- (5) Establishment of residential permit parking areas will help to preserve the character of these areas as residential neighborhoods, will preserve property values, and will preserve the safety of children and other pedestrians.
- (6) Establishment of residential permit parking areas will promote efficiency in the maintenance of those streets.
- (7) Residential permit parking regulations are necessary to promote the health, safety and welfare of the inhabitants of the city.

(Code 1964, § 44-82)

Sec. 106-77. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commuter vehicle means a motor vehicle operated in or parked in a residential area by a person not a resident thereof.

Impacted by commuter vehicles means:

- (1) A condition whereby:
 - a. The total number of spaces actually occupied by any vehicles exceeds 70 percent of the number of spaces on such streets on the weekdays of any month; and
 - b. The average number of commuter vehicles parking on streets in a residential area is in excess of 25 percent of the number of parking spaces on such streets; or
- (2) A condition whereby an undue number of commuter vehicles are being driven into or left in a residential area regularly between the hours of 7:00 p.m. and 6:00 a.m. of the following day, parking therein for purposes unrelated to residential uses.

Residential areas means a contiguous or nearly contiguous area containing public streets or parts thereof primarily abutted by residential property or residential and nonbusiness property such as schools, parks, churches, hospitals, and nursing homes. A residential area shall contain at least half a city block bordered by three public streets, and, if there is an alleyway, also by an alleyway.

(Code 1964, § 44-83)

Cross reference— Definitions generally, § 1-2.

Sec. 106-78. - Creation of residential permit parking area.

- (a) Whenever the city manager or his designee shall make a determination that a residential area is impacted by commuter vehicles in accordance with the criteria set forth in sections 106-76 and 106-77, he may initiate the creation of a residential permit parking area. A request for a determination by the city manager or his designee may also be initiated through petition of a majority of the bona fide residents of a residential area.
- (b) After initiation of the creation of a residential permit parking area by the city manager or his designee as set forth in subsection (a) of this section, the city commission shall hold a public hearing on the matter. Such public hearing shall be held only after:
 - (1) Notices have been mailed or personally delivered to every household that can reasonably be established within the area under consideration; and
 - (2) Notice has been posted in the area under consideration 15 days prior to the hearing date. The notice shall clearly state the purpose of the hearing and the exact location and boundaries of the proposed residential parking permit area.
- (c) The city commission shall, by resolution, approve or disapprove the creation of the residential parking permit area.

(Code 1964, § 44-84; Ord. No. 94-2911, § 1(44-84), 3-16-94)

Sec. 106-79. - Issuance of permits; placement of signs.

- (a) Following city commission approval of the designation of a residential parking permit area, the city manager or his designee shall issue the appropriate permits and shall cause parking signs to be erected in the area, indicating the times and locations where permit parking shall be permitted, and clearly stating "Tow-Away Zones."
- (b) A permit shall be issued upon application and payment of fees, if any, only to the owner or the operator of a motor vehicle who resides on property immediately adjacent to a street or other location within the designated area.
- (c) Permit fees, if any, shall be approved by resolution of the city commission. The city manager or his designee shall calculate the permit fees based on the actual cost of manufacture and installation of pertinent signs, applications, permits and administrative costs in connection with the issuance of permits and present recommended fees to the city commission for approval.
- (d) The application for a permit shall contain the name of the owner or operator of the motor vehicle, residential address, phone number, make and model of the motor vehicle, a copy of his driver's license, and a photostatic copy of the vehicle registration. Additionally, documentation established by the City of Miami Beach Parking Department will be required as proof of residency. The permittee shall apply in person for the initial permit and shall present all required documentation. Personal appearance shall not be required for permit renewals. Renewal of a permit shall be annually or semiannually and in accordance with the conditions and procedures as specified by the city manager or his designee and approved by the city commission.
- (e) The permit shall be displayed on the lower left corner of the front windshield (driver's side) of the vehicle.
- (f) The city manager or his designee is hereby authorized to make provisions for:

- (1) The issuance and collection of fees, if any, for temporary permits to bona fide visitors to residences within designated residential permit parking areas; and
- (2) The issuance of special permits to allow service and delivery vehicles to park in the area under extenuating circumstances.

(Code 1964, § 44-85; Ord. No. 94-2911, § 1(44-85), 3-16-94; Ord. No. 2008-3613, § 2, 9-17-08)

Sec. 106-80. - Parking in residential permit areas.

- (a) The holder of a residential parking permit that is properly displayed shall be permitted to stand or park a motor vehicle in the appropriately designated parking area. While a vehicle for which a residential parking permit has been issued is so parked, such permit shall be displayed so as to be clearly visible to enforcement personnel. A residential parking permit shall not guarantee or reserve to the holder a parking space within the designated parking area.
- (b) A residential parking permit shall not authorize the holder of the permit to park in spaces or areas designated by law as restricted or prohibited parking (loading zones, fire hydrants, disabled, or other such regulated areas), nor shall it exempt him from the observance of any traffic regulations, other than parking time limits.
- (c) Time limits for parking in each residential permit area shall be posted in plain view and shall be strictly enforced.

