

# TOWN OF BAY HARBOR ISLANDS

May 12, 2021

## 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.*

### SPECIAL NOTICE – HYBRID MEETING

The Town of Bay Harbor Islands Regular Council Meeting will take place in a Hybrid format where a quorum of the Town Council will be physically present at the Town Hall Council Chambers. Members of the public are welcome to participate in person or virtually via the Zoom platform.

Zoom Link: <https://zoom.us/j/94877483408>

Meeting ID: 948 7748 3408

To request to speak during Zoom Public Comment, please utilize the “raise your hand” Zoom feature on your electronic device. You will be recognized at the direction of the Zoom Meeting Host.

Members of the Public may also be admitted to the Council Chambers in person, for Public Comment, subject to social distancing and facial covering.

In addition, any member of the public who does not wish, or is unable to participate through the Zoom video conferencing platform, but would still like to participate can do so by listening to the meeting as it happens by dialing the Toll-free number below:

US Toll Free Number: 877 853 5247 or 888 788 0099

For higher quality, dial a number based on your current location.

US: 1 312 626 6799 or 1 646 558 8656 or 1 301 715 8592

Meeting ID: 948 7748 3408

Participant ID: Press the # key

To request to speak: Dial \*9 on your telephone device to activate the “Raise your Hand” feature on the zoom platform.

Members of the Public can also submit their request to speak and/or comments via e-mail to the Office of the Town Clerk at [achang@bayharborislands-fl.gov](mailto:achang@bayharborislands-fl.gov)

**CALL TO ORDER:** 7:00 p.m.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

## **SPECIAL PRESENTATION:**

1. Join us in welcoming Officer Jasmin Vazquez and Officer Paul Rogers to the Town of Bay Harbor Islands Police Department. These two officers were officially sworn in on April 21, 2021, and are looking forward to serving the residents and visitors of the Town of Bay Harbor Islands.
2. Presentation of the Town's Comprehensive Annual Financial Report for the year ended September 30, 2020 by Mr. Michael Futterman of Marcum LLP.
3. Proclamation for "No place for Hate Day" presented to the Anti-Defamation League

## **REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:**

### **TOWN MANAGER'S REPORT:**

### **TOWN ATTORNEY'S REPORT :**

4. **Consideration and Approval** of an expenditure not to exceed \$10,000 to select and hire an independent outside legal counsel to investigate the grievance recently filed by Town Clerk Alba L. Chang.

**STAFF RECOMMENDATION:** Council Discretion

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

## **PUBLIC COMMENT:**

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

## **COMMITTEE REPORTS:**

**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.)*

5. **Consideration and Approval** of the following Meeting Minutes:
  - a. February 10, 2021 Public Hearing
  - b. October 28, 2020 Regular Council Meeting
  - c. October 19, 2020 Special Council Meeting
  - d. July 7, 2020 Special Council Meeting - Revised
  - e. March 9, 2020 Regular Council Meeting - Revised
6. **Consideration and Approval** of a resolution requested by Council Member Bruder amending the rules and procedures for the distribution and posting of Council Meeting Agendas. Enclosed is a copy of the proposed resolution.



7. **Consideration and Approval** of a resolution authorizing deposits and withdrawals of Town Bank accounts. Enclosed is a copy of the resolution
8. **Consideration and approval** of a resolution revising Section 9-38 of Town Code adjusting monthly Solid Waste Fees. Enclosed is a copy of Resolution.
9. **Consideration and Approval** to piggyback off the National Association of State Procurement Officials (NASPO) contract with Toshiba American Business Solutions, Inc. for copiers and printing services, pursuant to Section 2-1.2(6) of the Town Code. Enclosed is a copy of the proposal provided by Toshiba and other supporting documents.
10. **Consideration and Approval** of Amendment No. 4 to the Memorandum of Understanding to implement the Nurse Enhancement Initiative for the 2021/2022 school year. Enclosed is a copy of the agreement and summary report.
11. **Consideration and Approval** for a Request for Proposals (RFP) for Servers Relocation Wiring Project. Enclosed is a copy of the proposal package material.
12. **Consideration and Approval** for a Request for Qualifications (RFQ) for Insurance Broker Services. Enclosed is a copy of the proposal package material.

**STAFF RECOMMENDATION:** Approval

**POLL VOTE**

**ORDINANCES ON SECOND READING:**

13. **Consideration and Approval** of an ordinance on **second** reading amending Chapter 9 of the Town Code updating the solid waste schedule of fees. Enclosed is a copy of the proposed ordinance.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 9 OF THE TOWN'S ADOPTED CODE OF ORDINANCES ENTITLED SOLID WASTE COLLECTION, BY AMMENDING SECTION 9-38 ENTITLED SCHEDULE OF FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**STAFF RECOMMENDATION:** Approval

**POLL VOTE**

**ORDINANCES ON FIRST READING:**

14. **Consideration and Approval** of an ordinance on **first** reading authorizing the use of Communication Media Technology (CMT) during periods when the Town's Mayor or the Governor declares a Local Public Health Emergency or local State of Emergency. Enclosed is a copy of the proposed ordinance.

**AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AUTHORIZING THE USE OF COMMUNICATION MEDIA TECHNOLOGY AND FOR ATTENDANCE BY USE OF SUCH TECHNOLOGY BY ELECTED AND APPOINTED OFFICIALS AND MEMBERS OF THE PUBLIC UNDER SUCH CIRCUMSTANCES AS IS APPROPRIATE AND AUTHORIZED BY LAW, INCLUDING DURING PERIODS WHEN THE TOWN MAYOR OR GOVERNOR DETERMINES AND DECLARES A LOCAL PUBLIC HEALTH EMERGENCY OR STATE OF EMERGENCY AND FURTHER DETERMINES AND DECLARES THAT IT IS NECESSARY TO PROTECT THE HEALTH AND SAFETY OF TOWN OFFICIALS, TOWN STAFF, AND THE PUBLIC; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**STAFF RECOMMENDATION:** Council Discretion

**POLL VOTE**

**DEFERRED ITEMS:**

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

15. **Discussion** Regarding The Finvarb Group's Request for a Perpetual Right to Use the Town's Right-of-Way.
16. **Consideration and Approval** of a contract award to Jones-Benitez Corporation in the amount of \$195,175.20 for project No. BC 156 for the Rehabilitation of Snapped Tendons in a Pre-stressed U-channel Section of Bridge 875103 (Indian Creek Bridge). Enclosed is a copy of the bid results and other supporting documents.

**STAFF RECOMMENDATION:** Approval

**POLL VOTE**

17. **Consideration and Approval** of a Business Tax Receipt Application from Bay Harbor Islands Property Owner I, LLC (DBA Continuum Realty, LLC) for a Sales Center to be located at 1111 Kane Concourse, Ground Floor Space. Enclosed is a copy of the Business Tax Receipt and other supporting documents.

**STAFF RECOMMENDATION:** Council Discretion

18. **Consideration and Approval** of a Business Tax Receipt Application from Kundani, LLC for an Early Childcare Center to be located at 1037 Kane Concourse. Enclosed is a copy of the Business Tax Receipt Application and other supporting documents.

**STAFF RECOMMENDATION:** Council Discretion

**DISCUSSION ITEMS:**

19. **Discussion and possible action** requested by Council Member Leonard to remove the Town Clerk and Appoint an Interim Town Clerk. Enclosed is a copy of the Town Charter.
20. **Discussion and direction** on the policy and procedures for naming and re-naming of Town-owned properties. Enclosed is a copy of Resolution No. 1057 and staff's recommendation on the matter.
21. **Discussion** and report for the proposed amendments to the Town Comprehensive Plan. Enclosed is a copy of the full report and staff report.

**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**

May 12, 2021

### **ITEM NUMBER: 1.**

**ITEM:** Join us in welcoming Officer Jasmin Vazquez and Officer Paul Rogers to the Town of Bay Harbor Islands Police Department. These two officers were officially sworn in on April 21, 2021, and are looking forward to serving the residents and visitors of the Town of Bay Harbor Islands.

### **DESCRIPTION:**

Join us in welcoming Officer Jasmin Vazquez and Officer Paul Rogers to the Town of Bay Harbor Islands Police Department. These two officers were officially sworn in on April 21, 2021, and are looking forward to serving the residents and visitors of the Town of Bay Harbor Islands.

### **RECOMMENDED ACTION:**

PRESENTER IS CAPTAIN NOEL

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### **FINANCIAL ANALYSIS:**

### **BUDGET IMPACT:**

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Submitted By: Analily Perez, Administrative Coordinator

### **ATTACHMENTS**

1. New Bay Harbor Islands PD Officers



### **Jasmin Vazquez**

Officer Vazquez was born in Kingston, New York, and spent her younger childhood in Puerto Rico. She always dreamed of working in Law Enforcement. She admires the profession and is grateful for the opportunity with The Town of BHI PD. She looks forward to being part of the team and serving her community while making a positive impact.

Officer Vazquez is married and has two children. In her spare time, she enjoys dancing, and most importantly, spending time with her family and friends!

Officer Vazquez started her FTO assignment with Corporal Candelmo on 4/23/2021.



### **Paul Rogers**

Officer Rogers was born in Virginia, the youngest of three boys. He was raised in greater Fort Lauderdale. He holds a Bachelor's Degree from Florida Atlantic University in Criminal Justice. He worked at Fort Lauderdale Police Department his entire adult life. While at FLPD, he spent most of his assignment in uniform patrol, along with detective bureau, street narcotics, and backgrounds. He is scuba certified, having served 10 years on the department dive/rescue team. He is bike and radar certified and was an FTO for over 11 years.

He is married with one daughter.

Officer Rogers started his FTO assignment with Officer Munsch on 4/26/2021.

## **AGENDA ITEM REPORT**

May 12, 2021

### **ITEM NUMBER: 2.**

**ITEM:** Presentation of the Town's Comprehensive Annual Financial Report for the year ended September 30, 2020 by Mr. Michael Futterman of Marcum LLP.

### **DESCRIPTION:**

### **RECOMMENDED ACTION:**

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### **FINANCIAL ANALYSIS:**

### **BUDGET IMPACT:**

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Submitted By: Alba L. Chang, Town Clerk

### **ATTACHMENTS**

1. BHI Issued Communication Ltr
2. Bay Harbor Island Issued CAFR

April 19, 2021

To the Honorable Mayor, Town Council and Town Manager  
**Town of Bay Harbor Islands**

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Bay Harbor Islands, Florida (the Town) for the fiscal year ended September 30, 2020. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and *Government Auditing Standards* as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated July 6, 2020. Professional standards also require that we communicate to you the following information related to our audit.

### **Significant Audit Findings**

#### ***Qualitative Aspects of Accounting Practices***

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the Town are described in Note 1 to the financial statements. With the exception of the implementation of Governmental Accounting Standards Board (GASB) Statement No. 83, *Certain Asset Retirement Obligations*, which did not have a significant impact on the financial statements, no new accounting policies were adopted and the application of existing policies was not changed during fiscal year 2020. We noted no transactions entered into by the Town during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate affecting the Town's financial statements was:

Management's estimate of the net pension asset in accordance with GASB Statement No. 68 is based on actuarial methods and assumptions used by the actuary for the development of the funding valuation as well as the accounting valuation. The key factors impacting the assumptions, such as change in market conditions, are subject to change on an annual basis therefore and can have a significant impact on this estimate. We evaluated the key factors and assumptions used to develop the estimate described above, in determining that it is reasonable in relation to the financial statements taken as a whole.

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosure affecting the financial statements was:

The net pension asset as discussed in Note 10 of the financial statements which required the Town to recognize a net pension asset in their financial statements as described above.

The financial statement disclosures are neutral, consistent, and clear.

***Difficulties Encountered in Performing the Audit***

We encountered no difficulties in dealing with management in performing and completing our audit.

***Corrected and Uncorrected Misstatements***

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole. There were no uncorrected misstatements.

***Disagreements with Management***

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditors' report. We are pleased to report that no such disagreements arose during the course of our audit.

***Management Representations***

We have requested certain representations from management that are included in the management representation letter dated April 19, 2021.

***Management Consultations with Other Independent Accountants***

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to Town's financial statements or a determination of the type of auditors' opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.



### ***Other Audit Findings or Issues***

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as Town's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

We reported a material weakness and a significant deficiency in internal controls over financial reporting. We noted that the Town's bank reconciliations were not prepared and reviewed in accordance with the Town's policy. Additionally, we noted that there was a lack of adequate internal control policies over the preparation and review of journal entries. Please refer to the findings, recommendations and the Town's Corrective Action Plan presented in the Comprehensive Annual Financial Report.

### **Other Matters**

#### ***Required Supplementary Information***

We applied certain limited procedures to Management's Discussion and Analysis and the budgetary comparison schedule, and the required supplementary information (RSI) for the pension and OPEB, which are required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

#### ***Other Information***

We have been engaged to report on supplementary information other than RSI (Schedule of Expenditures of Federal Awards, as required by the OMB Uniform Guidance), which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

We were not engaged to report on the introductory and statistical sections, which accompany the financial statements but are not RSI. We did not audit or perform other procedures on this other information and we do not express an opinion or provide any assurance on it.

Town of Bay Harbor Islands

April 19, 2021

Page 4

**Restriction on Use**

This information is intended solely for the use of Mayor, Town Council, Town Manager and management of the Town and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

A handwritten signature in black ink that reads "Marcum LLP". The script is cursive and fluid, with the letters "M", "L", and "P" being particularly prominent.

Marcum LLP

# COMPREHENSIVE ANNUAL FINANCIAL REPORT



FOR THE FISCAL YEAR  
ENDED SEPTEMBER 30, 2020



TOWN OF BAY HARBOR ISLANDS

# **COMPREHENSIVE ANNUAL FINANCIAL REPORT**

of the

TOWN OF BAY HARBOR ISLANDS, FLORIDA



**For the fiscal year ended September 30, 2020**

**Prepared by the Finance Department**

**Town of Bay Harbor Islands, Florida**  
**Comprehensive Annual Financial Report**  
**September 30, 2020**  
**Table of Contents**

| <b>Introductory Section</b>                                                                                                                       | <b>Page</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| Letter of transmittal .....                                                                                                                       | i - iii     |
| Town officials .....                                                                                                                              | iv          |
| Organizational chart.....                                                                                                                         | v           |
| <b>Financial Section</b>                                                                                                                          |             |
| Independent Auditors' Report .....                                                                                                                | 1 - 3       |
| Management's discussion and analysis (required supplementary information).....                                                                    | 4 - 16      |
| Basic financial statements                                                                                                                        |             |
| Government-wide financial statements                                                                                                              |             |
| Statement of net position .....                                                                                                                   | 17          |
| Statement of activities.....                                                                                                                      | 18          |
| Fund financial statements                                                                                                                         |             |
| Governmental fund financial statements                                                                                                            |             |
| Balance sheet .....                                                                                                                               | 19          |
| Statement of revenues, expenditures and changes in fund balances.....                                                                             | 20          |
| Reconciliation of the statement of revenues, expenditures and changes in fund balances of governmental funds to the statement of activities ..... | 21          |
| Proprietary fund financial statements                                                                                                             |             |
| Statement of net position .....                                                                                                                   | 22          |
| Statement of revenues, expenses and changes in net position.....                                                                                  | 23          |
| Statement of cash flows .....                                                                                                                     | 24 - 25     |
| Fiduciary fund financial statements                                                                                                               |             |
| Statement of fiduciary net position.....                                                                                                          | 26          |
| Statement of changes in fiduciary net position .....                                                                                              | 27          |
| Notes to basic financial statements .....                                                                                                         | 28 - 65     |
| Required Supplementary Information                                                                                                                |             |
| Budgetary comparison schedule – general fund .....                                                                                                | 66          |
| Note to budgetary comparison schedule .....                                                                                                       | 67          |
| Schedule of changes in the town's total OPEB liability and related ratios .....                                                                   | 68          |
| Schedule of changes in the town's net pension liability (asset) and related ratios.....                                                           | 69          |
| Schedule of town contributions .....                                                                                                              | 70          |



**Town of Bay Harbor Islands, Florida**  
**Comprehensive Annual Financial Report**  
**September 30, 2020**  
**Table of Contents**

|                                                                                                                                                                                                                                       | <b>Page</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| <hr/>                                                                                                                                                                                                                                 |             |
| <b>Statistical Section</b>                                                                                                                                                                                                            |             |
| <hr/>                                                                                                                                                                                                                                 |             |
| Schedule 1 - Net position by component .....                                                                                                                                                                                          | 71          |
| Schedule 2 - Changes in net position .....                                                                                                                                                                                            | 72 - 73     |
| Schedule 3 - Fund balances of governmental funds .....                                                                                                                                                                                | 74          |
| Schedule 4 - Changes in fund balances of governmental funds .....                                                                                                                                                                     | 75          |
| Schedule 5 - Program revenues by function/program .....                                                                                                                                                                               | 76          |
| Schedule 6 - Assessed value of taxable property .....                                                                                                                                                                                 | 77          |
| Schedule 7 - Property tax rates, direct and overlapping governments .....                                                                                                                                                             | 78          |
| Schedule 8 - Principal property taxpayers .....                                                                                                                                                                                       | 79          |
| Schedule 9 - Property tax levies and collections .....                                                                                                                                                                                | 80          |
| Schedule 10 - Causeway toll revenues .....                                                                                                                                                                                            | 81          |
| Schedule 11 - Ratios of outstanding debt by type .....                                                                                                                                                                                | 82          |
| Schedule 12 - Direct and overlapping governments .....                                                                                                                                                                                | 83          |
| Schedule 13 - Legal debt margin information .....                                                                                                                                                                                     | 84          |
| Schedule 14 - Pledged revenue coverage .....                                                                                                                                                                                          | 85          |
| Schedule 15 - Demographic and economic statistics.....                                                                                                                                                                                | 86          |
| Schedule 16 - Full-time town employees by function .....                                                                                                                                                                              | 87          |
| Schedule 17 - Operating indicators by function .....                                                                                                                                                                                  | 88          |
| Schedule 18 - Capital asset statistics by function.....                                                                                                                                                                               | 89          |
| <hr/>                                                                                                                                                                                                                                 |             |
| <b>Reporting Section</b>                                                                                                                                                                                                              |             |
| <hr/>                                                                                                                                                                                                                                 |             |
| Independent Auditors' Report on Internal Control over Financial Reporting and on<br>Compliance and Other Matters Based on an Audit of Financial Statements<br>Performed in accordance with <i>Government Auditing Standards</i> ..... | 90 - 91     |
| Independent Auditors' Report on Compliance for the Major Federal Program and<br>Report on Internal Control Over Compliance and Report on the Schedule<br>of Expenditures of Federal Awards Required by the Uniform Guidance.....      | 92 - 94     |
| Schedule of Expenditures of Federal Awards.....                                                                                                                                                                                       | 95          |
| Notes to Schedule of Expenditures of Federal Awards .....                                                                                                                                                                             | 96          |
| Schedule of Findings and Questioned Costs.....                                                                                                                                                                                        | 97 - 100    |
| Management Letter in Accordance with the Rules of the Auditor General of the<br>State of Florida.....                                                                                                                                 | 101 - 102   |
| Independent Accountants' Report on Compliance Pursuant to Section 218.415<br>Florida Statutes .....                                                                                                                                   | 103         |
| Corrective Action Plan.....                                                                                                                                                                                                           | 104         |

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## **INTRODUCTORY SECTION**

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April 19, 2021

**Town Council**

Stephanie Bruder  
Mayor

Joshua D. Fuller  
Vice Mayor

Jordan W. Leonard  
Council Member

Kelly Reid  
Council Member

Isaac Salver  
Council Member

Elizabeth Tricoche  
Council Member

Robert Yaffe  
Council Member

**Town Officials**

Maria Lasday  
Town Manager

Alba L. Chang  
Town Clerk

Joseph Geller  
Town Attorney

To the Honorable Mayor Stephanie Bruder, members of the Town Council, and citizens of the Town of Bay Harbor Islands:

State law requires that all general purpose local governments publish within nine months of the close of each fiscal year a complete set of financial statements presented in conformity with accounting principles generally accepted in the United States (GAAP) and audited in accordance with generally accepted auditing standards and government auditing standards by licensed certified public accountants. In addition, Section 31 of the Town Charter requires that qualified public accountants shall make an independent audit of accounts for submission to the Town Council. In fulfillment of these requirements, the Town's Comprehensive Annual Financial Report for the fiscal year ended September 30, 2020 is presented for your consideration and review.

Responsibility for the accuracy and fairness of the presentation, including all disclosures, rests with the Town. We believe the information as presented is accurate in all material respects, that it is presented in a manner designed to fairly set forth the financial position and results of operations of the Town, and that all disclosures necessary to enable the reader to gain general understanding of the Town's financial activity have been included. To provide a reasonable basis for making these representations, management of the Town has established a comprehensive internal control framework that is designed both to protect the Town's assets from loss, theft, or misuse and to compile sufficient reliable information for the preparation of the Town of Bay Harbor Islands' financial statements in conformity with GAAP. Because the cost of internal controls should not outweigh their benefits, the Town's comprehensive framework of internal controls has been designed to provide reasonable rather than absolute assurance that the financial statements will be free from material misstatement.

MAYOR JOSEPH J. GARDNER GOVERNMENT CENTER

9665 Bay Harbor Terrace • Bay Harbor Islands, FL 33154 • Tel: (305) 866-6241 • Fax: (305) 866-4863 • [www.bayharborislands-fl.gov](http://www.bayharborislands-fl.gov)



Marcum LLP, a licensed certified public accounting firm, has audited the Town's financial statements. The goal of the independent audit was to provide reasonable assurance that the financial statements of the Town of Bay Harbor Islands for the fiscal year ended September 30, 2020, are free of material misstatement. The independent audit involved examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; assessing the accounting principles used and significant estimates made by management; and evaluating the overall financial statement presentation. The independent auditor concluded, based upon their audit, that there was a reasonable basis for rendering unmodified opinions that the Town's financial statements for the fiscal year ended September 30, 2020 are fairly presented in accordance with GAAP. The independent auditors' report is presented as the first component of the financial section of this report.

Management's Discussion and Analysis (MD&A) is a narrative introduction, overview, and analysis provided by management accompanying the basic financial statements. This letter of transmittal is complementary to the MD&A and should be read in conjunction with it. The Town of Bay Harbor Islands' MD&A can be found immediately following the report of the independent auditors.

## **Profile of the Government**

The Town of Bay Harbor Islands has 5,793 residents according to the latest available estimate in 2019 from the U.S. Census Bureau. Located in northeastern Miami-Dade County, it is comprised of two islands in the Intracoastal Waterway. The Broad Causeway provides access from the Town to the mainland and to the beaches of the barrier island. The Town has a very low crime rate and enjoys moderate subtropical temperatures and weather.

The Town was incorporated in 1947 and operates under a council-manager form of government. The seven-member Town Council establishes policy, enacts legislation, and adopts budgets. The Town provides a full range of services: public safety (police, building and zoning), transportation and the construction and maintenance of roads, infrastructure, and recreation facilities, operation and maintenance of a causeway, water and sewer utilities, sanitation (refuse collection), operation and maintenance of parking facilities, and general government and administrative services. Fire protection, education, and welfare services are provided by units of other local governments whose activities are not included in the accompanying financial statements.

The annual budget serves as the foundation for the Town's financial planning and control. The Town Manager presents a proposed budget to the Town Council, after having reviewed and revised budget requests from all departments. The Council holds two public hearings to receive public comment prior to adopting the final budget and tax millage. The budget must be adopted prior to September 30<sup>th</sup>. The department is the legal level of budgetary control. The Town Council must approve all supplemental appropriations and any transfers of appropriations between departments. Budget-to-actual comparisons are provided for the General Fund in the Required Supplementary Information section following the notes to the financial statements.

## **Information Relevant to an Assessment of Financial Condition**

The information presented in the financial statements is best understood when it is considered from the broader perspective of the specific environment within which the Town of Bay Harbor Islands operates.

The Town has a convenient location within easy driving distance of the cities of Miami, Miami Beach, and Fort Lauderdale, with all their commercial and employment opportunities and cultural, recreational and other amenities. The Miami and Fort Lauderdale airports, Port Everglades, and the Port of Miami are all easily accessible.

Based on 2019 estimates from the U.S. Census Bureau, the median age for Town residents is 41.7, and median household income is \$78,169.

Property values have increased for nine years in a row following four consecutive years of decline, and total taxable value has exceeded its 2007 high. According to the Miami-Dade County property appraiser, existing property values increased 4.48% as of January 1, 2020. Redevelopment of older properties is continuing to give a more modern look to the Town and to strengthen the tax base. Continuing improvement in property values and in the economy is expected to have a positive impact on the Town's ability to generate revenues.

## **Long-term Financial Planning**

Redevelopment of commercial and residential properties continues to enhance the Town's tax base, and several significant multi-family projects should be added to the Town's tax rolls for upcoming fiscal years. Sales of transferable development rights needed for development of larger multi-family projects have continued but since those receipts are from the sales of limited assets they are not budgeted nor used to support ongoing operations.

## **Acknowledgements**

As always, we would like to thank the Mayor and members of the Town Council for their support and endorsement of sound accounting, financial management, and financial reporting practices and to express our appreciation to our independent certified public accountants, Marcum LLP, for their cooperation, assistance, and professionalism. We would also like to express our appreciation to everyone on the Finance Department team for their dedication and hard work.

Respectfully submitted,



Maria Lasday, Town Manager

# **TOWN OF BAY HARBOR ISLANDS, FLORIDA**

## **TOWN OFFICIALS**

### **COUNCIL-MANAGER FORM OF GOVERNMENT**

#### **TOWN COUNCIL**

Joshua D. Fuller, Mayor

Elizabeth Tricoche, Vice Mayor

Jordan W. Leonard

Stephanie Bruder

Isaac Salver

Molly Diallo

Robert H. Yaffe

#### **TOWN MANAGER**

Maria Lasday

#### **TOWN CLERK**

Alba L. Chang

#### **TOWN ATTORNEY**

Joseph Geller

#### **TOWN FINANCE DIRECTOR**

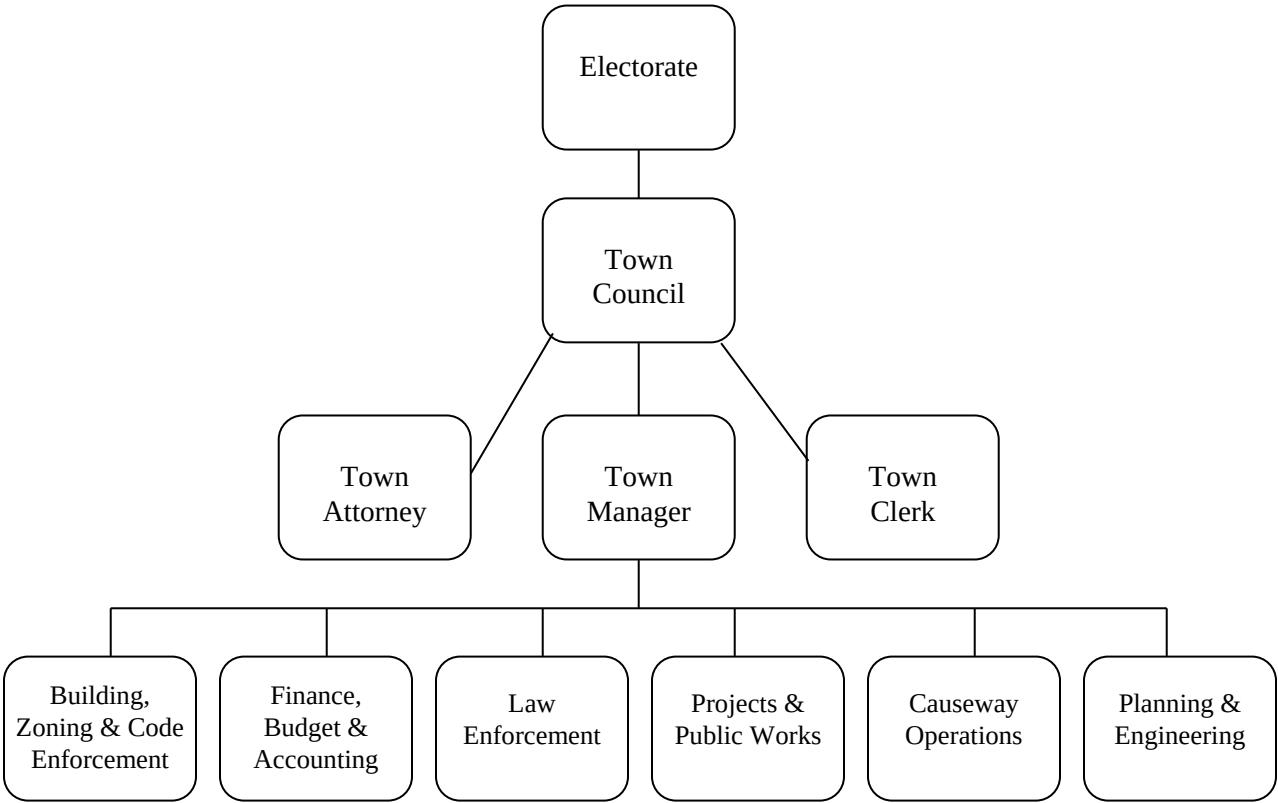
Peter Kajokas

#### **INDEPENDENT AUDITORS**

Marcum LLP

**TOWN OF BAY HARBOR ISLANDS, FLORIDA**

**ORGANIZATIONAL CHART**



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## **FINANCIAL SECTION**

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## **INDEPENDENT AUDITORS' REPORT**

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## **INDEPENDENT AUDITORS' REPORT**

To the Honorable Mayor, Town Council and Town Manager  
**Town of Bay Harbor Islands, Florida**

### ***Report on the Financial Statements***

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information of the Town of Bay Harbor Islands, Florida, (the Town), as of and for the fiscal year ended September 30, 2020, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements as listed in the table of contents.

### ***Management's Responsibility for the Financial Statements***

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### ***Auditors' Responsibility***

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Town's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

### ***Opinions***

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information of the Town, as of September 30, 2020, and the respective changes in financial position and, where applicable, cash flows thereof for the fiscal year then ended in accordance with accounting principles generally accepted in the United States of America.

### ***Other Matters***

#### ***Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis on pages 4 through 16, the budgetary comparison schedule on pages 66 and 67, and the required supplementary information for the pensions and OPEB on pages 68 to 70, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

### ***Other Information***

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Town's basic financial statements. The introductory and statistical sections have not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on them.



### ***Other Reporting Required by Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated April 19, 2021 on our consideration of the Town's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Town's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Town's internal control over financial reporting and compliance.

*Marcum LLP*

Miami, FL  
April 19, 2021

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**MANAGEMENT'S DISCUSSION AND ANALYSIS**  
**MD&A**

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## MANAGEMENT'S DISCUSSION AND ANALYSIS

As management of the Town of Bay Harbor Islands, we offer readers of the Town's financial statements this narrative overview and analysis of the financial activities of the Town for the fiscal year ended September 30, 2020. We encourage readers to consider the information presented here in conjunction with the additional information that we have furnished in our letter of transmittal, which can be found on pages i - iii of this report.

### Financial Highlights

- The assets plus deferred outflows of the Town of Bay Harbor Islands exceeded its liabilities plus deferred inflows of resources at the close of the most recent fiscal year by \$74,023,095 (net position). Of this amount, \$28,511,036 (unrestricted net position) may be used to meet the Town's ongoing obligations to citizens and creditors.
- The Town's total net position increased by \$6,379,216.
- As of the close of the current fiscal year, the Town's governmental funds reported combined ending fund balances of \$10,611,715 an increase of \$1,208,412 in comparison with the prior year. Approximately \$10,173,601 or 95.87% is available in the Town's general fund for spending at the government's discretion (unassigned fund balance). The \$160,689 assigned fund balance of the general capital projects fund is intended to provide resources for planned infrastructure capital projects and is not available for general discretionary spending.
- The Town's total debt decreased by \$1,662,234 or 9.0% during the current fiscal year due to scheduled repayment of existing debt.

### Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to the Town of Bay Harbor Islands' basic financial statements. The Town's basic financial statements comprise three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the basic financial statements.

### Government-wide Financial Statements

The *government-wide financial statements* are designed to provide readers with a broad overview of the Town's finances, in a manner similar to a private-sector business.

The *statement of net position* presents information on all the Town's assets, liabilities, and deferred inflows/outflows of resources, with the difference reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the Town is improving or deteriorating.

The *statement of activities* presents information showing how the Town's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will result in cash flows in future fiscal periods.

Both of the government-wide financial statements distinguish functions of the Town of Bay Harbor Islands that are principally supported by taxes and intergovernmental revenues (*governmental activities*) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (*business-type activities*). The governmental activities of the Town include general government, public safety (law enforcement, building inspections and code enforcement), transportation (street maintenance and bus service), support for the local library, and parks and recreation. The business-type activities of the Town include operation of a causeway and toll facility, as well as sewer, water, parking, solid waste disposal, and stormwater management systems.

The government-wide financial statements can be found on pages 17-18 of this report.

## **Fund Financial Statements**

A *fund* is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Town of Bay Harbor Islands, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the funds of the Town of Bay Harbor Islands can be divided into three categories: governmental funds, proprietary funds, and fiduciary funds.

***Governmental Funds.*** *Governmental funds* are used to account for essentially the same functions reported as *governmental activities* in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on *near-term inflows and outflows of spendable resources*, as well as on *balances of spendable resources* available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for *governmental funds* with similar information presented for *governmental activities* in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the Town's near term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate the comparison between *governmental funds* and *governmental activities*.

The Town of Bay Harbor Islands maintains two governmental funds. Information is presented separately in the governmental fund balance sheet and in the governmental fund statement of revenues, expenditures, and changes in fund balances for the general fund and the capital projects fund (both major funds).

The Town of Bay Harbor Islands adopts an annual appropriated budget for its general fund. A budgetary comparison schedule has been provided for the general fund to demonstrate compliance with this budget (page 66).

The governmental fund financial statements can be found on pages 19-21 of this report.

***Proprietary Funds.*** The Town of Bay Harbor Islands maintains one type of proprietary fund. *Enterprise funds* are used to report the same functions presented as *business-type activities* in the government-wide financial statements. The Town uses enterprise funds to account for its causeway and toll facility, as well as its sewer, water, parking, solid waste, and stormwater management operations.

The proprietary fund financial statements can be found on pages 22-25 of this report.

***Fiduciary Funds.*** Fiduciary funds are used to account for resources held for the benefit of parties outside the Town. Fiduciary funds are not reflected in the government-wide financial statements because the resources of those funds are not available to support the Town's own programs. The accounting used for fiduciary funds is much like that used for proprietary funds. The Pension Trust Fund is the Town's only fiduciary fund.

The basic fiduciary fund financial statements can be found on pages 26-27 of this report.

### **Notes to Basic Financial Statements**

The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements can be found on pages 28-65 of this report.

### **Other Information**

In addition to the basic financial statements and the accompanying notes, this report also presents certain *required supplementary information* including the budgetary comparison for the general fund, information concerning the Town's contributions to provide pension benefits to its employees, and the funding status of the pension and OPEB plans.

Required supplementary information can be found on pages 66-70 of this report.

## Government-wide Financial Analysis

### Net Position

As noted earlier, net position may serve over time as a useful indicator of a government's financial position. In the case of the Town of Bay Harbor Islands, assets and deferred outflows of resources exceeded liabilities and deferred inflows of resources by \$74,023,095 at the close of the most recent fiscal year.

### Summary of Net Position

|                          | <u>Governmental Activities</u> |               | <u>Business-type Activities</u> |               | <u>Total</u>  |               |
|--------------------------|--------------------------------|---------------|---------------------------------|---------------|---------------|---------------|
|                          | <u>2020</u>                    | <u>2019</u>   | <u>2020</u>                     | <u>2019</u>   | <u>2020</u>   | <u>2019</u>   |
| Current and other assets | \$ 12,812,597                  | \$ 10,031,354 | \$ 24,021,897                   | \$ 19,349,648 | \$ 36,834,494 | \$ 29,381,002 |
| Capital assets           | 21,137,642                     | 21,755,208    | 38,779,647                      | 39,511,725    | 59,917,289    | 61,266,933    |
| Total assets             | 33,950,239                     | 31,786,562    | 62,801,544                      | 58,861,373    | 96,751,783    | 90,647,935    |
| Total deferred outflows  | 965,062                        | 1,587,463     | 258,566                         | 554,124       | 1,223,628     | 2,141,587     |
| Long-term liabilities    | 6,907,150                      | 8,760,274     | 11,287,898                      | 13,139,089    | 18,195,048    | 21,899,363    |
| Other liabilities        | 797,690                        | 683,191       | 2,047,286                       | 1,479,682     | 2,844,976     | 2,162,873     |
| Total liabilities        | 7,704,840                      | 9,443,465     | 13,335,184                      | 14,618,771    | 21,040,024    | 24,062,236    |
| Total deferred inflows   | 1,871,773                      | 626,462       | 1,040,519                       | 456,945       | 2,912,292     | 1,083,407     |
| Net position:            |                                |               |                                 |               |               |               |
| Net investment in        |                                |               |                                 |               |               |               |
| capital assets           | 15,104,245                     | 15,378,550    | 27,772,967                      | 27,270,755    | 42,877,212    | 42,649,305    |
| Restricted               | 1,618,790                      | 115,065       | 1,016,057                       | 94,943        | 2,634,847     | 210,008       |
| Unrestricted             | 8,615,653                      | 7,810,483     | 19,895,383                      | 16,974,083    | 28,511,036    | 24,784,566    |
| Total net position       | \$ 25,338,688                  | \$ 23,304,098 | \$ 48,684,407                   | \$ 44,339,781 | \$ 74,023,095 | \$ 67,643,879 |

57.9% (\$42,877,212) of the Town's reported net position is composed of its investment in capital assets (e.g. land, building, and equipment) less any related debt and any deferred inflows/outflows used to acquire those assets that are still outstanding. The Town uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the Town's investment in capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

Only 3.6% (\$2,634,847) of the Town's net position is subject to external restrictions on use.

38.5% of the Town's net position (\$28,511,036) may be used to meet the Town's ongoing obligations to citizens and creditors.

