

TOWN OF BAY HARBOR ISLANDS

October 13, 2015

AGENDA

STATEMENT OF DECORUM

All comments must be addressed to the Council as a body and not to individuals. Any person making a racial or slanderous remark or who becomes boisterous while addressing the Town Council, staff, etc. shall be barred from the audience by the presiding officer. No profanity, shouting, heckling, verbal outbursts or disruptive behavior in support of or opposition to a speaker or his/her remarks is permitted. Please mute or turn off your cell phone or other electronic devices at the start of the meeting. Failure to do so may result on being barred from the meeting. Persons exiting the Chambers shall do so quietly.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

COUNCIL REPORTS:

TOWN MANAGER'S REPORT:

PUBLIC COMMENT:

*There is a three (3) minute time limit for each speaker during public comment and a two (2) minute time limit for each speaker during all other agenda items. Your cooperation is appreciated in observing the three (3) minute rule. If you have a matter you would like to discuss which requires more than three (3) minutes, please arrange a meeting with the Town Manager or appropriate administrative official. **A request form is available from staff; please fill it in and return it to the Town Clerk prior to the start of the meeting if you would like to speak during public comment.** Please come forward to the podium, give your name and address, and the name and address of the organization you are representing if any.*

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.)*

1. **Consideration and Approval** of the following Meeting Minutes:
 - a. May 11, 2015 - Regular Council Meeting
 - b. June 8, 2015 - Regular Council Meeting
2. **Consideration and Approval** of a Mutual Aid Agreement with the City of Miami Police Department and the Town of Bay Harbor Islands Police Department. Enclosed find a copy of the proposed agreement.
3. **Consideration and Approval** of a renewal of a Mutual Aid Agreement with the City of Sunny Isles Beach and the Town of Bay Harbor Islands Police Department. Enclosed find a copy of the proposed agreement.
4. **Consideration and Approval** of a construction trailer to be located at 1100 100 Street as required by Section 23-4(7) of the Town Code. Enclosed find a copy of the application and supporting documents.

STAFF RECOMMENDATION: Council Discretion.

ORDINANCES ON SECOND READING:

5. **Consideration and Approval** of a ordinance on **second** reading amending Section 5-23 of the Town Code, entitled building and construction in order to amend the date in which final working plans are required to be submitted. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AMENDING CHAPTER 5 OF THE TOWN'S ADOPTED CODE OF ORDINANCES ENTITLED BUILDING AND CONSTRUCTION, AND SPECIFICALLY AMENDING SECTION 5-23, ENTITLED TIME FOR SUBMITTING FINAL WORKING PLANS IN ORDER TO AMEND THE DATE IN WHICH FINAL WORKING PLANS ARE REQUIRED TO BE SUBMITTED; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion.

POLL VOTE

6. **Consideration and Approval** of an ordinance on **second** reading amending Section 23-21(J) of the Town Code, entitled Gateway (G) Zoning District in order to amend the date in which final working plans are required to be submitted. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AMENDING CHAPTER 23 OF THE TOWN'S ADOPTED CODE OF ORDINANCES ENTITLED ZONING AND PLANNING, AND SPECIFICALLY AMENDING SECTION 23-21(j), ENTITLED GATEWAY (G) ZONING DISTRICT IN ORDER TO AMEND THE DATE IN WHICH FINAL WORKING PLANS ARE REQUIRED TO BE SUBMITTED; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion.

POLL VOTE

7. **Consideration and Approval** of an ordinance on **second** reading amending Section 23-18 of the Town Code, entitled Planned Unit Development (PUD) Zoning Overlay District in order to amend the date in which final working plans are required to be submitted. Enclosed is a copy of the propose ordinance.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AMENDING CHAPTER 23 OF THE TOWN'S ADOPTED CODE OF ORDINANCES ENTITLED ZONING AND PLANNING, AND SPECIFICALLY AMENDING SECTION 23-18, ENTITLED PLANNED UNI DEVELOPMENT (PUD) ZONING OVERLAY DISTRICT IN ORDER TO AMEND THE DATE IN WHICH FINAL WORKING PLANS ARE REQUIRED TO BE SUBMITTED; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion.

POLL VOTE

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

9. **Consideration and approval** of an ordinance on **second** reading amending Section 9-38 of the Town Code increasing the solid waste fees. Enclosed find the proposed ordinance.

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

STAFF RECOMMENDATION: Council Discretion.

POLL VOTE

ORDINANCES ON FIRST READING:

10. **Consideration** and **Approval** of an ordinance on **first** reading requested by Mayor Leonard amending Section 11 of the Town Code entitled land development regulations to create a new Green / Sustainable Building Program. Enclosed find a copy of the proposed ordinance and supporting documents.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES; AMENDING CHAPTER 11 ENTITLED LAND DEVELOPMENT REGULATIONS; CREATING A NEW ARTICLE V TO BE ENTITLED SUSTAINABLE BUILDING PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion.

POLL VOTE

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

11. **Consideration** and **possible** approval of a Business Tax Receipt (Occupational License) Application for Dr. Miami BootyQ, LLC to operate a business (Boutique;Gift Shop; Botox injections and laser tattoo removal) to be located at 1072 Kane Concourse. Rosy Zion will in attendance to answer any questions. Enclosed is a copy of the Business Tax Receipt Application and supporting documents.

STAFF RECOMMENDATION: Council Discretion.

12. **Request** for an **extension** to close on an agreement for purchase and sale of Transfer of Development Rights between the Town and Furmanos, LLC. The contract was entered into May 11, 2015 for the purchase of five (5) TDR units to be transferred to the receiving property located at 1170 93 Street. Enclosed find a copy of the letter from Attorney Mathew Amster and supporting documents.

STAFF RECOMMENDATION: Council Discretion.

13. **Consideration** and **Approval** of a private TDR transaction of the transfer of four (4) dwelling units from Habitat 1175 Condominium, Inc. (1175 101 Street) to Island Club Towers, LLC (9161 & 9201 East Bay Harbor Drive). Enclosed is a copy of the application, contract, plans, and other supporting documents.

STAFF RECOMMENDATION: Council Discretion.

14. **Consideration** and **Approval** for a Request for Proposals (RFP) for "Community Transit Services". Enclosed is a copy of the proposal package material.

STAFF RECOMMENDATION: Approval

DISCUSSION ITEMS:

15. **Discussion** requested by Council Member Marano regarding a cohesive concept for the Causeway Island, which includes an entrance feature and a some passive park features on the island's median. Enclosed is information provided by Council Member Marano. Also attached is a sample message sign, to be placed on Kane Concourse, which ties in with the concept at Causeway Island.

STAFF RECOMMENDATION: Council Discretion.

16. **Discussion** requested by Council Member Reid regarding the noise ordinance. Enclosed find a copy staff report and supporting documents.

STAFF RECOMMENDATION: Council Discretion.

17. **Discussion and direction** to staff on proposed changes to the ordinance regulating single family driveways, driveway materials and related items. This item briefly discussed at a previous Council meeting at the request of Council Member Yaffe. Enclosed is a copy of the staff report prepared by Town Planner, Michael Miller.

STAFF RECOMMENDATION: Council Discretion.

18. **Discussion** requested by Council Member Fuller regarding amending the code to allow portable basketball hoops in the Town's Right-of-Way.

STAFF RECOMMENDATION: Council Discretion.

ADJOURNMENT: Set for 11:00 p.m. *(Any items not addressed by 11:00 PM, will be continued to the following day at 7:00 PM)*

Pursuant to Florida Statutes 286.0105, the Town hereby advises the public that should any person decide to appeal any decision of the Town Council with respect to any matter to be considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.