(Code 1964, § 44-86)

Sec. 106-81. - Enforcement.

Vehicles found within a residential permit area during the time limits posted without a valid permit for that area:

- (1) Shall be issued a uniform parking citation pursuant to section 30-388.25 of the County Code; and
- (2) May be towed pursuant to section 30-384 of the County Code.

(Code 1964, § 44-87)

Sec. 106-82. - Parking permit violations.

It shall be unlawful for any person to represent that he is entitled to a residential parking permit when he is not entitled, or to hold or display such a permit at any time when he is not entitled.

(Code 1964, § 44-88)

Sec. 106-83. - Revocation of permits and penalties.

- (a) The city manager or his designee is authorized to revoke the residential parking permit of any individual found to be in violation of the provisions of this division.
- (b) Failure to surrender a revoked permit within ten working days of written notification from the parking department shall carry the following penalties:
 - (1) The violator shall not be allowed to reapply for another permit for six months.

- (2) Once restored, if the permit holder should once again have his permit revoked by the department, the resident would be restricted from applying for one year.

(Code 1964, § 44-89; Ord. No. 94-2911, § 1(44-89), 3-16-94)

Sec. 106-84. - Exemptions.

Vehicles with valid handicapped license plates issued by the department of motor vehicles and displaying the internationally accepted wheelchair symbol, handicapped parking permit, or disabled veteran motor vehicle license plate are exempt from the requirements of this division.

(Code 1964, § 44-90)

Secs. 106-85—106-95. - Reserved.



Town of Surfside Annual Resident Parking Permit Program **RENEWAL COMMENCING THURSDAY, SEPTEMBER 1, 2016**

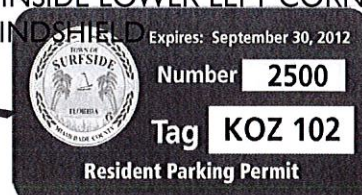
Parking Permits will be available for renewal commencing on September 1, 2016 for the upcoming fiscal year of October 1, 2016 to September 30, 2017. They will be available at Town Hall during business hours between 9:00 AM – 5:00 PM, Monday through Friday.

REGISTRATION PROCESS

1. Residents will be required to complete a Registration Application (on reverse side). The application is on the website, in the August 2016 & September 2016 Gazette and at the Town Hall's Front Office Counter.
2. Residents will be required to provide proof of residency. Examples include, but are not limited to:
 - Property tax bill
 - Utility bill (FPL, Water/Sewer)
 - Property Rental or Lease agreement
 - Current Driver's License with a Surfside address
3. Residents will be required to bring their current year's vehicle registration certificate. The vehicle must be registered in the name of the Surfside resident.
4. The Permit Fee will be \$10.70, sales tax included.
5. There is a maximum of three (3) parking permits per household. The decal will have a permit number printed on it and a space available for the license plate number to be entered by the Customer Service Representative.
6. Residents will be provided with a copy of the Resident Permit Parking Rules:
 - **PARKING PERMITS...**
 - are NOT valid on Harding Avenue (9400 & 9500 blocks)
 - The Town of Surfside has an Overnight Parking Program. The program is subject to change at any time
 - are limited to four (4) hours a day in any location
 - are non-transferable and non-refundable
 - will not be issued to rental cars



THE PARKING DECAL SHOULD BE AFFIXED TO THE INSIDE LOWER LEFT CORNER
OF THE DRIVER'S SIDE FRONT WINDSHIELD





Town of Surfside
Annual Resident Parking Permit Application
FOR VEHICLES REGISTERED TO SURFSIDE RESIDENTS ONLY

Effective October 1, 2016 to September 30, 2017

Name: _____

(Please PRINT Clearly)

Address: _____ Apt. # _____

Home Telephone _____ Cell Phone _____

Maximum of (3) Parking permits per house hold. **Fee \$10.70 per permit**

License Plate: _____ License Plate _____ License Plate # _____

TO THE BEST OF MY KNOWLEDGE THE ABOVE INFORMATION IS CORRECT AND
ACKNOWLEDGE THAT I RESIDE AT THE ADDRESS PROVIDED ABOVE

Signature of Applicant _____

Date _____

FOR OFFICE USE ONLY. PLEASE DO NOT WRITE IN THIS AREA

Permit Numbers issued: (1) _____ (2) _____ (3) _____

RECEIPT NUMBER _____

PAID BY: CASH

CHECK #

CREDIT CARD

Date: _____ Issued by: _____

Town of Surfside 9400 & 9500 Byron Resident Parking Permit Program

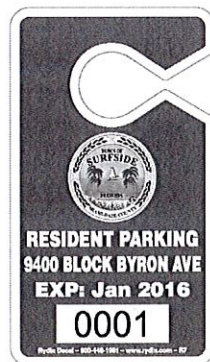
Calendar Year 2017

Parking Permits for residents and their guests on the 9400 & 9500 blocks of Byron Avenue ONLY. The permits are available at the Police Department.