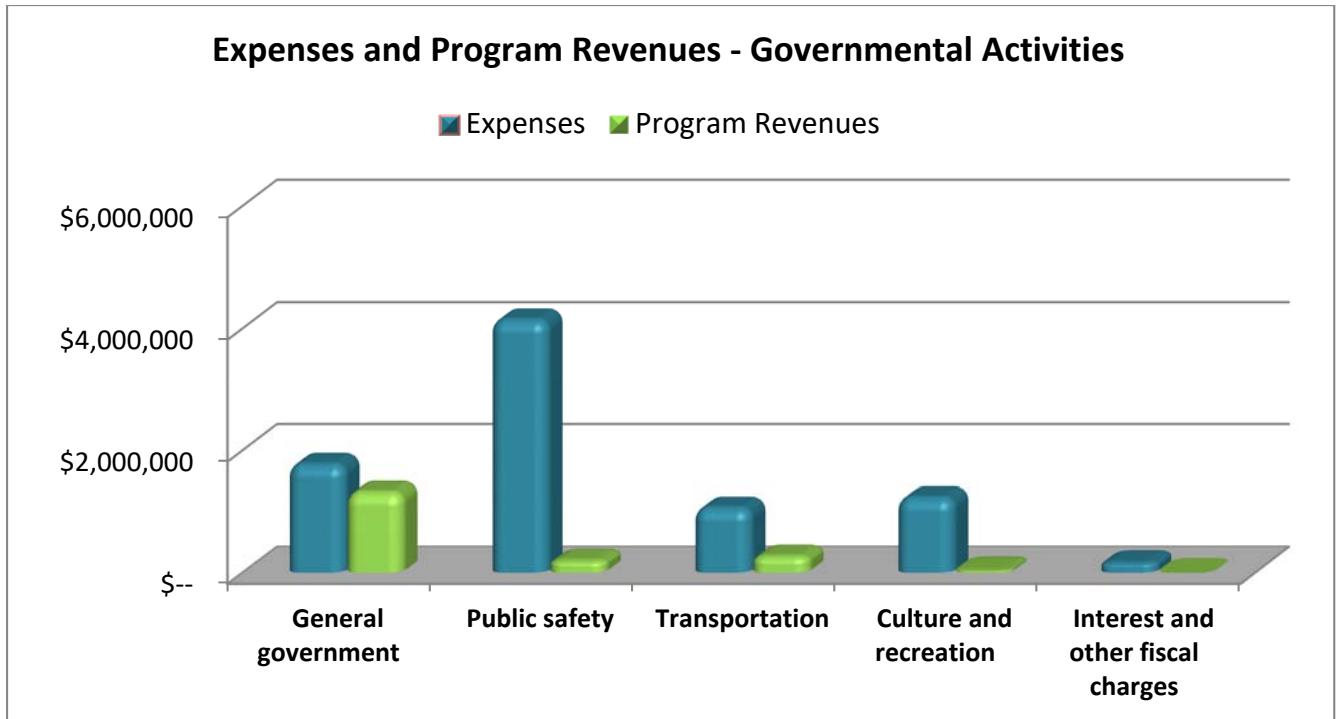
At the end of the current fiscal year, the Town of Bay Harbor Islands is able to report positive balances in all reported categories of net position, for the Town as a whole, as well as for its separate governmental and business-type activities.

### Summary of Changes in Net Position

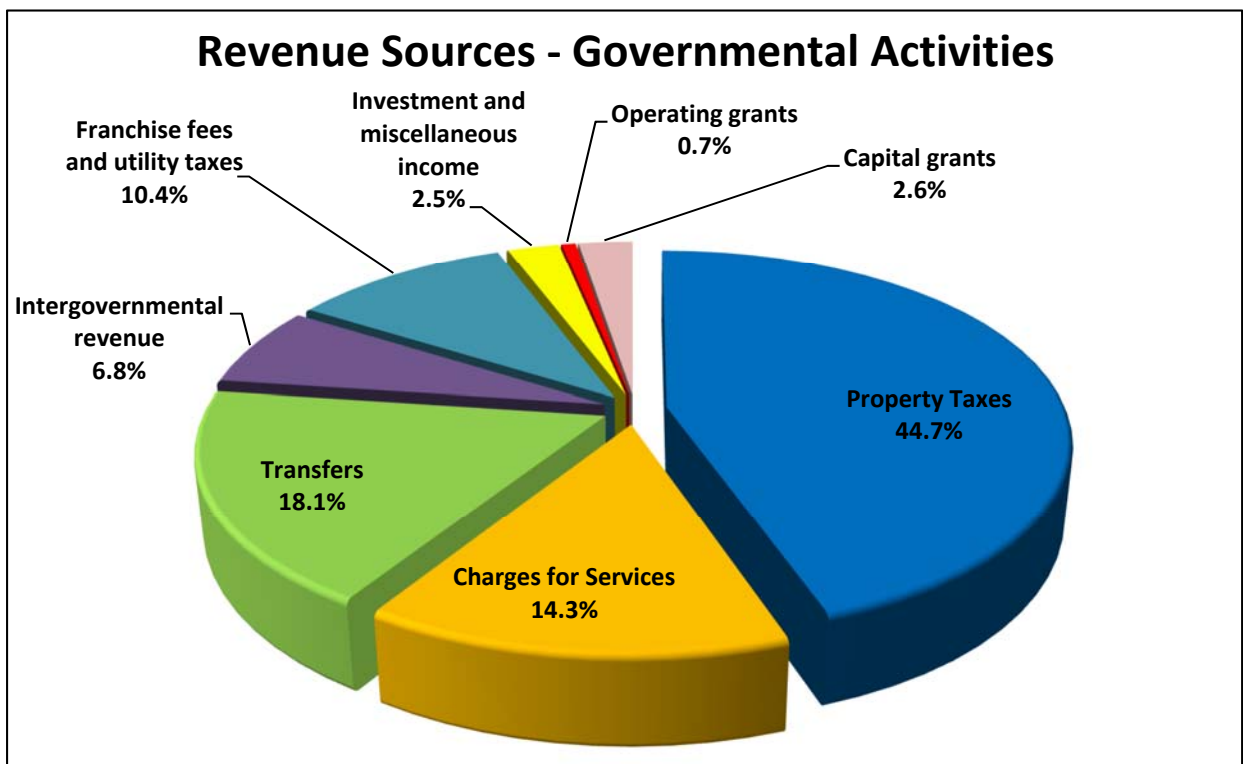
|                                    | Governmental Activities |                      | Business-type Activities |                      | Total                |                      |
|------------------------------------|-------------------------|----------------------|--------------------------|----------------------|----------------------|----------------------|
|                                    | 2020                    | 2019                 | 2020                     | 2019                 | 2020                 | 2019                 |
| Revenues:                          |                         |                      |                          |                      |                      |                      |
| Program revenues:                  |                         |                      |                          |                      |                      |                      |
| Charges for services               | \$ 1,490,830            | \$ 1,413,279         | \$ 13,083,337            | \$ 15,002,777        | \$ 14,574,167        | \$ 16,416,056        |
| Operating grants and contributions | 70,000                  | 48,252               | -                        | -                    | 70,000               | 48,252               |
| Capital grants and contributions   | 267,579                 | 314,849              | 918,553                  | -                    | 1,186,132            | 314,849              |
| General revenues:                  |                         |                      |                          |                      |                      |                      |
| Property taxes                     | 4,648,810               | 4,414,128            | -                        | -                    | 4,648,810            | 4,414,128            |
| Franchise fees & utility taxes     | 1,082,106               | 1,086,646            | -                        | -                    | 1,082,106            | 1,086,646            |
| Asset sales (development rights)   | -                       | -                    | -                        | -                    | -                    | -                    |
| Intergovernmental revenue          | 703,078                 | 674,423              | -                        | -                    | 703,078              | 674,423              |
| Investment earnings (losses)       | 182,684                 | 202,361              | 210,867                  | 251,344              | 393,551              | 453,705              |
| Miscellaneous                      | 73,619                  | 94,513               | 226,699                  | 273,852              | 300,318              | 368,365              |
| Total revenues                     | <u>8,518,706</u>        | <u>8,248,451</u>     | <u>14,439,456</u>        | <u>15,527,973</u>    | <u>22,958,162</u>    | <u>23,776,424</u>    |
| Expenses:                          |                         |                      |                          |                      |                      |                      |
| General government                 | 1,768,769               | 2,318,792            | -                        | -                    | 1,768,769            | 2,318,792            |
| Public safety                      | 4,136,294               | 5,058,762            | -                        | -                    | 4,136,294            | 5,058,762            |
| Transportation                     | 1,062,366               | 1,126,025            | -                        | -                    | 1,062,366            | 1,126,025            |
| Culture and recreation             | 1,230,141               | 1,470,681            | -                        | -                    | 1,230,141            | 1,470,681            |
| Interest on long-term debt         | 167,388                 | 176,656              | -                        | -                    | 167,388              | 176,656              |
| Causeway                           | -                       | -                    | 4,053,303                | 4,467,392            | 4,053,303            | 4,467,392            |
| Sewer                              | -                       | -                    | 1,585,259                | 1,640,744            | 1,585,259            | 1,640,744            |
| Water                              | -                       | -                    | 974,265                  | 1,115,795            | 974,265              | 1,115,795            |
| Parking                            | -                       | -                    | 619,454                  | 712,546              | 619,454              | 712,546              |
| Solid Waste                        | -                       | -                    | 751,989                  | 744,219              | 751,989              | 744,219              |
| Stormwater                         | -                       | -                    | 229,718                  | 238,866              | 229,718              | 238,866              |
| Total expenses                     | <u>8,364,958</u>        | <u>10,150,916</u>    | <u>8,213,988</u>         | <u>8,919,562</u>     | <u>16,578,946</u>    | <u>19,070,478</u>    |
| Increase in net assets             |                         |                      |                          |                      |                      |                      |
| before transfers                   | 153,748                 | (1,902,465)          | 6,225,468                | 6,608,411            | 6,379,216            | 4,705,946            |
| Transfers                          | <u>1,880,842</u>        | <u>1,997,630</u>     | <u>(1,880,842)</u>       | <u>(1,997,630)</u>   | <u>-</u>             | <u>-</u>             |
| Change in net position             | 2,034,590               | 95,165               | 4,344,626                | 4,610,781            | 6,379,216            | 4,705,946            |
| Net position, beginning            | <u>23,304,098</u>       | <u>23,208,933</u>    | <u>44,339,781</u>        | <u>39,729,000</u>    | <u>67,643,879</u>    | <u>62,937,933</u>    |
| Net position, ending               | <u>\$ 25,338,688</u>    | <u>\$ 23,304,098</u> | <u>\$ 48,684,407</u>     | <u>\$ 44,339,781</u> | <u>\$ 74,023,095</u> | <u>\$ 67,643,879</u> |

### Governmental Activities

The Town's governmental activities net position increased by \$2,034,590 (8.7%), to \$25,338,688 at the end of the year. The revenue increase was due to the combination of increased charges for services and increase in property tax receipts. The reduction of costs was related to more efficient operations in general government, public safety, transportation, culture and recreation and interest on long-term debt activities.



- Program revenues, comprised of charges for services, operating grants and contributions, and capital grants and contributions, were 17.6% of total governmental activities revenues (including transfers). Property taxes, 44.7% of total revenues for governmental activities, are non-program specific and are used to fund all activities not covered by program revenues.



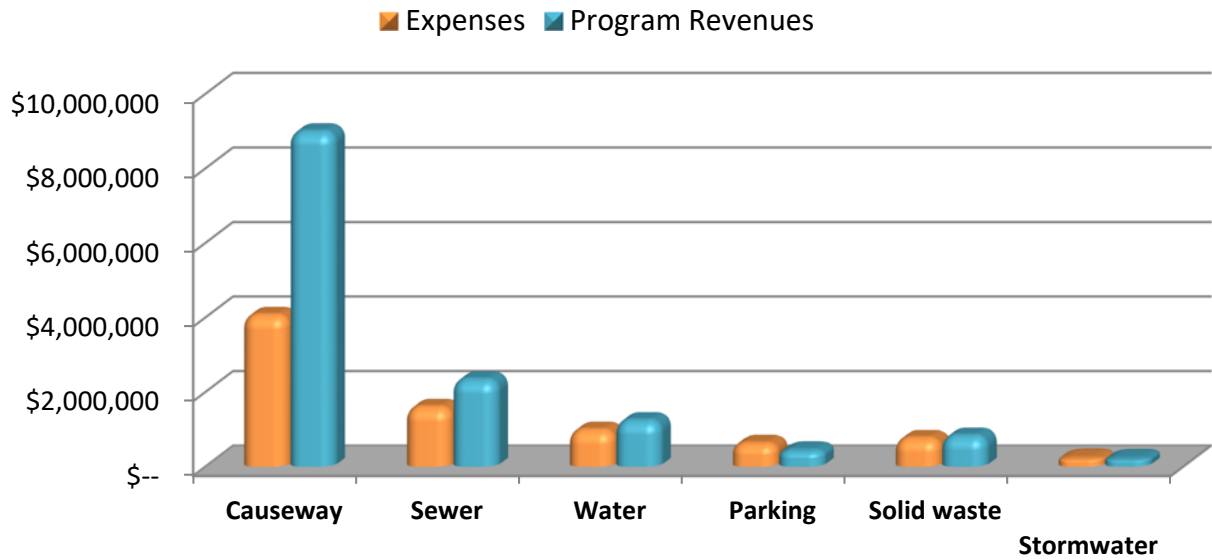


## **Business-type Activities**

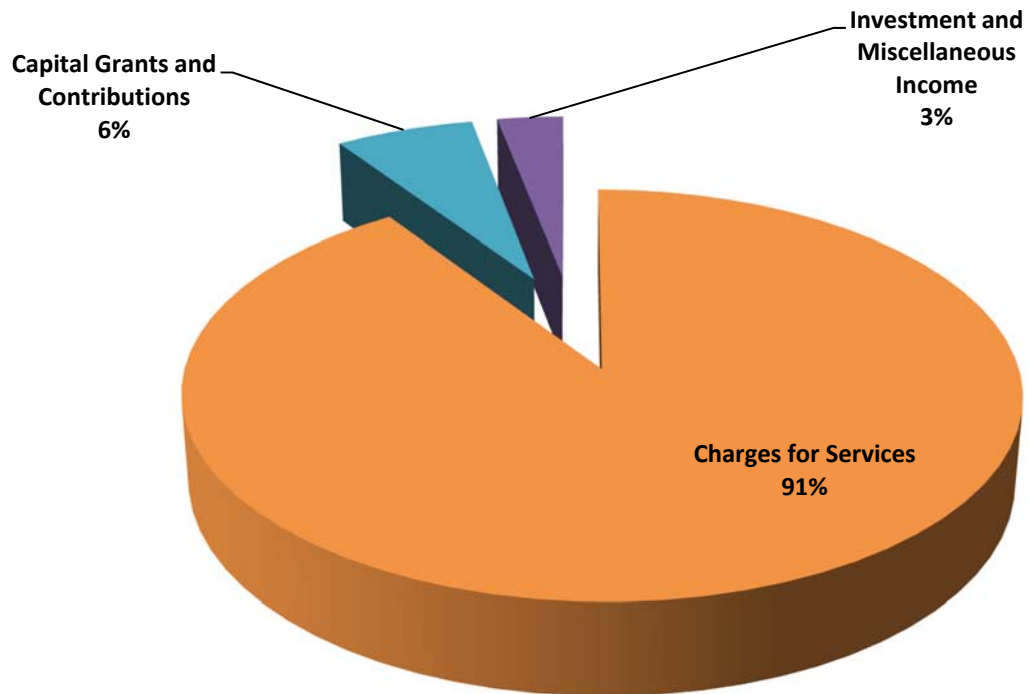
Business-type activities increased the Town of Bay Harbor Islands' net position by \$4,344,626. The causeway, sewer, water, and solid waste funds generated substantial operating income. The solid waste fund operated at a profit for the fourth time since 2013 due to the 3% increase in customer charges. Net transfers from the Town's business-type activities to its governmental activities decreased by about 5.9% to \$1,880,842, including planned transfers to fund debt service on debt related to the community enhancements project.

- Causeway Fund revenue inclusive of capital contributions decreased by \$642,526 or 6.7% due primarily to a decrease in traffic attributed to the COVID-19 pandemic and State Government imposed stay at home orders and temporary businesses shutdowns. Moreover, Causeway Fund received \$918,553 in Capital Grant revenues from other government, which somewhat offset the lost service revenue due to the health pandemic. Expenses decreased by \$414,089 or 9.3% due to the COVID-19 pandemic and State Government imposed stay at home orders, and temporary businesses shutdowns and required less personnel and maintenance cost.
- Sewer Fund revenue decreased by \$52,203 or 2.2% as the sewer rates remained the same in FY 2020 as the prior year. Expenses decreased by \$55,485 or 3.4% as well in FY 2020 due to Town's ability to maintain required Level of Service efficiently utilizing sewer department personnel and controlling maintenance costs.
- Water Fund revenue decreased by \$53,453 or about 4.2% which is attributed to the residents consuming less water. Water Fund expenditures also decreased by \$141,530 or about 12.7% which was due to Town's ability to maintain required Level of Service efficiently utilizing water department personnel and controlling maintenance costs.
- Parking Fund revenue decreased by \$250,199 or 36.3% due to lower parking permit sales, meter collections, and parking fines attributed to the COVID-19 pandemic and State Government imposed stay at home orders and temporary businesses shutdowns. Expenses also decreased by \$93,092 or 13.1% due mostly to a decrease in personnel costs required for parking enforcement, as well as repairs and maintenance costs attributed to the COVID-19 pandemic and State Government imposed stay at home orders and temporary businesses shutdowns. Town was not able to reduce the expenditures any lower since Parking Garage bonds are fixed and not easily conducive to the cost control measures that might be available to control other costs.
- Solid Waste Fund revenue remained flat – decreased by \$562 or 0.1% - since the Town is mostly built out and there are no opportunities to increase resident of business population. Solid Waste Fund expenses increased by \$7,770 or 1.0%, which in turn are considered to be flat and attributed to the limited ability to increase level of service by the Town.
- Stormwater Fund revenue were flat compared to prior fiscal year and decreased by 1,944 or 0.9%. Expenses were flat as well and decreased by \$9,148 or 3.8% due to a decrease in repairs and maintenance.

### Expenses and Program Revenues - Business-type Activities



### Revenue Sources - Business-type Activities



## Financial Analysis of the Government's Funds

As noted earlier, the Town of Bay Harbor Islands uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

### Governmental Funds

The focus of the Town's *governmental funds* is to provide information on near-term inflows, outflows, and balances of *spendable* resources. Such information is useful in assessing the Town's financing requirements. Unassigned *fund balance*, in particular, may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

As of the end of the current fiscal year, the Town of Bay Harbor Islands' governmental funds reported combined ending fund balances of \$10,611,715 an increase of \$1,208,412 in comparison with the prior year. Increased revenues were the net result of higher property tax receipts, utility taxes receipts, licenses and permits receipts, transfer and development fees receipts and grant from other government offset by lower communications services taxes receipts, franchise fees receipts, charges for services receipts, fine and forfeiture receipts, investment earnings receipts and miscellaneous receipts revenue. Total transfers from the Town's proprietary funds decreased by 5.8% to \$1,880,842. General fund expenditures decreased, with the bulk of the decrease due to decreased general government, transportation, culture and recreation and capital outlays spending, due mostly to a decrease in repairs and maintenance costs related to the COVID-19 pandemic and State Government imposed stay at home orders and temporary businesses shutdowns. General Fund also experienced high ranking administrative personnel change with positions such as Town Manager temporary being vacant and filled at the beginning of FY 2021. Of total fund balance, 95.5% or \$10,173,601, is general fund *unassigned fund balance*, which is available for spending at the Town's discretion. The remainder of fund balance is either *non-spendable* to indicate that it is not available for new spending because it is associated with inventories \$15,936, or prepaid items \$96,955, *restricted* for specific uses by law enforcement agreement \$99,509, restricted for debt service \$65,025 or is *assigned* such as the fund balance of the capital projects fund intended to fund capital projects \$160,689.

### General Fund

The general fund is the main operating fund of the Town of Bay Harbor Islands. At the end of the current fiscal year, unassigned fund balance of the general fund was \$10,173,601 while total fund balance was \$10,451,026. As a measure of the general fund's liquidity, it may be useful to compare both unassigned fund balance and total fund balance to total fund expenditures. Unassigned fund balance represents 110.7% of total general fund expenditures, while total fund balance represents 113.7% of total general fund expenditures.

Fund balance of the Town of Bay Harbor Islands' general fund increased by \$1,208,412 during the current fiscal year. Property taxes, utility taxes, licenses and permits, transfer development fees and grants funding revenues increased; communications services taxes, franchise fees, intergovernmental, charges for services, fines and forfeitures, investment earnings and miscellaneous revenues decreased, compared with prior FY 2019. Decreased expenditures were mostly attributable to general government, transportation, culture and recreation and capital spending decrease due to Town's upper administrative personnel restructuring and due mostly to a decrease in repairs and maintenance costs related to the COVID-19 pandemic and State Government imposed stay at home orders and temporary businesses shutdowns.

The amount of General Fund revenues by type, their percent of the total and the amount of change compared to last fiscal year are shown in the following schedule:

|                              | 2020                | % of          | 2019                | % of          | Increase/<br>(Decrease) | % of<br>Increase/<br>(Decrease) |
|------------------------------|---------------------|---------------|---------------------|---------------|-------------------------|---------------------------------|
|                              | <u>Amount</u>       | <u>Total</u>  | <u>Amount</u>       | <u>Total</u>  | <u>from 2019</u>        | <u>(Decrease)</u>               |
| Revenues:                    |                     |               |                     |               |                         |                                 |
| Property taxes               | \$ 4,648,810        | 54.6%         | \$ 4,414,128        | 53.8%         | \$ 234,682              | 5.3%                            |
| Utility taxes                | 527,415             | 6.2%          | 512,875             | 6.3%          | 14,540                  | 2.8%                            |
| Communications               |                     |               |                     |               |                         |                                 |
| services taxes               | 174,600             | 2.1%          | 186,454             | 2.3%          | (11,854)                | -6.4%                           |
| Franchise fees               | 380,091             | 4.5%          | 387,317             | 4.7%          | (7,226)                 | -1.9%                           |
| Licenses and permits         | 1,319,112           | 15.5%         | 967,672             | 11.8%         | 351,440                 | 36.3%                           |
| Intergovernmental            | 971,167             | 11.4%         | 1,004,290           | 12.2%         | (33,123)                | -3.3%                           |
| Transfer development fees    | 1,000               | 0.0%          | -                   | 0.0%          | 1,000                   |                                 |
| Charges for services         | 47,004              | 0.6%          | 290,547             | 3.5%          | (243,543)               | -83.8%                          |
| Fines and forfeitures        | 123,714             | 1.5%          | 155,060             | 1.9%          | (31,346)                | -20.2%                          |
| Investment earnings (losses) | 182,684             | 2.1%          | 202,361             | 2.5%          | (19,677)                | -9.7%                           |
| Grants                       | 70,000              | 0.8%          | -                   | 0.0%          | 70,000                  | 100.0%                          |
| Miscellaneous                | 61,168              | 0.7%          | 84,413              | 1.0%          | (23,245)                | -27.5%                          |
| Total revenues               | <u>\$ 8,506,765</u> | <u>100.0%</u> | <u>\$ 8,205,117</u> | <u>100.0%</u> | <u>\$ 301,648</u>       | <u>3.7%</u>                     |

- Property tax revenue collections were higher compared to FY 2019 due to conditions in real estate market and increase in property values.
- Utility tax revenues remitted from County and State were higher compared to FY 2019 due to higher consumption of utilities by residents.
- Licenses and permits increased due to increased construction and remodeling activity compared to the prior year.
- Grants increased due to a grant from State of Florida grant to perform a flood vulnerability assessment at the Town of Bay Harbor Islands.

Expenditures in the General Fund are shown in the following schedule:

|                        | 2020                | % of          | 2019                | % of          | Increase/<br>(Decrease) | % of<br>Increase/<br>(Decrease) |
|------------------------|---------------------|---------------|---------------------|---------------|-------------------------|---------------------------------|
|                        | <u>Amount</u>       | <u>Total</u>  | <u>Amount</u>       | <u>Total</u>  | <u>from 2018</u>        | <u>(Decrease)</u>               |
| Expenditures           |                     |               |                     |               |                         |                                 |
| General government     | \$ 1,827,792        | 19.8%         | \$ 1,910,436        | 19.2%         | \$ (82,644)             | -4.3%                           |
| Public safety          | 4,952,409           | 53.9%         | 4,862,875           | 49.0%         | 89,534                  | 1.8%                            |
| Transportation         | 603,046             | 6.6%          | 639,646             | 6.4%          | (36,600)                | -5.7%                           |
| Culture and recreation | 972,097             | 10.6%         | 1,210,888           | 12.2%         | (238,791)               | -19.7%                          |
| Capital outlay         | 328,895             | 3.6%          | 802,419             | 8.1%          | (473,524)               | -59.0%                          |
| Debt service           | 507,407             | 5.5%          | 502,285             | 5.1%          | 5,122                   | 1.0%                            |
| Total expenditures     | <u>\$ 9,191,646</u> | <u>100.0%</u> | <u>\$ 9,928,549</u> | <u>100.0%</u> | <u>\$ (736,903)</u>     | <u>-7.4%</u>                    |

The General Fund expenditure decrease is due primarily to high-ranking administrative personnel change where Town Manager position was vacant, decreased transportation expenditures, decreased culture and recreation expenditures, and capital outlay expenditures, were due to a decrease in ridership and decrease in transportation costs, cancellation of social gatherings and scheduled Town events, and postponement of capital outlay expenditures, was related to the COVID-19 pandemic and State Government imposed stay at home orders and temporary businesses shutdowns. Public Safety expenditures was increased for the same factors since State mandated stay home orders and business shutdowns were needed to be enforced and monitored.

### **General Fund Budgetary Highlights**

For total General Fund revenues, there was a favorable budget variance of \$586,333, due to greater than anticipated property tax receipts, utility taxes, franchise fees, licenses and permits, fines and forfeitures, investment earnings and miscellaneous receipts offset by lower than anticipated communications service tax, intergovernmental, and charges for services receipts.

Total expenditures were \$1,573,229 less than budgeted due to unspent appropriations for General Government, Public Buildings, Public Safety, Transportation and Culture and Recreation.

### **Proprietary Funds**

Statements for the Town's proprietary funds provide the same type of information found in the business-type activities sections of the government-wide financial statements but in more detail. As noted above in the discussion of business-type activities, all of the Town's major enterprise funds generated income before transfers besides Parking Fund and Stormwater Fund.

For the proprietary funds as a whole, net position increased by \$4,344,626.

## Capital Assets and Debt Administration

### Capital Assets

The Town of Bay Harbor Islands' investment in capital assets for its governmental and business-type activities as of September 30, 2020, amounts to \$59,917,289 (net of accumulated depreciation). This investment in capital assets includes land, buildings and improvements, furniture and equipment, causeway, toll collection, water, and sewer systems, as well as construction in progress. Capital assets do not include governmental infrastructure assets prior to 2004, as GASB 34 did not require Phase III governments to report infrastructure retroactively. The Town's investment in capital assets for the current fiscal year decreased by \$227,907.

Additions to capital assets for governmental activities before depreciation and net of transfers from construction in progress were \$328,895, with no disposals, for net additions of \$328,895.

Business-type activities' capital asset additions before depreciation and net of transfers from construction in progress totaled \$1,463,468, with no disposals, for net additions of \$1,463,468.

|                                     | <u>Governmental Activities</u> |                      | <u>Business-type Activities</u> |                      | <u>Total</u>         |                      |
|-------------------------------------|--------------------------------|----------------------|---------------------------------|----------------------|----------------------|----------------------|
|                                     | <u>2020</u>                    | <u>2019</u>          | <u>2020</u>                     | <u>2019</u>          | <u>2020</u>          | <u>2019</u>          |
| Capital assets, net of depreciation |                                |                      |                                 |                      |                      |                      |
| Land                                | \$ 3,806,254                   | \$ 3,806,254         | \$ 671,273                      | \$ 671,273           | \$ 4,477,527         | \$ 4,477,527         |
| Construction in progress            | 59,573                         | 49,898               | 1,473,204                       | 176,148              | 1,532,777            | 226,046              |
| Buildings                           | 2,264,346                      | 2,409,410            | -                               | -                    | 2,264,346            | 2,409,410            |
| Improvements other than buildings   | 14,549,412                     | 14,976,823           | 23,293,832                      | 24,666,094           | 37,843,244           | 39,642,917           |
| Furniture, fixtures and equipment   | 458,057                        | 512,823              | 456,007                         | 600,051              | 914,064              | 1,112,874            |
| Toll collection system              | -                              | -                    | 774,370                         | 967,963              | 774,370              | 967,963              |
| Sewer system                        | -                              | -                    | 3,115,657                       | 3,254,395            | 3,115,657            | 3,254,395            |
| Water system                        | -                              | -                    | 1,023,414                       | 1,057,311            | 1,023,414            | 1,057,311            |
| Parking garage                      | -                              | -                    | 7,971,890                       | 8,118,490            | 7,971,890            | 8,118,490            |
| Total                               | <u>\$ 21,137,642</u>           | <u>\$ 21,755,208</u> | <u>\$ 38,779,647</u>            | <u>\$ 39,511,725</u> | <u>\$ 59,917,289</u> | <u>\$ 61,266,933</u> |

Additional information on the Town's capital assets can be found in note 7 on pages 47-48 of this report.

## Long-Term Debt

At the end of the current fiscal year, the Town of Bay Harbor Islands had long-term debt outstanding of \$16,875,387.

|                                | <u>Governmental Activities</u> |                     | <u>Business-type Activities</u> |                      | <u>Total</u>         |                      |
|--------------------------------|--------------------------------|---------------------|---------------------------------|----------------------|----------------------|----------------------|
|                                | <u>2020</u>                    | <u>2019</u>         | <u>2020</u>                     | <u>2019</u>          | <u>2020</u>          | <u>2019</u>          |
| Refunding Note, Series 2012    | \$ 2,809,000                   | \$ 3,130,000        | \$ -                            | \$ -                 | \$ 2,809,000         | \$ 3,130,000         |
| Revenue Bonds, Series 2016     | 3,166,769                      | 3,184,597           |                                 |                      | 3,166,769            | 3,184,597            |
| Causeway Promissory Note, 2012 | -                              | -                   | 8,026,000                       | 8,921,000            | 8,026,000            | 8,921,000            |
| Parking Refunding Note, 2012   | -                              | -                   | 2,800,000                       | 3,157,000            | 2,800,000            | 3,157,000            |
| State Revolving Loan           | -                              | -                   | 73,618                          | 145,024              | 73,618               | 145,024              |
| Total                          | <u>\$ 5,975,769</u>            | <u>\$ 6,314,597</u> | <u>\$ 10,899,618</u>            | <u>\$ 12,223,024</u> | <u>\$ 16,875,387</u> | <u>\$ 18,537,621</u> |

The Town of Bay Harbor Islands' total debt decreased \$1,662,234 as a result of scheduled repayments and refunding activity. Additional information on the Town's long-term debt can be found in note 8 on pages 48-52 of this report.

## Economic Factors and Next Year's Budgets and Rates

The following are major considerations included in the preparation of the Town of Bay Harbor Islands' budget for the FY 2021 fiscal year.

- The Town's millage was kept the same at 3.6245, which is lower than the rollback rate of 3.6829. Since taxable values increased, a modest increase in tax revenues is anticipated.
- Water rates were increased 6.17% and sewer rates were increased 3.18% for FY 2021.

## Requests for Information

This financial report is designed to provide a general overview of the Town of Bay Harbor Islands' finances for all those with an interest in the Town's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the Director of Finance, Town of Bay Harbor Islands, 9665 Bay Harbor Terrace, Bay Harbor Islands, Florida 33154.

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## **BASIC FINANCIAL STATEMENTS**

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# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## STATEMENT OF NET POSITION

SEPTEMBER 30, 2020

|                                             | Governmental<br>Activities | Business-type<br>Activities | Total                |
|---------------------------------------------|----------------------------|-----------------------------|----------------------|
| <b>Assets</b>                               |                            |                             |                      |
| Cash                                        | \$ 3,286,675               | \$ 20,647,786               | \$ 23,934,461        |
| Investments                                 | 3,258,061                  | 3,789,805                   | 7,047,866            |
| Receivables, net                            | 231,942                    | 843,503                     | 1,075,445            |
| Internal balances                           | 3,994,347                  | (3,994,347)                 | --                   |
| Due from other governments                  | 207,325                    | 1,030,508                   | 1,237,833            |
| Inventory                                   | 15,936                     | 30,617                      | 46,553               |
| Prepaid items                               | 96,955                     | 137,048                     | 234,003              |
| Restricted assets:                          |                            |                             |                      |
| Cash                                        | 267,100                    | 520,920                     | 788,020              |
| Loan reserves                               | --                         | 97,843                      | 97,843               |
| Capital assets not being depreciated        | 3,865,827                  | 2,144,477                   | 6,010,304            |
| Capital assets being depreciated, net       | 17,271,815                 | 36,635,170                  | 53,906,985           |
| Net pension asset                           | 1,454,256                  | 918,214                     | 2,372,470            |
| <b>Total assets</b>                         | <b>33,950,239</b>          | <b>62,801,544</b>           | <b>96,751,783</b>    |
| <b>Deferred outflows of resources</b>       |                            |                             |                      |
| Pension                                     | 951,000                    | 235,782                     | 1,186,782            |
| OPEB                                        | 14,062                     | 22,784                      | 36,846               |
| <b>Total deferred outflows of resources</b> | <b>965,062</b>             | <b>258,566</b>              | <b>1,223,628</b>     |
| <b>Liabilities</b>                          |                            |                             |                      |
| Accounts payable and accrued liabilities    | 522,844                    | 1,105,725                   | 1,628,569            |
| Due to other governments                    | --                         | 219,702                     | 219,702              |
| Due to pension                              | 51,361                     | --                          | 51,361               |
| Unearned revenue                            | 65,805                     | 200,939                     | 266,744              |
| Customer deposits                           | 157,680                    | 520,920                     | 678,600              |
| Noncurrent liabilities:                     |                            |                             |                      |
| Due within one year                         | 414,844                    | 99,055                      | 513,899              |
| Due in more than one year                   | 6,329,366                  | 11,054,937                  | 17,384,303           |
| Total OPEB liability                        | 162,940                    | 133,906                     | 296,846              |
| <b>Total liabilities</b>                    | <b>7,704,840</b>           | <b>13,335,184</b>           | <b>21,040,024</b>    |
| <b>Deferred inflows of resources</b>        |                            |                             |                      |
| Parking trust receipts                      | --                         | 206,352                     | 206,352              |
| Deferred gain on bond refunding             | 57,628                     | --                          | 57,628               |
| Pension                                     | 1,814,145                  | 834,167                     | 2,648,312            |
| <b>Total deferred inflows of resources</b>  | <b>1,871,773</b>           | <b>1,040,519</b>            | <b>2,912,292</b>     |
| <b>Net position</b>                         |                            |                             |                      |
| Net investment in capital assets            | 15,104,245                 | 27,772,967                  | 42,877,212           |
| Restricted for:                             |                            |                             |                      |
| Law enforcement                             | 99,509                     | --                          | 99,509               |
| Debt service                                | 65,025                     | --                          | 65,025               |
| Loan reserve                                | --                         | 97,843                      | 97,843               |
| Net pension asset                           | 1,454,256                  | 918,214                     | 2,372,470            |
| Unrestricted                                | 8,615,653                  | 19,895,383                  | 28,511,036           |
| <b>Total net position</b>                   | <b>\$ 25,338,688</b>       | <b>\$ 48,684,407</b>        | <b>\$ 74,023,095</b> |

See notes to basic financial statements.

**TOWN OF BAY HARBOR ISLANDS, FLORIDA**

**STATEMENT OF ACTIVITIES  
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020**

| Functions/Programs                     | Expenses             | Program Revenues           |                                          |                                        | Net (Expense) Revenue and<br>Changes in Net Position |                                 |                      |
|----------------------------------------|----------------------|----------------------------|------------------------------------------|----------------------------------------|------------------------------------------------------|---------------------------------|----------------------|
|                                        |                      | Charges<br>for<br>Services | Operating<br>Grants and<br>Contributions | Capital<br>Grants and<br>Contributions | Governmental<br>Activities                           | Business-<br>type<br>Activities | Total                |
| <b>Governmental activities</b>         |                      |                            |                                          |                                        |                                                      |                                 |                      |
| General government                     | \$ 1,768,769         | \$ 1,320,142               | \$ --                                    | \$ --                                  | \$ (448,627)                                         | \$ --                           | \$ (448,627)         |
| Public safety                          | 4,136,294            | 127,152                    | 70,000                                   | --                                     | (3,939,142)                                          | --                              | (3,939,142)          |
| Transportation                         | 1,062,366            | --                         | --                                       | 267,579                                | (794,787)                                            | --                              | (794,787)            |
| Culture and recreation                 | 1,230,141            | 43,536                     | --                                       | --                                     | (1,186,605)                                          | --                              | (1,186,605)          |
| Interest and other fiscal charges      | 167,388              | --                         | --                                       | --                                     | (167,388)                                            | --                              | (167,388)            |
| <b>Total governmental activities</b>   | <b>8,364,958</b>     | <b>1,490,830</b>           | <b>70,000</b>                            | <b>267,579</b>                         | <b>(6,536,549)</b>                                   | <b>--</b>                       | <b>(6,536,549)</b>   |
| <b>Business-type activities</b>        |                      |                            |                                          |                                        |                                                      |                                 |                      |
| Causeway                               | 4,053,303            | 8,061,982                  | --                                       | 918,553                                | --                                                   | 4,927,232                       | 4,927,232            |
| Sewer                                  | 1,585,259            | 2,323,675                  | --                                       | --                                     | --                                                   | 738,416                         | 738,416              |
| Water                                  | 974,265              | 1,227,971                  | --                                       | --                                     | --                                                   | 253,706                         | 253,706              |
| Parking                                | 619,454              | 438,110                    | --                                       | --                                     | --                                                   | (181,344)                       | (181,344)            |
| Solid waste                            | 751,989              | 814,680                    | --                                       | --                                     | --                                                   | 62,691                          | 62,691               |
| Stormwater                             | 229,718              | 216,919                    | --                                       | --                                     | --                                                   | (12,799)                        | (12,799)             |
| <b>Total business-type activities</b>  | <b>8,213,988</b>     | <b>13,083,337</b>          | <b>--</b>                                | <b>918,553</b>                         | <b>--</b>                                            | <b>5,787,902</b>                | <b>5,787,902</b>     |
| <b>Total</b>                           | <b>\$ 16,578,946</b> | <b>\$ 14,574,167</b>       | <b>\$ 70,000</b>                         | <b>\$ 1,186,132</b>                    | <b>(6,536,549)</b>                                   | <b>5,787,902</b>                | <b>(748,647)</b>     |
| <b>General revenues</b>                |                      |                            |                                          |                                        |                                                      |                                 |                      |
| Property taxes                         |                      |                            |                                          |                                        | 4,648,810                                            | --                              | 4,648,810            |
| Franchise fees based on gross receipts |                      |                            |                                          |                                        | 380,091                                              | --                              | 380,091              |
| Utility taxes                          |                      |                            |                                          |                                        | 527,415                                              | --                              | 527,415              |
| Communications services tax            |                      |                            |                                          |                                        | 174,600                                              | --                              | 174,600              |
| Unrestricted intergovernmental revenue |                      |                            |                                          |                                        | 703,078                                              | --                              | 703,078              |
| Unrestricted investment earnings       |                      |                            |                                          |                                        | 182,684                                              | 210,867                         | 393,551              |
| Miscellaneous                          |                      |                            |                                          |                                        | 61,168                                               | 226,699                         | 287,867              |
| Gain on sale of capital assets         |                      |                            |                                          |                                        | 12,451                                               | --                              | 12,451               |
| <b>Transfers</b>                       |                      |                            |                                          |                                        | 1,880,842                                            | (1,880,842)                     | --                   |
| Total general revenues and transfers   |                      |                            |                                          |                                        | 8,571,139                                            | (1,443,276)                     | 7,127,863            |
| <b>Change in net position</b>          |                      |                            |                                          |                                        | 2,034,590                                            | 4,344,626                       | 6,379,216            |
| <b>Net position - Beginning</b>        |                      |                            |                                          |                                        | 23,304,098                                           | 44,339,781                      | 67,643,879           |
| <b>Net Positon - Ending</b>            |                      |                            |                                          |                                        | <u>\$ 25,338,688</u>                                 | <u>\$ 48,684,407</u>            | <u>\$ 74,023,095</u> |

*See notes to basic financial statements.*

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## BALANCE SHEET GOVERNMENTAL FUNDS SEPTEMBER 30, 2020

|                                                                                                                                                                            | General              | Capital<br>Projects | Total<br>Governmental<br>Funds |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------|--------------------------------|
| <b>Assets</b>                                                                                                                                                              |                      |                     |                                |
| Cash                                                                                                                                                                       | \$ 3,187,436         | \$ 99,239           | \$ 3,286,675                   |
| Investments                                                                                                                                                                | 3,258,061            | --                  | 3,258,061                      |
| Receivables, net                                                                                                                                                           | 216,403              | --                  | 216,403                        |
| Interest receivable                                                                                                                                                        | 15,539               | --                  | 15,539                         |
| Due from other funds                                                                                                                                                       | 3,932,897            | 88,992              | 4,021,889                      |
| Due from other governments                                                                                                                                                 | 207,325              | --                  | 207,325                        |
| Inventory                                                                                                                                                                  | 15,936               | --                  | 15,936                         |
| Prepaid items                                                                                                                                                              | 96,955               | --                  | 96,955                         |
| Restricted cash                                                                                                                                                            | 267,100              | --                  | 267,100                        |
| <b>Total assets</b>                                                                                                                                                        | <b>\$ 11,197,652</b> | <b>\$ 188,231</b>   | <b>\$ 11,385,883</b>           |
| <b>Liabilities</b>                                                                                                                                                         |                      |                     |                                |
| Accounts payable and accrued liabilities                                                                                                                                   | \$ 448,718           | \$ --               | \$ 448,718                     |
| Due to other funds                                                                                                                                                         | --                   | 27,542              | 27,542                         |
| Due to pension fund                                                                                                                                                        | 51,361               | --                  | 51,361                         |
| Unearned revenue                                                                                                                                                           | 65,805               | --                  | 65,805                         |
| Customer deposits                                                                                                                                                          | 157,680              | --                  | 157,680                        |
| <b>Total liabilities</b>                                                                                                                                                   | <b>723,564</b>       | <b>27,542</b>       | <b>751,106</b>                 |
| <b>Deferred inflows of resources</b>                                                                                                                                       |                      |                     |                                |
| Unavailable revenue                                                                                                                                                        | 23,062               | --                  | 23,062                         |
| <b>Fund balances</b>                                                                                                                                                       |                      |                     |                                |
| Non-spendable:                                                                                                                                                             |                      |                     |                                |
| Inventory                                                                                                                                                                  | 15,936               | --                  | 15,936                         |
| Prepaid items                                                                                                                                                              | 96,955               | --                  | 96,955                         |
| Restricted:                                                                                                                                                                |                      |                     |                                |
| Law enforcement                                                                                                                                                            | 99,509               | --                  | 99,509                         |
| Debt Service                                                                                                                                                               | 65,025               | --                  | 65,025                         |
| Assigned:                                                                                                                                                                  |                      |                     |                                |
| Capital projects fund                                                                                                                                                      | --                   | 160,689             | 160,689                        |
| Unassigned                                                                                                                                                                 | 10,173,601           | --                  | 10,173,601                     |
| <b>Total fund balances</b>                                                                                                                                                 | <b>10,451,026</b>    | <b>160,689</b>      | <b>10,611,715</b>              |
| <b>Total liabilities, deferred inflows of resources, and fund balances</b>                                                                                                 | <b>\$ 11,197,652</b> | <b>\$ 188,231</b>   |                                |
| Amounts reported for governmental activities in the statement of net position are different because:                                                                       |                      |                     |                                |
| Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the funds                                                   |                      |                     | 21,137,642                     |
| Net pension assets are not considered to represent financial assets and, therefore, are not reported in the funds                                                          |                      |                     | 1,454,256                      |
| Deferred outflows and inflows of resources related to pensions are recorded in the statement of net position                                                               |                      |                     | (863,145)                      |
| Deferred outflows of resources related to OPEB are recorded in the statement of net position                                                                               |                      |                     | 14,062                         |
| Revenues in the statement of activities that do not provide current financial resources are reported as unavailable revenue in the governmental funds financial statements |                      |                     | 23,062                         |
| Deferred inflows of resources related to deferred charges on refunding of revenue bonds                                                                                    |                      |                     | (57,628)                       |
| Accrued interest related to long-term debt is recorded in the statement of net position                                                                                    |                      |                     | (74,126)                       |
| Long-term liabilities are not due and payable in the current period and therefore are not reported in the funds (see Note 2)                                               |                      |                     | (6,907,150)                    |
| <b>Net position of governmental activities</b>                                                                                                                             |                      |                     | <b>\$ 25,338,688</b>           |

See notes to basic financial statements.