REGISTRATION PROCESS

1. Residents will be required to complete a Registration Application (on reverse side). The application is at the Police Department Communication Unit.
2. Residents will be required to provide proof of residency. Examples include, but are not limited to:
 - Property tax bill
 - Utility bill (FPL, Water/Sewer)
 - Property Rental or Lease agreement
 - Current Driver's License with a Surfside address
3. There is a maximum of three (3) parking permits per household. The decal will have a permit number printed on it and the specific location to use it.
6. Resident Permit Parking Rules:
 - **PARKING PERMITS...**
 - are NOT valid in any other locations
 - are non-transferable

THE PARKING PERMIT SHOULD BE HUNG ON THE REAR VIEW MIRROR OR PLACED ON THE DASHBOARD WHEN VEHICLE IS PARKED AT THE SPECIFIED BLOCK.





Town of Surfside
Byron Resident Parking Permit Application
FOR RESIDENTS OF 9400 & 9500 BLOCKS OF BYRON AVENUE
ONLY

Effective January 1, 2017

Name: _____

(Please PRINT Clearly)

Address: _____

Cell Phone _____ Email: _____

Maximum of (3) Parking permits per household.

THE ABOVE INFORMATION IS CORRECT AND ACKNOWLEDGES THAT I RESIDE AT THE ADDRESS PROVIDED ABOVE.

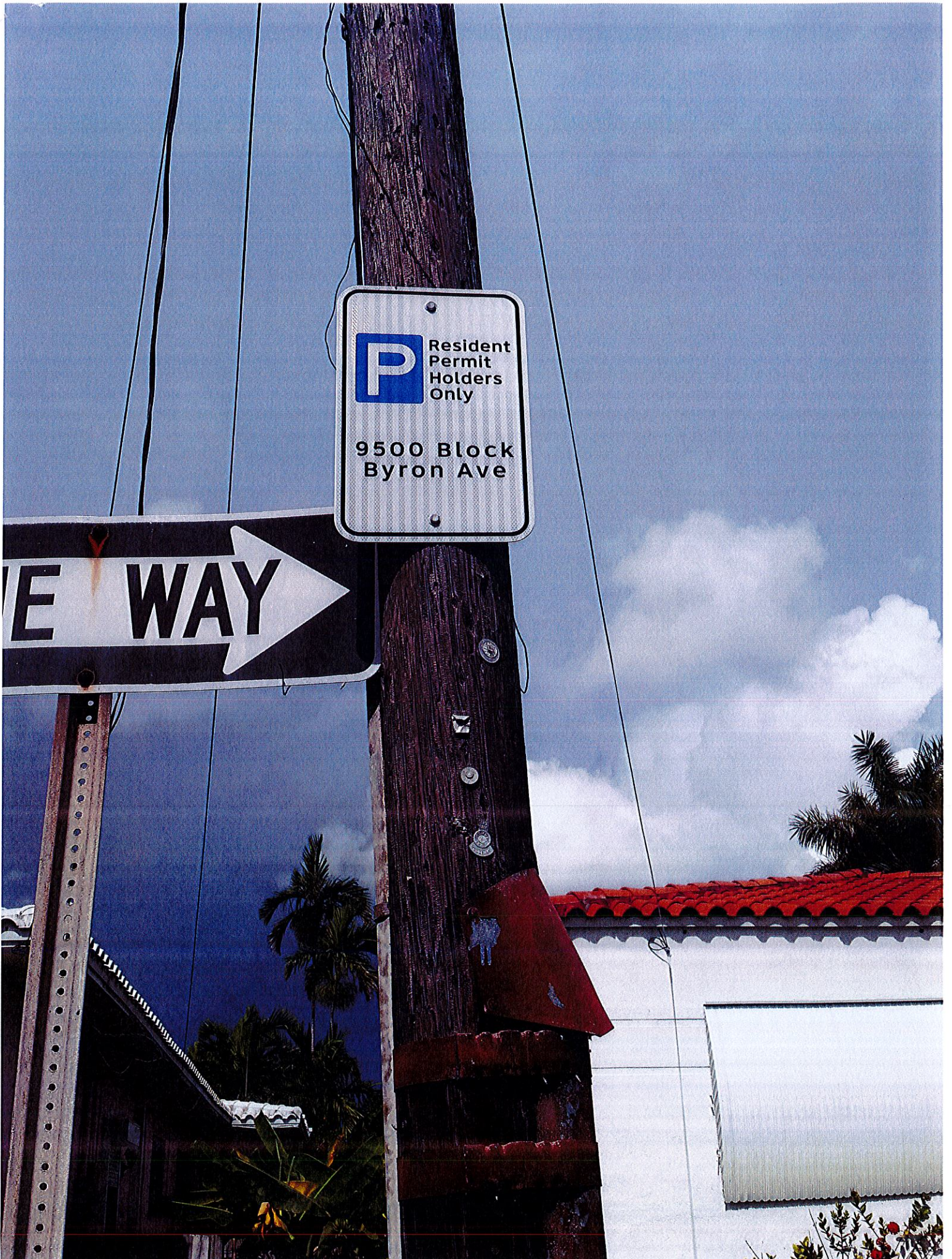
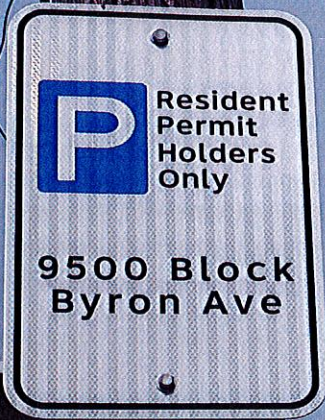
Signature of Applicant

Date

FOR OFFICE USE ONLY. PLEASE DO NOT WRITE IN THIS AREA

Permit Numbers issued: (1) _____ (2) _____ (3) _____

RECEIPT NUMBER _____



RESIDENTIAL OVERNIGHT PARKING PROGRAM

The Town of Surfside concluded a Residential Overnight Parking "Trial Program" on July 31, 2016 that allowed Town residents to park their vehicles overnight at designated locations between the hours of 9:00pm – 7:00am each day of the week. Town Residents utilized their present Town Parking Permit that is affixed to their vehicle's front windshield as an identifier for the overnight parking. The "Trial Program" was successful and will continue as an on-going program. The only change that is being made to the Residential Overnight Parking Program is that No overnight parking will be permitted in the on-street parking spaces in the 200 block of 88th Street (between Harding Avenue and Collins Avenue) on the south-side of the street adjacent to the Surfside Tennis Center.

Town of Surfside Residents will be permitted to park overnight at on-street parking spaces that are currently pay for parking spaces, and to also park overnight at Town of Surfside Parking Lots with the following exceptions:

- No overnight parking will be permitted in the Abbott Parking Lot
- No overnight parking in the on-street spaces in the 9400 block of Harding Avenue and the 9500 block of Harding Avenue (Business District)
- No overnight parking will be permitted in the on-street parking spaces in the 300 block of 94th Street (between Harding Avenue and Abbott Avenue)
- No overnight parking will be permitted in the on-street parking spaces in the 300 block of 95th Street (between Harding Avenue and Abbott Avenue)
- No overnight parking will be permitted in the on-street parking spaces in the 200 block of 88th Street (between Harding Avenue and Collins Avenue) on the south-side of the street adjacent to the Surfside Tennis Center.

To ensure the continued success of the Residential Overnight Parking Program we are asking that all residents who park their vehicles overnight to please move them by 7:00am. This program is the result of resident requests for additional parking options.

For further information please contact Parking Operations Manager Elinor Joseph at (305) 861-4862 or ejoseph@townofsurfsidefl.gov.



The City of Parkland Florida is an affluent city in Broward County, Florida. In 1993 the City began offering residents a sticker to attach to their vehicle promoting that they were a resident of Parkland and a way for local police to identify a resident while driving through the city. The director of the library who oversees the program said that since most of the communities in Parkland are now gated he hardly sells any of the stickers. The sticker does not allow any special parking privileges and is sold for \$5.00; all of the money collected is donated to charity.



Lighthouse Point
Police Department

- City of Lighthouse Point - Currently has a decal that can be purchased by residents to identify them as a resident. The decal has no other purpose, i.e. special parking areas or privileges. The decals are purchased by the local F.O.P. and donated to the police department. There is no cost for the decal, but donations are accepted and go to the Lighthouse Point Police F.O.P. fund for police events. Approximately 3000 decals are issued every year and according to an employee of the police department it does help the officer identify resident vehicles but they rely on their LPR system for investigative purposes.

AGENDA ITEM REPORT

October 16, 2017

ITEM NUMBER: 21.

ITEM: Discussion and direction regarding the celebration of the Town's 70th Anniversary.

DESCRIPTION:

Staff is requesting direction regarding the celebration of the Town's 70th Anniversary. Attached is an email from the Broad Foundation of the last meeting we had prior to the summer break. As you can see, we had been planning for several months and exchanging ideas on how to celebrate and mark the Town's and the School's anniversary.