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES GOVERNMENTAL FUNDS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

|                                                 | General              | Capital<br>Projects | Total<br>Governmental<br>Funds |
|-------------------------------------------------|----------------------|---------------------|--------------------------------|
| <b>Revenues</b>                                 |                      |                     |                                |
| Property taxes                                  | \$ 4,648,810         | \$ --               | \$ 4,648,810                   |
| Utility taxes                                   | 527,415              | --                  | 527,415                        |
| Communications services tax                     | 174,600              | --                  | 174,600                        |
| Franchise fees                                  | 380,091              | --                  | 380,091                        |
| Licenses and permits                            | 1,319,112            | --                  | 1,319,112                      |
| Intergovernmental                               | 971,167              | --                  | 971,167                        |
| Transfer development right fees                 | 1,000                | --                  | 1,000                          |
| Charges for services                            | 47,004               | --                  | 47,004                         |
| Fines and forfeitures                           | 123,714              | --                  | 123,714                        |
| Investment earnings                             | 182,684              | --                  | 182,684                        |
| Grants                                          | 70,000               | --                  | 70,000                         |
| Miscellaneous                                   | 61,168               | --                  | 61,168                         |
| <b>Total revenues</b>                           | <b>8,506,765</b>     | <b>--</b>           | <b>8,506,765</b>               |
| <b>Expenditures</b>                             |                      |                     |                                |
| Current:                                        |                      |                     |                                |
| General government                              | 1,827,792            | --                  | 1,827,792                      |
| Public safety                                   | 4,952,409            | --                  | 4,952,409                      |
| Transportation                                  | 603,046              | --                  | 603,046                        |
| Culture and recreation                          | 972,097              | --                  | 972,097                        |
| Capital outlay                                  | 328,895              | --                  | 328,895                        |
| Debt service:                                   |                      |                     |                                |
| Principal payments                              | 331,000              | --                  | 331,000                        |
| Interest and other fiscal charges               | 176,407              | --                  | 176,407                        |
| <b>Total expenditures</b>                       | <b>9,191,646</b>     | <b>--</b>           | <b>9,191,646</b>               |
| <b>Deficiency of revenues over expenditures</b> | <b>(684,881)</b>     | <b>--</b>           | <b>(684,881)</b>               |
| <b>Other financing sources</b>                  |                      |                     |                                |
| Proceeds from sale of capital assets            | 12,451               | --                  | 12,451                         |
| Transfers in                                    | 1,880,842            | --                  | 1,880,842                      |
| <b>Total other financing sources</b>            | <b>1,893,293</b>     | <b>--</b>           | <b>1,893,293</b>               |
| <b>Net change in fund balances</b>              | <b>1,208,412</b>     | <b>--</b>           | <b>1,208,412</b>               |
| <b>Fund balances - beginning</b>                | <b>9,242,614</b>     | <b>160,689</b>      | <b>9,403,303</b>               |
| <b>Fund balances - ending</b>                   | <b>\$ 10,451,026</b> | <b>\$ 160,689</b>   | <b>\$ 10,611,715</b>           |

*See notes to basic financial statements.*

## TOWN OF BAY HARBOR ISLANDS, FLORIDA

### RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

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Amounts reported for governmental activities in the statement of activities  
(Page 17) are different because:

Net change in fund balances - total governmental funds (Page 19) \$ 1,208,412

Governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which depreciation exceeded capital outlays in the current period.

The details of the difference are as follows:

|                      |                  |           |
|----------------------|------------------|-----------|
| Capital outlay       | \$ 328,895       |           |
| Depreciation expense | <u>(946,461)</u> | (617,566) |

Repayment of long-term debt is reported as an expenditure in the governmental funds, but the repayment reduces long-term liabilities in the statement of net position.

The details of the difference are as follows:

|                                        |              |         |
|----------------------------------------|--------------|---------|
| Revenue bonds principal payment        | 331,000      |         |
| Amortization of gain on bond refunding | 4,433        |         |
| Amortization of bond premium           | <u>7,828</u> | 343,261 |

Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.

The details of the difference are as follows:

|                                                                          |                 |           |
|--------------------------------------------------------------------------|-----------------|-----------|
| Accrued interest payable                                                 | 4,586           |           |
| Compensated absences payable                                             | (140,970)       |           |
| Net pension asset and related deferred outflows and inflows of resources | 1,248,499       |           |
| Total OPEB liability                                                     | <u>(11,122)</u> | 1,100,993 |

Net effect of revenues reported in the statement of activities are not reported in the funds because they have no effect on current financial resources.

(510)

**Change in net position of governmental activities (Page 17)**

**\$ 2,034,590**

*See notes to basic financial statements.*

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## STATEMENT OF NET POSITION PROPRIETARY FUNDS SEPTEMBER 30, 2020

|                                                    | Business-type Activities - Enterprise Funds |                     |                     |                     |                   |                              | Total                |
|----------------------------------------------------|---------------------------------------------|---------------------|---------------------|---------------------|-------------------|------------------------------|----------------------|
|                                                    | Causeway                                    | Sewer               | Water               | Parking             | Solid Waste       | Stormwater (a Nonmajor Fund) |                      |
| <b>Assets</b>                                      |                                             |                     |                     |                     |                   |                              |                      |
| Current assets:                                    |                                             |                     |                     |                     |                   |                              |                      |
| Cash                                               | \$ 14,626,385                               | \$ 2,174,473        | \$ 3,077,783        | \$ 668,796          | \$ 100,349        | \$ --                        | \$ 20,647,786        |
| Investments                                        | 1,834,543                                   | --                  | 1,955,262           | --                  | --                | --                           | 3,789,805            |
| Receivables, net                                   | 19,576                                      | --                  | 595,785             | 191,413             | --                | --                           | 806,774              |
| Interest receivable                                | 8,610                                       | --                  | 9,053               | 19,066              | --                | --                           | 36,729               |
| Due from other funds                               | 56,058                                      | 728,954             | 133,345             | 54                  | 743,827           | 947,149                      | 2,609,387            |
| Due from other governments                         | 1,030,508                                   | --                  | --                  | --                  | --                | --                           | 1,030,508            |
| Inventory                                          | --                                          | --                  | 30,617              | --                  | --                | --                           | 30,617               |
| Prepaid items                                      | 125,935                                     | --                  | 6,538               | 4,575               | --                | --                           | 137,048              |
| Restricted assets:                                 |                                             |                     |                     |                     |                   |                              |                      |
| Cash                                               | 10,650                                      | 249,693             | 183,205             | --                  | 77,372            | --                           | 520,920              |
| Loan reserves                                      | --                                          | 97,843              | --                  | --                  | --                | --                           | 97,843               |
| <b>Total current assets</b>                        | <b>17,712,265</b>                           | <b>3,250,963</b>    | <b>5,991,588</b>    | <b>883,904</b>      | <b>921,548</b>    | <b>947,149</b>               | <b>29,707,417</b>    |
| Noncurrent assets                                  |                                             |                     |                     |                     |                   |                              |                      |
| Capital assets not being depreciated               | 1,470,203                                   | 3,000               | --                  | 671,274             | --                | --                           | 2,144,477            |
| Capital assets being depreciated, net              | 23,551,412                                  | 3,149,436           | 1,215,132           | 8,203,332           | 2,877             | 512,981                      | 36,635,170           |
| Net pension asset                                  | 596,610                                     | 98,464              | 130,905             | 65,405              | --                | 26,830                       | 918,214              |
| <b>Total noncurrent assets</b>                     | <b>25,618,225</b>                           | <b>3,250,900</b>    | <b>1,346,037</b>    | <b>8,940,011</b>    | <b>2,877</b>      | <b>539,811</b>               | <b>39,697,861</b>    |
| <b>Total assets</b>                                | <b>43,330,490</b>                           | <b>6,501,863</b>    | <b>7,337,625</b>    | <b>9,823,915</b>    | <b>924,425</b>    | <b>1,486,960</b>             | <b>69,405,278</b>    |
| <b>Deferred outflows of resources</b>              |                                             |                     |                     |                     |                   |                              |                      |
| Pension                                            | 124,976                                     | 45,920              | 38,256              | 20,205              | --                | 6,425                        | 235,782              |
| OPEB                                               | 13,772                                      | 2,666               | 4,505               | 1,570               | --                | 271                          | 22,784               |
| <b>Total deferred outflows of resources</b>        | <b>138,748</b>                              | <b>48,586</b>       | <b>42,761</b>       | <b>21,775</b>       | <b>--</b>         | <b>6,696</b>                 | <b>258,566</b>       |
| <b>Liabilities</b>                                 |                                             |                     |                     |                     |                   |                              |                      |
| Current liabilities:                               |                                             |                     |                     |                     |                   |                              |                      |
| Accounts payable and accrued liabilities           | 780,289                                     | 110,774             | 60,107              | 3,614               | 124,376           | 26,565                       | 1,105,725            |
| Due to other funds                                 | 2,284,894                                   | 714,589             | 2,739,755           | 284,942             | 125,865           | 453,689                      | 6,603,734            |
| Due to other governments                           | --                                          | --                  | 219,702             | --                  | --                | --                           | 219,702              |
| Unearned revenue                                   | 200,939                                     | --                  | --                  | --                  | --                | --                           | 200,939              |
| Customer deposits (payable from restricted assets) | 10,650                                      | 249,693             | 183,205             | --                  | 77,372            | --                           | 520,920              |
| Current portion of notes payable                   | --                                          | 73,618              | --                  | --                  | --                | --                           | 73,618               |
| Current portion of compensated absences            | 16,661                                      | 2,955               | 3,775               | 1,748               | --                | 298                          | 25,437               |
| <b>Total current liabilities</b>                   | <b>3,293,433</b>                            | <b>1,151,629</b>    | <b>3,206,544</b>    | <b>290,304</b>      | <b>327,613</b>    | <b>480,552</b>               | <b>8,750,075</b>     |
| Noncurrent liabilities                             |                                             |                     |                     |                     |                   |                              |                      |
| Notes payable                                      | 8,026,000                                   | --                  | --                  | 2,800,000           | --                | --                           | 10,826,000           |
| Total OPEB liability                               | 83,086                                      | 16,949              | 21,879              | 10,390              | --                | 1,602                        | 133,906              |
| Compensated absences                               | 149,947                                     | 26,594              | 33,978              | 15,733              | --                | 2,685                        | 228,937              |
| <b>Total noncurrent liabilities</b>                | <b>8,259,033</b>                            | <b>43,543</b>       | <b>55,857</b>       | <b>2,826,123</b>    | <b>--</b>         | <b>4,287</b>                 | <b>11,188,843</b>    |
| <b>Total liabilities</b>                           | <b>11,552,466</b>                           | <b>1,195,172</b>    | <b>3,262,401</b>    | <b>3,116,427</b>    | <b>327,613</b>    | <b>484,839</b>               | <b>19,938,918</b>    |
| <b>Deferred inflows of resources</b>               |                                             |                     |                     |                     |                   |                              |                      |
| Parking trust receipts                             | --                                          | --                  | --                  | 206,352             | --                | --                           | 206,352              |
| Pension                                            | 513,123                                     | 112,380             | 122,839             | 62,967              | --                | 22,858                       | 834,167              |
| <b>Total deferred inflows of resources</b>         | <b>513,123</b>                              | <b>112,380</b>      | <b>122,839</b>      | <b>269,319</b>      | <b>--</b>         | <b>22,858</b>                | <b>1,040,519</b>     |
| <b>Net position</b>                                |                                             |                     |                     |                     |                   |                              |                      |
| Net investment in capital assets                   | 16,893,553                                  | 3,078,818           | 1,210,132           | 6,074,606           | 2,877             | 512,981                      | 27,772,967           |
| Restricted for loan reserve                        | --                                          | 97,843              | --                  | --                  | --                | --                           | 97,843               |
| Restricted for pension                             | 596,610                                     | 98,464              | 130,905             | 65,405              | --                | 26,830                       | 918,214              |
| Unrestricted                                       | 13,913,486                                  | 1,967,772           | 2,654,109           | 319,933             | 593,935           | 446,148                      | 19,895,383           |
| <b>Total net position</b>                          | <b>\$ 31,403,649</b>                        | <b>\$ 5,242,897</b> | <b>\$ 3,995,146</b> | <b>\$ 6,459,944</b> | <b>\$ 596,812</b> | <b>\$ 985,959</b>            | <b>\$ 48,684,407</b> |

See notes to basic financial statements.

**TOWN OF BAY HARBOR ISLANDS, FLORIDA**

**STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET POSITION  
PROPRIETARY FUNDS  
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020**

|                                                         | Business-type Activities - Enterprise Funds |                     |                     |                     |                   |                                 | Total                |
|---------------------------------------------------------|---------------------------------------------|---------------------|---------------------|---------------------|-------------------|---------------------------------|----------------------|
|                                                         | Causeway                                    | Sewer               | Water               | Parking             | Solid Waste       | Stormwater<br>(a Nonmajor Fund) |                      |
| Operating revenues                                      |                                             |                     |                     |                     |                   |                                 |                      |
| Charges for services                                    | \$ 8,061,982                                | \$ 2,323,675        | \$ 1,227,971        | \$ 438,110          | \$ 814,680        | \$ 216,919                      | \$ 13,083,337        |
| Miscellaneous revenue                                   | --                                          | --                  | 10,040              | 232                 | --                | --                              | 10,272               |
| <b>Total operating revenues</b>                         | <b>8,061,982</b>                            | <b>2,323,675</b>    | <b>1,238,011</b>    | <b>438,342</b>      | <b>814,680</b>    | <b>216,919</b>                  | <b>13,093,609</b>    |
| Operating expenses                                      |                                             |                     |                     |                     |                   |                                 |                      |
| Operation and maintenance                               | 2,174,804                                   | 1,405,847           | 905,353             | 283,357             | 750,551           | 200,866                         | 5,720,778            |
| Depreciation expense                                    | 1,652,799                                   | 175,955             | 68,912              | 267,590             | 1,438             | 28,852                          | 2,195,546            |
| <b>Total operating expenses</b>                         | <b>3,827,603</b>                            | <b>1,581,802</b>    | <b>974,265</b>      | <b>550,947</b>      | <b>751,989</b>    | <b>229,718</b>                  | <b>7,916,324</b>     |
| <b>Operating income (loss)</b>                          | <b>4,234,379</b>                            | <b>741,873</b>      | <b>263,746</b>      | <b>(112,605)</b>    | <b>62,691</b>     | <b>(12,799)</b>                 | <b>5,177,285</b>     |
| Nonoperating revenues (expenses)                        |                                             |                     |                     |                     |                   |                                 |                      |
| Investment income                                       | 102,692                                     | --                  | 108,175             | --                  | --                | --                              | 210,867              |
| Rental income                                           | 87,358                                      | --                  | --                  | 129,069             | --                | --                              | 216,427              |
| Interest expense and other debt costs                   | (225,700)                                   | (3,457)             | --                  | (68,507)            | --                | --                              | (297,664)            |
| <b>Total nonoperating revenues (expenses)</b>           | <b>(35,650)</b>                             | <b>(3,457)</b>      | <b>108,175</b>      | <b>60,562</b>       | <b>--</b>         | <b>--</b>                       | <b>129,630</b>       |
| <b>Income (loss) before contributions and transfers</b> | <b>4,198,729</b>                            | <b>738,416</b>      | <b>371,921</b>      | <b>(52,043)</b>     | <b>62,691</b>     | <b>(12,799)</b>                 | <b>5,306,915</b>     |
| Capital contributions                                   | 918,553                                     | --                  | --                  | --                  | --                | --                              | 918,553              |
| Transfers out                                           | (1,200,000)                                 | (480,842)           | (200,000)           | --                  | --                | --                              | (1,880,842)          |
| <b>Change in net position</b>                           | <b>3,917,282</b>                            | <b>257,574</b>      | <b>171,921</b>      | <b>(52,043)</b>     | <b>62,691</b>     | <b>(12,799)</b>                 | <b>4,344,626</b>     |
| <b>Net position - beginning</b>                         | <b>27,486,367</b>                           | <b>4,985,323</b>    | <b>3,823,225</b>    | <b>6,511,987</b>    | <b>534,121</b>    | <b>998,758</b>                  | <b>44,339,781</b>    |
| <b>Net position - ending</b>                            | <b>\$ 31,403,649</b>                        | <b>\$ 5,242,897</b> | <b>\$ 3,995,146</b> | <b>\$ 6,459,944</b> | <b>\$ 596,812</b> | <b>\$ 985,959</b>               | <b>\$ 48,684,407</b> |

*See notes to basic financial statements.*

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## STATEMENT OF CASH FLOWS

### PROPRIETARY FUNDS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

|                                                                  | Business-type Activities - Enterprise Funds |              |              |              |             |                              | Total         |
|------------------------------------------------------------------|---------------------------------------------|--------------|--------------|--------------|-------------|------------------------------|---------------|
|                                                                  | Causeway                                    | Sewer        | Water        | Parking      | Solid Waste | Stormwater (a Nonmajor Fund) |               |
| <b>Cash flows from operating activities</b>                      |                                             |              |              |              |             |                              |               |
| Cash received from customers                                     | \$ 8,021,672                                | \$ 1,614,798 | \$ 1,258,566 | \$ 1,003,508 | \$ 76,704   | \$ --                        | \$ 11,975,248 |
| Cash received from other operations                              | --                                          | --           | 10,040       | 232          | --          | --                           | 10,272        |
| Cash payments to employees for services                          | (1,715,683)                                 | (343,649)    | (412,566)    | (208,181)    | --          | (59,850)                     | (2,739,929)   |
| Cash payments to suppliers for goods and services                | (758,450)                                   | (1,137,687)  | (529,504)    | (115,719)    | (687,789)   | (238,281)                    | (3,467,430)   |
| Cash received from other funds                                   | 2,085,253                                   | 434,655      | 1,933,260    | 281,652      | 54,684      | 314,209                      | 5,103,713     |
| <b>Net cash provided (used) by operating activities</b>          | 7,632,792                                   | 568,117      | 2,259,796    | 961,492      | (556,401)   | 16,078                       | 10,881,874    |
| <b>Cash flows from noncapital financing activities</b>           |                                             |              |              |              |             |                              |               |
| Transfers out                                                    | (1,200,000)                                 | (480,842)    | (200,000)    | --           | --          | --                           | (1,880,842)   |
| <b>Net cash used by noncapital financing activities</b>          | (1,200,000)                                 | (480,842)    | (200,000)    | --           | --          | --                           | (1,880,842)   |
| <b>Cash flows from capital and related financing activities</b>  |                                             |              |              |              |             |                              |               |
| Proceeds from capital grants                                     | 87,167                                      | --           | --           | --           | --          | --                           | 87,167        |
| Acquisition of capital assets                                    | (744,059)                                   | (19,598)     | (2,782)      | (120,421)    | (927)       | (18,045)                     | (905,832)     |
| Principal paid on capital debt                                   | (895,000)                                   | (71,405)     | --           | (357,000)    | --          | --                           | (1,323,405)   |
| Interest paid on capital debt                                    | (225,700)                                   | (3,458)      | --           | (68,507)     | --          | --                           | (297,665)     |
| <b>Net cash used by capital and related financing activities</b> | (1,777,592)                                 | (94,461)     | (2,782)      | (545,928)    | (927)       | (18,045)                     | (2,439,735)   |
| <b>Cash flows from investing activities</b>                      |                                             |              |              |              |             |                              |               |
| Sales and maturities of investments                              | 555,977                                     | --           | 573,053      | --           | --          | --                           | 1,129,030     |
| Purchases of investments                                         | (578,925)                                   | --           | (598,628)    | --           | --          | --                           | (1,177,553)   |
| Rental income received                                           | 85,518                                      | --           | --           | 129,069      | --          | --                           | 214,587       |
| Investment earnings received                                     | 32,545                                      | --           | 34,908       | --           | --          | --                           | 67,453        |
| <b>Net cash provided by investing activities</b>                 | 95,115                                      | --           | 9,333        | 129,069      | --          | --                           | 233,517       |
| <b>Net increase (decrease) in cash</b>                           | 4,750,315                                   | (7,186)      | 2,066,347    | 544,633      | (557,328)   | (1,967)                      | 6,794,814     |
| <b>Cash - beginning (including restricted assets)</b>            | 9,886,720                                   | 2,529,195    | 1,194,641    | 124,163      | 735,049     | 1,967                        | 14,471,735    |
| <b>Cash - ending (including restricted assets)</b>               | \$ 14,637,035                               | \$ 2,522,009 | \$ 3,260,988 | \$ 668,796   | \$ 177,721  | \$ --                        | \$ 21,266,549 |

(Continued)

See notes to basic financial statements.



# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## STATEMENT OF CASH FLOWS

### PROPRIETARY FUNDS (Continued)

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

|                                                                                                             | Business-type Activities - Enterprise Funds |                     |                     |                   |                     |                              | Total                |
|-------------------------------------------------------------------------------------------------------------|---------------------------------------------|---------------------|---------------------|-------------------|---------------------|------------------------------|----------------------|
|                                                                                                             | Causeway                                    | Sewer               | Water               | Parking           | Solid Waste         | Stormwater (a Nonmajor Fund) |                      |
| <b>Reconciliation of cash to the statement of net position</b>                                              |                                             |                     |                     |                   |                     |                              |                      |
| Cash                                                                                                        | \$ 14,626,385                               | \$ 2,174,473        | \$ 3,077,783        | \$ 668,796        | \$ 100,349          | \$ --                        | \$ 20,647,786        |
| Restricted cash                                                                                             | 10,650                                      | 347,536             | 183,205             | --                | 77,372              | --                           | 618,763              |
|                                                                                                             | <u>\$ 14,637,035</u>                        | <u>\$ 2,522,009</u> | <u>\$ 3,260,988</u> | <u>\$ 668,796</u> | <u>\$ 177,721</u>   | <u>\$ --</u>                 | <u>\$ 21,266,549</u> |
| <b>Reconciliation of operating income (loss) to net cash provided by operating activities</b>               |                                             |                     |                     |                   |                     |                              |                      |
| Operating income (loss)                                                                                     | \$ 4,234,379                                | \$ 741,873          | \$ 263,746          | \$ (112,605)      | \$ 62,691           | \$ (12,799)                  | \$ 5,177,285         |
| <b>Adjustments to reconcile operating income (loss) to net cash provided (used) by operating activities</b> |                                             |                     |                     |                   |                     |                              |                      |
| Depreciation                                                                                                | 1,652,799                                   | 175,955             | 68,912              | 267,590           | 1,438               | 28,852                       | 2,195,546            |
| Changes in assets, liabilities and deferred inflows/outflows:                                               |                                             |                     |                     |                   |                     |                              |                      |
| (Increase) decrease in:                                                                                     |                                             |                     |                     |                   |                     |                              |                      |
| Receivables                                                                                                 | --                                          | --                  | (41,087)            | 18,541            | --                  | --                           | (22,546)             |
| Interest receivable                                                                                         | --                                          | --                  | --                  | 4,157             | --                  | --                           | 4,157                |
| Due from other funds                                                                                        | (10,832)                                    | (714,627)           | 71,127              | 565,399           | (739,459)           | (216,918)                    | (1,045,310)          |
| Due from other governments                                                                                  | 17,812                                      | --                  | --                  | --                | --                  | --                           | 17,812               |
| Inventory                                                                                                   | --                                          | --                  | 34,498              | --                | --                  | --                           | 34,498               |
| Prepaid items                                                                                               | (30,385)                                    | --                  | 812                 | 3,355             | --                  | --                           | (26,218)             |
| Net pension asset                                                                                           | (596,610)                                   | (98,464)            | (130,905)           | (65,405)          | --                  | (26,830)                     | (918,214)            |
| Deferred outflows - OPEB                                                                                    | (5,115)                                     | (1,093)             | (1,762)             | (1,468)           | --                  | (96)                         | (9,534)              |
| Deferred outflows - pension                                                                                 | 190,409                                     | 38,438              | 44,514              | 22,898            | --                  | 8,833                        | 305,092              |
| Increase (decrease) in:                                                                                     |                                             |                     |                     |                   |                     |                              |                      |
| Accounts payable and accrued liabilities                                                                    | 70,880                                      | (4,545)             | 2,608               | (2,628)           | 62,762              | (79,771)                     | 49,306               |
| Due to other governments                                                                                    | --                                          | --                  | 164                 | --                | --                  | --                           | 164                  |
| Due to other funds                                                                                          | 2,085,253                                   | 434,655             | 1,933,096           | 281,652           | 54,684              | 314,209                      | 5,103,549            |
| Customer deposits                                                                                           | 2                                           | 5,750               | 555                 | --                | 1,483               | --                           | 7,790                |
| Parking trust receipts                                                                                      | --                                          | --                  | --                  | (22,699)          | --                  | --                           | (22,699)             |
| Net pension liability                                                                                       | (350,174)                                   | (92,666)            | (90,435)            | (48,453)          | --                  | (17,092)                     | (598,820)            |
| Total OPEB liability                                                                                        | 13,863                                      | 2,963               | 4,775               | 3,979             | --                  | 260                          | 25,840               |
| Compensated absences                                                                                        | 29,427                                      | 3,494               | 10,721              | 1,676             | --                  | (123)                        | 45,195               |
| Deferred inflows - pension                                                                                  | 378,376                                     | 76,384              | 88,457              | 45,503            | --                  | 17,553                       | 606,273              |
| Unearned revenues                                                                                           | (47,292)                                    | --                  | --                  | --                | --                  | --                           | (47,292)             |
| Total adjustments                                                                                           | <u>3,398,413</u>                            | <u>(173,756)</u>    | <u>1,996,050</u>    | <u>1,074,097</u>  | <u>(619,092)</u>    | <u>28,877</u>                | <u>5,704,589</u>     |
| <b>Net cash provided (used) by operating activities</b>                                                     | <u>\$ 7,632,792</u>                         | <u>\$ 568,117</u>   | <u>\$ 2,259,796</u> | <u>\$ 961,492</u> | <u>\$ (556,401)</u> | <u>\$ 16,078</u>             | <u>\$ 10,881,874</u> |
| <b>Noncash investing and financing activities</b>                                                           |                                             |                     |                     |                   |                     |                              |                      |
| Payable on purchase of capital assets                                                                       | \$ 557,636                                  | \$ --               | \$ --               | \$ --             | \$ --               | \$ --                        | \$ 557,636           |
| Increase in fair value of investments                                                                       | 63,451                                      | --                  | 65,607              | --                | --                  | --                           | 129,058              |
| <b>Total noncash investing and financing activities</b>                                                     | <u>\$ 621,087</u>                           | <u>\$ --</u>        | <u>\$ 65,607</u>    | <u>\$ --</u>      | <u>\$ --</u>        | <u>\$ --</u>                 | <u>\$ 686,694</u>    |

See notes to basic financial statements.

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## STATEMENT OF FIDUCIARY NET POSITION PENSION TRUST FUND SEPTEMBER 30, 2020

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### Assets

|      |            |
|------|------------|
| Cash | \$ 390,550 |
|------|------------|

### Investments

|                                            |                  |
|--------------------------------------------|------------------|
| Money market funds                         | 353,585          |
| U.S. treasuries and government obligations | 3,099,678        |
| Corporate bonds                            | 4,871,312        |
| Common stock and equity funds              | 2,047,312        |
| Commingled trust fund                      | 9,681,415        |
| Real estate fund                           | <u>2,140,033</u> |

|                   |                   |
|-------------------|-------------------|
| Total investments | <u>22,193,335</u> |
|-------------------|-------------------|

### Receivables

|                                      |               |
|--------------------------------------|---------------|
| Due from Town                        | 51,361        |
| Due from broker for investments sold | 102,564       |
| Accrued interest and dividends       | <u>39,157</u> |

|                   |                |
|-------------------|----------------|
| Total receivables | <u>193,082</u> |
|-------------------|----------------|

|                  |              |
|------------------|--------------|
| Prepaid expenses | <u>4,980</u> |
|------------------|--------------|

|                     |                          |
|---------------------|--------------------------|
| <b>Total assets</b> | <u><b>22,781,947</b></u> |
|---------------------|--------------------------|

### Liabilities

|                                         |               |
|-----------------------------------------|---------------|
| Accounts payable                        | 30,965        |
| Due to broker for investments purchased | <u>35,446</u> |

|                          |                      |
|--------------------------|----------------------|
| <b>Total liabilities</b> | <u><b>66,411</b></u> |
|--------------------------|----------------------|

### Net position

|                                 |                             |
|---------------------------------|-----------------------------|
| Restricted for pension benefits | <u><u>\$ 22,715,536</u></u> |
|---------------------------------|-----------------------------|

*See notes to basic financial statements.*

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## STATEMENT OF CHANGES IN FIDUCIARY NET POSITION PENSION TRUST FUND FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

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### Additions

|                        |                |
|------------------------|----------------|
| Contributions          |                |
| Town (including state) | \$ 1,080,265   |
| Employees              | <u>520,770</u> |

|                            |                  |
|----------------------------|------------------|
| <b>Total contributions</b> | <u>1,601,035</u> |
|----------------------------|------------------|

|                                               |                 |
|-----------------------------------------------|-----------------|
| Investment income                             |                 |
| Net appreciation in fair value of investments | 1,158,931       |
| Interest                                      | 185,817         |
| Dividends                                     | 42,828          |
| Other Income                                  | <u>3,178</u>    |
|                                               | 1,390,754       |
| Less investment expense                       | <u>(54,540)</u> |

|                              |                  |
|------------------------------|------------------|
| <b>Net investment income</b> | <u>1,336,214</u> |
|------------------------------|------------------|

|                        |                  |
|------------------------|------------------|
| <b>Total additions</b> | <u>2,937,249</u> |
|------------------------|------------------|

### Deductions

|                           |               |
|---------------------------|---------------|
| Benefits paid and refunds | 1,341,878     |
| Administrative expenses   | <u>45,349</u> |

|                         |                  |
|-------------------------|------------------|
| <b>Total deductions</b> | <u>1,387,227</u> |
|-------------------------|------------------|

|                               |           |
|-------------------------------|-----------|
| <b>Change in net position</b> | 1,550,022 |
|-------------------------------|-----------|

|                                                                 |                   |
|-----------------------------------------------------------------|-------------------|
| <b>Net position restricted for pension benefits - beginning</b> | <u>21,165,514</u> |
|-----------------------------------------------------------------|-------------------|

|                                                              |                             |
|--------------------------------------------------------------|-----------------------------|
| <b>Net position restricted for pension benefits - ending</b> | <u><u>\$ 22,715,536</u></u> |
|--------------------------------------------------------------|-----------------------------|

*See notes to basic financial statements.*

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## **NOTES TO BASIC FINANCIAL STATEMENTS**

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# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

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### NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The Town of Bay Harbor Islands, Florida, (the Town) is a municipal corporation which was incorporated in 1947 and adopted its first charter June 15, 1953, under the provisions of the Laws of Florida Acts of 1953, Chapter 2889. The Town operates under a “Council-Manager” form of government with the Town’s Mayor serving as the head of the Town government and the Town’s Manager serving as the chief administrative official.

The Town provides the following services: public safety (police), building and zoning, transportation and maintenance of roads and streets, recreation facilities, operation and maintenance of a causeway, water and sewer utilities, physical environment (refuse collection), parking facilities, and general government and administrative services. Fire protection, education, and welfare services are provided by units of other local governments whose activities are not included in the accompanying financial statements.

The financial statements of the Town have been prepared in conformity with accounting principles generally accepted in the United States (GAAP) as applied to governmental units. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles. The more significant of the Town’s accounting policies are described below:

#### **A. FINANCIAL REPORTING ENTITY**

The financial statements were prepared in accordance with GASB Statements related to *The Financial Reporting Entity*, which establishes standards for defining and reporting on the financial reporting entity. The definition of the financial reporting entity is based upon the concept that elected officials are accountable to their constituents for their actions. One of the objectives of financial reporting is to provide users of financial statements with a basis for assessing the accountability of the elected officials. The financial reporting entity consists of the Town, organizations for which the Town is financially accountable, and other organizations for which the nature and significance of their relationship with the Town are such that exclusion would cause the reporting entity’s financial statements to be misleading or incomplete. The Town is financially accountable for a component unit if it appoints a voting majority of the organization’s governing board and it is able to impose its will on that organization or there is a potential for the organization to provide specific financial benefits to, or impose specific financial burdens on the Town or has operational responsibility. Based upon the application of these criteria, there were no organizations that met the criteria described above.

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

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### NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

#### ***B. GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS***

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the nonfiduciary activities of the Town. For the most part, the effect of interfund activity has been removed from these statements.

*Governmental activities*, which normally are supported by taxes and intergovernmental revenues, are reported separately from *business-type activities*, which rely to a significant extent on fees and charges for support.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or segment. *Program revenues* include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as *general revenues*.

Separate financial statements are provided for governmental funds, proprietary funds, and fiduciary funds, even though the latter are excluded from the government-wide financial statements. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements. The Town reports only one nonmajor proprietary fund (the Stormwater Fund).

#### ***C. MEASUREMENT FOCUS, BASIS OF ACCOUNTING, AND FINANCIAL STATEMENT PRESENTATION***

The government-wide financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*, as are the proprietary fund and fiduciary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the *current financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be *available* when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the Town considers revenues to be available if they are collected within 60 days of the end of the current fiscal period.

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

---

### NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

#### *C. MEASUREMENT FOCUS, BASIS OF ACCOUNTING, AND FINANCIAL STATEMENT PRESENTATION (CONTINUED)*

Expenditures are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due.

Property taxes, franchise fees and other taxes, licenses, and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Revenues for expenditure driven grants are recognized when the qualifying expenditures are incurred. All other revenue items are considered to be measurable and available only when cash is received by the Town.

The Town reports the following major governmental funds:

The *General Fund* is the Town's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

The *Capital Projects Fund* accounts for the acquisition or construction of various major capital projects.

The Town reports the following major proprietary funds:

The *Causeway Fund* accounts for the collection of tolls and the operation and maintenance of the causeway, including the bascule bridge over the Intercoastal Waterway and the entire traffic corridor.

The *Sewer Fund* accounts for the provision of sewer services to Town residents and businesses.

The *Water Fund* accounts for the distribution of water to Town residents and businesses.

The *Parking Fund* accounts for the collection of parking fees, parking trust arrangements, and the operation and maintenance of lots and meters.

The *Solid Waste Fund* accounts for the provision of solid waste disposal services to Town residents and businesses.

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

---

### NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

#### *C. MEASUREMENT FOCUS, BASIS OF ACCOUNTING, AND FINANCIAL STATEMENT PRESENTATION (CONTINUED)*

The Town also reports the following nonmajor proprietary fund:

The *Stormwater Fund* accounts for the provision of a stormwater management system.

Additionally, the Town reports the following fund type:

The *Pension Trust Fund* is used to account for the Town of Bay Harbor Islands Employee Retirement System (the Plan), a single-employer defined benefit pension plan covering substantially all of its employees.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements. Exceptions to this general rule are payments-in-lieu of taxes and other charges between the Town's various utility functions and various other functions of the Town. Elimination of these charges would distort the direct costs and program revenues reported for the various functions concerned.

Amounts reported as *program revenues* include 1) charges to customers or applicants for goods, services, or privileges provided, 2) operating grants and contributions, and 3) capital grants and contributions. Internally dedicated resources are reported as *general revenues* rather than as program revenues. Likewise, general revenues include all taxes.

Proprietary funds distinguish *operating* revenues and expenses from *nonoperating* items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the Town's funds are charges to customers for services. Operating expenses for enterprise funds include the costs of services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.



# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

---

### NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

#### ***C. MEASUREMENT FOCUS, BASIS OF ACCOUNTING, AND FINANCIAL STATEMENT PRESENTATION (CONTINUED)***

##### **Implementation of Governmental Accounting Standards Board Statements**

The Town implemented the following GASB Statement during the fiscal year ended September 30, 2020:

GASB Statement No. 83, *Certain Asset Retirement Obligations*. This statement addresses accounting and financial reporting for certain asset retirement obligation (AROs). The adoption of GASB 83 in the current fiscal year did not have a material effect on the Town's basic financial statement and related disclosures.

#### ***D. ASSETS, DEFERRED OUTFLOWS OF RESOURCES, LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND NET POSITION OR EQUITY***

##### **1. Deposits and Investments**

The Town's cash includes cash on hand, and time/demand deposits. Investments of the Town are carried at fair value. For more details regarding the methods used to measure fair value of investments, refer to the fair value hierarchy in Note 3.

Investments of the Town are governed by the provisions of Florida Statutes Section 218.415. Investments in the Town's retirement plan are governed by the Plan's investment policy and Florida Statutes Section 112.661.

##### **2. Receivables and Payables**

Activity between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as "due to/from other funds". Any residual balances outstanding between the governmental activities and business-type activities are reported in the government-wide financial statements as "internal balances".

##### **3. Capital Assets**

Capital assets, which include property, plant and equipment, infrastructure assets (e.g., utility plant, roads, bridges, sidewalks, and similar items), and intangible assets are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the Town as assets with an initial, individual cost of more than \$1,000 and an estimated useful life in excess of one year. Such assets are recorded at historical cost or estimated

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

---

### NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

#### ***D. ASSETS, DEFERRED OUTFLOWS OF RESOURCES, LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND NET POSITION OR EQUITY (CONTINUED)***

##### **3. Capital Assets (continued)**

historical cost if purchased or constructed. Donated capital assets are recorded at acquisition value at the date of donation. The Town has not retroactively reported infrastructure assets acquired prior to the implementation of GASB Statement No. 34. The Town did not retroactively record their intangible assets with the implementation of GASB Statement No. 51, with the exception of computer software which was capitalized when purchased. The Town's capitalization threshold for intangible assets is \$25,000.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend asset lives are not capitalized. Major outlays for capital assets and improvements are capitalized as projects are constructed.

Capital assets of the Town are depreciated using the straight line method over the following estimated useful lives:

| Assets                            | Years |
|-----------------------------------|-------|
| Buildings                         | 25-50 |
| Improvements other than buildings | 5-10  |
| Furniture, fixtures and equipment | 5     |
| Utility system                    | 10-50 |

##### **4. Compensated Absences**

It is the Town's policy to permit employees to accumulate earned but unused vacation and sick pay benefits. Upon separation from service, employees are paid the value of their accumulated vacation, plus one half the value of unused sick leave up to 90 days. All vacation and sick leave pay are accrued when incurred in the government-wide and proprietary fund financial statements. A liability for these amounts is reported in governmental funds only if they have matured, for example, as a result of employee resignations or retirements. Compensated absences of governmental funds are typically liquidated from the general fund.

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

---

### NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

#### ***D. ASSETS, DEFERRED OUTFLOWS OF RESOURCES, LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND NET POSITION OR EQUITY (CONTINUED)***

##### **5. Long-Term Obligations**

In the government-wide financial statements, and the proprietary fund type financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund type statement of net position. Bond issue costs are expensed as incurred. Bond premiums and discounts are deferred and amortized over the life of the bonds using the straight-line amortization method. The results of using this method do not differ significantly from the effective interest method. Bonds payable are reported net of the applicable bond premium or discount.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as another financing source. Premiums received on debt issuances are reported as another financing source while discounts on debt issuances are reported as another financing use. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

##### **6. Deferred Outflows/Inflows of Resources**

In addition to assets, the statement of net position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then. The Town reports within its government-wide statement of net position as deferred outflows amounts contributed during fiscal year 2020 into the Town of Bay Harbor Islands Employees' Retirement System. The net pension asset associated with the Plan was measured as of September 30, 2019. The amounts paid during fiscal year 2020 to the Plan will be reflected within the Town's pension expense and related asset when the net pension asset is measured for the next fiscal year.

Also, within the government-wide statement of net position, the Town reports as deferred inflows or outflows, amounts representing the net difference between or differences between expected and actual results, changes in assumptions and projected and actual earnings of its pension plan and other post-employment benefits (OPEB). Differences between projected and actual earnings will be amortized over a five year closed period beginning in the year in which the

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

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### NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

#### ***D. ASSETS, DEFERRED OUTFLOWS OF RESOURCES, LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND NET POSITION OR EQUITY (CONTINUED)***

##### **6. Deferred Outflows/Inflows of Resources (continued)**

difference occurred and are presented as a net deferred inflow or outflow at the measurement date. All other amounts are presented as either a deferred inflow or outflow established at their respective measurement date when the difference occurred and is amortized over the remaining service lives of employees.

In addition to liabilities, the statement of net position and governmental funds balance sheet will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. The Town has several items that qualify for reporting in this category. The statement of net position includes deferred parking trust receipts, a deferred gain on refunding, and deferred inflows related to pensions described below. These amounts are deferred and recognized as an inflow of resources in the period that they are earned. Within the governmental funds balance sheet, the Town reports deferred inflows related to unavailable revenues that qualify for reporting in this category. The governmental funds report this item as a deferred inflow until the criteria for revenue recognition has been met.

##### **7. Fund Equity**

The Town reports the following classifications:

*Nonspendable fund balance.* Nonspendable fund balances are amounts that are (a) not in spendable form or (b) legally or contractually required to be maintained intact.

*Restricted fund balance.* Restricted fund balances are amounts that can be spent only for specific purposes stipulated by (a) external resource providers such as creditors (by debt covenants), grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

---

### NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

#### ***D. ASSETS, DEFERRED OUTFLOWS OF RESOURCES, LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND NET POSITION OR EQUITY (CONTINUED)***

##### **7. Fund Equity (continued)**

*Committed fund balance.* These amounts can only be used for the specific purposes determined by a formal action (Ordinance) of the Town Council, the Town's highest level of decision making authority. Commitments may be changed or lifted only by the Town Council taking the same formal action (Ordinance) that imposed the constraint originally. Resources accumulated pursuant to stabilization arrangements sometimes are reported in this category.

*Assigned fund balance.* Assigned fund balances are amounts that are constrained by the Town's intent to be used for specific purposes, but are neither restricted nor committed. Intent is established by the Town Manager to which the Town Council has delegated the authority to assign, modify or rescind amounts to be used for specific purposes. This balance includes (a) all remaining amounts that are reported in governmental funds (other than the General Fund) that are not classified as nonspendable, restricted, or committed, and (b) amounts in the General Fund that are intended to be used for a specific purpose as assigned by management. Specific amounts that are not restricted or committed in the Capital Projects Fund are assigned for the purposes in accordance with the nature of its fund type. Assignment within the General Fund conveys that the intended use of those amounts is for a specific purpose that is narrower than the general purposes of the fund itself.

*Unassigned fund balance.* This fund balance is the residual classification only for the General Fund. It is also used to report only negative fund balances in other governmental funds.

##### **8. Net Position**

Net position of the government-wide and proprietary funds is categorized as net investment in capital assets; restricted or unrestricted. Net investment in capital assets is that portion of net position that relates to the Town's capital assets reduced by accumulated depreciation and by any outstanding debt and deferred inflows or outflows, incurred to acquire, construct or improve those assets, excluding unexpended proceeds.

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

---

### NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

#### ***D. ASSETS, DEFERRED OUTFLOWS OF RESOURCES, LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND NET POSITION OR EQUITY (CONTINUED)***

##### **8. Net Position (continued)**

Restricted net position is that portion of net position that has been restricted for general use by external parties (creditors, grantors, contributors, or laws or regulations of other governments) or imposed by law through constitutional provisions or enabling legislation. Unrestricted net position consists of all net position that does not meet the definition of either of the other two components.

##### **9. Flow Assumptions**

###### ***Net Position Flow Assumption***

Sometimes the Town will fund outlays for a particular purpose from both restricted and unrestricted resources. In order to calculate the amounts to report as restricted net position and unrestricted net position in the government-wide financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the Town's policy to consider restricted net position to have been depleted before unrestricted net position is applied.

###### ***Fund Balance Flow Assumption***

Sometimes the Town will fund outlays for a particular purpose from both restricted and unrestricted resources (the total of committed, assigned and unassigned fund balance). In order to calculate the amounts to report as restricted, committed, assigned, and unassigned fund balance in the governmental fund financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the Town's policy to consider restricted fund balance to have been depleted before using any of the components of unrestricted fund balance. Further, when the components of unrestricted fund balance can be used for the same purpose, committed fund balance is depleted first, followed by assigned fund balance. Unassigned fund balance is applied last.

##### **10. Use of Estimates**

The preparation of financial statements in conformity with accounting principles generally accepted in the United States requires management to make estimates and assumptions that affect the reported amounts of assets/deferred outflows and liabilities/deferred inflows and disclosure of contingent assets and liabilities at the date of the financial statements. Estimates also affect the reported amounts of revenues and expenditures/expenses during the reporting period. Actual results could differ from those estimates.

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

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### NOTE 2 - EXPLANATION OF CERTAIN DIFFERENCES BETWEEN THE GOVERNMENTAL FUND BALANCE SHEET AND THE GOVERNMENT-WIDE STATEMENT OF NET POSITION

The governmental fund balance sheet includes a reconciliation between fund balance – total governmental funds and net position – governmental activities as reported in the government-wide statement of net position. One element of that reconciliation explains that long-term liabilities, including bonds payable, are not due and payable in the current period and therefore are not reported in the funds. The details of the \$6,907,150 difference are as follows:

|                          |                     |
|--------------------------|---------------------|
| Bonds payable            | \$ 5,874,000        |
| Premium on bonds payable | 101,769             |
| Compensated absences     | 768,441             |
| Total OPEB liability     | 162,940             |
|                          | <u>\$ 6,907,150</u> |

### NOTE 3 - DEPOSITS AND INVESTMENTS

#### **DEPOSITS**

In addition to insurance provided by the Federal Depository Insurance Corporation, all deposits are held in banking institutions approved by the State Treasurer of the State of Florida to hold public funds. Deposits include cash on hand. Under Florida Statutes Chapter 280, *Florida Security for Public Deposits Act*, the State Treasurer requires all Florida qualified public depositories to deposit with the Treasurer or another banking institution eligible collateral. In the event of a failure of a qualified public depository, the remaining public depositories would be responsible for covering any resulting losses. Accordingly, all amounts reported as deposits are insured or collateralized.

#### **INVESTMENTS**

The Town's investment policy follows the requirements of Florida Statutes Chapter 218.415, and attempts to promote, in order of priority, safety of principal, adequate liquidity, and maximization of total return. The Town's investment policy authorizes investments in obligations of the U.S. Treasury, U.S. Government Agency securities, including FNMA, FHLMC, and GNMA, and securities guaranteed by these Agency issues, certificates of deposit, savings certificates, time deposits, banker's acceptances, repurchase agreements of domestic commercial banks and savings and loan associations fully collateralized with U.S. Government or Agency securities, commercial paper rated A1/P1 or the equivalent by a major rating service, money market funds exclusively comprised of the above securities, the State of Florida Local Government Surplus Funds Trust Fund, the FMIvT, and corporate bonds rated A or better. The investment policy defined in the

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

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### NOTE 3 - DEPOSITS AND INVESTMENTS (CONTINUED)

#### *INVESTMENTS (CONTINUED)*

statutes attempts to promote, through state assistance, the maximization of net interest earnings on invested surplus funds of local units of governments while limiting the risk to which the funds are exposed. The Town maintains a separate investment policy for its pension plan.

For the Town's pension plan, a Master Custodian Agreement is maintained whereby the investment securities are held in the Plan's name by a financial institution acting as the Plan's agent except for its shares in domestic equity index funds and a core real estate fund.

#### *FAIR VALUE HIERARCHY*

Fair value is defined as the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. The Town and the Town's pension plan categorizes their fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The fair value hierarchy categorizes the inputs to valuation techniques used to measure fair value into three levels based on the extent to which inputs used in measuring fair value are observable in the market.

Level 1 - Investments' fair values based on prices quoted in active markets for identical assets.

Level 2 - Investments' fair values based on observable inputs for the assets either directly or indirectly, other than those considered Level 1 inputs, which may include quoted prices for identical assets in markets that are not considered to be active, and quoted prices of similar assets in active or inactive markets.

Level 3 - Investments' fair values based upon unobservable inputs.



# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

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### NOTE 3 - DEPOSITS AND INVESTMENTS (CONTINUED)

#### *INVESTMENTS – TOWN*

The Town's investment policy limits the maturity of fixed-income holdings to ten years. As of September 30, 2020, the Town had the following investments and its corresponding maturities in its portfolio:

| Investments              | Investment Maturities (In Years) |                   |                     |                     |
|--------------------------|----------------------------------|-------------------|---------------------|---------------------|
|                          | Fair Value                       | Less than 1       | 1-5                 | 6-10                |
| U.S. treasuries          | \$ 3,799,699                     | \$ --             | \$ 2,233,653        | \$ 1,566,046        |
| Local government bonds   | 327,918                          | --                | 229,874             | 98,044              |
| Corporate bonds          | 2,920,249                        | 247,909           | 1,852,128           | 820,212             |
| <b>Total Investments</b> | <b>\$ 7,047,866</b>              | <b>\$ 247,909</b> | <b>\$ 4,315,655</b> | <b>\$ 2,484,302</b> |

#### *Interest Rate Risk*

Interest rate risk refers to the portfolio's exposure to fair value losses arising from increasing interest rates. The Town's investment policy limits investment maturities to ten years in order to control its exposure to market value losses arising from increasing interest rates.

#### *Credit Risk*

State law and the Town's investment policy limits investments in bonds, U.S. treasuries and agency obligations, or other evidences of indebtedness to the top ratings issued by nationally recognized statistical rating organizations of the United States. The Town's corporate bonds and agency bonds were all rated "A" or better under Standard & Poor's ratings and "A" or better under Moody's ratings.

#### *Concentration of Credit Risk*

The Town's investment policy does not stipulate any limit on the percentage that can be invested in any one issuing company. As of September 30, 2020, the value of each position held in the Town's portfolio comprised less than 5% of the Town's investment assets.

#### *Fair Value Hierarchy*

The Town has the following recurring fair value measurements as of September 30, 2020:

- U.S. Treasury securities of \$3,799,699 are valued using quoted market prices (Level 1 inputs).
- Corporate Bonds and Local Government Bonds of \$3,248,167 are valued using a matrix pricing model (evaluated bid price) (Level 2 inputs).

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

### NOTE 3 - DEPOSITS AND INVESTMENTS (CONTINUED)

#### *INVESTMENTS – PENSION PLAN*

The Plan's investment practices are governed by the Florida Statutes and the Plan's adopted investment policy. Florida Statutes and Plan policy authorize the Board of Trustees to invest in domestic stocks, domestic bonds, international stock and tactical assets allocation equities. In addition to complying with Plan policy, the Plan applies the "Prudent Man Rule" when executing investment strategies. Investments are made with judgment and care, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income derived.

To diversify Plan assets so as to minimize the risk associated with dependence on the success on one enterprise, the Board of Trustees has decided to employ a multi-manager team approach to investing Plan assets. Asset managers are employed to utilize individual expertise within their assigned area of responsibility. Each manager is governed by individual investment guidelines. The Plan's investment consultant oversees the investment managers and the entire portfolio.

The Plan's asset management structure established by the policy is as follows:

| Type                                    | Available<br>Range % | Target |
|-----------------------------------------|----------------------|--------|
| Domestic equity                         | 30%-50%              | 40%    |
| Domestic bonds (fixed income)           | 25%-60%              | 35%    |
| International equity                    | 0%-20%               | 15%    |
| Real estate                             | 0%-15.5%             | 10%    |
| Emerging markets (international equity) | 0%-7.5%              | 5%     |

As of September 30, 2020, the Plan had the following debt securities and its corresponding maturities in its portfolio:

| Investments                 | Investment Maturities (In Years) |                   |                     |                     |                   |
|-----------------------------|----------------------------------|-------------------|---------------------|---------------------|-------------------|
|                             | Fair<br>Value                    | Less<br>Than 1    | 1-5                 | 6-10                | Over 10           |
| U.S. treasuries             | \$ 925,116                       | \$ --             | \$ --               | \$ 925,116          | \$ --             |
| U.S. government obligations | 2,174,562                        | 939,861           | 1,084,483           | 108,325             | 41,893            |
| Corporate bonds             | 4,871,312                        | --                | --                  | 4,533,843           | 337,469           |
|                             | <u>\$ 7,970,990</u>              | <u>\$ 939,861</u> | <u>\$ 1,084,483</u> | <u>\$ 5,567,284</u> | <u>\$ 379,362</u> |

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

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### NOTE 3 - DEPOSITS AND INVESTMENTS (CONTINUED)

#### *INVESTMENTS – PENSION PLAN (CONTINUED)*

##### ***Rate of Return***

For the fiscal year ended September 30, 2020, the annual money-weighted rate of return on pension plan investments, net of pension plan investment expense, was 6.59%. The money-weighted rate of return expresses investment performance, net of investment manager and consultant expenses adjusted for the changing amounts actually invested. Inputs to the internal rate of return calculation are determined on a monthly basis.

##### ***Interest Rate Risk***

Interest rate risk refers to the portfolio's exposure to fair value losses arising from increasing interest rates. The Plan does not have a formal investment policy that limits investment maturities as a means of managing its exposure to market value losses arising from increasing interest rates.

##### ***Credit Risk***

State law and the Plan's investment policy limits investments in bonds, stocks, or other evidences of indebtedness to the top ratings issued by nationally recognized statistical rating organizations of the United States. The Plan's investment policy limits fixed income investments to a rating no lower than Baa/BBB or equivalent.

The Plan's corporate bonds and agency bonds were all rated "A" or better under Standard & Poor's ratings and at least "A" under Moody's ratings.

##### ***Concentration of Credit Risk***

The Plan's investment policy prohibits fixed income concentrations greater than 5% in any one issuer with the exception of U.S. government or agency issues. As of September 30, 2020, the value of each position held in the Plan's portfolio comprised less than 5% of fiduciary net position.

##### ***Fair Value Hierarchy***

The following is a description of the fair value techniques for the Town's pension plan investments.

The Plan holds money market funds, which are reported at amortized cost.

Equity securities classified in Level 1 of the fair value hierarchy are valued using prices quoted in active markets for those securities. This includes common stock, American depository receipts (ADR), and exchange traded funds (ETF).

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

### NOTE 3 - DEPOSITS AND INVESTMENTS (CONTINUED)

#### INVESTMENTS – PENSION PLAN (CONTINUED)

##### *Fair Value Hierarchy (continued)*

Debt securities are valued using quoted market prices (Level 1) or using pricing inputs that reflect the assumptions market participants would use to price an asset or liability and are developed based on market data obtained from sources independent of the reporting entity (Level 2).

The following is a summary of the fair value hierarchy of the fair value of investments as of September 30, 2020:

|                                                      | Fair Value Measurements Using |                                                                               |                                                           |
|------------------------------------------------------|-------------------------------|-------------------------------------------------------------------------------|-----------------------------------------------------------|
|                                                      |                               | Quoted Prices<br>in Active<br>Markets for<br>Identical<br>Assets<br>(Level 1) | Significant<br>Other<br>Observable<br>Inputs<br>(Level 2) |
|                                                      | 9/30/2020                     |                                                                               |                                                           |
| <b>Investments by Fair Value Level</b>               |                               |                                                                               |                                                           |
| Debt securities                                      |                               |                                                                               |                                                           |
| U.S. treasuries                                      | \$ 925,116                    | \$ 925,116                                                                    | \$ --                                                     |
| U.S. government obligations and<br>corporate bonds   | 7,045,874                     | --                                                                            | 7,045,874                                                 |
| <b>Total Debt Securities</b>                         | 7,970,990                     | 925,116                                                                       | 7,045,874                                                 |
| <b>Equity Securities</b>                             |                               |                                                                               |                                                           |
| Common stock, ADR's, and ETF's                       | 2,047,312                     | 2,047,312                                                                     | --                                                        |
| <b>Total Equity Securities</b>                       | 2,047,312                     | 2,047,312                                                                     | --                                                        |
| <b>Total Investments at Fair Value</b>               | 10,018,302                    | \$ 2,972,428                                                                  | \$ 7,045,874                                              |
| <b>Investments Measured at Net Asset Value (NAV)</b> |                               |                                                                               |                                                           |
| Commingled trust fund                                | 9,681,415                     |                                                                               |                                                           |
| Core real estate fund                                | 2,140,033                     |                                                                               |                                                           |
| Total investments measured at NAV                    | 11,821,448                    |                                                                               |                                                           |
| Money market funds (exempt)                          | 353,585                       |                                                                               |                                                           |
| Total investments                                    | \$ 22,193,335                 |                                                                               |                                                           |

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

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### NOTE 3 - DEPOSITS AND INVESTMENTS (CONTINUED)

#### *INVESTMENTS – PENSION PLAN (CONTINUED)*

##### *Fair Value Hierarchy (continued)*

The following table summarizes investments for which fair value is measured using the net asset value per share practical expedient, including their related unfunded commitments and redemption restrictions as of September 30, 2020:

| Investments Measured at NAV              | Fair Value           | Unfunded Commitments | Redemption Frequency (if Currently Eligible) | Redemption Notice Period |
|------------------------------------------|----------------------|----------------------|----------------------------------------------|--------------------------|
| Core real estate fund <sup>(1)</sup>     | \$ 2,140,033         | \$ --                | Quarterly                                    | N/A                      |
| Commingled trust fund <sup>(2)</sup>     | <u>9,681,415</u>     | --                   | Daily                                        | N/A                      |
| <b>Total Investments Measured at NAV</b> | <u>\$ 11,821,448</u> |                      |                                              |                          |

- (1) *Core real estate fund.* This fund is an open-end core real estate fund with a diversified portfolio of income producing institutional properties throughout the U.S.
- (2) *Commingled trust fund.* This fund's investment objectives are to match the return of the S&P 500, S&P Small-Cap 600, and Russell 1000 Stock Index through investments in substantially all of the stocks contained in those indexes. This investment also seeks long-term growth of capital by investing primarily in common stocks of issuers whose market capitalizations fall within the range of companies within the S&P MidCap 400 Index.

##### *Risks and Uncertainties*

The Town and the Plan invest in various investment securities. Investment securities are exposed to various risks such as interest rate, market, and credit risks. Due to the level of risk associated with certain investment securities, it is at least reasonably possible that changes in the values of investment securities will occur in the near term and that such changes could materially affect the amounts reported in the financial statements. The Town and the Plan, through its investment advisor, monitor the investments and the risks associated therewith on a regular basis which the Town and the Plan believes minimizes these risks.

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

### NOTE 4 - RECEIVABLES

Receivables as of September 30, 2020 for the Town's individual major funds and fiduciary funds including the allowances for uncollectible accounts, are as follows:

|                                      | General           | Causeway         | Water             | Parking           | Pension<br>Trust<br>Fund | Total               |
|--------------------------------------|-------------------|------------------|-------------------|-------------------|--------------------------|---------------------|
| Customers billed                     | \$ --             | \$ --            | \$ 810,790        | \$ --             | \$ --                    | \$ 810,790          |
| Property taxes                       | 32,999            | --               | --                | --                | --                       | 32,999              |
| Franchise fees                       | 76,054            | --               | --                | --                | --                       | 76,054              |
| Utility taxes                        | 55,265            | --               | --                | --                | --                       | 55,265              |
| Rental income                        | --                | 19,576           | --                | --                | --                       | 19,576              |
| Interest and dividends               | 15,539            | 8,610            | 9,053             | 19,066            | 39,157                   | 91,425              |
| Parking trust receipts               | --                | --               | --                | 191,413           | --                       | 191,413             |
| Due from broker                      | --                | --               | --                | --                | 102,564                  | 102,564             |
| Due from Town                        | --                | --               | --                | --                | 51,361                   | 51,361              |
| Other                                | 52,085            | --               | --                | --                | --                       | 52,085              |
| Gross receivables                    | 231,942           | 28,186           | 819,843           | 210,479           | 193,082                  | 1,483,532           |
| Less allowance<br>for uncollectibles | --                | --               | (215,005)         | --                | --                       | (215,005)           |
| <b>Net Total Receivables</b>         | <b>\$ 231,942</b> | <b>\$ 28,186</b> | <b>\$ 604,838</b> | <b>\$ 210,479</b> | <b>\$ 193,082</b>        | <b>\$ 1,268,527</b> |

### NOTE 5 - PROPERTY TAXES

Property values are assessed on a county-wide basis by the Miami-Dade County Property Appraiser as of January 1, the lien date, of each year and are due the following November 1. Taxable value of property within the Town is certified by the Property Appraiser and the Town levies a tax millage rate upon the taxable value, which will provide revenue required for the fiscal year beginning October 1.

Property taxes levied each November 1, by the Town and all other taxing authorities within the County, are centrally billed and collected by Miami-Dade County, with remittances to the Town of their proportionate share of collected taxes. Taxes for the fiscal year beginning October 1 are billed in the month of November, subject to a 1% per month discount for the period November through February, and are due no later than March 31. On April 1, unpaid amounts become delinquent with interest and penalties added thereafter. Beginning June 1, tax certificates representing delinquent taxes with interest and penalties are sold by Miami-Dade County, with remittance to the Town for its share of those receipts. At September 30, 2020, there were no material delinquent taxes.

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

### NOTE 6 - INTERFUND RECEIVABLES, PAYABLES, AND TRANSFERS

The composition of interfund balances as of September 30, 2020 is as follows:

#### ***DUE FROM/TO OTHER FUNDS***

| Receivable Fund         | Payable Fund        |                     |                   |                     |                   |                   |                               |                     |
|-------------------------|---------------------|---------------------|-------------------|---------------------|-------------------|-------------------|-------------------------------|---------------------|
|                         | Capital<br>Projects | Causeway            | Sewer             | Water               | Parking           | Solid<br>Waste    | Nonmajor<br>Business-<br>type | Total               |
| General                 | \$ --               | \$ 2,179,091        | \$ 572,446        | \$ 320,208          | \$ 281,652        | \$ 125,811        | \$ 453,689                    | \$ 3,932,897        |
| Capital Projects        | --                  | --                  | 88,992            | --                  | --                | --                | --                            | 88,992              |
| Causeway                | --                  | --                  | 52,768            | --                  | 3,290             | --                | --                            | 56,058              |
| Sewer                   | --                  | --                  | --                | 728,954             | --                | --                | --                            | 728,954             |
| Water                   | 27,542              | 105,803             | --                | --                  | --                | --                | --                            | 133,345             |
| Parking                 | --                  | --                  | --                | --                  | --                | 54                | --                            | 54                  |
| Solid waste             | --                  | --                  | 383               | 743,444             | --                | --                | --                            | 743,827             |
| Nonmajor:<br>Stormwater | --                  | --                  | --                | 947,149             | --                | --                | --                            | 947,149             |
|                         | <u>\$ 27,542</u>    | <u>\$ 2,284,894</u> | <u>\$ 714,589</u> | <u>\$ 2,739,755</u> | <u>\$ 284,942</u> | <u>\$ 125,865</u> | <u>\$ 453,689</u>             | <u>\$ 6,631,276</u> |

The outstanding balances between funds result mainly from the time lag between the dates that (1) interfund goods and services are provided or reimbursable expenditures/expenses occur, (2) transactions are recorded in the accounting system, and (3) payments between funds are made.

#### ***INTERFUND TRANSFERS***

|                            | <u><b>Transfers In</b></u><br>General<br>Fund |
|----------------------------|-----------------------------------------------|
| <b>Transfers Out</b>       |                                               |
| Causeway Fund              | \$ 1,200,000                                  |
| Water Fund                 | 200,000                                       |
| Sewer Fund                 | 480,842                                       |
| <b>Total Transfers Out</b> | <u><u>\$ 1,880,842</u></u>                    |

Transfers are used to move Causeway Fund revenues to the General Fund to pay for expenses related to police officers providing security for the causeway. Other transfers are used to fund debt service.

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

### NOTE 7 - CAPITAL ASSETS

Capital asset activity for the fiscal year ended September 30, 2020 was as follows:

|                                                     | Beginning<br>Balance | Increases           | Decreases    | Ending<br>Balance    |
|-----------------------------------------------------|----------------------|---------------------|--------------|----------------------|
| <b>Governmental activities</b>                      |                      |                     |              |                      |
| Capital assets, not being depreciated:              |                      |                     |              |                      |
| Land                                                | \$ 3,806,254         | \$ --               | \$ --        | \$ 3,806,254         |
| Construction in progress                            | 49,898               | 9,675               | --           | 59,573               |
| <b>Total capital assets, not being depreciated</b>  | <b>3,856,152</b>     | <b>9,675</b>        | <b>--</b>    | <b>3,865,827</b>     |
| <b>Capital assets, being depreciated</b>            |                      |                     |              |                      |
| Buildings                                           | 4,520,408            | --                  | --           | 4,520,408            |
| Improvements other than buildings                   | 21,577,301           | 241,372             | --           | 21,818,673           |
| Furniture, fixtures and equipment                   | 2,379,684            | 77,848              | --           | 2,457,532            |
| <b>Total capital assets, being depreciated</b>      | <b>28,477,393</b>    | <b>319,220</b>      | <b>--</b>    | <b>28,796,613</b>    |
| <b>Less accumulated depreciation for:</b>           |                      |                     |              |                      |
| Buildings                                           | (2,110,998)          | (145,064)           | --           | (2,256,062)          |
| Improvements other than buildings                   | (6,600,478)          | (668,783)           | --           | (7,269,261)          |
| Furniture, fixtures and equipment                   | (1,866,861)          | (132,614)           | --           | (1,999,475)          |
| Total accumulated depreciation                      | (10,578,337)         | (946,461)           | --           | (11,524,798)         |
| Total capital assets, being depreciated, net        | 17,899,056           | (627,241)           | --           | 17,271,815           |
| <b>Governmental activities capital assets, net</b>  | <b>\$ 21,755,208</b> | <b>\$ (617,566)</b> | <b>\$ --</b> | <b>\$ 21,137,642</b> |
| <b>Business-type activities</b>                     |                      |                     |              |                      |
| Capital assets, not being depreciated:              |                      |                     |              |                      |
| Land                                                | \$ 671,273           | \$ --               | \$ --        | \$ 671,273           |
| Construction in progress                            | 176,148              | 1,297,056           | --           | 1,473,204            |
| <b>Total capital assets, not being depreciated</b>  | <b>847,421</b>       | <b>1,297,056</b>    | <b>--</b>    | <b>2,144,477</b>     |
| <b>Capital assets, being depreciated</b>            |                      |                     |              |                      |
| Causeway system                                     | 2,549,328            | --                  | --           | 2,549,328            |
| Toll collection system                              | 1,935,924            | --                  | --           | 1,935,924            |
| Sewer system                                        | 6,129,733            | 15,331              | --           | 6,145,064            |
| Water system                                        | 2,589,205            | --                  | --           | 2,589,205            |
| Parking garage                                      | 10,141,279           | 57,373              | --           | 10,198,652           |
| Improvements other than buildings                   | 37,716,285           | 56,254              | --           | 37,772,539           |
| Equipment                                           | 1,804,116            | 37,454              | --           | 1,841,570            |
| <b>Total capital assets, being depreciated</b>      | <b>62,865,870</b>    | <b>166,412</b>      | <b>--</b>    | <b>63,032,282</b>    |
| <b>Less accumulated depreciation for:</b>           |                      |                     |              |                      |
| Causeway system                                     | (2,549,328)          | --                  | --           | (2,549,328)          |
| Toll collection system                              | (967,961)            | (193,593)           | --           | (1,161,554)          |
| Sewer system                                        | (2,875,338)          | (154,069)           | --           | (3,029,407)          |
| Water system                                        | (1,531,894)          | (33,897)            | --           | (1,565,791)          |
| Parking garage                                      | (2,022,789)          | (203,973)           | --           | (2,226,762)          |
| Improvements other than buildings                   | (13,050,191)         | (1,428,516)         | --           | (14,478,707)         |
| Equipment                                           | (1,204,065)          | (181,498)           | --           | (1,385,563)          |
| Total accumulated depreciation                      | (24,201,566)         | (2,195,546)         | --           | (26,397,112)         |
| Total capital assets, being depreciated, net        | 38,664,304           | (2,029,134)         | --           | 36,635,170           |
| <b>Business-type activities capital assets, net</b> | <b>\$ 39,511,725</b> | <b>\$ (732,078)</b> | <b>\$ --</b> | <b>\$ 38,779,647</b> |



# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

### NOTE 7 - CAPITAL ASSETS (CONTINUED)

Depreciation expense was charged as functions/programs as follows:

#### Governmental activities

|                                                             |                   |
|-------------------------------------------------------------|-------------------|
| General government                                          | \$ 82,804         |
| Public safety                                               | 97,486            |
| Transportation                                              | 508,127           |
| Culture and recreation                                      | 258,044           |
| <b>Total depreciation expense - governmental activities</b> | <b>\$ 946,461</b> |

#### Business-type activities

|                                                              |                     |
|--------------------------------------------------------------|---------------------|
| Causeway                                                     | \$ 1,652,799        |
| Sewer                                                        | 175,955             |
| Water                                                        | 68,912              |
| Parking                                                      | 267,590             |
| Solid Waste                                                  | 1,438               |
| Stormwater                                                   | 28,852              |
| <b>Total depreciation expense - business-type activities</b> | <b>\$ 2,195,546</b> |

### NOTE 8 - LONG-TERM DEBT

The following is a summary of changes in long-term liabilities of the Town for governmental activities for the fiscal year ended September 30, 2020:

|                                                          | Beginning<br>Balance | Additions         | Reductions          | Ending<br>Balance   | Due Within<br>One Year |
|----------------------------------------------------------|----------------------|-------------------|---------------------|---------------------|------------------------|
| <b>Governmental activities</b>                           |                      |                   |                     |                     |                        |
| Bonds payable:                                           |                      |                   |                     |                     |                        |
| Refunding Note, Series 2012<br>(Direct Borrowing)        | \$ 3,130,000         | \$ --             | \$ (321,000)        | \$ 2,809,000        | \$ 328,000             |
| Revenue bonds, Series 2016                               | 3,075,000            | --                | (10,000)            | 3,065,000           | 10,000                 |
| Add deferred amounts:                                    |                      |                   |                     |                     |                        |
| Issuance premium                                         | 109,597              | --                | (7,828)             | 101,769             | --                     |
| <b>Total bonds payable</b>                               | <b>6,314,597</b>     | <b>--</b>         | <b>(338,828)</b>    | <b>5,975,769</b>    | <b>338,000</b>         |
| Compensated absences                                     | 627,471              | 285,105           | (144,135)           | 768,441             | 76,844                 |
| <b>Governmental activities<br/>long-term liabilities</b> | <b>\$ 6,942,068</b>  | <b>\$ 285,105</b> | <b>\$ (482,963)</b> | <b>\$ 6,744,210</b> | <b>\$ 414,844</b>      |

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

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### NOTE 8 - LONG-TERM DEBT (CONTINUED)

All long-term obligations/liabilities, including pension and OPEB liabilities, of governmental activities are typically liquidated through the General Fund.

#### ***REFUNDING AND IMPROVEMENT REVENUE BONDS – SERIES 2016***

On September 29, 2016 the Town issued bonds in the amount of \$3,085,000 to advance refund the Series 2003B bonds. The bonds, including the payment of interest are secured by a pledge by the Town to budget and appropriate an amount from non-ad valorem revenues. As of September 30, 2020, the deferred gain on refunding balance is \$57,628. The total principal and interest remaining on the bonds is \$4,339,300. The note bears interest at a variable rate between 2% to 5%, with annual principal payments and semi-annual interest payments due through October 1, 2034.

Debt service requirements to maturity are as follows:

|                                  | Principal           | Interest            | Total               |
|----------------------------------|---------------------|---------------------|---------------------|
| Fiscal year ending September 30: |                     |                     |                     |
| 2021                             | \$ 10,000           | \$ 109,900          | \$ 119,900          |
| 2022                             | 10,000              | 109,600             | 119,600             |
| 2023                             | 10,000              | 109,250             | 119,250             |
| 2024                             | 10,000              | 108,950             | 118,950             |
| 2025                             | 10,000              | 108,750             | 118,750             |
| 2026-2030                        | 490,000             | 529,125             | 1,019,125           |
| 2031-2035                        | 2,525,000           | 198,725             | 2,723,725           |
| <b>Total</b>                     | <b>\$ 3,065,000</b> | <b>\$ 1,274,300</b> | <b>\$ 4,339,300</b> |

#### ***REFUNDING NOTE – SERIES 2012***

On December 3, 2012, the Town borrowed \$4,709,000 [Promissory Refunding Note, Series 2012 (Sales Tax)] from a financial institution as a direct borrowing and used the proceeds to refund a portion (\$4,445,000) of its Revenue Bonds, Series 2003B. There was no deferred amount on refunding. The note, including the payment of interest is secured by a pledge of the Town's half-cent sales tax, franchise fees, and utility taxes. The total principal and interest remaining on the note is \$3,050,113. For the current year, pledged revenues were \$1,308,886 and debt service on the note was \$383,063. The note bears interest at 2.09%, with annual principal payments and semi-annual interest payments due through December 1, 2027.

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

### NOTE 8 - LONG-TERM DEBT (CONTINUED)

#### *REFUNDING NOTE – SERIES 2012 (CONTINUED)*

Debt service requirements to maturity for this direct borrowing are as follows:

|                                  | Principal           | Interest          | Total               |
|----------------------------------|---------------------|-------------------|---------------------|
| Fiscal year ending September 30: |                     |                   |                     |
| 2021                             | \$ 328,000          | \$ 55,281         | \$ 383,281          |
| 2022                             | 334,000             | 48,363            | 382,363             |
| 2023                             | 339,000             | 41,330            | 380,330             |
| 2024                             | 345,000             | 34,182            | 379,182             |
| 2025                             | 354,000             | 26,877            | 380,877             |
| 2026-2028                        | 1,109,000           | 35,081            | 1,144,081           |
| <b>Total</b>                     | <b>\$ 2,809,000</b> | <b>\$ 241,113</b> | <b>\$ 3,050,113</b> |

The following is a summary of changes in long-term liabilities of the Town for business-type activities for the fiscal year ended September 30, 2020:

|                                                                      | Beginning<br>Balance | Additions        | Reductions            | Ending<br>Balance    | Due Within<br>One Year |
|----------------------------------------------------------------------|----------------------|------------------|-----------------------|----------------------|------------------------|
| <b>Business-type activities</b>                                      |                      |                  |                       |                      |                        |
| Notes and loan payable:                                              |                      |                  |                       |                      |                        |
| Broad Causeway Promissory<br>Note, Series 2012 (Direct<br>Borrowing) | \$ 8,921,000         | \$ --            | \$ (895,000)          | \$ 8,026,000         | \$ --                  |
| State Revolving Fund Loan                                            | 145,024              | --               | (71,406)              | 73,618               | 73,618                 |
| Parking Refunding Note,<br>Series 2012 (Direct<br>Borrowing)         | 3,157,000            | --               | (357,000)             | 2,800,000            | --                     |
| <b>Total notes and loan payable</b>                                  | <b>12,223,024</b>    | <b>--</b>        | <b>(1,323,406)</b>    | <b>10,899,618</b>    | <b>73,618</b>          |
| Compensated absences                                                 | 209,179              | 94,378           | (49,184)              | 254,373              | 25,437                 |
| <b>Business-type activities<br/>long-term liabilities</b>            | <b>\$ 12,432,203</b> | <b>\$ 94,378</b> | <b>\$ (1,372,590)</b> | <b>\$ 11,153,991</b> | <b>\$ 99,055</b>       |

#### **BROAD CAUSEWAY PROMISSORY NOTE, SERIES 2012**

On November 14, 2012, the Town issued the Broad Causeway Promissory Note, Series 2012, as a direct borrowing, in the amount of \$14,642,000 in order to secure funding for a comprehensive rehabilitation of the causeway corridor and bridges to be completed over the next several years, and in order to refund the prior Broad Causeway Revenue Notes Series 2003A and 2003B.