The idea discussed was a cocktail reception and display of town photos and memorabilia in the Town's Community Center. The idea was for an elegant event with some food, drinks and entertainment open to the residents. Town residents would be able to meet their neighbors while they browse the displayed photos, watched short videos, and looked at whatever memorabilia we have collected (much like an art gallery or museum event). The school had requested that we push our event as far into December as possible. They were planning their own event in January 2018 to celebrate the school's 60th Anniversary.

However, since then Ron has mentioned other options, mainly his idea of closing off Causeway Island and having a "picnic" of sorts to watch fireworks.

A decision of what we are going to do is essential at this point so we can have enough time to plan the event or events.

RECOMMENDED ACTION:

Council Discretion

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Marlene Siegel, Town Clerk

ATTACHMENTS

1.	email - broad foundation	email from Broad Foundation.pdf
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Marlene Siegel

From: Enid Mercado <enid@shepbroadfdn.org>
Sent: Tuesday, April 25, 2017 8:17 AM
To: Rodriguez, Maria T.; Garcia, Mercedes; Marlene Siegel; Regine Choute; judymartinez@yahoo.com; Alba Chang
Cc: Ann Bussel; Deborah Bussel; John Bussel
Subject: Story of BHI- Meeting Minutes from 4/21/2017

Good Morning Ladies,

I'd like to thank you all again for your positive and energetic participation in last Friday's meeting at the MNB Community Center! Below are several of the items discussed during the meeting:

*School will update website next month (May) regarding project and obtain commitments from students, even if graduating.

*Marlene will follow-up with newsletter to reach out to town folk about interviewing for project; gather names. Contact email will be MercedesGarcia@dadeschools.net

*Marlene will talk to town management regarding planning of formal "Cocktail Reception" to be held at Community Center and take place early November. Will celebrate towns anniversary (70th) and serve as formal gathering (meet/greet) to encourage project involvement. Decor will encompass a historical 'art gallery' setting with classical background music and will be official start of "Story of BHI" Project!

*Town will help gather artifacts to be on display during reception, as well as large print historical photos of town, etc.

*Project will begin with "birth of BHI community", blending into the "birth of RKBBH K-8 Center".

*Maria will work on obtaining some original documents regarding the inception of school.

*Judy will assist (Mercedes) with students who will be involved in documenting(Journalism/Media). Idea of having interviews in writing prior to documenting on video.

*Possible after-school project time to be used (pending further discussion).

*Agreed to have PTA receive/distribute the grant money for project (Ann is aware and will follow-up with initial money to help start project).

*Maria advised that the school will hold its 60th Anniversary celebration in January 2018.

Please feel free to reply all with any additional talking points mentioned during meeting that I may have missed above and are important to remember!

Have a good work week and Kindest Regards,

Enid Mercado~Vega

The Shepard Broad Foundation

801 Brickell Avenue, Ste.2350

Miami, FL 33131

enid@shepbroadfdn.org

{786}419-3086

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

AGENDA ITEM REPORT

October 16, 2017

ITEM NUMBER: 22.

ITEM: Discussion requested by Mayor Leonard regarding the town's regulations for trees growing into powerlines.

DESCRIPTION:

The issue of trees growing into the powerlines in the backyards and not being properly trimmed by some homeowners came up recently once more after Hurricane Irma. At issue is the fact that Code Officer cannot trespass private property to inspect the backyard unless they are invited to the property or a neighbor complaints and gives access to their backyard. Also, there might be some opportunity to amend the Town Code with regard to the proximity of the trees being planted under the power lines and the types of trees the town can recommend for that area. The perimeter areas are not at issue since most vegetation on the front yard can be observed from the street and; therefore, Code Compliance can address the issue.

RECOMMENDED ACTION:

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Marlene Siegel, Town Clerk

ATTACHMENTS

1.	Section 24-16	Sec. 24 16. Minimum landscape standards.pdf
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Sec. 24-16. - Minimum landscape standards.

- (a) The Miami-Dade County Landscape Ordinance is hereby adopted as the minimum landscape standards for all property within the town. In addition to the minimum standards set forth in the Miami-Dade County Landscape Ordinance, section 18A, all property within the town shall also comply with the following additional landscape maintenance standards:
- (1) A property owner is responsible for ensuring that landscaping required to be planted pursuant to this section or any previous applicable ordinance(s), is:
 - a. Installed in compliance with applicable ordinances;
 - b. Maintained so as to represent a healthy, vigorous, and neat appearance, free from over growths, weeds, refuse and debris;
 - c. Sufficiently fertilized and watered to maintain the plant material in a healthy condition, including appropriate use of pesticides as necessary.
 - (2) *[Supplemental landscape standards adopted.]* In addition to the minimum standards set forth in the Miami-Dade County Landscape Code, the town hereby adopts the following supplemental landscape standards for all property within the town that exceeds or supplements the Miami-Dade standards due to the town's coastal barrier island location and the community's desire to achieve a higher quality landscape appearance:

Number of required trees.

- a. *Single-family.* Single-family home sites located on non-waterfront lot(s) are required to have a minimum of five trees per lot. Single-family home sites located on waterfront lot(s) are required to have a minimum of six trees per lot.
- b. *Two-family (duplex).* Two-family home sites are required to have a minimum of five trees per lot.
- c. *Multiple-family.* Multiple-family home sites are required to meet the minimum tree-quantity requirements listed in the Miami-Dade Landscape Code.
- d. *Commercial.* Commercial sites are required to meet the minimum tree quantity requirements listed in the Miami-Dade Landscape Code.
- e. *Community facilities/parks.* Community facilities such as schools, town parking lots, parks and recreational sites are required to meet the minimum tree quantity requirements listed in the Miami-Dade Landscape Code.

Minimum standards of plant materials at time of planting.

- a. *Street trees.* Street trees shall be a minimum of 15 feet in overall height with at least six feet of clear wood before branching, a minimum caliper of two and one-half inches and shall be planted at to meet the Miami-Dade minimum criteria of 35 feet average separation but shall not exceed 40 feet on center at time of planting. The town reserves the right to designate a common tree species for a roadway or portion of certain roadway segments to achieve a uniformity of appearance. All street trees planted after the effective date of this section shall comply with the town's street master plan species and specifications.
- b. *Shade trees.* Shade trees shall be a minimum of 12 feet in overall height with at least four feet of clear wood before branching and a minimum caliper of two and one-half inches at the time of planting. Fifty percent of required shade trees shall be a native species.
- c. *Palms.* Palm trees shall be a minimum of 15 feet in overall height with a minimum caliper of three inches at time of planting. Palm trees may be used to meet the required tree quantities at a 3:1 ratio. Royal palm trees, Canary Island date palms and other similar large palm species shall count one-for-one as meeting the minimum tree requirements if the

palm tree has over 15 feet of grey wood before any palm fronds start. Palm tree species shall comprise no more than 25 percent of the required tree quantity.

- d. *Shrubs.* Shrubs shall be a minimum of 24 inches in height and shall be planted at a maximum of 24 inches on center at time of planting. If shrubs are used as a visual screen between dissimilar land uses such shrubs shall be planted at a minimum of 36 inches in height and 24 inches on center.
- e. *Plant quality.* All tree species and other landscape material shall be Florida #1 or better, as established by "Grades and Standards for Nursery Plants" of the State of Florida Department of Agriculture.
- f. *Landscape material near overhead power lines.* Notwithstanding the above standards, the size of trees planted in proximity to overhead power lines may be adjusted to provide tree species recommended in the Florida Power and Light (FPL) publication entitled "Plant the Right Tree in the Right Place," current revision, upon site plan review.
- g. For single-family and two-family developments at least two shade trees or their equivalent shall be planted in the front yard area.

Number of different required tree species. In order to avoid a mono-species appearance in the town and to circumvent significant tree loss due to disease to a specific tree species, the number of different required tree species to be planted is as follows:

1—5 required trees	2 tree species
6—10 required trees	3 tree species
11—15 required trees	4 tree species
16—20 required trees	5 tree species
21—30 required trees	6 tree species
31 or more required trees	7 tree species

The town council may agree to alter the above criteria based on plant availability or specific site design. Such requests shall be in writing and include a professional analysis.

Size of tree species in relationship to building height. In order to provide trees scaled to the on-site building massing and individual site conditions, the following additional minimum tree heights shall apply:

No. Stories	Min. Tree Height (ft.)	Min. Spread (ft.)	Palm Height (ft.)
1—2	12	5	14—18

3	50% min. req.	5	14—18
	50% 14—16	6	18—22
4	50% min. req.	5	14—18
	25% 14—16	6	18—22
	25% 16—18	7	22-28
5 plus	25% min. req.	5	14—18
	50% 16—18	7	22—28
	25% 18—20	8	22—28

Buffers. Buffers used to separate on-site parking lots from adjacent public rights-of-way are required to provide a minimum ten-foot landscape strip. At a minimum, continuous shrubs as specified herein shall be provided between any on-site parking space or driveway and the street line. If walls are used as a screening device in the landscape strip they must conform to the requirements within the Miami-Dade County Landscape Code (section 18-A) and Town Code subsection 23-12(22). All plants used within buffers are required to meet the minimum size and spacing described in subsection (a)(2)c.

Buffers used to separate dissimilar uses from adjacent properties are required to provide a minimum five-foot landscape strip. If walls are used as a screening device in the landscape strip they must conform to the requirements within the Miami-Dade County Landscape Code (section 18-A) and Town Code subsection 23-12(22). All plants used within buffers are required to meet the minimum size and spacing described in subsection (a)(2)c.