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

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### NOTE 8 - LONG-TERM DEBT (CONTINUED)

#### *BROAD CAUSEWAY PROMISSORY NOTE, SERIES 2012 (CONTINUED)*

The note, including the payment of interest is secured by the gross revenues from the operation of the Causeway and a pledge by the Town to budget and appropriate an amount from non-ad valorem revenues if needed. The total principal and interest remaining on the note is \$8,966,326. For the current year, pledged revenues were \$8,252,032 and debt service on the note was \$1,120,700. The note bears interest at 2.53%, with annual principal payments and semi-annual interest payments due through December 1, 2028.

Debt service requirements to maturity for this direct borrowing are as follows:

|                                  | Principal           | Interest          | Total               |
|----------------------------------|---------------------|-------------------|---------------------|
| Fiscal year ending September 30: |                     |                   |                     |
| 2021                             | \$ --               | \$ 101,529        | \$ 101,529          |
| 2022                             | 918,000             | 191,445           | 1,109,445           |
| 2023                             | 941,000             | 167,929           | 1,108,929           |
| 2024                             | 965,000             | 143,818           | 1,108,818           |
| 2025                             | 989,000             | 119,100           | 1,108,100           |
| 2026-2029                        | 4,213,000           | 216,505           | 4,429,505           |
| <b>Total</b>                     | <b>\$ 8,026,000</b> | <b>\$ 940,326</b> | <b>\$ 8,966,326</b> |

#### *STATE REVOLVING FUND LOAN*

In April 1998, the Town entered into a revolving loan agreement with the State of Florida Department of Environmental Protection. Through September 30, 2020, the Town has borrowed \$1,121,814 under the agreement to finance the planning and design of a sewer rehabilitation and replacement project. Debt service payments pursuant to the agreement are collateralized by net revenues of the sewer system. The total principal and interest remaining on the note is \$75,320. For the current year, pledged revenues were \$917,827 and debt service on the note was \$75,320. The combined interest and grant allocation rate (interest) ranges from 3.07% to 3.08%, depending upon the date the funds were approved. Principal and interest payments of \$37,660 are due semi-annually for a period of 20 years. The semi-annual payment is calculated based upon the full amount of principal approved, which is \$1,155,900. Utilization of any additional revolving loan funding beyond the presently approved amount will be at the then current interest and grant allocation rate as determined by the Department of Environmental Protection.

|                                  | Principal | Interest | Total     |
|----------------------------------|-----------|----------|-----------|
| Fiscal year ending September 30: |           |          |           |
| 2021                             | \$ 73,618 | \$ 1,702 | \$ 75,320 |

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

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### NOTE 8 - LONG-TERM DEBT (CONTINUED)

#### ***PARKING PROMISSORY REFUNDING NOTE, SERIES 2012***

On November 14, 2012, the Town issued the Parking Promissory Refunding Note, Series 2012, as a direct borrowing, in the amount of \$4,923,000 in order to refinance the Series 2008 note. The note, including the payment of interest is secured by a pledge by the Town to budget and appropriate an amount from non-ad valorem revenues if needed. The total principal and interest remaining on the note is \$3,050,635. The note bears interest at 2.17%, with annual principal payments and semi-annual interest payments due through December 1, 2027.

Debt service requirements to maturity for this direct borrowing are as follows:

|                                  | <u>Principal</u>    | <u>Interest</u>   | <u>Total</u>        |
|----------------------------------|---------------------|-------------------|---------------------|
| Fiscal year ending September 30: |                     |                   |                     |
| 2021                             | \$ --               | \$ 30,380         | \$ 30,380           |
| 2022                             | 358,000             | 56,876            | 414,876             |
| 2023                             | 369,000             | 48,988            | 417,988             |
| 2024                             | 397,000             | 40,677            | 437,677             |
| 2025                             | 406,000             | 31,964            | 437,964             |
| 2026-2028                        | 1,270,000           | 41,751            | 1,311,751           |
| <b>Total</b>                     | <u>\$ 2,800,000</u> | <u>\$ 250,635</u> | <u>\$ 3,050,635</u> |

The Town's failure to pay the principal or interest on any debt obligation listed above when due or failure to observe and perform any covenant, condition, agreement or provision in any indenture applicable to the Town's various debt obligations, constitutes an event of default for the Town. In the event of a default, lenders may declare all principal and interest to be due immediately. The lender may also seek enforcement of and exercise all remedies available to collect the obligation due under any applicable law.

### NOTE 9 - COMMITMENTS AND CONTINGENCIES

#### ***LITIGATION***

At times during the year, the Town was involved in lawsuits or other legal matters incidental to its operations, the outcome of which, in the opinion of management and legal counsel, would not have a material adverse effect on the financial condition of the Town.

# **TOWN OF BAY HARBOR ISLANDS, FLORIDA**

## **NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020**

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### **NOTE 9 - COMMITMENTS AND CONTINGENCIES (CONTINUED)**

#### ***RISK MANAGEMENT***

The Town is exposed to various risks of loss related to torts, theft of, damage to and destruction of assets, errors and omissions, workers compensation, and natural disasters for which the Town carries commercial insurance. There was no reduction in insurance coverage from coverages in the prior year and there were no settlements that exceeded insurance coverage for each of the past three years.

### **NOTE 10 - DEFINED BENEFIT PENSION PLAN**

#### ***PLAN DESCRIPTION***

The Town has a single-employer defined benefit pension plan covering all full time general employees and police officers with one year of service. The Plan issues a publicly available financial report that includes financial statements and required supplementary information. The Plan's fiduciary net position has been determined on the same basis that is used by the Plan. This report may be obtained by contacting the Town's Finance Director or visiting the Town's website.

The Town of Bay Harbor Islands Employees' Retirement System was established by the Town's Ordinance 226 effective January 12, 1970. The Plan is considered part of the Town's financial reporting entity and is included in the Town's financial statements as a pension trust fund. All full-time general employees and police officers with one year of service are eligible. The latest actuarial valuation is as of October 1, 2019 (beginning of year valuation date). Benefit and contribution provisions are established by Chapter 16 of the Town Code and may be amended only by the Board of Trustees, subject to approval of the Town Council. Administrative costs of the Plan are funded through investment earnings.

The Plan is administered by a Board of Trustees comprised of:

- The Town Manager (a permanent member of the Board by Ordinance)
- Two members of the Town Council elected by the Town Council
- A police officer elected by his/her fellow officers
- A general employee elected by his/her fellow general employees

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

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### NOTE 10 - DEFINED BENEFIT PENSION PLAN (CONTINUED)

#### *PLAN DESCRIPTION*

Membership in the Plan as of October 1, 2019, was as follows:

|                                                                      |                   |
|----------------------------------------------------------------------|-------------------|
| Inactive plan members and beneficiaries currently receiving benefits | 35                |
| Inactive plan members entitled but not yet receiving benefits        | 4                 |
| Active plan members                                                  | <u>61</u>         |
| <b>Total Members</b>                                                 | <u><b>100</b></u> |

Employees become fully vested after 5 years of credited service.

#### *PENSION BENEFITS*

Normal retirement is as follows:

- General employees who retire at the earlier of age 52 with twenty years of credited service, age 55 with ten years of credited service or at age 65 regardless of time of service.
- Police officers who retire at the earlier of age 50 with twenty years of credited service, age 55 with ten years of credited service or at age 65 regardless of time of service.

Under special circumstances, the Plan also provides for delayed retirement benefits and disability retirement benefits. A member may elect to receive in a lump sum at retirement an amount which is the actuarial equivalent of the benefits otherwise payable under the Plan. General employees may elect to receive a partial lump sum equal to any portion of the actuarial equivalent lump sum value of the employee's accrued benefit, with the remaining value, if any, to be paid in the form of a straight-line annuity or in any of the other optional retirement benefit annuity forms.

Normal retirement benefits for general employees are based on 1.25% of average final compensation. For police, the multiplier is 1.75% for service before October 1, 2005, 3% after that date and before October 1, 2006, and 3.25% thereafter. For general employees and for police service before October 1, 2005, the multiplier may increase depending upon the members' contribution rate.

For police officers who were employed and accruing credited service on October 1, 2014, the normal retirement benefit rate increased from 3.25% to 3.50% for years of service on or after October 1, 2014.

# **TOWN OF BAY HARBOR ISLANDS, FLORIDA**

## **NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020**

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### **NOTE 10 - DEFINED BENEFIT PENSION PLAN (CONTINUED)**

#### ***PENSION BENEFITS (CONTINUED)***

For general employees who were employed and accruing credited service on October 1, 2015, the normal retirement benefit rate increased from 1.25% to 1.50% for all credited service earned from October 1, 2010 to September 30, 2016, and to 1.75% for all credit service earned on or after October 1, 2016.

A terminating member with less than five years creditable service shall receive his/her contribution plus accrued interest accumulated since initial employment.

A police officer may purchase credited service for military service or for service as a police officer for a different employer occurring prior to the member's first or initial employment with the Town, as long as the member is not entitled to receive a benefit for such other prior service as a police officer. The maximum number of years of credited service that may be purchased for prior military and prior police service combined is four years.

#### ***CONTRIBUTIONS AND FUNDING POLICY***

General employees are required to contribute 2% of their compensation, and may elect to make additional voluntary contributions up to 10%. Effective October 1, 2006, the mandatory contribution for police is 8% and no additional voluntary contributions are permitted. Employer contributions for fiscal year ended September 30, 2020 were 25.63% of covered payroll. The contribution requirements of the Town for the fiscal year ended September 30, 2020 were determined by the October 1, 2018 actuarial valuation. Pursuant to Chapter 185 of the Florida Statutes, a premium tax on certain property and casualty insurance contracts, written on Town of Bay Harbor Islands properties, is collected by the state and is remitted to the Town. The State of Florida distributes this money to local governments meeting certain eligibility requirements which is intended to purchase supplemental pension benefits for police officers. Refer to the share plan/supplemental benefits note for changes made to this benefit.

In fiscal year 2020, \$51,361 was received by the Town from the State on behalf of Police Officers (Chapter 185) and recorded in the general fund as revenue and as a contribution (expenditure) to the Plan. The total amount went towards funding the actuarially determined annual required contribution for the Plan.

The Plan's funding policy provides for actuarially determined periodic employer contributions sufficient to pay the benefits provided by the Plan when they become due. The actuarial cost method used for determining the contribution requirements of the Plan is the entry age normal cost method.



# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

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### NOTE 10 - DEFINED BENEFIT PENSION PLAN (CONTINUED)

#### ***SHARE PLAN / SUPPLEMENTAL BENEFITS***

The Town participates in the State of Florida Chapter 185 program. As a participant in the program, the Town is eligible to receive annual distributions of state premium tax collections on property and casualty insurance policies written within the Town limits. Chapter 185 levies a 0.85% tax on all casualty insurance premiums written within the Town limits. The monies received by the Town are for the purpose of providing benefits to or for the exclusive use of police officers. Effective October 1, 2015, the Town and the Dade County Police Benevolent Association agreed to utilize the supplemental benefit assets to increase the normal retirement multiplier to 3.50% and to utilize future Chapter 185 distributions as an offset to the Town's required contributions. As a result, there are no Share plan assets included in the pension trust fund as of September 30, 2020.

#### ***DEFERRED RETIREMENT OPTION PLAN ("DROP")***

Effective October 7, 2019, the Board of Trustees approved and amended the Plan documents to include a DROP. Any member is eligible to enter the DROP on or after his or her normal retirement date as defined above. The maximum participation in the DROP is 60 months. However, an extension of a member's participation time in the DROP may be allowed at the sole discretion of the town manager and on a case-by-case basis. If an extension of time is allowed, the manager's approval shall be in writing and it shall specify the amount of time that is approved. A DROP member may separate from service prior to the expiration of the five-year period and can only participate in the DROP once.

Upon commencement of participation in the DROP, (a) the employee does not receive any additional creditable service for pension purposes, (b) the member is not eligible for disability or pre-retirement death benefits and (c) the member's contributions are discontinued. Additionally, the amount of final average salary for calculation of pension benefits is determined as of the date of entering the DROP. No payment is made for accrued unused leave upon entering the DROP, nor shall the amount of accrued unpaid leave be used in the calculation of the amount of pension benefits.

The monthly retirement benefits that would have been payable had the member elected to cease employment and not join the DROP, is credited to the member's DROP account. The money in all participant's DROP accounts is commingled with all other assets of the fund.

For members who enter the DROP on or after October 7, 2019, the member's DROP account is credited with the interest earned by the individual employee's retirement system account for the fiscal year minus administrative fees reasonably incurred by the Town in processing the account.

# **TOWN OF BAY HARBOR ISLANDS, FLORIDA**

## **NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020**

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### **NOTE 10 - DEFINED BENEFIT PENSION PLAN (CONTINUED)**

#### ***DEFERRED RETIREMENT OPTION PLAN ("DROP") (CONTINUED)***

Upon termination of a DROP member's employment with the Town, the retirement benefits accumulated in the member's DROP account is paid to the member. The balance credited to the member's DROP account shall be payable either to the member or as a direct rollover into any qualified plan that accepts rollovers. All distributions must comply with the Internal Revenue Code and regulations promulgated thereunder.

There were no members who participated in the DROP as of the fiscal year ended September 30, 2020.

#### ***BASIS OF ACCOUNTING***

The financial statements of the Plan are prepared using the accrual basis of accounting in accordance with GAAP as applied to governmental entities in accordance with GASB pronouncements. Plan member contributions are recognized in the period in which the contributions are due. Employer contributions are recognized when due and the employer has made a formal commitment to provide the contributions. Benefits and refunds are recognized when due and payable in accordance with the terms of the Plan.

#### ***METHOD USED TO VALUE INVESTMENTS***

Investments are reported at fair value, except for money market funds, which are reported at amortized cost. Net appreciation (depreciation) in fair value of investments includes realized and unrealized gains and losses. Realized gains and losses are determined on the basis of average cost. Purchases and sales of securities are recorded on the trade-date basis. Interest and dividends are recorded as earned on the accrual basis. For more details regarding the methods used to measure the fair value of investments, refer to the fair value hierarchy in Note 3.

Within certain limitations as specified in the Plan, the investment policy is determined by the Board of Trustees and is implemented by the Plan's investment managers.

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

### NOTE 10 - DEFINED BENEFIT PENSION PLAN (CONTINUED)

#### *NET PENSION ASSET OF THE TOWN*

In accordance with Government Accounting Standards Board Statement No. 68, the net pension asset of the Town, which elected to use a measurement date of September 30, 2019, was as follows:

|                                                                               |                              |
|-------------------------------------------------------------------------------|------------------------------|
| Total pension liability                                                       | \$ 18,744,792                |
| Plan fiduciary net position*                                                  | <u>(21,117,262)</u>          |
| <b>Net pension asset</b>                                                      | <b><u>\$ (2,372,470)</u></b> |
| Plan fiduciary net position as a percentage<br>of the total pension liability | <u>112.66%</u>               |

\* Plan fiduciary net position for 2019 excludes \$48,252 related to employer contributions that were accrued after the actuarial valuation was completed.

The above net pension asset is recorded within the government-wide statement of net position as of September 30, 2020.

#### *CHANGES IN THE NET PENSION LIABILITY/ASSET*

|                                                                  | Increase (Decrease)               |                                       |                                               |
|------------------------------------------------------------------|-----------------------------------|---------------------------------------|-----------------------------------------------|
|                                                                  | Total Pension<br>Liability<br>(a) | Plan Fiduciary Net<br>Position<br>(b) | Net Pension<br>Liability (Asset)<br>(a) - (b) |
| <b>Balances at September 30, 2018</b>                            | <b>\$ 22,682,053</b>              | <b>\$ (20,410,342)</b>                | <b>\$ 2,271,711</b>                           |
| Changes for the year:                                            |                                   |                                       |                                               |
| Service cost                                                     | 786,299                           | --                                    | 786,299                                       |
| Expected interest growth                                         | 1,850,596                         | (1,626,813)                           | 223,783                                       |
| Unexpected investment income                                     | --                                | 974,999                               | 974,999                                       |
| Demographic experience                                           | (477,459)                         | --                                    | (477,459)                                     |
| Contributions - employer                                         | --                                | (1,004,663)                           | (1,004,663)                                   |
| Contributions - employee                                         | --                                | (399,794)                             | (399,794)                                     |
| Benefit payments, including refunds<br>of employee contributions | (1,310,542)                       | 1,310,542                             | --                                            |
| Administrative changes                                           | --                                | 38,809                                | 38,809                                        |
| Change in benefit terms                                          | --                                | --                                    | --                                            |
| Assumption Changes                                               | (4,786,155)                       | --                                    | (4,786,155)                                   |
| Net changes                                                      | <u>(3,937,261)</u>                | <u>(706,920)</u>                      | <u>(4,644,181)</u>                            |
| <b>Balances at September 30, 2019</b>                            | <b>\$ 18,744,792</b>              | <b>\$ (21,117,262)</b>                | <b>\$ (2,372,470)</b>                         |

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

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### NOTE 10 - DEFINED BENEFIT PENSION PLAN (CONTINUED)

#### *SIGNIFICANT ACTUARIAL ASSUMPTIONS*

The total pension liability was determined using the following actuarial assumptions, applied to all periods included in the measurement:

|                                 |                                                                                                                          |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| Discount Rate                   | 7.96%                                                                                                                    |
| Inflation                       | 3.00%                                                                                                                    |
| Salary increases                | 4.00% per annum                                                                                                          |
| Measurement Date                | September 30, 2019, based on a valuation date of October 1, 2018                                                         |
| Ad-hoc Cost of Living Increases | None                                                                                                                     |
| Mortality Rates                 | Sex-distinct rates set forth in the RP-2000 Combined Mortality Table, with full generational projections using Scale BB. |

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. Best estimates of arithmetic real rates of return for each major asset class included in the pension plan's target asset allocation as of September 30, 2019 are summarized in the following table:

| Asset Class                            | Expected<br>Long-Term<br>Real Return | Target<br>Allocation |
|----------------------------------------|--------------------------------------|----------------------|
| Large cap (domestic equity)            | 5.4%                                 | 25.0%                |
| Mid cap (domestic equity)              | 8.9%                                 | 7.5%                 |
| Small cap (domestic equity)            | 8.8%                                 | 7.5%                 |
| Fixed Income                           | 3.0%                                 | 35.0%                |
| Foreign Equity (international equity)  | 3.5%                                 | 10.0%                |
| Emerging Market (international equity) | 8.2%                                 | 5.0%                 |
| Real Estate                            | 6.8%                                 | 10.0%                |

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

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### NOTE 10 - DEFINED BENEFIT PENSION PLAN (CONTINUED)

#### *DISCOUNT RATE*

The discount rate used to measure the total pension liability was 7.96%. The projection of cash flows used to determine the discount rate assumed that plan member contributions will be made at the current contribution rate and that contributions will be made at rates equal to the difference between actuarially determined contribution rates and the member rate. Based on those assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

#### *SENSITIVITY OF THE TOWN'S NET PENSION ASSET TO CHANGES IN THE DISCOUNT RATE*

The following presents the net pension asset, calculated using the discount rate of 7.96%, as well as what the net pension asset would be if it were calculated using a discount rate that is 1-percentage-point lower (6.96%) or 1-percentage-point higher (8.96%) than the current rate:

|                          | 1% Decrease<br>(6.96%) | Current Discount<br>Rate (7.96%) | 1% Increase<br>(8.96%) |
|--------------------------|------------------------|----------------------------------|------------------------|
| <b>Net Pension Asset</b> | <b>\$ 353,928</b>      | <b>\$ 2,372,470</b>              | <b>\$ 4,065,571</b>    |

#### *PENSION EXPENSE AND DEFERRED OUTFLOWS OF RESOURCES AND DEFERRED INFLOWS OF RESOURCES RELATED TO PENSIONS*

At September 30, 2020, the Town reported a net pension asset of \$2,372,470. The net pension asset was measured as of September 30, 2019, and the total pension liability used to calculate the net pension asset was determined by an actuarial valuation as of October 1, 2018. For the fiscal year ended September 30, 2020, the Town recognized credit to pension expense of \$777,011 as a result of changes in actuarial assumptions. In addition, the Town reported deferred outflows of resources and deferred inflows of resources related to the Plan from the following sources:

| Description                                              | Deferred Outflows<br>of Resources | Deferred Inflows<br>of Resources |
|----------------------------------------------------------|-----------------------------------|----------------------------------|
| Net unexpected investment income                         | \$ 109,626                        | \$ --                            |
| Assumption changes                                       | --                                | 2,576,835                        |
| Demographic experience                                   | --                                | 71,477                           |
| Town contributions subsequent to<br>the measurement date | 1,077,156                         | --                               |
| <b>Total</b>                                             | <b>\$ 1,186,782</b>               | <b>\$ 2,648,312</b>              |

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

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### NOTE 10 - DEFINED BENEFIT PENSION PLAN (CONTINUED)

#### ***PENSION EXPENSE AND DEFERRED OUTFLOWS OF RESOURCES AND DEFERRED INFLOWS OF RESOURCES RELATED TO PENSIONS (CONTINUED)***

The deferred outflows of resources totaling \$1,077,156, resulting from Town contributions to the pension subsequent to the measurement date will be recognized as a reduction of the net pension asset in the subsequent fiscal year. The additional amounts reported as deferred inflows and outflows of resources related to the pension will be recognized in pension expense over the remaining years as follows:

| Fiscal Year Ending<br>September 30 | Amount                     |
|------------------------------------|----------------------------|
| 2021                               | \$ 1,582,675               |
| 2022                               | 1,256,022                  |
| 2023                               | (105,011)                  |
| 2024                               | <u>(195,000)</u>           |
| <b>Total</b>                       | <b><u>\$ 2,538,686</u></b> |

#### ***PAYABLE TO THE PENSION PLAN***

At September 30, 2020, the Town reported a payable of \$51,361 for amounts received from Chapter 185 contributions due to the Plan for the fiscal year ended September 30, 2020.

### NOTE 11 - OTHER POST-EMPLOYMENT BENEFITS

#### ***PLAN DESCRIPTION AND BENEFITS PROVIDED***

The Town provides an optional single employer defined-benefit post-employment (OPEB) healthcare plan to all regular employees of the Town who retire from active service and receive retirement benefits under the Town's pension plan. The plan allows its employees and their beneficiaries, at their own cost, to continue to obtain health, dental and other insurance benefits upon retirement. The benefits of the plan conform to Florida Statutes, which are the legal authority for the plan. The plan has no assets and does not issue a separate financial report.

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

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### NOTE 11 - OTHER POST-EMPLOYMENT BENEFITS (CONTINUED)

#### *PLAN DESCRIPTION AND BENEFITS PROVIDED (CONTINUED)*

At September 30, 2020, the following employees were covered by the benefit terms:

|                                                                          |                  |
|--------------------------------------------------------------------------|------------------|
| Inactive employees or beneficiaries currently receiving benefit payments | 2                |
| Inactive employees entitled to but not yet receiving benefit payments    | --               |
| Active employees                                                         | <u>65</u>        |
| <b>Total employees</b>                                                   | <u><u>67</u></u> |

#### *TOTAL OPEB LIABILITY*

The Town's total OPEB liability of \$296,846 was measured as of September 30, 2020, and was determined by an actuarial valuation as of October 1, 2018.

#### *ACTUARIAL ASSUMPTIONS AND OTHER INPUTS*

The Town's total OPEB liability was determined using the following actuarial assumptions and other inputs, applied to all periods included in the measurement, unless otherwise specified:

|                                          |                                                                                                                                                                                                      |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Inflation                                | 3.00%                                                                                                                                                                                                |
| Salary increases                         | 3.00% per annum                                                                                                                                                                                      |
| Discount rate                            | 2.14% per annum                                                                                                                                                                                      |
| Healthcare cost trend rates              | 7.50% for fiscal year 2018/2019, decreasing .50% per year to an ultimate rate of 5.00% for fiscal year 2023/2024 and later years                                                                     |
| Retirees' share of benefit-related costs | 100% of projected health insurance premiums for retirees                                                                                                                                             |
| Mortality Rates                          | Sex-distinct rates set forth in the PUB-2010 Mortality Table (with income adjustments) for general and public safety employees, with full generational improvements in mortality using Scale MP-2017 |

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

---

### NOTE 11 - OTHER POST-EMPLOYMENT BENEFITS (CONTINUED)

#### *CHANGES IN THE TOTAL OPEB LIABILITY*

|                                        | Total OPEB<br>Liability<br>(a)  |
|----------------------------------------|---------------------------------|
|                                        | <hr/>                           |
| <b>Balance at September 30, 2019</b>   | <b>\$ 253,381</b>               |
| <b>Changes for the Year:</b>           |                                 |
| Service cost                           | 19,214                          |
| Interest                               | 5,695                           |
| Changes of assumptions or other inputs | 31,584                          |
| Benefit payments                       | <u>(13,028)</u>                 |
| <b>Net Change</b>                      | <b><u>43,465</u></b>            |
| <b>Balance at September 30, 2020</b>   | <b><u><u>\$ 296,846</u></u></b> |

#### *SENSITIVITY OF THE TOWN'S TOTAL OPEB LIABILITY TO CHANGES IN THE DISCOUNT RATE*

The following presents the total OPEB liability, calculated using the discount rate of 2.14%, as well as what the total OPEB liability would be if it were calculated using a discount rate that is 1-percentage-point lower (1.14%) or 1-percentage-point higher (3.14%) than the current rate:

|                             | 1% Decrease<br>(1.14%)   | Discount Rate<br>(2.14%) | 1% Increase<br>(3.14%)   |
|-----------------------------|--------------------------|--------------------------|--------------------------|
|                             | <hr/>                    | <hr/>                    | <hr/>                    |
| <b>Total OPEB Liability</b> | <b><u>\$ 322,389</u></b> | <b><u>\$ 296,846</u></b> | <b><u>\$ 274,192</u></b> |



# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

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### NOTE 11 - OTHER POST-EMPLOYMENT BENEFITS (CONTINUED)

#### ***SENSITIVITY OF THE TOWN'S TOTAL OPEB LIABILITY TO CHANGES HEALTHCARE COST TREND RATES***

The following presents the total OPEB liability, as well as what the total OPEB liability would be if it were calculated using healthcare cost trend rates that is 1-percentage-point lower (6.5% decreasing to 4.0%) or 1-percentage-point higher (8.5% decreasing to 6.0%) than the current rate:

|                             | 1% Decrease<br>(6.5%<br>Decreasing<br>to 4.0%) | Healthcare<br>Cost Trend<br>Rates (7.5%<br>Decreasing<br>to 5.0%) | 1% Increase<br>(8.5%<br>Decreasing<br>to 6.0%) |
|-----------------------------|------------------------------------------------|-------------------------------------------------------------------|------------------------------------------------|
| <b>Total OPEB Liability</b> | <u>\$ 266,949</u>                              | <u>\$ 296,846</u>                                                 | <u>\$ 331,345</u>                              |

#### ***OPEB EXPENSE AND DEFERRED OUTFLOWS OF RESOURCES AND DEFERRED INFLOWS OF RESOURCES RELATED TO OPEB***

For the fiscal year ended September 30, 2020, the Town recognized OPEB expense of \$27,427. At September 30, 2020, the Town reported deferred outflows of resources related to OPEB from the following sources:

| Description            | Deferred Outflows<br>of Resources | Deferred Inflows<br>of Resources |
|------------------------|-----------------------------------|----------------------------------|
| Assumption changes     | \$ 34,400                         | \$ --                            |
| Demographic experience | 2,446                             | --                               |
| <b>Total</b>           | <u>\$ 36,846</u>                  | <u>\$ --</u>                     |

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## NOTES TO BASIC FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

---

### NOTE 11 - OTHER POST-EMPLOYMENT BENEFITS (CONTINUED)

#### ***OPEB EXPENSE AND DEFERRED OUTFLOWS OF RESOURCES AND DEFERRED INFLOWS OF RESOURCES RELATED TO OPEB (CONTINUED)***

Amounts reported as deferred outflows of resources related to OPEB will be recognized as OPEB expense over the remaining years as follows:

| Fiscal Year Ending<br>September 30 | Amount                  |
|------------------------------------|-------------------------|
| 2021                               | \$ 15,546               |
| 2022                               | 15,546                  |
| 2023                               | <u>5,754</u>            |
| <b>Total</b>                       | <u><u>\$ 36,846</u></u> |

### NOTE 12 – EXPENDITURES IN EXCESS OF APPROPRIATIONS

During the fiscal year ended September 30, 2020, the Town incurred expenditures in the following General fund departments that were in excess of the amounts appropriated:

| Department             | Budget     | Actual     | Variance    |
|------------------------|------------|------------|-------------|
| Executive              | \$ 469,960 | \$ 488,406 | \$ (18,446) |
| Protective Inspections | 541,652    | 554,402    | (12,750)    |

The overages were paid from available general fund reserves.

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**REQUIRED SUPPLEMENTARY INFORMATION  
(OTHER THAN MD&A)**

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# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## BUDGETARY COMPARISON SCHEDULE

### GENERAL FUND

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

|                                                 | Budgeted Amounts   |                    | Actual              | Variance                                    |
|-------------------------------------------------|--------------------|--------------------|---------------------|---------------------------------------------|
|                                                 | Original           | Final              | Amounts             | with Final<br>Budget-Positive<br>(Negative) |
| <b>Revenues</b>                                 |                    |                    |                     |                                             |
| Property taxes                                  | \$ 4,592,902       | \$ 4,592,902       | \$ 4,648,810        | \$ 55,908                                   |
| Utility taxes                                   | 467,000            | 467,000            | 527,415             | 60,415                                      |
| Communications services tax                     | 197,000            | 197,000            | 174,600             | (22,400)                                    |
| Franchise fees                                  | 364,000            | 364,000            | 380,091             | 16,091                                      |
| Licenses and permits                            | 828,000            | 828,000            | 1,319,112           | 491,112                                     |
| Intergovernmental                               | 988,500            | 988,500            | 971,167             | (17,333)                                    |
| Charges for services                            | 275,030            | 275,030            | 47,004              | (228,026)                                   |
| Fines and forfeitures                           | 113,000            | 113,000            | 123,714             | 10,714                                      |
| Investment earnings                             | 50,000             | 50,000             | 182,684             | 132,684                                     |
| Miscellaneous                                   | 45,000             | 45,000             | 61,168              | 16,168                                      |
| <b>Total Revenues</b>                           | <b>7,920,432</b>   | <b>7,920,432</b>   | <b>8,506,765</b>    | <b>586,333</b>                              |
| <b>Expenditures</b>                             |                    |                    |                     |                                             |
| General government:                             |                    |                    |                     |                                             |
| Legislative                                     | 145,187            | 145,187            | 87,261              | 57,926                                      |
| Executive                                       | 396,460            | 469,960            | 488,406             | (18,446)                                    |
| Clerk                                           | 239,165            | 239,165            | 212,568             | 26,597                                      |
| Finance and administration                      | 192,674            | 192,674            | 190,768             | 1,906                                       |
| Information technology                          | 435,379            | 435,379            | 367,163             | 68,216                                      |
| Human resources                                 | 101,852            | 128,352            | 94,525              | 33,827                                      |
| Legal                                           | 204,800            | 204,800            | 203,095             | 1,705                                       |
| <b>Total General Government</b>                 | <b>1,715,517</b>   | <b>1,815,517</b>   | <b>1,643,786</b>    | <b>171,731</b>                              |
| Public buildings                                | 710,089            | 710,089            | 240,745             | 469,344                                     |
| Public safety:                                  |                    |                    |                     |                                             |
| Law enforcement                                 | 4,194,332          | 4,204,332          | 4,070,373           | 133,959                                     |
| Protective inspections                          | 541,652            | 541,652            | 554,402             | (12,750)                                    |
| Code enforcement                                | 227,846            | 227,846            | 215,820             | 12,026                                      |
| Other public safety                             | 91,901             | 216,901            | 153,523             | 63,378                                      |
| Total public safety                             | 5,055,731          | 5,190,731          | 4,994,118           | 196,613                                     |
| Transportation:                                 |                    |                    |                     |                                             |
| Streets and parkways                            | 726,355            | 726,355            | 516,982             | 209,373                                     |
| Public transit                                  | 158,000            | 158,000            | 86,064              | 71,936                                      |
| Total transportation                            | 884,355            | 884,355            | 603,046             | 281,309                                     |
| Culture and recreation:                         |                    |                    |                     |                                             |
| Parks and recreation                            | 1,363,444          | 1,592,045          | 1,202,544           | 389,501                                     |
| Transfer to reserves                            | 65,000             | 65,000             | --                  | 65,000                                      |
| Total culture and recreation                    | 1,428,444          | 1,657,045          | 1,202,544           | 454,501                                     |
| Debt service:                                   |                    |                    |                     |                                             |
| Principal, interest and fiscal charges          | 507,138            | 507,138            | 507,407             | (269)                                       |
| Total expenditures                              | 10,301,274         | 10,764,875         | 9,191,646           | 1,573,229                                   |
| <b>Deficiency of revenues over expenditures</b> | <b>(2,380,842)</b> | <b>(2,844,443)</b> | <b>(684,881)</b>    | <b>2,159,562</b>                            |
| <b>Other financing sources</b>                  |                    |                    |                     |                                             |
| Appropriation of prior year fund balance        | 500,000            | 963,601            | --                  | (963,601)                                   |
| Proceeds from sale of capital assets            | --                 | --                 | 12,451              | 12,451                                      |
| Transfers in                                    | 1,880,842          | 1,880,842          | 1,880,842           | --                                          |
| <b>Total other financing sources (uses)</b>     | <b>2,380,842</b>   | <b>2,844,443</b>   | <b>1,893,293</b>    | <b>(951,150)</b>                            |
| <b>Net change in fund balance</b>               | <b>\$ --</b>       | <b>\$ --</b>       | <b>\$ 1,208,412</b> | <b>\$ 1,208,412</b>                         |

See note to budgetary comparison schedule.

# **TOWN OF BAY HARBOR ISLANDS, FLORIDA**

## **REQUIRED SUPPLEMENTARY INFORMATION NOTE TO BUDGETARY COMPARISON SCHEDULE FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020**

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### **NOTE 1 - BUDGETS AND BUDGETARY ACCOUNTING**

An annual appropriated budget is prepared for the General Fund.

The Town follows these procedures in establishing the budgetary data reflected in the financial statements:

- (a) The Town Manager submits to the Council a proposed operating budget for the ensuing fiscal year. The operating budget includes appropriations and the means of financing them with an explanation regarding each expenditure that is not of a routine nature.
- (b) Public hearings are conducted to obtain taxpayer comments.
- (c) Prior to October 1, the budget is legally enacted through passage of an Ordinance.
- (d) The Town Council, by motion, may make supplemental appropriations for the year up to the amount of revenues in excess of those estimated or from available fund balance. During fiscal year ended September 30, 2020, there were supplemental appropriations in the General Fund of approximately \$464,000.
- (e) Formal budgetary integration is employed as a management control device for the General Fund. Budget amendments were not material in relation to the original appropriation.
- (f) The budget for the General Fund is adopted on a basis consistent with generally accepted accounting principles (GAAP).
- (g) The Town Manager is authorized to transfer part or all of an encumbered appropriation balance within departments within a fund; however, any revisions that alter the total appropriations of any department or fund must be approved by the Town Council. Therefore, the legal level of control is at the department level.

**TOWN OF BAY HARBOR ISLANDS, FLORIDA****REQUIRED SUPPLEMENTARY INFORMATION****SCHEDULE OF CHANGES IN THE TOWN'S TOTAL OPEB LIABILITY AND RELATED RATIOS**

---

| <b>Measurement Date, September 30,</b><br><b>Total OPEB Liability</b>       | <b>2020</b>              | <b>2019</b>              | <b>2018</b>              |
|-----------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|
| Service cost                                                                | \$ 19,214                | \$ 15,299                | \$ 11,358                |
| Interest                                                                    | 5,695                    | 8,089                    | 7,880                    |
| Demographic experience                                                      | --                       | 4,510                    | --                       |
| Changes of assumptions or other inputs                                      | 31,584                   | 22,472                   | --                       |
| Benefit payments                                                            | <u>(13,028)</u>          | <u>(15,099)</u>          | <u>(12,372)</u>          |
| <b>Net Change in Total OPEB Liability</b>                                   | 43,465                   | 35,271                   | 6,866                    |
| <b>Total OPEB Liability - Beginning</b>                                     | <u>253,381</u>           | <u>218,110</u>           | <u>211,244</u>           |
| <b>Total OPEB Liability - Ending</b>                                        | <u><u>\$ 296,846</u></u> | <u><u>\$ 253,381</u></u> | <u><u>\$ 218,110</u></u> |
| <b>Covered-Employee Payroll</b>                                             | \$ 4,263,252             | \$ 4,263,252             | \$ 4,363,540             |
| <b>Total OPEB Liability as a Percentage<br/>of Covered-Employee Payroll</b> | 6.96%                    | 5.94%                    | 5.00%                    |

*This schedule is presented as required by accounting principles generally accepted in the United States of America, however, until a full 10-year trend is compiled, information is presented for those years available.*

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## REQUIRED SUPPLEMENTARY INFORMATION

### SCHEDULE OF CHANGES IN THE TOWN'S NET PENSION LIABILITY (ASSET) AND RELATED RATIOS

| Measurement Date:                                                            | September 30,         |                     |                     |                     |                   |                  |
|------------------------------------------------------------------------------|-----------------------|---------------------|---------------------|---------------------|-------------------|------------------|
|                                                                              | 2019                  | 2018                | 2017                | 2016                | 2015              | 2014             |
| <b>Total pension liability</b>                                               |                       |                     |                     |                     |                   |                  |
| Service cost                                                                 | \$ 786,299            | \$ 1,071,650        | \$ 1,026,849        | \$ 881,514          | \$ 758,824        | \$ 686,893       |
| Interest                                                                     | 1,850,596             | 1,279,001           | 1,180,877           | 983,968             | 923,439           | 851,757          |
| Demographic experience                                                       | (477,459)             | 906,769             | (328,634)           | (435,741)           | (100,632)         | --               |
| Changes of benefit terms                                                     | --                    | 8,635               | 726,619             | 998,287             | --                | --               |
| Changes of assumptions                                                       | (4,786,155)           | --                  | --                  | 1,864,465           | --                | --               |
| Benefit payments, including refunds of member contributions                  | (1,310,542)           | (1,688,273)         | (893,750)           | (1,064,535)         | (671,862)         | (359,028)        |
| <b>Net change in total pension liability</b>                                 | (3,937,261)           | 1,577,782           | 1,711,961           | 3,227,958           | 909,769           | 1,179,622        |
| <b>Total pension liability - beginning</b>                                   | 22,682,053            | 21,104,271          | 19,392,310          | 16,164,352          | 15,254,583        | 14,074,961       |
| <b>Total pension liability - ending (a)</b>                                  | 18,744,792            | 22,682,053          | 21,104,271          | 19,392,310          | 16,164,352        | 15,254,583       |
| <b>Plan fiduciary net position</b>                                           |                       |                     |                     |                     |                   |                  |
| Contributions - employer                                                     | 1,004,663             | 1,137,266           | 874,490             | 795,792             | 674,623           | 922,599          |
| Contributions - employee                                                     | 399,794               | 345,320             | 332,750             | 700,737             | 271,897           | 275,817          |
| Net Investment income (loss)                                                 | 651,814               | 1,558,236           | 1,705,415           | 1,506,073           | (248,856)         | 1,185,773        |
| Benefit payments, including refunds of member contributions                  | (1,310,542)           | (1,688,273)         | (893,750)           | (1,064,535)         | (671,862)         | (384,382)        |
| Administrative expense                                                       | (38,809)              | (37,597)            | (33,384)            | (37,339)            | (31,590)          | (31,811)         |
| <b>Net change in plan fiduciary net position</b>                             | 706,920               | 1,314,952           | 1,985,521           | 1,900,728           | (5,788)           | 1,967,996        |
| <b>Plan fiduciary net position - beginning</b>                               | 20,410,342            | 19,095,390          | 17,114,069          | 15,213,341          | 15,219,129        | 13,251,133       |
| <b>Plan fiduciary net position - ending (b)</b>                              | 21,117,262            | 20,410,342          | 19,099,590          | 17,114,069          | 15,213,341        | 15,219,129       |
| <b>Net pension liability (asset) - Ending (a) - (b)</b>                      | <u>\$ (2,372,470)</u> | <u>\$ 2,271,711</u> | <u>\$ 2,004,681</u> | <u>\$ 2,278,241</u> | <u>\$ 951,011</u> | <u>\$ 35,454</u> |
| <b>Fiduciary net position as a percentage of the total pension liability</b> | 112.66%               | 89.98%              | 90.50%              | 88.25%              | 94.12%            | 99.77%           |
| <b>Covered payroll</b>                                                       | \$ 4,645,071          | \$ 4,363,540        | \$ 4,362,247        | \$ 3,962,146        | \$ 3,822,792      | \$ 3,633,983     |
| <b>Net pension liability as a percentage of covered payroll</b>              | N/A                   | 52.06%              | 45.96%              | 57.50%              | 24.88%            | 0.98%            |

Note: Plan Fiduciary Net Position for 2019 excludes \$48,252 related to employer contributions that were accrued after the actuarial valuation was completed.