Requirements for compliance for nonconforming properties. It is the express intent and desire of the town council that all sites comply with and meet the minimum requirements set forth in the Miami-Dade Countywide Landscape Code and town supplemental standards stated herein. The town recognizes that many of the properties in the town were constructed prior to the enactment of either the county or town supplemental code requirements. Property owners are encouraged to meet the most recent minimum standards, if possible. All new development must comply with the most stringent standards set forth in either code. All redevelopment of existing properties that add more than 200 square feet of gross floor area to an existing structure, shall upgrade the landscaping on the property to meet current day standards

Tree removal, protection and replacement. It is the intent and desire of the town council to preserve and enhance the tree canopy in the town for aesthetic and environmental reasons. The Miami-Dade Countywide Landscape Code requires that prior to any tree removal on any site, except single-family and two-family sites, a tree-removal permit must be obtained from the Miami-Dade County Department of Environmental Protection (DERM). Within the Town of Bay Harbor Islands a tree-removal permit shall be obtained for any tree removal or relocation, including single-family and two-family uses. Tree removal shall be prohibited unless the tree is diseased or dead, is invasive and

listed on the Miami-Dade County prohibited species list unless determined by the town council on a case-by-case basis that the tree is unique, unreasonably restricts or interferes with the use of the land as determined by the town council or is damaging utilities, roadways, sidewalks. In all instances the minimum number of street trees and onsite trees shall be maintained or replaced as specified herein. The town shall administer the tree removal/relocation permit process for single-family and two-family land uses. In all instances each site must comply with the minimum tree quantity and quality requirements unless off-site mitigation is allowed.

If the tree(s) or replacement trees cannot be replanted onsite, an owner may request permission from the town to replant the tree(s), plant replacement trees at other locations within the town or contribute to a tree trust fund. All such tree-removal requests shall be accompanied by a current survey not more than six months old of the lot showing all physical improvements on the site, within the adjoining public right-of-way and on adjacent lots within ten feet of the property line as well as all tree locations, species, caliper and estimated height. If tree branches on adjoining properties or right-of-way extend into the site they must be identified. A statement from the owner or a professional must be provided explaining why the request is being made. Publically-owned land shall be considered first priority for any offsite tree placement such as parks, open spaces, rights-of-way and other town-owned lands. Second priority for any offsite tree replacement may be other privately-owned lands, if approved by the town. If a tree(s) cannot be replanted onsite or replaced as specified, the owner may request to contribute funds equal to the values of the tree(s) into the Miami-Dade County Tree Trust Fund as required under section 24-49 of the county's Code or into the town tree trust fund. Any funds in the town tree trust fund shall only be expended only on the design, acquisition and tree planting or other equivalent landscaping within the town and shall not be used as general revenue. Within the town all trees removed are subject to mitigation, including native, other acceptable and not preferred/invasive trees.

No replacement of not preferred/invasive trees species is permitted; however, equivalent mitigation based on the tree trunk caliper is required. Tree replacement shall be based on the provisions contained in Section 24-49 of the Miami-Dade Tree Preservation and Protection Ordinance. The town and/or owner may retain a professional tree arborist to assist in the determination of value and replacement mitigation. Replacement tree species shall be selected to replace the existing tree canopy being removed, unless otherwise approved by the town due to location.

Selecting landscape materials/soil conditions. Landscape materials installed within the town shall be selected based on suitability to the nearby oceanfront location and are generally salt tolerant. Landscape materials should be planted at locations that take into account future mature growth of the selected materials so as not to interfere with overhead or underground utilities, parking lots, sidewalks and roads (roots) and structures. Because of the existing barrier island soil composition, the soils where the landscape materials are to be planted shall be modified as necessary to allow all plantings to survive, including any planters not at ground level (roofs/terraces).

Disposal of landscape materials. Landscape materials, including but not limited to tree branches, palm fronds, dead or diseased plant materials and grass clippings shall be disposed of properly. Grass clippings shall be collected and removed from all sites and shall not be placed on public right-of-way or allowed to enter the stormwater system as the town's federal EPA national pollution discharge elimination system (NPDES) permit conditions. In no instance shall grass clippings be accumulated and/or swept into stormwater catch basins. All landscape materials shall be removed from the site to a suitable disposal facility.

Irrigation of landscape materials. Landscape materials shall be properly irrigated to ensure survival. Open-air spray irrigation shall be limited to the maximum degree possible and the use of drip irrigation systems with water soil moisture sensors is strongly encouraged. The collection of stormwater for reuse is strongly encouraged as well as the use of gray water when it becomes available from the Miami-Dade Water and Sewer Department.