Note: Plan Fiduciary Net Position for 2017 excludes \$4,200 related to benefits payable to participants that was accrued after the actuarial valuation was completed.

Note: Plan Fiduciary Net Position for 2015 and 2014 excludes \$223,769 and \$198,656, respectively, of Share Plan net position. In fiscal year 2016, Share Plan assets were transferred over to the Plan and are included in the 2016 employer contributions.

N/A means not applicable

*This schedule is presented as required by accounting principles generally accepted in the United States of America, however, until a full 10-year trend is compiled, information is presented for those years available.*

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## REQUIRED SUPPLEMENTARY INFORMATION SCHEDULE OF TOWN CONTRIBUTIONS

| Fiscal Year Ended<br>September 30, | Actuarially<br>Determined<br>Contribution | Actual<br>Contribution | Contribution<br>Deficiency<br>(Excess) | Covered<br>Payroll | Actual<br>Contribution<br>as a % of<br>Covered Payroll |
|------------------------------------|-------------------------------------------|------------------------|----------------------------------------|--------------------|--------------------------------------------------------|
| 2020                               | \$ 1,022,793                              | \$ 1,128,517           | \$ (105,724)                           | \$ 4,402,353       | 25.63%                                                 |
| 2019                               | 1,001,806                                 | 1,004,663              | (2,857)                                | 4,645,071          | 21.63%                                                 |
| 2018                               | 1,086,156                                 | 1,137,266              | (51,110)                               | 4,363,540          | 26.06%                                                 |
| 2017                               | 816,415                                   | 874,490                | (58,075)                               | 4,362,247          | 20.05%                                                 |
| 2016                               | 795,792                                   | 795,792                | --                                     | 3,962,146          | 20.08%                                                 |
| 2015                               | 674,623                                   | 674,623                | --                                     | 3,822,792          | 17.65%                                                 |
| 2014                               | 922,599                                   | 922,599                | --                                     | 3,633,983          | 25.39%                                                 |
| 2013                               | 1,145,749                                 | 1,145,749              | --                                     | 3,633,983          | 31.53%                                                 |
| 2012                               | 1,108,878                                 | 1,108,878              | --                                     | 4,161,089          | 26.65%                                                 |
| 2011                               | 1,148,812                                 | 1,148,812              | --                                     | 4,008,381          | 28.66%                                                 |

### Methods and Assumptions Used to Determine Contribution Rates for Fiscal Year Ended September 30, 2020:

Valuation Date: October 1, 2018

Note: Actuarially determined contribution rates are calculated as of October 1, which is 24 months prior to the end of the fiscal year which contributions are reported.

|                                       |                                                                                                                          |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| Actuarial Cost Method                 | Entry-Age Normal                                                                                                         |
| Amortization Method                   | Level Dollar                                                                                                             |
| Remaining Amortization Period         | 10 years                                                                                                                 |
| Asset Valuation Method                | Market Value                                                                                                             |
| Inflation and Other General Increases | 3.00%                                                                                                                    |
| Salary Increases                      | 4.00%                                                                                                                    |
| Discount Rate of Return               | 6.00%                                                                                                                    |
| Retirement Age                        | Retirement is assumed to occur at normal retirement age.                                                                 |
| Mortality                             | Sex-distinct rates set forth in the RP-2000 Combined Mortality Table, with full generational projections using Scale BB. |



## STATISTICAL SECTION

This part of the Town of Bay Harbor Island's comprehensive annual financial report presents detailed information as a context for understanding what the information in the financial statements, note disclosures, and required supplementary information says about the Town's overall financial health.

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|                 |         |
|-----------------|---------|
| <b>Contents</b> | Page(s) |
|-----------------|---------|

|                         |       |
|-------------------------|-------|
| <b>Financial Trends</b> | 71-76 |
|-------------------------|-------|

These schedules contain information to help the reader understand how the Town's financial performance and well-being have changed over time.

|                         |       |
|-------------------------|-------|
| <b>Revenue Capacity</b> | 77-81 |
|-------------------------|-------|

These schedules contain information to help the reader assess the Town's most significant revenue sources, the property tax and the causeway toll.

|                      |       |
|----------------------|-------|
| <b>Debt Capacity</b> | 82-85 |
|----------------------|-------|

These schedules present information to help the reader assess the affordability the Town's current levels of outstanding debt and the Town's ability to issue additional debt in the future.

|                                             |    |
|---------------------------------------------|----|
| <b>Demographic and Economic Information</b> | 86 |
|---------------------------------------------|----|

These schedules offer demographic and economic indicators to help the reader understand the environment within which the Town's financial activities take place.

|                              |       |
|------------------------------|-------|
| <b>Operating Information</b> | 87-89 |
|------------------------------|-------|

These schedules contain service and infrastructural data to help the reader understand the information in the Town's financial report relates to the services and activities of the Town.

Sources: Unless otherwise noted, information is derived from the comprehensive annual financial report for the relevant year.

**TOWN OF BAY HARBOR ISLANDS, FLORIDA**

**SCHEDULE 1  
NET POSITION BY COMPONENT  
LAST TEN FISCAL YEARS  
(Accrual basis of accounting)**

|                                             | 2011                 | 2012                 | 2013                 | 2014                 | 2015                 | 2016                 | 2017                 | 2018                 | 2019                 | 2020                 |
|---------------------------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Governmental activities:                    |                      |                      |                      |                      |                      |                      |                      |                      |                      |                      |
| Net investment in capital assets            | \$ 9,064,893         | \$ 12,424,702        | \$ 12,195,723        | \$ 12,455,881        | \$ 12,948,529        | \$ 14,949,552        | \$ 15,529,419        | \$ 15,161,744        | \$ 15,378,550        | \$ 15,104,245        |
| Restricted                                  | 3,191,089            | 653,821              | 543,612              | 511,416              | 7,486                | 7,487                | 67,839               | 67,790               | 115,065              | 1,618,790            |
| Unrestricted                                | <u>3,605,326</u>     | <u>3,178,473</u>     | <u>3,599,739</u>     | <u>5,109,768</u>     | <u>8,080,656</u>     | <u>8,259,502</u>     | <u>8,245,522</u>     | <u>7,979,399</u>     | <u>7,810,483</u>     | <u>8,615,653</u>     |
| Total governmental activities net position  | <u>\$ 15,861,308</u> | <u>\$ 16,256,996</u> | <u>\$ 16,339,074</u> | <u>\$ 18,077,065</u> | <u>\$ 21,036,671</u> | <u>\$ 23,216,541</u> | <u>\$ 23,842,780</u> | <u>\$ 23,208,933</u> | <u>\$ 23,304,098</u> | <u>\$ 25,338,688</u> |
| Business-type activities:                   |                      |                      |                      |                      |                      |                      |                      |                      |                      |                      |
| Net investment in capital assets            | \$ 17,836,883        | \$ 18,112,144        | \$ 18,077,105        | \$ 18,598,260        | \$ 17,833,029        | \$ 23,524,318        | \$ 27,851,167        | \$ 27,475,399        | \$ 27,270,755        | \$ 27,772,967        |
| Restricted                                  | 71,341               | 74,292               | 77,242               | 80,192               | 83,142               | 86,092               | 89,043               | 91,993               | 94,943               | 1,016,057            |
| Unrestricted                                | <u>5,992,431</u>     | <u>6,887,914</u>     | <u>7,463,786</u>     | <u>7,287,671</u>     | <u>10,240,475</u>    | <u>7,262,551</u>     | <u>7,568,819</u>     | <u>12,161,608</u>    | <u>16,974,083</u>    | <u>19,895,383</u>    |
| Total business-type activities net position | <u>\$ 23,900,655</u> | <u>\$ 25,074,350</u> | <u>\$ 25,618,133</u> | <u>\$ 25,966,123</u> | <u>\$ 28,156,646</u> | <u>\$ 30,872,961</u> | <u>\$ 35,509,029</u> | <u>\$ 39,729,000</u> | <u>\$ 44,339,781</u> | <u>\$ 48,684,407</u> |
| Primary government                          |                      |                      |                      |                      |                      |                      |                      |                      |                      |                      |
| Net investment in capital assets            | \$ 26,901,776        | \$ 30,536,846        | \$ 30,272,828        | \$ 31,054,141        | \$ 30,781,558        | \$ 38,473,870        | \$ 43,380,586        | \$ 42,637,143        | \$ 42,649,305        | \$ 42,877,212        |
| Restricted                                  | 3,262,430            | 728,113              | 620,854              | 591,608              | 90,628               | 93,579               | 156,882              | 159,783              | 210,008              | 2,634,847            |
| Unrestricted                                | <u>9,597,757</u>     | <u>10,066,387</u>    | <u>11,063,525</u>    | <u>12,397,439</u>    | <u>18,321,131</u>    | <u>15,522,053</u>    | <u>15,814,341</u>    | <u>20,141,007</u>    | <u>24,784,566</u>    | <u>28,511,036</u>    |
| Total primary government net position       | <u>\$ 39,761,963</u> | <u>\$ 41,331,346</u> | <u>\$ 41,957,207</u> | <u>\$ 44,043,188</u> | <u>\$ 49,193,317</u> | <u>\$ 54,089,502</u> | <u>\$ 59,351,809</u> | <u>\$ 62,937,933</u> | <u>\$ 67,643,879</u> | <u>\$ 74,023,095</u> |

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## SCHEDULE 2 CHANGES IN NET POSITION LAST TEN FISCAL YEARS (Accrual Basis of Accounting)

|                                                 | 2011          | 2012          | 2013          | 2014          | 2015          | 2016          | 2017          | 2018          | 2019          | 2020          |
|-------------------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Expenses:                                       |               |               |               |               |               |               |               |               |               |               |
| Governmental activities:                        |               |               |               |               |               |               |               |               |               |               |
| General government                              | \$ 1,221,722  | \$ 1,172,787  | \$ 1,069,286  | \$ 969,146    | \$ 1,333,314  | \$ 1,538,406  | \$ 1,537,536  | \$ 1,780,209  | \$ 2,318,792  | \$ 1,768,769  |
| Public safety                                   | 4,261,046     | 4,419,612     | 4,741,403     | 4,247,292     | 4,285,979     | 4,586,153     | 5,044,475     | 5,330,461     | 5,058,762     | 4,136,294     |
| Transportation                                  | 1,011,529     | 1,087,658     | 1,198,230     | 1,031,567     | 1,058,239     | 1,092,928     | 1,285,291     | 1,295,889     | 1,126,025     | 1,062,366     |
| Culture and recreation                          | 124,264       | 124,506       | 162,244       | 303,531       | 620,285       | 874,555       | 1,127,501     | 1,459,979     | 1,470,681     | 1,230,141     |
| Interest on long-term debt                      | 412,328       | 407,945       | 552,546       | 255,835       | 248,602       | 291,717       | 186,048       | 185,472       | 176,656       | 167,388       |
| Total governmental activities expenses          | 7,030,889     | 7,212,508     | 7,723,709     | 6,807,371     | 7,546,419     | 8,383,759     | 9,180,851     | 10,052,010    | 10,150,916    | 8,364,958     |
| Business-type activities:                       |               |               |               |               |               |               |               |               |               |               |
| Causeway                                        | 4,011,938     | 3,878,069     | 4,157,983     | 5,041,852     | 3,423,522     | 3,721,789     | 3,550,807     | 4,735,956     | 4,467,392     | 4,053,303     |
| Sewer                                           | 1,245,975     | 1,284,691     | 1,334,271     | 1,220,829     | 1,251,842     | 1,440,701     | 1,547,994     | 1,477,308     | 1,640,744     | 1,585,259     |
| Water                                           | 933,301       | 953,007       | 913,966       | 963,031       | 1,062,721     | 914,630       | 1,017,627     | 1,209,085     | 1,115,795     | 974,265       |
| Parking                                         | 679,315       | 642,801       | 817,428       | 578,007       | 554,897       | 610,508       | 640,691       | 664,496       | 712,546       | 619,454       |
| Solid waste                                     | 670,688       | 668,603       | 690,765       | 754,366       | 764,182       | 763,258       | 736,001       | 717,272       | 744,219       | 751,989       |
| Stormwater                                      | 113,974       | 94,893        | 120,114       | 118,290       | 153,990       | 236,869       | 196,640       | 198,933       | 238,866       | 229,718       |
| Total business-type activities expenses         | 7,655,191     | 7,522,064     | 8,034,527     | 8,676,375     | 7,211,154     | 7,687,755     | 7,689,760     | 9,003,050     | 8,919,562     | 8,213,988     |
| Total primary government expense:               | 14,686,080    | 14,734,572    | 15,758,236    | 15,483,746    | 14,757,573    | 16,071,514    | 16,870,611    | 19,055,060    | 19,070,478    | 16,578,946    |
| Program revenues:                               |               |               |               |               |               |               |               |               |               |               |
| Governmental activities:                        |               |               |               |               |               |               |               |               |               |               |
| Charges for services:                           |               |               |               |               |               |               |               |               |               |               |
| General government                              | 153,406       | 191,668       | 509,994       | 513,369       | 1,180,307     | 2,535,629     | 1,883,013     | 766,835       | 967,692       | 1,320,142     |
| Public safety                                   | 144,116       | 148,623       | 188,158       | 119,749       | 123,346       | 112,103       | 115,543       | 168,887       | 159,708       | 127,152       |
| Transportation                                  | --            | --            | --            | --            | --            | 1,145         | 4,750         | 1,307         | --            | --            |
| Culture and recreation                          | 2,019         | 2,488         | 10,726        | 117,927       | 187,006       | 188,935       | 220,142       | 269,644       | 285,879       | 43,536        |
| Operating grants and contributions              | 36,584        | 37,187        | 75,071        | 44,615        | 45,552        | 41,440        | 42,825        | 333,051       | 48,252        | 70,000        |
| Capital grants and contributions                | 291,057       | 846,776       | 226,878       | 553,794       | 258,583       | 254,549       | 254,603       | 296,068       | 314,849       | 267,579       |
| Total governmental activities program revenues  | 627,182       | 1,226,742     | 1,010,827     | 1,349,454     | 1,794,794     | 3,133,801     | 2,520,876     | 1,835,792     | 1,776,380     | 1,828,409     |
| Business-type activities:                       |               |               |               |               |               |               |               |               |               |               |
| Charges for services:                           |               |               |               |               |               |               |               |               |               |               |
| Causeway                                        | 5,234,106     | 5,474,246     | 5,582,204     | 5,832,200     | 5,640,616     | 6,343,875     | 8,627,495     | 9,549,066     | 9,623,061     | 8,061,982     |
| Sewer                                           | 1,747,443     | 2,001,681     | 1,934,067     | 1,857,548     | 1,981,206     | 2,013,613     | 2,253,963     | 2,382,027     | 2,375,878     | 2,323,675     |
| Water                                           | 1,092,097     | 1,254,114     | 1,214,093     | 1,097,840     | 1,226,305     | 1,154,818     | 1,219,765     | 1,278,795     | 1,281,424     | 1,227,971     |
| Parking                                         | 389,756       | 379,778       | 476,723       | 691,395       | 733,488       | 673,472       | 738,302       | 716,872       | 688,309       | 438,110       |
| Solid waste                                     | 694,928       | 715,326       | 715,130       | 725,714       | 711,977       | 698,570       | 755,226       | 795,676       | 815,242       | 814,680       |
| Stormwater                                      | 208,815       | 213,156       | 209,667       | 209,457       | 205,037       | 210,169       | 208,544       | 217,243       | 218,863       | 216,919       |
| Capital grants and contributions                | 316,249       | --            | --            | --            | 485,012       | 514,988       | --            | --            | --            | 918,553       |
| Total business-type activities program revenues | 9,683,394     | 10,038,301    | 10,131,884    | 10,414,154    | 10,983,641    | 11,609,505    | 13,803,295    | 14,939,679    | 15,002,777    | 14,001,890    |
| Total primary government program revenues       | \$ 10,310,576 | \$ 11,265,043 | \$ 11,142,711 | \$ 11,763,608 | \$ 12,778,435 | \$ 14,743,306 | \$ 16,324,171 | \$ 16,775,471 | \$ 16,779,157 | \$ 15,830,299 |

Continued

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## SCHEDULE 2 (CONTINUED) CHANGES IN NET POSITION LAST TEN FISCAL YEARS (Accrual Basis of Accounting) (continued)

|                                                        | 2011                  | 2012                  | 2013                  | 2014                  | 2015                  | 2016                  | 2017                | 2018                  | 2019                  | 2020                |
|--------------------------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|---------------------|-----------------------|-----------------------|---------------------|
| Net (expense) revenue:                                 |                       |                       |                       |                       |                       |                       |                     |                       |                       |                     |
| Governmental activities                                | \$ (6,403,706)        | \$ (5,985,765)        | \$ (6,712,882)        | \$ (5,457,917)        | \$ (5,751,625)        | \$ (5,249,958)        | \$ (6,659,975)      | \$ (8,216,218)        | \$ (8,374,536)        | \$ (6,536,549)      |
| Business-type activities                               | 2,028,203             | 2,516,237             | 2,097,357             | 1,737,779             | 3,772,487             | 3,921,750             | 6,113,535           | 5,936,629             | 6,083,215             | 5,787,902           |
|                                                        | <u>\$ (4,375,503)</u> | <u>\$ (3,469,528)</u> | <u>\$ (4,615,525)</u> | <u>\$ (3,720,138)</u> | <u>\$ (1,979,138)</u> | <u>\$ (1,328,208)</u> | <u>\$ (546,440)</u> | <u>\$ (2,279,589)</u> | <u>\$ (2,291,321)</u> | <u>\$ (748,647)</u> |
| General revenues and other changes<br>in net position: |                       |                       |                       |                       |                       |                       |                     |                       |                       |                     |
| Governmental activities:                               |                       |                       |                       |                       |                       |                       |                     |                       |                       |                     |
| Property taxes                                         | \$ 3,040,733          | \$ 2,992,245          | \$ 3,001,002          | \$ 3,054,392          | \$ 3,332,606          | \$ 3,429,753          | \$ 3,760,854        | \$ 3,963,786          | \$ 4,414,128          | \$ 4,648,810        |
| Franchise fees based on gross receipts                 | 359,930               | 347,019               | 350,569               | 373,096               | 363,587               | 350,674               | 358,731             | 371,041               | 387,317               | 380,091             |
| Utility taxes                                          | 390,796               | 399,923               | 422,974               | 461,351               | 452,355               | 455,606               | 465,565             | 496,433               | 512,875               | 527,415             |
| Communications services tax                            | 307,006               | 298,092               | 281,603               | 270,719               | 249,333               | 221,442               | 203,152             | 203,345               | 186,454               | 174,600             |
| Unrestricted intergovernmental revenue                 | 495,586               | 549,523               | 618,159               | 630,453               | 670,021               | 1,175,138             | 660,337             | 652,061               | 674,423               | 703,078             |
| Unrestricted investment earnings (losses)              | 61,145                | 87,275                | (57,892)              | 12,555                | 39,064                | 68,011                | (7,719)             | (28,308)              | 202,361               | 182,684             |
| Miscellaneous                                          | 18,144                | 64,179                | 103,964               | 82,892                | 50,830                | 74,354                | 57,681              | 51,928                | 94,513                | 73,619              |
| Transfers                                              | 1,626,752             | 1,643,197             | 1,764,581             | 1,672,950             | 1,692,655             | 1,654,850             | 1,787,613           | 1,926,674             | 1,997,630             | 1,880,842           |
| Total governmental activities                          | <u>6,300,092</u>      | <u>6,381,453</u>      | <u>6,484,960</u>      | <u>6,558,408</u>      | <u>6,850,451</u>      | <u>7,429,828</u>      | <u>7,286,214</u>    | <u>7,636,960</u>      | <u>8,469,701</u>      | <u>8,571,139</u>    |
| Business-type activities:                              |                       |                       |                       |                       |                       |                       |                     |                       |                       |                     |
| Unrestricted investment earnings (losses)              | 53,696                | 96,954                | (67,674)              | 13,737                | 45,508                | 94,084                | (8,845)             | (33,214)              | 251,344               | 210,867             |
| Miscellaneous                                          | 126,856               | 203,701               | 278,681               | 269,424               | 254,094               | 355,331               | 318,991             | 262,885               | 273,852               | 226,699             |
| Transfers                                              | (1,626,752)           | (1,643,197)           | (1,764,581)           | (1,672,950)           | (1,692,655)           | (1,654,850)           | (1,787,613)         | (1,926,674)           | (1,997,630)           | (1,880,842)         |
| Total business-type activities                         | <u>(1,446,200)</u>    | <u>(1,342,542)</u>    | <u>(1,553,574)</u>    | <u>(1,389,789)</u>    | <u>(1,393,053)</u>    | <u>(1,205,435)</u>    | <u>(1,477,467)</u>  | <u>(1,697,003)</u>    | <u>(1,472,434)</u>    | <u>(1,443,276)</u>  |
| Change in net position:                                |                       |                       |                       |                       |                       |                       |                     |                       |                       |                     |
| Governmental activities                                | (103,614)             | 395,688               | (227,922)             | 1,100,491             | 1,098,826             | 2,179,870             | 626,239             | (579,258)             | 95,165                | 2,034,590           |
| Business-type activities                               | 582,003               | 1,173,695             | 543,783               | 347,990               | 2,379,434             | 2,716,315             | 4,636,068           | 4,239,626             | 4,610,781             | 4,344,626           |
|                                                        | <u>\$ 478,389</u>     | <u>\$ 1,569,383</u>   | <u>\$ 315,861</u>     | <u>\$ 1,448,481</u>   | <u>\$ 3,478,260</u>   | <u>\$ 4,896,185</u>   | <u>\$ 5,262,307</u> | <u>\$ 3,660,368</u>   | <u>\$ 4,705,946</u>   | <u>\$ 6,379,216</u> |

TOWN OF BAY HARBOR ISLANDS, FLORIDA

SCHEDULE 3  
FUND BALANCES, GOVERNMENTAL FUNDS  
LAST TEN FISCAL YEARS  
(Modified accrual basis of accounting)

|                               | 2011                | 2012                | 2013                | 2014                | 2015                | 2016                | 2017                | 2018                | 2019                | 2020                 |
|-------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|----------------------|
| General Fund:                 |                     |                     |                     |                     |                     |                     |                     |                     |                     |                      |
| Non-spendable                 | \$ 121,095          | \$ 56,482           | \$ 38,630           | \$ 30,104           | \$ 28,493           | \$ 25,450           | \$ 78,554           | \$ 38,792           | \$ 46,529           | \$ 112,891           |
| Restricted                    | 132,992             | 94,198              | 23,654              | 26                  | 7,486               | 7,487               | 67,839              | 67,790              | 115,065             | 164,534              |
| Unassigned                    | 3,343,554           | 3,245,657           | 3,638,393           | 5,050,708           | 7,813,864           | 8,089,298           | 8,653,794           | 8,851,733           | 9,081,019           | 10,173,601           |
| Total General Fund            | <u>\$ 3,597,641</u> | <u>\$ 3,396,337</u> | <u>\$ 3,700,677</u> | <u>\$ 5,080,838</u> | <u>\$ 7,849,843</u> | <u>\$ 8,122,235</u> | <u>\$ 8,800,187</u> | <u>\$ 8,958,315</u> | <u>\$ 9,242,613</u> | <u>\$ 10,451,026</u> |
| All other governmental funds: |                     |                     |                     |                     |                     |                     |                     |                     |                     |                      |
| Unreserved, reported in:      |                     |                     |                     |                     |                     |                     |                     |                     |                     |                      |
| Capital Projects Fund         | \$ --               | \$ --               | \$ --               | \$ --               | \$ --               | \$ --               | \$ --               | \$ --               | \$ --               | \$ --                |
| Assigned to:                  |                     |                     |                     |                     |                     |                     |                     |                     |                     |                      |
| Capital Projects Fund         | 3,956,049           | 559,623             | 519,958             | 511,390             | 354,577             | 160,689             | 160,689             | 160,689             | 160,689             | 160,689              |
| Total Capital Projects Fund   | <u>\$ 3,956,049</u> | <u>\$ 559,623</u>   | <u>\$ 519,958</u>   | <u>\$ 511,390</u>   | <u>\$ 354,577</u>   | <u>\$ 160,689</u>   | <u>\$ 160,689</u>   | <u>\$ 160,689</u>   | <u>\$ 160,689</u>   | <u>\$ 160,689</u>    |

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## SCHEDULE 4 CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS LAST TEN FISCAL YEARS (Modified accrual basis of accounting)

|                                                            | 2011                  | 2012                  | 2013               | 2014                | 2015                | 2016               | 2017               | 2018               | 2019               | 2020                |
|------------------------------------------------------------|-----------------------|-----------------------|--------------------|---------------------|---------------------|--------------------|--------------------|--------------------|--------------------|---------------------|
| <b>Revenues:</b>                                           |                       |                       |                    |                     |                     |                    |                    |                    |                    |                     |
| Taxes                                                      | \$ 3,755,413          | \$ 3,697,292          | \$ 3,705,579       | \$ 3,786,462        | \$ 4,034,294        | \$ 4,106,801       | \$ 4,429,571       | \$ 4,663,564       | \$ 5,113,457       | \$ 5,350,825        |
| Franchise fees                                             | 359,930               | 347,019               | 350,569            | 373,096             | 363,587             | 350,674            | 358,731            | 371,041            | 387,317            | 380,091             |
| Licenses and permits                                       | 153,386               | 191,628               | 509,964            | 826,335             | 1,180,257           | 1,051,339          | 629,233            | 761,815            | 967,672            | 1,319,112           |
| Intergovernmental                                          | 716,848               | 804,970               | 876,689            | 913,702             | 970,463             | 971,127            | 922,765            | 989,502            | 1,004,290          | 971,167             |
| Transfer development right fees                            | --                    | --                    | 310,000            | 637,500             | 2,186,000           | 1,484,250          | 1,253,750          | 5,000              | --                 | 1,000               |
| Charges for services                                       | 2,783                 | 2,893                 | 11,435             | 119,252             | 188,524             | 191,929            | 224,723            | 273,828            | 290,547            | 47,004              |
| Fines and forfeitures                                      | 143,529               | 148,308               | 187,480            | 118,454             | 119,988             | 109,149            | 110,992            | 164,723            | 155,060            | 123,714             |
| Investment earnings (losses)                               | 61,145                | 87,275                | (57,892)           | 12,555              | 39,064              | 68,011             | (7,719)            | (28,308)           | 202,361            | 182,684             |
| Grants                                                     | 106,221               | 628,358               | 43,418             | 2,163               | 3,693               | 500,000            | --                 | 288,088            | --                 | 70,000              |
| Miscellaneous                                              | 18,144                | 64,179                | 103,964            | 82,891              | 50,830              | 74,354             | 57,681             | 51,928             | 84,413             | 61,168              |
| Total revenues                                             | <u>5,317,399</u>      | <u>5,971,922</u>      | <u>6,041,206</u>   | <u>6,872,410</u>    | <u>9,136,700</u>    | <u>8,907,634</u>   | <u>7,979,727</u>   | <u>7,541,181</u>   | <u>8,205,117</u>   | <u>8,506,765</u>    |
| <b>Expenditures:</b>                                       |                       |                       |                    |                     |                     |                    |                    |                    |                    |                     |
| General government                                         | 1,074,286             | 1,021,155             | 1,059,846          | 992,855             | 1,146,798           | 1,387,402          | 1,339,307          | 1,591,468          | 1,910,436          | 1,827,792           |
| Public safety                                              | 4,196,518             | 4,373,684             | 4,718,586          | 4,219,057           | 4,401,701           | 4,441,408          | 4,684,294          | 4,998,502          | 4,862,875          | 4,952,409           |
| Transportation                                             | 817,526               | 891,186               | 847,193            | 677,439             | 707,624             | 722,403            | 880,270            | 808,231            | 639,646            | 603,046             |
| Culture and recreation                                     | 56,122                | 51,440                | 88,961             | 229,475             | 520,597             | 750,181            | 905,788            | 1,209,433          | 1,210,888          | 972,097             |
| Capital outlay                                             | 3,272,090             | 4,265,481             | 288,069            | 516,991             | 743,909             | 2,643,918          | 842,941            | 201,442            | 802,419            | 328,895             |
| Debt service:                                              |                       |                       |                    |                     |                     |                    |                    |                    |                    |                     |
| Principal payments                                         | 190,000               | 200,000               | 205,000            | 278,000             | 291,000             | 295,000            | 304,000            | 312,000            | 319,000            | 331,000             |
| Interest and debt costs                                    | 415,924               | 409,903               | 379,135            | 259,950             | 250,611             | 344,248            | 137,538            | 189,958            | 183,285            | 176,407             |
| Total expenditures                                         | <u>10,022,466</u>     | <u>11,212,849</u>     | <u>7,586,790</u>   | <u>7,173,767</u>    | <u>8,062,240</u>    | <u>10,584,560</u>  | <u>9,094,138</u>   | <u>9,311,034</u>   | <u>9,928,549</u>   | <u>9,191,646</u>    |
| Excess of revenues over<br>(under) expenditures            | <u>(4,705,067)</u>    | <u>(5,240,927)</u>    | <u>(1,545,584)</u> | <u>(301,357)</u>    | <u>1,074,460</u>    | <u>(1,676,926)</u> | <u>(1,114,411)</u> | <u>(1,769,853)</u> | <u>(1,723,432)</u> | <u>(684,881)</u>    |
| <b>Other financing sources (uses):</b>                     |                       |                       |                    |                     |                     |                    |                    |                    |                    |                     |
| Transfers in                                               | 1,626,752             | 1,643,197             | 1,764,581          | 1,672,950           | 1,692,655           | 1,654,850          | 1,787,613          | 1,926,674          | 1,997,630          | 1,880,842           |
| Sale of capital assets                                     | --                    | --                    | --                 | --                  | 1,890               | 1,145              | 4,750              | 1,307              | 10,100             | 12,451              |
| Bonds and notes issued                                     | --                    | --                    | 4,709,000          | --                  | --                  | 3,218,081          | --                 | --                 | --                 | --                  |
| Payment to bond escrow agent                               | --                    | --                    | (4,663,322)        | --                  | --                  | (3,118,646)        | --                 | --                 | --                 | --                  |
| Total other financing sources                              | <u>1,626,752</u>      | <u>1,643,197</u>      | <u>1,810,259</u>   | <u>1,672,950</u>    | <u>1,694,545</u>    | <u>1,755,430</u>   | <u>1,792,363</u>   | <u>1,927,981</u>   | <u>2,007,730</u>   | <u>1,893,293</u>    |
| Net change in fund balances                                | <u>\$ (3,078,315)</u> | <u>\$ (3,597,730)</u> | <u>\$ 264,675</u>  | <u>\$ 1,371,593</u> | <u>\$ 2,769,005</u> | <u>\$ 78,504</u>   | <u>\$ 677,952</u>  | <u>\$ 158,128</u>  | <u>\$ 284,298</u>  | <u>\$ 1,208,412</u> |
| Debt service as a percentage<br>of noncapital expenditures | 9.0%                  | 8.8%                  | 8.0%               | 8.1%                | 7.4%                | 8.1%               | 5.4%               | 5.5%               | 5.5%               | 5.7%                |

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## SCHEDULE 5

### PROGRAM REVENUES BY FUNCTION/PROGRAM

#### LAST TEN FISCAL YEARS

(Accrual Basis of Accounting)

|                                | 2011                 | 2012                 | 2013                 | 2014                 | 2015                 | 2016                 | 2017                 | 2018                 | 2019                 | 2020                 |
|--------------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Governmental activities:       |                      |                      |                      |                      |                      |                      |                      |                      |                      |                      |
| General government             | \$ 153,406           | \$ 220,026           | \$ 513,145           | \$ 826,365           | \$ 1,180,307         | \$ 2,535,629         | \$ 1,883,013         | \$ 1,054,923         | \$ 967,692           | \$ 1,320,142         |
| Public safety                  | 368,757              | 404,229              | 486,956              | 405,162              | 168,898              | 153,543              | 158,368              | 213,850              | 207,960              | 197,152              |
| Transportation                 | --                   | 600,000              | --                   | --                   | 258,583              | 255,694              | 259,353              | 320,372              | 314,849              | 267,579              |
| Culture and recreation         | 105,019              | 2,488                | 10,726               | 117,927              | 185,116              | 188,935              | 220,142              | 269,644              | 285,879              | 43,536               |
| Total governmental activities  | <u>627,182</u>       | <u>1,226,743</u>     | <u>1,010,827</u>     | <u>1,349,454</u>     | <u>1,792,904</u>     | <u>3,133,801</u>     | <u>2,520,876</u>     | <u>1,858,789</u>     | <u>1,776,380</u>     | <u>1,828,409</u>     |
| Business-type activities:      |                      |                      |                      |                      |                      |                      |                      |                      |                      |                      |
| Causeway                       | 5,350,355            | 5,474,246            | 5,582,204            | 5,832,200            | 6,124,053            | 6,858,863            | 8,627,495            | 9,549,066            | 9,623,061            | 8,980,535            |
| Sewer                          | 1,747,443            | 2,001,681            | 1,934,067            | 1,857,548            | 1,981,206            | 2,013,613            | 2,253,963            | 2,382,027            | 2,375,878            | 2,323,675            |
| Water                          | 1,292,097            | 1,254,114            | 1,214,093            | 1,097,840            | 1,226,305            | 1,154,818            | 1,219,765            | 1,278,795            | 1,281,424            | 1,227,971            |
| Parking                        | 389,756              | 379,778              | 476,723              | 691,395              | 586,972              | 673,472              | 738,302              | 716,872              | 688,309              | 438,110              |
| Solid waste                    | 694,928              | 715,326              | 715,130              | 725,714              | 711,977              | 698,570              | 755,226              | 795,676              | 815,242              | 814,680              |
| Stormwater                     | 208,815              | 213,156              | 209,667              | 209,457              | 205,037              | 210,169              | 208,544              | 217,243              | 218,863              | 216,919              |
| Total business-type activities | <u>9,683,394</u>     | <u>10,038,301</u>    | <u>10,131,884</u>    | <u>10,414,154</u>    | <u>10,835,550</u>    | <u>11,609,505</u>    | <u>13,803,295</u>    | <u>14,939,679</u>    | <u>15,002,777</u>    | <u>14,001,890</u>    |
| Total primary government       | <u>\$ 10,310,576</u> | <u>\$ 11,265,044</u> | <u>\$ 11,142,711</u> | <u>\$ 11,763,608</u> | <u>\$ 12,628,454</u> | <u>\$ 14,743,306</u> | <u>\$ 16,324,171</u> | <u>\$ 16,798,468</u> | <u>\$ 16,779,157</u> | <u>\$ 15,830,299</u> |

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## SCHEDULE 6

### ASSESSED VALUE OF TAXABLE PROPERTY

### LAST TEN FISCAL YEARS

| Year* | Real<br>Property | Personal<br>Property | Total Assessed<br>Value | Exemptions     |              | Net Taxable<br>Value | Direct<br>Millage | Total<br>Direct &<br>Overlapping<br>Millage |
|-------|------------------|----------------------|-------------------------|----------------|--------------|----------------------|-------------------|---------------------------------------------|
|       |                  |                      |                         | Real           | Personal     |                      |                   |                                             |
| 2011  | \$ 786,125,345   | \$ 15,066,967        | \$ 801,192,312          | \$ 193,998,319 | \$ 2,548,463 | \$ 604,645,530       | 5.2971            | 23.1724                                     |
| 2012  | 774,573,967      | 15,719,441           | 790,293,408             | 195,261,493    | 2,212,422    | 592,819,493          | 5.2971            | 21.8256                                     |
| 2013  | 749,459,838      | 15,472,810           | 764,932,648             | 182,892,469    | 2,174,864    | 579,865,315          | 5.2971            | 21.7097                                     |
| 2014  | 845,128,356      | 15,304,530           | 860,432,886             | 255,862,099    | 2,407,807    | 602,162,980          | 5.2971            | 21.7097                                     |
| 2015  | 1,063,287,591    | 15,600,448           | 1,078,888,039           | 377,286,535    | 2,674,099    | 698,927,405          | 4.9000            | 21.3417                                     |
| 2016  | 1,210,203,009    | 14,982,614           | 1,225,185,623           | 444,372,802    | 2,746,997    | 778,065,824          | 4.5500            | 20.5953                                     |
| 2017  | 1,444,251,699    | 14,698,252           | 1,458,949,951           | 576,225,941    | 2,612,688    | 880,111,322          | 4.4000            | 20.3638                                     |
| 2018  | 1,720,875,185    | 15,249,716           | 1,736,124,901           | 702,001,113    | 2,536,046    | 1,031,587,742        | 3.9995            | 19.5819                                     |
| 2019  | 1,862,399,237    | 17,183,700           | 1,879,582,937           | 662,500,517    | 2,344,091    | 1,214,738,329        | 3.7199            | 19.0560                                     |
| 2020  | 1,933,106,853    | 18,943,845           | 1,952,050,698           | 615,865,109    | 2,309,588    | 1,333,876,001        | 3.6245            | 19.4016                                     |

\*Year refers to the fiscal year which is funded by taxes levied upon the listed assessments. Each fiscal year's tax roll is as of January 1 of the previous year.

SOURCE: Miami-Dade County Property Appraiser's Office



# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## SCHEDULE 7

### PROPERTY TAX RATES (per \$1,000)

### DIRECT AND OVERLAPPING GOVERNMENTS

### LAST TEN FISCAL YEARS

|       | Direct Rate           | Overlapping Rates       |                       |             |                   |                        |         |
|-------|-----------------------|-------------------------|-----------------------|-------------|-------------------|------------------------|---------|
|       |                       | State Special Districts |                       |             |                   |                        |         |
|       | Bay Harbor<br>Islands | Miami-<br>Dade          | Miami-<br>Dade County | County      | Florida<br>Inland | South Florida<br>Water |         |
| Year* | Operating             | County                  | Schools               | Districts** | Navigation        | Management             | Total   |
| 2011  | 5.2971                | 5.8725                  | 8.2490                | 3.0953      | 0.0345            | 0.6240                 | 23.1724 |
| 2012  | 5.2971                | 5.0900                  | 8.0050                | 2.9627      | 0.0345            | 0.4363                 | 21.8256 |
| 2013  | 5.2971                | 4.9885                  | 7.9980                | 2.9627      | 0.0345            | 0.4289                 | 21.7097 |
| 2014  | 5.2500                | 5.1255                  | 7.9770                | 2.9623      | 0.0345            | 0.4110                 | 21.7603 |
| 2015  | 4.9000                | 5.1169                  | 7.9740                | 2.9321      | 0.0345            | 0.3842                 | 21.3417 |
| 2016  | 4.5500                | 5.1169                  | 7.6120                | 2.9293      | 0.0320            | 0.3551                 | 20.5953 |
| 2017  | 4.4000                | 5.0669                  | 7.3220                | 3.2122      | 0.0320            | 0.3307                 | 20.3638 |
| 2018  | 3.9995                | 5.0669                  | 6.9940                | 3.1795      | 0.0320            | 0.3100                 | 19.5819 |
| 2019  | 3.7199                | 5.1313                  | 6.7330                | 3.1462      | 0.0320            | 0.2936                 | 19.0560 |
| 2020  | 3.6245                | 5.1449                  | 7.1480                | 3.1727      | 0.0320            | 0.2795                 | 19.4016 |

SOURCE: Miami-Dade County Property Appraiser's Office

\*Year refers to the fiscal year which is funded by taxes levied upon properties as assessed effective January 1 of the previous year.

\*\* This represents Fire and Rescue and the Children's Trust.

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## SCHEDULE 8 PRINCIPAL PROPERTY TAXPAYERS REAL ESTATE AD VALOREM TAXES CURRENT AND NINE YEARS AGO

**Year: 2020**

| <u>Parcel Owner</u>                   | <u>Taxable<br/>Valuation</u> | <u>Percentage<br/>of Total<br/>Taxable<br/>Valuation*</u> |
|---------------------------------------|------------------------------|-----------------------------------------------------------|
| Bay Village Condos LLC                | \$ 25,390,370                | 1.86%                                                     |
| Bay Harbor Hotel LLC                  | 18,000,000                   | 1.32%                                                     |
| B H Investment LLC                    | 17,379,780                   | 1.27%                                                     |
| CBS Realty Holding LLC                | 12,221,920                   | 0.89%                                                     |
| Annette Samson Eichen TRS             | 8,862,366                    | 0.65%                                                     |
| Bay Harbor Project LLC                | 8,472,760                    | 0.62%                                                     |
| NR Wharton Kane Concourse             | 8,379,937                    | 0.61%                                                     |
| Mark Tabacinic and Vanessa Bibliowicz | 8,136,085                    | 0.59%                                                     |
| Broadhouse Holdings LTD               | 8,018,430                    | 0.59%                                                     |
| Congress Driftwood LTD                | 7,650,000                    | 0.56%                                                     |
|                                       | <u>\$ 122,511,648</u>        | <u>8.95%</u>                                              |

\*Based on Appraisers 2020 Municipal Tax Roll.

**Year: 2011**

| <u>Parcel Owner</u>         | <u>Taxable<br/>Valuation</u> | <u>Percentage<br/>of Total<br/>Taxable<br/>Valuation**</u> |
|-----------------------------|------------------------------|------------------------------------------------------------|
| 1170 LLC                    | \$ 5,151,577                 | 0.91%                                                      |
| Spencer Merinoff            | 3,968,745                    | 0.70%                                                      |
| 1108 Concourse LC           | 3,849,278                    | 0.68%                                                      |
| Uzi and Tova Zohar          | 3,184,385                    | 0.56%                                                      |
| Ocean Cadillac Inc.         | 3,178,500                    | 0.56%                                                      |
| Baytown Corporation         | 3,006,949                    | 0.53%                                                      |
| Mitchell and Annette Eichen | 2,969,850                    | 0.53%                                                      |
| Mark and Janice Revitz      | 2,914,518                    | 0.52%                                                      |
| James Cohen                 | 2,682,520                    | 0.48%                                                      |
| Paul and Camile Battista    | 2,660,706                    | 0.47%                                                      |
|                             | <u>\$ 33,567,028</u>         | <u>5.94%</u>                                               |

\*\*Based on Appraiser's 2011 certification of taxable value.

SOURCE: Miami-Dade County Property Appraiser's Office

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## SCHEDULE 9

### PROPERTY TAX LEVIES AND COLLECTIONS

#### LAST TEN FISCAL YEARS

| Fiscal Year<br>Ended<br>September 30, | Taxes<br>Levied | Collected within the Fiscal<br>Year of the Levy |                       | Collections of<br>Previous<br>Years' Levies | Total<br>Collections |
|---------------------------------------|-----------------|-------------------------------------------------|-----------------------|---------------------------------------------|----------------------|
|                                       |                 | Amount                                          | Percentage<br>of Levy |                                             |                      |
| 2011                                  | \$ 3,213,462    | \$ 2,835,472                                    | 88.2%                 | \$ 205,261                                  | \$ 3,040,733         |
| 2012                                  | 3,056,957       | 2,886,789                                       | 94.4%                 | 105,456                                     | 2,992,245            |
| 2013                                  | 3,071,604       | 2,805,412                                       | 91.3%                 | 195,590                                     | 3,001,002            |
| 2014                                  | 3,161,356       | 2,954,498                                       | 93.5%                 | 99,894                                      | 3,054,392            |
| 2015                                  | 3,424,744       | 3,122,365                                       | 91.2%                 | 210,241                                     | 3,332,606            |
| 2016                                  | 3,540,199       | 3,356,009                                       | 94.8%                 | 73,744                                      | 3,429,753            |
| 2017                                  | 3,872,490       | 3,538,702                                       | 91.4%                 | 222,152                                     | 3,760,854            |
| 2018                                  | 4,125,835       | 3,730,282                                       | 90.4%                 | 233,504                                     | 3,963,786            |
| 2019                                  | 4,518,705       | 4,136,569                                       | 91.5%                 | 277,559                                     | 4,414,128            |
| 2020                                  | 4,995,365       | 4,279,098                                       | 85.7%                 | 369,712                                     | 4,648,810            |

Source: Miami-Dade County Property Appraiser's Office, except for Taxes Levied from Town Finance Department.

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## SCHEDULE 10

### CAUSEWAY TOLL REVENUE

### LAST TEN FISCAL YEARS

|                           | 2011                | 2012                | 2013                | 2014                | 2015                | 2016                | 2017                | 2018                | 2019                | 2020                |
|---------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Total traffic             | <u>6,204,622</u>    | <u>6,484,193</u>    | <u>6,611,424</u>    | <u>6,729,408</u>    | <u>7,488,382</u>    | <u>7,917,781</u>    | <u>7,779,309</u>    | <u>7,992,743</u>    | <u>7,939,642</u>    | <u>6,647,870</u>    |
| Toll revenues:            |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |
| Cash tolls                | \$ 3,849,802        | \$ 4,087,159        | \$ 4,110,787        | \$ 4,400,704        | \$ 5,146,478        | \$ 5,947,747        | \$ 8,212,150        | \$ 9,082,874        | \$ 9,128,459        | \$ 7,557,782        |
| Commuter/annual pass      | <u>1,384,304</u>    | <u>1,387,087</u>    | <u>1,471,417</u>    | <u>1,431,496</u>    | <u>492,563</u>      | <u>395,428</u>      | <u>415,345</u>      | <u>466,192</u>      | <u>494,602</u>      | <u>504,200</u>      |
| Total toll revenue        | <u>\$ 5,234,106</u> | <u>\$ 5,474,246</u> | <u>\$ 5,582,204</u> | <u>\$ 5,832,200</u> | <u>\$ 5,639,041</u> | <u>\$ 6,343,175</u> | <u>\$ 8,627,495</u> | <u>\$ 9,549,066</u> | <u>\$ 9,623,061</u> | <u>\$ 8,061,982</u> |
| Average yield per vehicle | \$ 0.844            | \$ 0.844            | \$ 0.844            | \$ 0.867            | \$ 0.753            | \$ 0.801            | \$ 1.109            | \$ 1.195            | \$ 1.212            | \$ 1.213            |
| Toll rates:               |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |
| Cash toll (Class 1)       | \$ 1.00             | \$ 1.00             | \$ 1.00             | \$ 1.00             | \$ 1.00             | \$ 1.50             | \$ 1.50             | \$ 1.50             | \$ 1.50             | \$ 1.50             |
| Annual pass               | \$ 250.00           | \$ 250.00           | \$ 250.00           | \$ 250.00           | \$ 250.00           | \$ 250.00           | \$ 300.00           | \$ 300.00           | \$ 300.00           | \$ 300.00           |

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## SCHEDULE 11

### RATIOS OF OUTSTANDING DEBT BY TYPE

### LAST TEN FISCAL YEARS

| Fiscal<br>Year | Business-Type Activities |                         | Governmental Activities       |                               |                              | Total<br>Primary<br>Government | Percentage of<br>Actual Property<br>Value (1) | Per<br>Capita (2) |
|----------------|--------------------------|-------------------------|-------------------------------|-------------------------------|------------------------------|--------------------------------|-----------------------------------------------|-------------------|
|                | Promissory<br>Notes      | State<br>Revolving Loan | Revenue Bonds<br>Series 2003B | Refunding Note<br>Series 2012 | Revenue Bonds<br>Series 2016 |                                |                                               |                   |
| 2011           | \$ 6,181,197             | \$ 644,204              | \$ 8,115,000                  |                               |                              | \$ 14,940,401                  | 2.47%                                         | \$ 2,655          |
| 2012           | 5,747,065                | 588,263                 | 7,915,000                     |                               |                              | 14,250,328                     | 2.40%                                         | 2,473             |
| 2013           | 18,593,000               | 530,589                 | 3,265,000                     | \$ 4,709,000                  |                              | 27,097,589                     | 4.67%                                         | 4,655             |
| 2014           | 17,643,000               | 471,128                 | 3,055,000                     | 4,641,000                     |                              | 25,810,128                     | 4.29%                                         | 4,409             |
| 2015           | 16,604,000               | 409,825                 | 3,055,000                     | 4,350,000                     |                              | 24,418,825                     | 3.49%                                         | 4,065             |
| 2016           | 15,532,000               | 346,623                 |                               | 4,055,000                     | \$ 3,218,081                 | 23,151,704                     | 2.98%                                         | 3,836             |
| 2017           | 14,431,000               | 281,462                 |                               | 3,751,000                     | 3,210,253                    | 21,673,715                     | 2.46%                                         | 3,627             |
| 2018           | 13,302,000               | 214,284                 |                               | 3,444,000                     | 3,197,425                    | 20,157,709                     | 1.95%                                         | 3,323             |
| 2019           | 12,078,000               | 145,024                 |                               | 3,130,000                     | 3,184,597                    | 18,537,621                     | 1.53%                                         | 3,108             |
| 2020           | 10,826,000               | 73,618                  |                               | 2,809,000                     | 3,166,769                    | 16,875,387                     | 1.27%                                         | 2,913             |

Note: Details regarding the Town's outstanding debt can be found in the notes to the financial statements.

(1) See the Schedule of Assessed Value of Taxable Property for the property value data.

(2) See the Schedule of Demographic and Economic Statistics. Data on personal income for the Town distinct from larger statistical units is not available so a meaningful comparison of total debt to personal income cannot be computed.

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## SCHEDULE 12

### DIRECT AND OVERLAPPING GOVERNMENTAL ACTIVITIES DEBT

SEPTEMBER 30, 2020

| Jurisdiction                                 | Debt<br>Outstanding | Estimated<br>Percentage<br>Applicable to<br>Town of Bay<br>Harbor<br>Islands (1) | Estimated<br>Share of<br>Direct &<br>Overlapping<br>Debt |
|----------------------------------------------|---------------------|----------------------------------------------------------------------------------|----------------------------------------------------------|
| Direct:                                      |                     |                                                                                  |                                                          |
| Bay Harbor Islands                           | \$ 5,975,769        | 100.00%                                                                          | \$ 5,975,769                                             |
| Overlapping:                                 |                     |                                                                                  |                                                          |
| Miami-Dade Board of County Commissioners (2) | 2,282,020           | 0.20%                                                                            | 4,667                                                    |
| Miami-Dade County School Board (3)           | 927,088,000         | 0.20%                                                                            | 1,895,874                                                |
| Total overlapping                            | 929,370,020         |                                                                                  | 1,900,541                                                |
| Total direct and overlapping                 | \$ 935,345,789      |                                                                                  | \$ 7,876,310                                             |

#### Notes:

(1) The percentage of overlapping debt payable is estimated by dividing the Town's population of 5,793 by the County's population of 2,832,794 obtained from Miami-Dade County, Florida Finance Department.

(2) Source: Miami-Dade County, Florida, Finance Department; General Obligation Bonds

(3) Information obtained from Miami-Dade County School Board CAFR for fiscal year ended June 30, 2020; General Obligation Bonds.

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## SCHEDULE 13 LEGAL DEBT MARGIN INFORMATION LAST TEN FISCAL YEARS

|                                                                      | 2011                  | 2012                  | 2013                  | 2014                  | 2015                    | 2016                    | 2017                    | 2018                    | 2019                    | 2020                    |
|----------------------------------------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| Assessed values (1):                                                 |                       |                       |                       |                       |                         |                         |                         |                         |                         |                         |
| Taxable value of real property                                       | \$ 592,127,026        | \$ 579,312,474        | \$ 566,567,369        | \$ 589,266,257        | \$ 686,001,056          | \$ 765,830,207          | \$ 868,025,758          | \$ 1,018,874,072        | \$ 1,199,898,720        | \$ 1,317,241,744        |
| Add: Exempt real property                                            | 193,998,319           | 195,261,493           | 182,892,469           | 255,862,099           | 377,286,535             | 444,372,802             | 576,225,941             | 702,001,113             | 662,500,517             | 615,865,109             |
| Total assessed value of real property                                | <u>\$ 786,125,345</u> | <u>\$ 774,573,967</u> | <u>\$ 749,459,838</u> | <u>\$ 845,128,356</u> | <u>\$ 1,063,287,591</u> | <u>\$ 1,210,203,009</u> | <u>\$ 1,444,251,699</u> | <u>\$ 1,720,875,185</u> | <u>\$ 1,862,399,237</u> | <u>\$ 1,933,106,853</u> |
| Legal debt margin:                                                   |                       |                       |                       |                       |                         |                         |                         |                         |                         |                         |
| Debt limitation (25% of assessed real property)                      | \$ 196,531,336        | \$ 193,643,492        | \$ 187,364,960        | \$ 211,282,089        | \$ 265,821,898          | \$ 302,550,752          | \$ 361,062,925          | \$ 430,218,796          | \$ 465,599,809          | \$ 483,276,713          |
| Total bonded debt                                                    | 8,115,000             | 7,915,000             | 7,974,000             | 7,696,000             | 7,551,730               | 7,273,081               | 6,961,253               | 6,641,425               | 6,314,597               | 5,975,769               |
| Legal debt margin                                                    | <u>\$ 188,416,336</u> | <u>\$ 185,728,492</u> | <u>\$ 179,390,960</u> | <u>\$ 203,586,089</u> | <u>\$ 258,270,168</u>   | <u>\$ 295,277,671</u>   | <u>\$ 354,101,672</u>   | <u>\$ 423,577,371</u>   | <u>\$ 459,285,212</u>   | <u>\$ 477,300,944</u>   |
| Total net debt applicable to the limit as a percentage of debt limit | 4.13%                 | 4.09%                 | 4.26%                 | 3.64%                 | 2.84%                   | 2.40%                   | 1.93%                   | 1.54%                   | 1.36%                   | 1.24%                   |

Note: The Town may incur bonded debt up to 25% of the assessed valuation of real estate within its boundaries per section 45 of the Town Charter.

(1) See the Schedule of Assessed Value of Taxable Property for the property value data.

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## SCHEDULE 14

### PLEDGED-REVENUE COVERAGE

#### LAST TEN FISCAL YEARS

| Fiscal<br>Year | Broad Causeway Revenue Bonds and Notes |                       |                          |                        |          |
|----------------|----------------------------------------|-----------------------|--------------------------|------------------------|----------|
|                | Gross<br>Revenues                      | Operating<br>Expenses | Net Available<br>Revenue | Debt Service<br>Amount | Coverage |
| 2011           | \$ 5,337,434                           | \$ 3,033,597          | \$ 2,303,837             | \$ 430,795             | 5.35     |
| 2012           | 5,595,731                              | 3,019,397             | 2,576,334                | 430,795                | 5.98     |
| 2013           | 5,625,617                              | 2,909,660             | 2,715,957                | 1,125,563              | 2.41     |
| 2014           | 5,941,008                              | 3,885,577             | 2,055,431                | 1,121,329              | 1.83     |
| 2015           | 5,757,614                              | 2,159,010             | 3,598,604                | 1,120,823              | 3.21     |
| 2016           | 6,484,815                              | 2,509,514             | 3,975,301                | 1,120,836              | 3.55     |
| 2017           | 8,729,606                              | 2,345,852             | 6,383,754                | 1,121,343              | 5.69     |
| 2018           | 9,656,230                              | 2,598,543             | 7,057,687                | 1,120,319              | 6.30     |
| 2019           | 9,840,577                              | 2,565,695             | 7,274,882                | 1,120,788              | 6.49     |
| 2020           | 8,253,032                              | 2,174,804             | 6,078,228                | 1,120,701              | 5.42     |

| Fiscal<br>Year | Sewer Fund State Revolving Loan |                       |                          |                        |          |
|----------------|---------------------------------|-----------------------|--------------------------|------------------------|----------|
|                | Gross<br>Revenues               | Operating<br>Expenses | Net Available<br>Revenue | Debt Service<br>Amount | Coverage |
| 2011           | \$ 1,747,443                    | \$ 1,103,346          | \$ 644,097               | \$ 75,320              | 8.55     |
| 2012           | 2,001,681                       | 1,144,369             | 857,312                  | 75,320                 | 11.38    |
| 2013           | 1,972,067                       | 1,179,264             | 792,803                  | 75,320                 | 10.53    |
| 2014           | 1,943,998                       | 1,071,444             | 872,554                  | 75,320                 | 11.58    |
| 2015           | 2,051,031                       | 1,096,990             | 954,041                  | 75,320                 | 12.67    |
| 2016           | 2,058,738                       | 1,270,576             | 788,162                  | 75,320                 | 10.46    |
| 2017           | 2,266,313                       | 1,389,039             | 877,274                  | 75,320                 | 11.65    |
| 2018           | 2,382,977                       | 1,311,744             | 1,071,233                | 75,320                 | 14.22    |
| 2019           | 2,384,428                       | 1,476,108             | 908,320                  | 75,320                 | 12.06    |
| 2020           | 2,323,675                       | 1,405,847             | 917,828                  | 75,320                 | 12.19    |

| Fiscal<br>Year | Revenue Bonds and Refunding Note |                   |                |                   |                        |          |
|----------------|----------------------------------|-------------------|----------------|-------------------|------------------------|----------|
|                | Sales<br>Tax                     | Franchise<br>Fees | Utility<br>Tax | Total<br>Revenues | Debt Service<br>Amount | Coverage |
| 2011           | \$ 319,564                       | \$ 359,930        | \$ 390,796     | \$ 1,070,290      | \$ 605,924             | 1.77     |
| 2012           | 336,947                          | 347,020           | 399,923        | 1,083,890         | 609,903                | 1.78     |
| 2013           | 388,606                          | 350,569           | 422,974        | 1,162,149         | 540,971                | 2.15     |
| 2014           | 413,855                          | 373,096           | 461,351        | 1,248,302         | 537,960                | 2.32     |
| 2015           | 434,991                          | 363,587           | 452,355        | 1,250,933         | 541,611                | 2.31     |
| 2016           | 441,069                          | 350,674           | 455,606        | 1,247,349         | 535,582                | 2.33     |
| 2017           | 421,028                          | 358,731           | 465,565        | 1,245,324         | 437,094                | 2.85     |
| 2018           | 444,758                          | 371,041           | 496,433        | 1,312,232         | 501,958                | 2.61     |
| 2019           | 463,401                          | 387,317           | 512,875        | 1,363,593         | 502,285                | 2.71     |
| 2020           | 401,379                          | 380,091           | 527,415        | 1,308,885         | 507,407                | 2.58     |



# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## SCHEDULE 15

### DEMOGRAPHIC AND ECONOMIC STATISTICS

#### LAST TEN FISCAL YEARS

| Year | Bay Harbor<br>Islands<br>Population * | Miami- Dade County ** |                               |                      |                         |               |
|------|---------------------------------------|-----------------------|-------------------------------|----------------------|-------------------------|---------------|
|      |                                       | Personal<br>Income    | Per Capita<br>Personal Income | Unemployment<br>Rate | Civilian<br>Labor Force | Median<br>Age |
| 2011 | 5,762                                 | \$ 96,657,710         | \$ 37,834                     | 12.7%                | 1,300,030               | 38            |
| 2012 | 5,821                                 | 100,688,604           | 39,466                        | 9.7%                 | 1,290,751               | 39            |
| 2013 | 5,854                                 | 104,373,301           | 40,680                        | 8.9%                 | 1,289,617               | 39            |
| 2014 | 6,007                                 | 111,528,866           | 43,123                        | 7.2%                 | 1,282,854               | 39            |
| 2015 | 6,036                                 | 116,553,169           | 43,917                        | 6.2%                 | 1,321,033               | 40            |
| 2016 | 5,975                                 | 123,276,064           | 45,440                        | 5.8%                 | 1,334,404               | 40            |
| 2017 | 6,006                                 | 131,244,442           | 47,813                        | 5.0%                 | 1,375,376               | 40            |
| 2018 | 6,006                                 | 138,138,976           | 50,022                        | 3.6%                 | 1,363,766               | 40            |
| 2019 | 5,964                                 | 149,166,155           | 54,902                        | 2.9%                 | 1,463,774               | 40            |
| 2020 | 5,793                                 | N/A                   | N/A                           | N/A                  | 1,396,663               | N/A           |

Note: Except for population, demographic statistics on the county level were the most specific available.

\* Source for 2011 to 2020: U.S. Census Bureau

\*\* Source: Miami-Dade County Finance Department and  
U.S. Department of Commerce, Economic and Statistics Administration,  
Bureau of Economic Analysis/Regional Economic Information System,  
Florida Agency for Workforce Innovation, Labor Market Statistics,  
Miami-Dade County Department of Regulatory and Economic Resources, Research Section  
University of Florida Bureau of Economic and Business Research

N/A Information unavailable as of the date of this report.

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## SCHEDULE 16

### FULL TIME TOWN EMPLOYEES BY FUNCTION LAST TEN FISCAL YEARS

|                                | <u>2011</u> | <u>2012</u> | <u>2013</u> | <u>2014</u> | <u>2015</u> | <u>2016</u> | <u>2017</u> | <u>2018</u> | <u>2019</u> | <u>2020</u> |
|--------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Governmental activities:       |             |             |             |             |             |             |             |             |             |             |
| General government             | 15          | 15          | 16          | 18          | 18          | 18          | 18          | 21          | 21          | 22          |
| Public safety                  | 39          | 39          | 35          | 36          | 26          | 28          | 28          | 28          | 27          | 25          |
| Transportation                 | 12          | 10          | 8           | 7           | 7           | 5           | 5           | 6           | 7           | 5           |
| Culture and recreation         |             |             |             | 6           | 4           | 4           | 6           | 5           | 8           | 8           |
| Total governmental activities  | <u>66</u>   | <u>64</u>   | <u>59</u>   | <u>67</u>   | <u>55</u>   | <u>55</u>   | <u>57</u>   | <u>60</u>   | <u>63</u>   | <u>60</u>   |
| Business-type activities:      |             |             |             |             |             |             |             |             |             |             |
| Causeway                       | 28          | 27          | 32          | 25          | 5           | 6           | 6           | 6           | 6           | 6           |
| Sewer                          | 2           | 2           | 1           | 1           | 1           | 1           | 1           | 1           | 1           | 1           |
| Water                          | 2           | 2           | 2           | 2           | 2           | 2           | 2           | 2           | 2           | 3           |
| Parking                        | 1           | 1           | 1           | 1           | 1           | 1           | 1           | 1           | 1           | 1           |
| Total business-type activities | <u>33</u>   | <u>32</u>   | <u>36</u>   | <u>29</u>   | <u>9</u>    | <u>10</u>   | <u>10</u>   | <u>10</u>   | <u>10</u>   | <u>11</u>   |
| Total primary government       | <u>99</u>   | <u>96</u>   | <u>95</u>   | <u>96</u>   | <u>64</u>   | <u>65</u>   | <u>67</u>   | <u>70</u>   | <u>73</u>   | <u>71</u>   |

Source: Town Finance Department

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## SCHEDULE 17

### OPERATING INDICATORS BY FUNCTION

#### LAST TEN FISCAL YEARS

|                                                         | 2011      | 2012      | 2013      | 2014      | 2015      | 2016      | 2017      | 2018      | 2019      | 2020      |
|---------------------------------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Governmental activities:                                |           |           |           |           |           |           |           |           |           |           |
| General government                                      |           |           |           |           |           |           |           |           |           |           |
| Elections Held                                          | --        | 2         | 1         | 1         | 2         | 2         | 1         | 1         | 1         | 1         |
| Newsletters Issued                                      | 12        | 12        | 12        | 12        | 12        | 12        | 12        | 12        | 12        | 10        |
| Town Council Meetings                                   | 12        | 11        | 11        | 10        | 10        | 11        | 11        | 10        | 10        | 8         |
| Planning & Zoning Board Meetings                        | 12        | 10        | 17        | 13        | 17        | 19        | 12        | 13        | 15        | 9         |
| Public safety                                           |           |           |           |           |           |           |           |           |           |           |
| Case numbers issued                                     | 647       | 870       | 584       | 626       | 831       | 843       | 739       | 702       | 702       | 804       |
| Arrests                                                 | 192       | 171       | 121       | 84        | 73        | 83        | 72        | 70        | 51        | 49        |
| Calls for service                                       | 13,798    | 17,782    | 14,366    | 17,900    | 16,813    | 17,223    | 21,985    | 19,334    | 20,021    | 23,211    |
| Business-type activities:                               |           |           |           |           |           |           |           |           |           |           |
| Causeway                                                |           |           |           |           |           |           |           |           |           |           |
| Traffic Count (vehicles)                                | 6,204,622 | 6,484,193 | 6,611,424 | 6,729,408 | 7,488,382 | 7,917,781 | 7,779,309 | 7,992,743 | 7,939,642 | 6,647,870 |
| Sewer                                                   |           |           |           |           |           |           |           |           |           |           |
| Average Monthly Sewage Volume<br>(thousands of gallons) | 19,200    | 24,066    | 21,397    | 20,242    | 19,676    | 19,836    | 20,008    | 19,200    | 22,684    | 23,269    |
| Water                                                   |           |           |           |           |           |           |           |           |           |           |
| Average Monthly Gallons Purchased<br>(thousands)        | 25,130    | 25,863    | 25,763    | 26,534    | 26,576    | 24,221    | 26,600    | 28,127    | 26,614    | 26,419    |
| Average Monthly Gallons Sold (thousands)                | 21,761    | 23,974    | 23,617    | 23,534    | 23,618    | 21,884    | 22,474    | 22,884    | 22,511    | 22,333    |
| Parking                                                 |           |           |           |           |           |           |           |           |           |           |
| Parking Citations                                       | 2,031     | 1,635     | 2,431     | 1,465     | 2,592     | 2,626     | 2,307     | 2,573     | 1,838     | 1,058     |

Source: Town Finance Department

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## SCHEDULE 18

### CAPITAL ASSET STATISTICS BY FUNCTION

#### LAST TEN FISCAL YEARS

|                           | 2011   | 2012   | 2013   | 2014   | 2015   | 2016   | 2017   | 2018   | 2019   | 2020   |
|---------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Governmental activities:  |        |        |        |        |        |        |        |        |        |        |
| Public safety             |        |        |        |        |        |        |        |        |        |        |
| Patrol Cars/SUV           | 18     | 18     | 18     | 18     | 18     | 25     | 26     | 26     | 26     | 28     |
| Police Boats              | 1      | 1      | 1      | 1      | 1      | 1      | 1      | 1      | 2      | 1      |
| Transportation            |        |        |        |        |        |        |        |        |        |        |
| Streets and roads (feet)  | 47,396 | 47,396 | 47,396 | 47,396 | 47,396 | 47,396 | 47,396 | 47,396 | 47,396 | 47,396 |
| Culture and recreation    |        |        |        |        |        |        |        |        |        |        |
| Parks                     | 2      | 2      | 2      | 3      | 3      | 3      | 3      | 3      | 3      | 3      |
| Business-type activities: |        |        |        |        |        |        |        |        |        |        |
| Causeway                  |        |        |        |        |        |        |        |        |        |        |
| Bascule Bridges           | 1      | 1      | 1      | 1      | 1      | 1      | 1      | 1      | 1      | 1      |
| Fixed Span Bridges        | 3      | 3      | 3      | 3      | 3      | 3      | 3      | 3      | 3      | 3      |
| Sewer                     |        |        |        |        |        |        |        |        |        |        |
| Pump Stations             | 1      | 1      | 1      | 1      | 1      | 1      | 1      | 1      | 1      | 1      |
| Lift Stations             | 5      | 5      | 5      | 5      | 5      | 5      | 5      | 5      | 5      | 5      |
| Sanitary Sewers (feet)    | 43,296 | 43,296 | 43,296 | 43,296 | 43,296 | 43,296 | 43,296 | 43,296 | 43,296 | 43,296 |
| Water                     |        |        |        |        |        |        |        |        |        |        |
| Water Mains (feet)        | 44,725 | 44,725 | 44,725 | 44,725 | 44,725 | 44,725 | 44,725 | 44,725 | 44,725 | 44,725 |
| Stormwater                |        |        |        |        |        |        |        |        |        |        |
| Valley gutters (feet)     | 86,592 | 86,592 | 86,592 | 86,592 | 86,592 | 86,592 | 86,592 | 86,592 | 86,592 | 86,592 |
| Outfalls                  | 53     | 53     | 53     | 53     | 53     | 53     | 53     | 53     | 53     | 53     |

Source: Town Finance Department

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## **REPORTING SECTION**

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**INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER  
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED  
ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE  
WITH GOVERNMENT AUDITING STANDARDS**

To the Honorable Mayor, Town Council and Town Manager  
**Town of Bay Harbor Islands, Florida**

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information of the Town of Bay Harbor Islands, Florida (the Town), as of and for the fiscal year ended September 30, 2020, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements, and have issued our report thereon dated April 19, 2021.

***Internal Control Over Financial Reporting***

In planning and performing our audit of the financial statements, we considered the Town's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control. Accordingly, we do not express an opinion on the effectiveness of the Town's internal control.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. However, as described in the accompanying schedule of findings and questioned costs, we identified certain deficiencies in internal control that we consider to be a material weakness and a significant deficiency.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the Town's financial statements will not be prevented, or detected and corrected on a timely basis. We consider the deficiency described in the accompanying schedule of findings and questioned costs, as item MW2020-001, to be a material weakness.

A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the deficiency described in the accompanying schedule of findings and questioned costs, as item SD2020-002, to be a significant deficiency.

### ***Compliance and Other Matters***

As part of obtaining reasonable assurance about whether the Town's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

### ***Purpose of this Report***

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the result of that testing, and not to provide an opinion on the effectiveness of the Town's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Town's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

*Marcum LLP*

Miami, FL  
April 19, 2021

**INDEPENDENT AUDITORS' REPORT ON COMPLIANCE FOR THE MAJOR  
FEDERAL PROGRAM AND REPORT ON INTERNAL CONTROL OVER  
COMPLIANCE AND REPORT ON THE SCHEDULE OF EXPENDITURES OF  
FEDERAL AWARDS REQUIRED BY THE UNIFORM GUIDANCE**

To the Honorable Mayor, Town Council and Town Manager  
**Town of Bay Harbor Islands, Florida**

***Report on Compliance for the Major Federal Program***

We have audited the Town of Bay Harbor Islands, Florida (the Town) compliance with the types of compliance requirements described in the *OMB Compliance Supplement* that could have a direct and material effect on the Town's major federal program for the fiscal year ended September 30, 2020. The Town's major federal program is identified in the summary of auditors' results section of the accompanying schedule of findings and questioned costs.

***Management's Responsibility***

Management is responsible for compliance with federal statutes, regulations, and the terms and conditions of its federal awards applicable to its federal programs.

***Auditors' Responsibility***

Our responsibility is to express an opinion on compliance for the Town's major federal program based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. *Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Those standards and, the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the Town's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for the major federal program. However, our audit does not provide a legal determination of the Town's compliance.



### ***Opinion on the Major Program***

In our opinion, the Town complied, in all material respects, with the compliance requirements referred to above that could have a direct and material effect on its major federal program for the fiscal year ended September 30, 2020.

### ***Report on Internal Control Over Compliance***

Management of the Town is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the Town's internal control over compliance with the types of requirements that could have a direct and material effect on its major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for the major federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the Town's internal control over compliance.

*A deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

### ***Purpose of this Report***

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

***Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance***

We have audited the financial statements of the Town as of and for the fiscal year ended September 30, 2020, and have issued our report thereon dated April 19, 2021, which contained unmodified opinions on those financial statements. Our audit was conducted for the purpose of forming opinions on the financial statements as a whole. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by the Uniform Guidance and is not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the financial statements as a whole.

*Marcum LLP*

Miami, FL  
April 19, 2021

**TOWN OF BAY HARBOR ISLANDS**

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS**

**FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020**

| Federal Agency, Pass-through Entity<br>Federal Program Project                                               | CFDA<br>Number | Contract/<br>Grant No. | Total<br>Expenditures |
|--------------------------------------------------------------------------------------------------------------|----------------|------------------------|-----------------------|
| <b><i>United States Department of Transportation</i></b>                                                     |                |                        |                       |
| Passed through State of Florida, Department of Transportation -<br>Highway Planning and Construction Cluster | 20.205         | G1213                  | \$ 918,553            |
| <b><i>Total United States Department of Transportation</i></b>                                               |                |                        | <u>918,553</u>        |
| <b><i>Total Expenditures of Federal Awards</i></b>                                                           |                |                        | <u>\$ 918,553</u>     |

*See accompanying notes to schedule of expenditures of federal awards.*

# **TOWN OF BAY HARBOR ISLANDS, FLORIDA**

## **NOTES TO THE SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS**

**FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020**

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### **NOTE 1 – BASIS OF PRESENTATION**

The accompanying schedule of expenditures of federal awards (the “Schedule”) includes the federal award activity of the Town of Bay Harbor Islands, Florida (the “Town”) under programs of the federal government for the fiscal year ended September 30, 2020. The information in this Schedule is presented in accordance with the requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Because the Schedule presents only a selected portion of the operations of the Town, it is not intended to and does not present the financial position, changes in net position/fund balance or cash flows of the Town.

### **NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

Expenditures reported in the Schedule are reported on the accrual basis of accounting. Such expenditures are recognized following the cost principles contained in the Uniform Guidance, wherein certain types of expenditures are not allowable or are limited as to reimbursement.

### **NOTE 3 - INDIRECT COST RATE**

The Town has elected not to use the 10-percent de minimis indirect cost rate allowed under the Uniform Guidance.

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## SCHEDULE OF FINDINGS AND QUESTIONED COSTS

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

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### SECTION I – SUMMARY OF AUDITORS' RESULTS

#### Financial Statements

Type of auditors' report issued on whether the financial statements audited were prepared in accordance with GAAP: *Unmodified Opinion*

Internal control over financial reporting:

Material weakness(es) identified?

X Yes      No

Significant deficiency(ies) identified?

X Yes      None reported

Non-compliance material to financial statements noted?

     Yes X No

#### Federal Awards

Internal control over major program:

Material weakness(es) identified?

     Yes X No

Significant deficiency(ies) identified?

     Yes X None reported

Type of auditors' report issued on compliance for major program:

*Unmodified Opinion*

Any audit findings disclosed that are required to be reported in accordance with CFR 200.516(a)?

     Yes X No

Identification of major program:

CFDA No.  
20.205

Federal Program or Cluster  
Department of Transportation –  
Highway Planning and Construction Cluster

Dollar threshold used to distinguish between Type A and Type B programs – Federal:

\$750,000

Auditee qualified as low-risk auditee pursuant to the Uniform Guidance?

     Yes X No

# **TOWN OF BAY HARBOR ISLANDS, FLORIDA**

## **SCHEDULE OF FINDINGS AND QUESTIONED COSTS**

**FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020**

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### **SECTION II – FINANCIAL STATEMENT FINDINGS**

#### **MATERIAL WEAKNESS**

##### ***MW 2020-001- Untimely Preparation and Review of Bank Reconciliations***

###### ***Criteria***

Prudent internal control practices for the cash receipts and disbursements financial cycles of the Town include having a process in place for timely preparation and review of the monthly bank reconciliations.

###### ***Condition, Cause, and Effect***

During our review of the internal control processes over Financial Reporting and Closing it was noted that that bank reconciliations for the Town's bank accounts were not being prepared or reviewed in a timely manner. Marcum noted that there was no evidence of when the bank reconciliations were prepared. Additionally, the bank reconciliations for all nine of the Town's bank accounts had a minimum of nine months in fiscal year 2020 that were not completed and reviewed in accordance with the Town's policy of no later than 45 days, with one account not meeting the Town's policy for the entire fiscal year.

The Town, due to lack of enforcement of the Town's internal control policy over the preparation and review of bank reconciliations, was out of compliance with its policy for bank reconciliations. Potential effect of this condition could result in failure to timely detect loss or misuse of funds.

###### ***Recommendation***

In order to ensure that assets are safeguarded from loss or misuse, it is important that bank reconciliations should be prepared and reviewed in a timely manner in accordance with the Town's established policy. We recommend the Town maintain support for the preparation and review by signing and dating which provides evidence of the timeliness.

###### ***Views of Responsible Officials and Planned Corrective Actions***

See accompanying corrective action plan.

# **TOWN OF BAY HARBOR ISLANDS, FLORIDA**

## **SCHEDULE OF FINDINGS AND QUESTIONED COSTS**

**FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020**

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### **SECTION II – FINANCIAL STATEMENT FINDINGS (CONTINUED)**

#### **SIGNIFICANT DEFICIENCY**

##### ***SD 2020-002- Lack of Review and Approval of Manual Journal Entries***

###### ***Criteria***

Proper management review and approval of manual journal entries is an essential part of internal control over financial reporting. Sound internal controls call for proper authorization and review of manual journal entries.

###### ***Condition, Cause, and Effect***

During our review of the internal control processes over Financial Reporting and Closing it was noted that there was lack of adequate internal controls over the preparation and review of manual journal entries. Marcum noted that certain manual journal entries selected for testing did not have any evidence of review by an appropriate member of financial management.

The Town has inadequate internal controls over the preparation and review of manual journal entries. Potential effects of this condition could result in inaccurate or incomplete transactions being recorded and ultimately inaccurate financial reporting.