Fertilizers and pesticides. Landscape materials shall be properly fertilized and if necessary pesticides applied to ensure survival. Such products shall be used in accordance with the

manufacturer's recommended specifications for application, storage and disposal. In no instance shall such products be disposed of through the town's stormwater system and efforts shall be made to limit runoff into the town's stormwater system. Alternatives to the use of pesticides are encouraged.

Appeals from administrative decisions. Enforcement of the provisions of this section shall be responsibility of the town manager or their designee. If a dispute arises as to the application of the Code requirements or an enforcement action which cannot be resolved by staff, the matter may be appealed through the town clerk to the planning and zoning board. If the matter cannot be resolved by the planning and zoning board, the matter may be appealed through the town clerk to the town council.

- (3) *[Replacement of trees.]* If any tree dies, such tree or plant shall be replaced with another tree. All stumps shall be removed below the surface of the ground. Trees may not be painted and shall be maintained in their natural state as to color.
- (4) *[Grass areas.]* Except in periods of officially declared drought, grass areas shall be maintained by adequate irrigation so as to remain healthy and present a good appearance. Adequate pest control shall be applied to prevent the spread of cinch bugs or other grass-damaging pests. Grass areas shall be maintained so as to prevent excessive growth and unsightly conditions.
- (5) *[Lawns.]* Lawns shall be maintained so that edges are neatly trimmed, and so that grass runners or weeds will not grow over adjacent drives or curbs.
- (6) *[Hedges.]* Hedges shall be maintained so as to have a solid appearance, with no gaps or spaces. Grass or other growths shall not be allowed to grow up into the hedge. All hedges shall be kept neatly trimmed.
- (7) *[Sight distance.]* Trees, shrubs, hedges, and bushes shall not be maintained or allowed to exist in such a way that the plant material interferes with the sight distance relative to vehicles, or interferes with the passage of any vehicles along the town's roadways.
- (8) *[Containers.]* No plant materials shall be maintained or allowed to exist in nondecorative containers (i.e. plastic nursery pots).
- (9) *[Pest or nuisance trees/shrubs.]* On properties where a construction permit is issued, any "pest" or "nuisance" trees/shrubs (such as melaleuca, Brazilian pepper, Australian pine) must be removed.
- (10) *[Town rights-of-way; utility easements.]* Trees, shrubs or hardscape located within the town's right-of-way or utility easements, regardless of when such items were installed, shall be removed at the expense of the property owner upon the request or necessity of the town.
- (11) *Hurricane preparedness; restriction on placement of landscape debris.* Once an official "hurricane watch" is issued by the National Weather Service for an area which includes the town, no person shall place any yard waste including, but not limited to, vegetative clippings, trees, palm fronds, leaves, branches or any vegetative debris on any portion of public right-of-way or on private property, unless the property owner makes arrangement for a private hauler to pick-up such debris prior to the issuance of a "hurricane warning".
- (12) *Protection of electric power lines and overhead utilities.* Each person owning property within the town shall maintain and locate their landscaping so that at any point vegetative matter is no closer than five feet from any energized electric transmission or electric service line.
 - a. All newly installed vegetation that is in proximity to an overhead utility line shall comply with the plant selection and distance restrictions stipulated in the Florida Power and Light (FPL) publication "Plant the Right Tree in the Right Place," current revision, upon the issuance of any construction permit. Examples of trees that can cause conflict when planted near overhead power lines are: Australian pine, melaleuca, Brazilian pepper, tree bamboo, Schefflera and Ficus trees.

- b. Existing vegetation closer than five feet from energized electric transmission or electric service line shall be trimmed to comply with these provisions within 90 days from the passage of this subsection.
 - c. In the event that a property owner does not timely cause improperly installed vegetation to be trimmed or removed within seven days after having received a written notice from the town to do so, the town manager shall be authorized to arrange for town employees or contractors to perform such work. The town shall place a lien upon the property for the purpose of securing full reimbursement to the town for all costs incurred for said work, and may record and enforce said lien to the fullest extent authorized by law.
- (b) The town shall have the right to impose other maintenance requirements that are consistent with the standards of the community.
 - (c) Failure to install or maintain landscaping according to the terms of this section shall constitute a violation of the Town Code. Also, failure to plant, preserve or maintain each individual tree shall be considered to be a separate violation of the Code. Each day in which either landscaping or individual trees are not installed or maintained according to the terms of this section shall constitute a continuing and separate violation.
 - (d) *Enforcement.* The town's code enforcement department shall give at least one courtesy warning notice before enforcement under this section.

(Ord. No. 667, § 1, 8-14-00; Ord. No. 672, § 1, 10-10-00; Ord. No. 790, § 1, 3-13-06; Ord. No. 869, § 1(Exh. A), 12-8-08; Ord. No. 992, § 1(Exh. A), 8-8-16)