###### ***Recommendation***

We recommend the adoption of a policy whereby all manual journal entries will be approved by an appropriate member of financial management. All entries should be initialed by the preparer and the individual approving them in order to attribute responsibility to the appropriate individuals. All manual journal entries should be accompanied by full explanation and by reference to adequate supporting data.

###### ***Views of Responsible Officials and Planned Corrective Actions***

See accompanying corrective action plan.

**TOWN OF BAY HARBOR ISLANDS, FLORIDA**  
**SCHEDULE OF FINDINGS AND QUESTIONED COSTS**  
**FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020**

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**SECTION III – FEDERAL AWARDS FINDINGS AND QUESTIONED COSTS**

None.

**SECTION IV – SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS**

There were no findings reported in the prior fiscal year.



**MANAGEMENT LETTER IN ACCORDANCE WITH THE RULES OF THE  
AUDITOR GENERAL OF THE STATE OF FLORIDA**

To the Honorable Mayor, Town Council and Town Manager  
**Town of Bay Harbor Islands, Florida**

***Report on the Financial Statements***

We have audited the financial statements of the Town of Bay Harbor Islands, Florida (the Town), Florida, as of and for the fiscal year ended September 30, 2020, and have issued our report thereon dated April 19, 2021.

***Auditors' Responsibility***

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements of Federal Awards* (Uniform Guidance), and Chapter 10.550, Rules of the Auditor General.

***Other Reporting Requirements***

We have issued our Independent Auditors' Report on Internal Control over Financial Reporting and Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance with *Government Auditing Standards*; Independent Auditors' Report on Compliance for Each Major Federal Program and Report on Internal Control Over Compliance Required by Uniform Guidance; and Report on Schedule of Expenditures of Federal Awards; and Schedule of Findings and Questioned Costs; and Independent Accountants' Report on an examination conducted in accordance with *AICPA Professional Standards*, AT-C Section 315, regarding compliance requirements in accordance with Chapter 10.550, Rules of the Auditor General. Disclosures in those reports and schedules, which are dated April 19, 2021, should be considered in conjunction with this management letter.

***Prior Audit Findings***

Section 10.554(1)(i)1., Rules of the Auditor General, requires that we determine whether or not corrective actions have been taken to address findings and recommendations made in the preceding annual financial audit report. There were no recommendations made in the preceding annual financial audit report.

### ***Official Title and Legal Authority***

Section 10.554(1)(i)4., Rules of the Auditor General, requires that the name or official title and legal authority for the primary government and each component unit of the reporting entity be disclosed in this management letter, unless disclosed in the notes to the financial statements. As more fully described in Note 1, the Town of Bay Harbor Islands was incorporated by the Laws of Florida Chapter 2889. There are no component units related to the Town.

### ***Financial Condition and Management***

Section 10.554(1)(i)5.a. and 10.556(7), Rules of the Auditor General, require that we to apply appropriate procedures and communicate the results of our determination as to whether or not the Town has met one or more of the conditions described in Section 218.503(1), Florida Statutes, and to identify the specific condition(s) met. In connection with our audit, we determined that the Town did not meet any of the conditions described in Section 218.503(1), Florida Statutes.

Pursuant to Sections 10.554(1)(i)5.b. and 10.556(8), Rules of the Auditor General, we applied financial condition assessment procedures for the Town. It is management's responsibility to monitor the Town's financial condition, and our financial condition assessment was based in part on representations made by management and review of financial information provided by same. This assessment was done as of fiscal year end.

Section 10.554(1)(i)2., Rules of the Auditor General, requires that we communicate any recommendations to improve financial management. In connection with our audit, we did not have any such recommendations.

### ***Additional Matters***

Section 10.554(1)(i)3., Rules of the Auditor General, requires us to communicate noncompliance with provisions of contracts or grant agreements, or abuse, that have occurred, or are likely to have occurred, that have an effect on the financial statements that is less than material but warrants the attention of those charged with governance. In connection with our audit, we did not have any such findings.

### ***Purpose of this Letter***

Our management letter is intended solely for the information and use of the Legislative Auditing Committee, members of the Florida Senate and the Florida House of Representatives, the Florida Auditor General, Federal, State and other granting agencies, the Honorable Mayor, Town Council, and applicable management, and is not intended to be and should not be used by anyone other than these specified parties.

*Marcum LLP*

Miami, FL  
April 19, 2021

**INDEPENDENT ACCOUNTANTS' REPORT ON COMPLIANCE PURSUANT TO  
SECTION 218.415 FLORIDA STATUTES**

To the Honorable Mayor, Town Council and Town Manager  
**Town of Bay Harbor Islands, Florida**

We have examined the Town of Bay Harbor Islands, Florida's (the Town) compliance with Section 218.415 Florida Statutes, Local Government Investment Policies for the fiscal year ended September 30, 2020. Management of the Town is responsible for the Town's compliance with the specified requirements. Our responsibility is to express an opinion on the Town's compliance based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the Town complied, in all material respects, with the specified requirements referenced above. An examination involves performing procedures to obtain evidence about whether the Town complied with the specified requirements. The nature, timing, and extent of the procedures selected depend on our judgement, including an assessment of the risks of material noncompliance, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion.

Our examination does not provide a legal determination on the Town's compliance with the specified requirements.

In our opinion, the Town complied, in all material respects, with Section 218.415 Florida Statutes for the fiscal year ended September 30, 2020.

This report is intended solely to describe our testing of compliance with Section 218.415, Florida Statutes, and it is not suitable for any other purpose.

*Marcum LLP*

Miami, FL  
April 19, 2021



#### Town Council

Joshua D. Fuller  
Mayor

Elizabeth Tricoche  
Vice Mayor

Stephanie Bruder  
Council Member

Molly Diallo  
Council Member

Jordan W. Leonard  
Council Member

Isaac Salver  
Council Member

Robert Yaffe  
Council Member

#### Town Officials

Maria Lasday  
Town Manager

Alba L. Chang  
Town Clerk

Joseph Geller  
Town Attorney

#### TOWN OF BAY HARBOR ISLANDS

#### CORRECTIVE ACTION PLAN

April 19, 2021

The Town of Bay Harbor Islands respectfully submits the following corrective plan for the fiscal year ended September 30, 2020.

#### ***MW 2020-001 – Untimely Preparation and Review of Bank Reconciliations***

##### **View of Responsible Official and Planned Corrective Action**

Management concurs with the auditor's recommendation. The Town of Bay Harbor Islands Finance Department has prepared monthly bank reconciliations throughout the fiscal year and months subsequent to year end. The Finance Director is now reviewing and approving all the bank reconciliations in a timely manner to comply with the Town's established policy. The Town's internal control process over Financial Reporting and Closing and regarding bank reconciliations is now being enforced and reconciliations are being prepared and approved no later than 45 days from month end. Additional controls, such as maintenance of supporting documentation for preparation and review by signing and dating bank reconciliations that provides evidence of the timeliness, are being considered by the Finance Department.

#### ***SD 2020-002 – Lack of Review and Approval of Manual Journal Entries***

##### **View of Responsible Official and Planned Corrective Action**

Management concurs with the auditor's recommendation. The Finance Department will adopt a policy whereby all manual journal entries will be approved by an appropriate member of financial management. All entries will be initialed by the preparer and the individual approving them in order to attribute responsibility to the appropriate individuals. All manual journal entries will be accompanied by full explanation and by reference to adequate supporting data. The Finance Director will be responsible in approving a policy within the next 60 days and ensuring continued adherence to the Policy.

MAYOR JOSEPH J. GARDNER GOVERNMENT CENTER

9665 Bay Harbor Terrace • Bay Harbor Islands, FL 33154 • Tel: (305) 866-6241 • Fax: (305) 866-4863 • [www.bayharborislands-fl.gov](http://www.bayharborislands-fl.gov)

## **AGENDA ITEM REPORT**

May 12, 2021

### **ITEM NUMBER: 3.**

**ITEM:** Proclamation for "No place for Hate Day" presented to the Anti-Defamation League

### **DESCRIPTION:**

The proposed Proclamation for "No Place for Hate Day" is sponsored by Council Member Leonard and will be presented by Mayor Fuller to the Anti-Defamation League.

Enclosed is a copy of the Proclamation.

### **RECOMMENDED ACTION:**

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### **FINANCIAL ANALYSIS:**

### **BUDGET IMPACT:**

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Submitted By: Alba L. Chang, Town Clerk  
Joshua Fuller, Mayor  
Jordan W. Leonard, Council Member

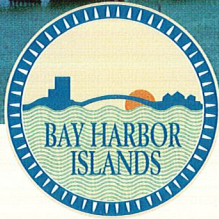
### **ATTACHMENTS**

1. No Place for Hate - Anti Defamation League.04.29.2021





*Town of Bay Harbor Islands*



*Office of the Mayor*

***Special Proclamation***  
**"No Place for Hate Day"**

**WHEREAS**, for over 108 years, the Anti-Defamation League (ADL) has broken many barriers and bridged many obstacles in carrying out their mission "to stop the defamation of the Jewish people, and to secure justice and fair treatment to all.

**WHEREAS**, the demand for ADL's resources and skills to help individuals and communities to confront, challenge, combat, and counteract hatred in all its forms, is higher than at any time in recent memory.

**WHEREAS**, in the spirit of unity and inclusion, the Town Council of the Town of Bay Harbor Islands, of Miami-Dade County, Florida declares that we commit ourselves to challenging hate, whenever and wherever it manifests itself.

**NOW, THEREFORE, I**, Joshua D. Fuller, Mayor of the Town of Bay Harbor Islands, Miami-Dade County, Florida, do hereby proclaim "May 14, 2021" as

***"NO PLACE FOR HATE DAY"***

**IN WITNESS THEREOF**, I hereunto set my hand and cause the seal of the Town of Bay Harbor Islands to be affixed this 28<sup>th</sup> day of April 2021.



**JOSHUA D. FULLER**  
**MAYOR**

## **AGENDA ITEM REPORT**

May 12, 2021

### **ITEM NUMBER: 4.**

**ITEM: Consideration and Approval** of an expenditure not to exceed \$10,000 to select and hire an independent outside legal counsel to investigate the grievance recently filed by Town Clerk Alba L. Chang.

### **DESCRIPTION:**

Council, as you know, Clerk Alba Chang recently filed a Complaint. You should all have received a copy, or will receive one shortly. Since Ms. Chang is a Charter Employee, like the Manager and me, I believe we are not authorized to deal with her Complaint absent Council authorization.

Accordingly, I am requesting that the Council authorize an expenditure of not to exceed \$10,000, so that I may select and hire independent outside counsel, who has not previously worked for the Town, to investigate Ms. Chang's Complaint, and report back to the Town Council.

### **RECOMMENDED ACTION:**

Council Discretion

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### **FINANCIAL ANALYSIS:**

### **BUDGET IMPACT:**

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Submitted By:           Alba L. Chang, Town Clerk  
                              Joseph Geller, Town Attorney

### **ATTACHMENTS**

None

## **AGENDA ITEM REPORT**

May 12, 2021

### **ITEM NUMBER: 5.**

#### **ITEM:**

**Consideration and Approval** of the following Meeting Minutes:

- a. February 10, 2021 Public Hearing
- b. October 28, 2020 Regular Council Meeting
- c. October 19, 2020 Special Council Meeting
- d. July 7, 2020 Special Council Meeting - Revised
- e. March 9, 2020 Regular Council Meeting - Revised

#### **DESCRIPTION:**

Consideration and Approval of the following Meeting Minutes:

- a. February 10, 2021 Public Hearing
- b. October 28, 2020 Regular Council Meeting
- c. October 19, 2020 Special Council Meeting
- d. July 7, 2020 Special Council Meeting - **Revised**
- e. March 9, 2020 Regular Council Meeting - **Revised**

Note that the March 9th and July 7th Meeting Minutes were pulled and revised at the request of Mayor Fuller.

#### **RECOMMENDED ACTION:**

Approval

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#### **FINANCIAL ANALYSIS:**

#### **BUDGET IMPACT:**

---

Submitted By: Alba L. Chang, Town Clerk

#### **ATTACHMENTS**

- 1. 3-9-2020 REGULAR COUNCIL MEETING
- 2. 07.07.2020 SPECIAL COUNCIL MEETING
- 3. 10.19.2021 SPECIAL COUNCIL MEETING
- 4. 10.28.2020 SPECIAL COUNCIL MEETING
- 5. 02.10.2021 PUBLIC HEARING





**TOWN OF BAY HARBOR ISLANDS  
MINUTES OF A REGULAR MEETING**

A Regular Meeting of the Town Council was held on Monday, March 9<sup>th</sup>, 2020 at 7:00 p.m. in the Council Chambers. Upon roll call the following members responded:

|                                   |                               |
|-----------------------------------|-------------------------------|
| Mayor Stephanie Bruder            |                               |
| Vice Mayor Joshua Fuller          | Council Member Jordan Leonard |
| Council Member Kelly Reid         | Council Member Isaac Salver   |
| Council Member Elizabeth Tricoche | Council Member Robert Yaffe   |

**SPECIAL PRESENTATION:**

**Item 1. Presentation to the Rotary Club of Bal Harbour of the proceeds of the 5K/10K Annual race for the Chief Mark N. Overton, Chief Miguel De La Rosa Legacy Memorial Scholarship Fund.**

Mayor Bruder presented the Rotary Club of Bal Harbour with the proceeds from the Towns' Annual 5K/10K race.

**REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:**

Council Member Reid requested an update on the recovery of monies from the previous in-house counsel, Sherman & Sherman, PA.

Town Attorney Simone reported on the ongoing litigation matters regarding the Cone & Graham case and the Sherman & Sherman, PA, that could be discussed by the Town Council at a Closed Session Meeting.

Mr. Simone stated that he will be responding to Barry Smith via a 57.105-response letter, as he claims that the Town owes him money as it relates to the ongoing litigation against Craig Sherman.

Vice Mayor Fuller requested an update once the letter was filed.

Council Member Salver suggested parking enforcement for vehicles that park on the valley gutter or green way. He would also like legislation to address tenants, who are sub-leasing the homes to multiple parties.

Council Member Yaffe reported that he received complaints about speeders on 96<sup>th</sup> Street; and he requested additional enforcement.

Vice Mayor Fuller requested that Item #4 be deferred to the next meeting.

~~**Item 4. Consideration and Approval of a resolution to update the Town's Travel Policy. Enclosed is a copy of the proposed resolution.**~~

Council Member Reid requested that Item #5 be deferred to the next meeting.

~~**Item 5. Approval of the May 13, 2019 Regular Council Meeting Minutes. Enclosed is a copy of the revised Minutes.**~~

Mayor Bruder requested an update on the school address verification. She would like to know how many kids have left the school and if the School Board has hired the extra help.

**TOWN MANAGER'S REPORT**

- Broad Causeway Enhancement Project will start soon; the Town was waiting for FDOT to approve the final plans.
- The Mobile office of the Department of Motor Vehicles was cancelled for this week.
- He submitted his letter of resignation with 60 days anticipation; and he thanked the Town Council for allowing him to serve the community for the last 18 years.

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

Council Member Tricoche reported that she attended the Concert Series at the Park and the Chiefs Dinner at Indian Creek Village. She reminded the residents that Spring Break camp will be available at the Community Center and of the Spring Egg Event.

Council Member Reid was deeply saddened to hear of the Town Manager's departure; and she asked him to reconsider.

Council Member Salver echoed Council Member Reid's comments on the Town Manager's departure. He reported attending the Broward County League of Cities Meeting and the Palo Concert Series at the Town.

Council Member Leonard stated that Town Manager Jimenez's work in the Town had a positive impact. He thanked him for all his efforts.

Council Member Yaffe thanked Town Manager Jimenez for all his work during the last 18 years. He wished him well in his future endeavors.

Vice Mayor Fuller reported on the FAA plans to change the flight pattern into Miami International Airport. He explained that instead of the current landing pattern with a minimum of 8,000 feet in height that goes over Oleta and Haulover Parks, the new plan that would have lasted for 50 years, had a pattern going over Bay Harbor directly, with a height of 4,500 feet, and an increased number of flights by at least 50%. He stated that he, Council Member Yaffe, and Town Manager Jimenez gathered information on the matter, and after meetings with Senator Rubio's and Congresswoman Wasserman Schultz' offices; their efforts were successful as the FAA has cancelled the plan to bring the flight pattern over Bay Harbor Islands. Confirmation was received from the FAA and from Senator Rubio's and Congresswoman Wasserman Schultz's offices. He thanked Council Member Yaffe and Town Manager Jimenez for their participation; and extended thanks to Senator Rubio and Congresswoman Wasserman Schultz, who were instrumental in the matter.

Council Member Yaffe thanked Vice Mayor Fuller for being perceptive about the FAA matter and following through, as his initial efforts were the cause of the success.

**Item 2. Consideration and Approval of a request by Miami-Dade County League of Cities to designate a Director and Alternate Director to serve on the Board of Directors for a period of one year.**

**ACTION:** The Town Council reached a consensus to designate Council Member Yaffe as a Director and Council Member Tricocheas an Alternate Director.

**PUBLIC COMMENT:** Set for approximately 7:55 p.m. 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.

Ilene Wallace, 10301 W. Bay Harbor Drive, came forward and thanked the Town Manager for all his years of service, and stated that he had impacted many people.

Linda Zilber, 1235 95th Street, came forward and thanked the Town Manager for his years of service.

Frances Neuhut, 1060 Kane Concourse, came forward and reminded the Town's residents that the Town will be having an election.

Kathleen Kennedy, 9180 W. Bay Harbor Drive, came forward and wished the Town Manager well. She expressed concern with the upcoming Town events, with the recent news of the Corona Virus.

Johnathan Myerberg, 9300 E Bay Harbor Drive, came forward and stated that the internet at the Community Center Library was not operational. She asked for the Town to get involved. Town Manager Jimenez responded that he would set up a temporary area for a computer to provide internet access to residents.

**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.)

**Item 3. Consideration and Approval of a resolution to appoint John Cunill as Assistant Town Attorney. Enclosed is a copy of the proposed resolution.**

**Item 4.5 Consideration and Approval of a resolution requested by Council Member Reid and co-sponsored by Council Member Yaffe expressing support for Florida Senate Bill 1752 and Florida House Bill 1317 which would revise and strengthen criminal penalties relating to violations for condominium associations. Enclosed is a copy of the proposed resolution and other supporting documents.**

**Item 6. Consideration and Approval regarding the attendance to the 66th Annual Miami-Dade County League of Cities Gala to be held May 9th, 2020. The Bronze Sponsorship Package in the amount \$3,000 includes a table seating for 10 and recognition the night of the event. Enclosed are the sponsorship packages details.**

**Item 7. Consideration and Approval of Conduit Access and Sharing Agreement between the Town and Comcast of California/ Colorado / Florida / Oregon, Inc for the shared use of the 10-inch Town owned conduit located on 96th Street between East Bay Harbor Drive and Bay Drive. Enclosed is a copy of the proposed agreement.**

**Item 8. Consideration and Approval of a Conduit Access and Sharing Agreement between the Town and Hotwire Communications, LTD for the shared use of a 10-inch Town owned conduit located on 96th Street between East Bay Harbor Drive and Bay Drive. Enclosed is a copy of the proposed agreement.**

**ACTION:** Mayor Bruder made a motion to approve the Consent Agenda. Council Member Yaffe seconded motion, and it passed unanimously.

**ORDINANCES ON SECOND READING:**

**Item 9. Consideration and Approval of an ordinance on second reading requested by Council Member Tricoche amending Section 15, Rule 22 of the Town Code regarding the hours of operation for the Town Parks. Enclosed is a copy of the proposed ordinance.**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 15 OF THE TOWN'S ADOPTED CODE OF ORDINANCES ENTITLED PARKS AND RECREATION, BY AMENDING RULE 22 HOURS OF OPERATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**ACTION:** Council Member Leonard made a motion to approve the proposed ordinance on second reading. Vice Mayor Fuller seconded the motion, and it passed by unanimous poll vote.

**DISCUSSION ITEMS:**

**Item 10. Discussion requested by Council Member Tricoche on the Selection Process for the Chief of Police. Enclosed is a Memorandum from Town Attorney Frank Simone, Esq., and other supporting documents.**

Council Member Tricoche stated that this was her first experience with a process to select the Police Chief. She felt that the position was very critical in the community. She requested that staff research other cities on their selection process; but would have liked to see more options. She suggested a public forum for the selection and would like to see a Charter amendment on how the Police Chief is to be selected.

Council Member Yaffe felt that this process has been politicized and lobbied. He was opposed to changing the current process on how the Chief of Police was hired.

Council Member Salver reminded the Council Members that the Town was a council-manager form of government; and the Town Council empowers the Town Manager to hire the Chief of Police. He opposed changing the selection process.

Mayor Bruder stated that she understood the points made by Council Member Tricoche; and she stated that she only wanted to be part of the selection process of candidates, not the hiring decision.

Vice Mayor Fuller agreed that it should be the Town Manager's decision on the selection of the chief. He questioned whether the Chief of Police should have a contract.

Council Member Leonard spoke of his experience with local government; and felt that the selection process and final hiring decision for the Police Chief should be at the Town Manager's discretion. He also felt that the Chief's position should not have been politicized.

Council Member Reid spoke from a former law enforcement personnel point of view and a retired captain. She stated that she has sat on many interview panels and was a certified assessor; and felt that Human Resources and the Town Manager had a great hiring process for the Town. She added that having a Town Manager with the institutional knowledge was great as she would know what the Town needs. She stated that the Town Council should not interfere with the Town Manager's selection process.

**PUBLIC COMMENT**

Kathleen Kennedy, 9180 E. Bay Harbor Drive, came forward and stated that she did not like the current process for the selection of the Police Chief's Position.

At this time Council Member Salver left the meeting.

Captain Lindsley Noel came forward and stated that everyone in the Police Department was protected by the Collective Bargaining Agreement. He noted that he presented staff with a copy of a contract from a former captain and would like something similar or a policy where an officer can revert to the previous rank.

Town Attorney Simone stated that so long as they are not terminated for cause, that could be a clause that could be added to the next Collective Bargaining Agreement.

**Item 11. Discussion requested by Council Member Reid regarding the possibility of creating an ordinance to regulate the placement of fencing on waterfront lots. Enclosed is a memorandum provided by the Town Attorney.**

Town Attorney Simone provided a memo on the discussion item and explained that there was case law from a few years ago of a grandmother and granddaughter who drowned in a lake; and in turn the family sued the property management company. He explained that the case should not have gone to trial; and they settled for a certain amount of money. He felt that legislation could be drafted but could create a liability to the property owners.

Council Member Reid expressed concern with the waterfront lots with docks that could possibly be a nuisance.

Town Attorney Simone clarified that if there was a dock or seawall in despair, the Town will mandate that the property owners fix it; so the public is protected.

**PUBLIC COMMENT**

Frances Neuhut, 1060 Kane Concourse, came forward and asked why there are only 11 items on the agenda. She felt that residents did not have much time to speak on the items.

**CLOSED PUBLIC COMMENT**

There being no further business to discuss meeting was adjourned at 9:10 p.m.

---

**MAYOR**

**ATTEST**

---

**TOWN CLERK**

**TOWN OF BAY HARBOR ISLANDS  
MINUTES OF A SPECIAL COUNCIL MEETING**

A Virtual Special Meeting of the Town Council was held on Monday, July 7, 2020 at 5:00 p.m. using video telephone communication through the zoom platform. Upon roll call the following members responded:

|                                   |                               |
|-----------------------------------|-------------------------------|
| Mayor Stephanie Bruder            |                               |
| Vice Mayor Joshua Fuller          | Council Member Jordan Leonard |
| Council Member Kelly Reid         | Council Member Isaac Salver   |
| Council Member Elizabeth Tricoche | Council Member Robert Yaffe   |

**Item 1. Presentation by Colin Baenziger & Associates of candidates for the position of Town Manager and selection by the Town Council of the finalists.**

Colin Baenziger presented the Town Council with a list of the top 12 finalists, including Steven Alexander, Paul Carlisle, Glenn Cullen, Matt Garside, Stanley Hawthorne, Joe Kerby, Kevin Krutson, Maria Lasday, Len Sossamon, Chris Steers, Kathie Brooks and Bob Zienkowski.

There was a detailed discussion on the experience of the top candidates as Assistant Town Manager versus Town Manager; candidates' qualifications, certifications, education, connection to South Florida, as well as review of the time served with their previous employers.

**ACTION:** The Town Council selected the following six candidates to move forward with the next phase of the interview process:

1. Steven Alexander
2. Kathie Brooks
3. Glenn Cullen
4. Stanley Hawthorne
5. Maria Lasday
6. Christopher Steers

The next phase will consist of the Town Council and the six (6) selected candidates having an in-person and/or virtual meetings.

**Item 2. Other matters of concern of the Town Council.**

Interim Town Manager Siegel explained that the Town conducted a Request for Proposals (RFP) for Professional Legal Services and only received three (3) proposals. She requested the Town Council's direction on how to proceed, whether they would like to hire a search firm for the professional legal services.

There was a brief discussion on re-advertising the Request for Proposal for a longer period; and opening the advertising to other avenues, such as the Florida Bar Journal, Miami-Dade County League of Cities, and the Florida League of Cities.

The Town Council reached a consensus for staff to re-advertise the RFP for Professional Legal Services in more venues for a longer period to get more proposals.

Vice Mayor Fuller provided an update on the FAA proposed flight pattern. He stated that the Town succeeded in avoiding a landing pattern over Bay Harbor Islands. However, they are trying to obtain an answer as far as the training takeoff and how it could impact the Town. He also reported that the City of Miami Beach may have lobbied to change one of the take-off patterns over the intra-costal, instead of over the ocean. However, even though the pattern was not directly over the Town, it was in such proximity that the Town will see an impact in noise decibels. He stated that he will continue to work with local congress members as it relates to this matter; and he will update the Town accordingly on any modifications.

There being no further business to discuss meeting was adjourned at 6:10 p.m.

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**MAYOR**

**ATTEST**

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**TOWN CLERK**



**TOWN OF BAY HARBOR ISLANDS  
MINUTES OF A SPECIAL COUNCIL MEETING**

A Special Meeting of the Town Council was held on Monday, October 19<sup>th</sup>, 2020 at 5:02 p.m. through the ZOOM Platform. Upon roll call the following members responded:

Mayor Stephanie Bruder  
Council Member Jordan Leonard      Council Member Kelly Reid  
Council Member Elizabeth Tricoche      Council Member Robert Yaffe

**Item 1. Announcement to the public of a Closed Session Meeting schedule for Monday, October 19th, 2020 at 5:05 p.m. for the purpose of discussing settlement negotiation, strategy, cost of litigation and expenditures in the following case: Charge of Discrimination No. EEOC 510-2020-03421 filed with the Equal Employment Opportunity Commission and settlement offer provided by the Claimant.**

At 5:04 P.M. Mayor Bruder announced that the Council Members will be going into a closed session. Along with the Town Council, Town Attorney Frank Simone and Scott Alexander, and John Cunill participated in the session.

Town Manager Marante read the item by title into the record: Charge of Discrimination No. EEOC 510-2020-03421 filed with the Equal Employment Opportunity Commission and settlement offer provided by the Claimant.

Mayor Bruder reconvened the Regular Meeting at 6:56 P.m.

There being no business to discuss, the meeting was adjourned at 6:56 p.m.

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**MAYOR**

**ATTEST**

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**TOWN CLERK**

DRAFT

**TOWN OF BAY HARBOR ISLANDS**  
**MINUTES OF A VIRTUAL SPECIAL COUNCIL MEETING**

A Virtual Special Meeting of the Town Council was held on Wednesday, October 28<sup>th</sup>, 2020 at 6:00 p.m. through ZOOM Platform. Upon roll call the following members responded.

|                                   |                               |
|-----------------------------------|-------------------------------|
| Mayor Stephanie Bruder            |                               |
| Vice Mayor Joshua Fuller          | Council Member Jordan Leonard |
| Council Member Kelly Reid         | Council Member Isaac Salver   |
| Council Member Elizabeth Tricoche | Council Member Robert Yaffe   |

**SPECIAL PRESENTATION**

**Item 1. Legislative Update - Lobbyist David Caserta**

Lobbyist David Caserta introduced Senator Jason Pizzo, who discussed upcoming legislative actions.

**Mr. Caserta provided the following update on pending grants:**

- The agreement with Bal Harbor for the \$250,000 sewer lateral grant was executed and is moving forward; the Project Number is LPA0005; and the new Project Manager is Ana Johnson.
- The Bridge grant is in the scoring stage.
- Police and Fire grants – Site visits have started. (If the Town has not received a call pertaining to these grants, it could be that it did not score high enough, which could be due to the LMI (Low Middle Income) scoring component).
- Waiting for update on Sea Level Impact and Tot Lot grants.

Mr. Caserta reminded the Council Members to start working on their wish list for the legislature.

**REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:**

Council Member Tricoche pulled Item #3 from the Consent Agenda for discussion.

Council Member Jordan pulled Item #5 from the Consent Agenda for discussion. He requested an item for the next agenda regarding updating the “LPR’s to Digital Program”.

Council Member Reid pulled Item #4 from the Consent Agenda for discussion.

**TOWN MANAGER’S REPORT:**

- Will require a Council Meeting in January to approve and ratify agreements.
- Would like the Council’s views on the 1% hazardous pay to the Police Department for COVID19.
- Bridge updates – Issues need to be worked out; barrels are removed to not affect school traffic during the morning and rush hour in the afternoon, and then put back up.
- Police Chief Search – Applicants narrowed to 12; hope to narrow to 5 in the next 10 days.

Town Attorney Simone advised that a closed meeting should be held to conduct interviews, and an open meeting can be held for scorings, recommendations, etc. During the closed meetings, the panelist can assist the Town Manager with technical issues in making her own independent evaluation.

## **Item 2. Church by the Sea Update**

Amy E. Huber, Shubin & Bass, 46 S.W. 1st Street, Suite 300, Miami, FL 33130 was present on behalf of Church by the Sea.

Vice Mayor Fuller expressed concern to the project being completed in the stated time frame, considering the closeness to the holidays.

Ms. Huber explained their plans to have the project completed very quickly and of their intention to move forward with the first phase of the project, so the sidewalk can reopen. She believed the project will be completed in 8-10 weeks.

Council Member Tricoche expressed concern for the safety of the school kids in the area during construction, with the change in the traffic pattern; and she requested that Church by the Sea provides additional police officers to help in the morning, when the kids are going to school and in the afternoon, when they are leaving.

Ms. Huber explained that the alternate route is being proposed after consulting with multiple people, including the engineer, who found there was potential for the area to be compromised. She asked if the Town Council would rather have an additional school Crossing Guard in the area during school crossing hours or a police officer.

Mayor Bruder stated her preference for a Police Officer at the construction site.

Council Member Tricoche stated that she would rather a Police Officer be at the construction site directing traffic and helping the kids cross, so that everyone can proceed safely.

Council Member Jordan thanked Church by the Sea for being a great partner with the Town.

Mayor Bruder asked Ms. Huber to outline exactly what will be on the first floor, for the benefit of the residents.

Ms. Huber confirmed that the first floor has and will continue to be either retail or restaurant, or some commercial component; and parking will be on the first level behind the retail.

Council Member Yaffe asked Ms. Huber to explain the redirection of the pedestrian traffic, for the benefit of the residents.

Ms. Huber explained that there will be a diversion at the area in front of Kane Concourse for a short period of time, where sidewalks will be closed; and pedestrians will be rerouted between barriers utilizing the parking spaces in that area. Pedestrian flow will continue with a temporary detour; and assistance with an afternoon Crossing Guard will now be with off-duty police. She informed the Council that a construction trailer larger than what is permitted has been requested to accommodate employees' social distancing because of COVID19.

Mayor Bruder asked Town Attorney Simone about the request for the larger dumpster versus what is allowed by Code, considering COVID19 and social distancing. Town Attorney Simone advised that the Town Council can approve something larger than what the Town Code provides for. There was no objection from the Council Members for use of the larger dumpster.

Ms. Huber thanked the Town Council for their partnership with the church. She stated that even though the Town's hotline has been shut down, the program of providing grocery assistance, meal delivery, rent assistance and the like throughout the community is still ongoing by the church.

Mayor Bruder inquired as to why the hotline was shut down. Interim Manager Marante explained that the hotline was shut down for a few months due to inactivity; but people who call the Town are referred directly to the church.

Mayor Bruder requested that information be put on the Town's website directing people who call for assistance to Church by the Sea.

Jeffrey Hect, 2940 Flamingo Drive, Miami Beach with Church by the Sea, will discuss the matter with Town Manager Marante. He stated that the hot meal delivery and other things purchased for assistance were donated by Bay Harbor businesses, and more than \$140,000 of hot meals were delivered so far.

**PUBLIC COMMENT:**

Kathleen Kennedy, 9180 West Bay Harbor Drive, spoke about drains by Church by The Sea flooding into the alleyways when the cement gets hard, during rain and King Tide. She thanked Church by the Sea for the hotline.

Former Mayor Linda Zilber, 1231 – 95th Street, asked if the commercial stores that will be on Kane Concourse will be required to pay taxes.

**PUBLIC COMMENT CLOSED:**

Council Member Tricoche commented that the flooding on the east island has been the worst she has ever seen, which she discussed with the Town Manager, who is working with staff to figure out the root issue. The manager will come back and speak to the Council on a solution.

Mayor Bruder stated that they spoke with the construction company that is working with Church by the Sea about the flooding.

Council Member Tricoche added that a direct mailer was sent out to each resident, as well.

Mayor Bruder suggested that the matter be advertised in the next newsletter, along with any other numbers that provide assistance.

Council Member Tricoche asked that the number for NAFMA (National Association for Mental Assistance) also be included in the newsletter.

Ms. Zilber asked if the residents would be able to use the upstairs parking lot (except Sundays and when the church was having special events) according to the original plans.

Ms. Huber clarified that the second and third levels had always been for the church's use; the parking had always been on the first floor and the surfaced lot; and parking is open to the public.

Ms. Huber confirmed that taxes will be paid on the commercial portion, but not for the church.

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

Council Member Reid spoke about the rash of crimes in the Town being committed mostly by kids from Surfside; a crime at The Palm Restaurant that she reported; teenager spraying a person with a fire extinguisher; and a shooting near Town Hall. She thanked staff for the Press Releases.

Mayor Bruder inquired as to why there are no longer bicycle police patrol. Town Manager Lasday will follow up on the matter.

Council Member Tricoche thanked the Police Department for their efforts with pooper-scooper enforcement; she reminded everyone to wear their masks; and she announced an event entitled "Evening with Elizabeth" to be held on the last Wednesday of each month at 7:00 P.M. beginning in November, where information and issues affecting the Town will be addressed with the residents in an open forum.

Mayor Bruder reported on receiving complaints about cleanliness of the parks. Town Manager Lasday responded that an employee was hired to maintain the park. Council Member Yaffe reported that he too had received complaints about the cleanliness of the parks; as well as people being in the park after sundown, and dogs being in the Tot Lot.

Council Member Tricoche asked about the status of the lights for the park. Town Manager Lasday will follow up on the issues regarding the parks.

Council Member Leonard thanked the Town Manager for the improvements made to the 92<sup>nd</sup> Street park with new benches and operational water fountain. He expressed concern to congregation of minors roaming around at night and to the occurrence of juvenile crimes.

Council Member Yaffe reported on complaints from residents regarding cars racing around the residential streets, particularly in the evenings after sundown. He requested that the Police Officers be cognizant of this issue to ensure that it does not reoccur.

Interim Town Manager Marante announced that there will only be one voting location for the upcoming election, which would be at Town Hall.

## **PUBLIC COMMENT**

Francis Neuhut, 1060 Kane Concourse, commented on the change of the firm Sherman & Simone and investigation by FBI for fraud of \$4.1 Million Dollars, conflicts of interest by previous town attorneys, and questioned why the Town is not investigating the matter.

Kathleen Kennedy, 9180 West Bay Harbor Drive, thanked the Town Manager for opening the school park and basketball courts; stated that water pools on the basketball court when it rains; and asked if the Miami-Dade County League of Cities (League) will be donating turkeys for residents. She thanked Council Member Tricoche for listening to the constituents. She reported that there are broken lights in the Town.

Council Member Yaffe responded that Council Members Salver and Leonard usually receive the tickets, but he will inquire with the Miami-Dade County League of Cities.

Council Member Leonard asked members of the Town Council to donate tickets they receive from the League for turkeys to the school for the neediest people.

## **PUBLIC COMMENT CLOSED**

**Item 3. Consideration and Approval** of a Resolution appointing the Town Clerk effective February 23, 2021.

Council Member Tricoche stated that she had an issue with the process, as she felt there should be an advertisement for employment and a normal process for hiring.

Council Member Reid made a motion to approve the Resolution. Council Member Salver seconded the motion, and it passed by a 5-2 votes, with Council Member Tricoche and Council Member Jordan voting No.

## **CONSENT AGENDA**

**Item 4. Consideration and Approval** of the Regular Council Meeting dates for the 2021 calendar year.

Council Member Reid suggested that the monthly Council Meetings be held on Wednesdays. The Town Council reached a consensus to have monthly meetings on Wednesdays at 7:00 P.M.

**Item 5. Consideration and Approval** of a Memorandum of Understanding (MOU) between the Town and the School Board of Miami-Dade County for the School Based Law Enforcement Officer for the 2019/2020 and 2020/2021 School years.

Discussion ensued concerning the issue of the Town not being reimbursed \$75,000 for the 2019/2020 School Year for the School Resource Officer.

Council Member Leonard clarified that he checked with staff, and Officer Brilliant met the qualifications for the SRO, which would result in the Town being fully reimbursed by the School Board.

**PUBLIC COMMENT:**

Francis Neuhut, 1060 Kane Concourse, suggested that the Town utilize the \$75,000 for Bay Harbor residents at the school; she pointed out provisions in the agreement for the Town Manager to meet with the School Board to establish a calendar and to provide lighting for the basketball court.

**PUBLIC COMMENT CLOSED:**

Council Member Jordan made a motion to approve the Memorandum of Understanding. Council Member Tricoche seconded the motion, and it passed by a unanimous vote.

**Item 6. Consideration and Approval** of a proposal from Enterprise Fleet Management to lease a 2020 Ford Escape for the Code Compliance Department in the amount of \$23,876 for a 60-month lease term.

There was discussion regarding the need to compile and monitor lease/purchase of Town vehicles; placing tracking device on Town assets over a certain amount; implementing a check and balance system of purchases to ensure vehicles are accounted for; maintaining a master file of leases for all vehicles to be checked quarterly; keeping account of physical location of vehicles; GPS service; and staff bringing back an RFP for electronic tracking device for the Town's assets.

**ACTION:** Council Member Leonard made a motion to approve the proposal from Enterprise Fleet Management to lease a 2020 Ford Escape for the Code Compliance Department. Council Member Yaffe seconded the motion, and it passed by a unanimous vote.

**ORDINANCES ON SECOND READING:**

**Item 7. Consideration and Approval** of an ordinance on second reading to increase the monthly charge for water service to \$4.81 per one thousand gallons and to increase the minimum monthly service charges for each water meter to \$22.38.

**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 \$4.81 PER ONE THOUSAND GALLONS AND TO INCREASE THE MINIMUM MONTHLY SERVICE CHARGES FOR EACH WATER METER TO \$22.38; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

**PUBLIC COMMENT**

Francis Neuhut, 1060 Kane Concourse, commented that the increase in water service will impact many residents during the pandemic.

**CLOSE PUBLIC COMMENT**

Council Member Leonard made a motion to approve the Ordinance. Council Member Yaffe seconded the motion, and it passed by a unanimous poll vote.



**Item 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.

**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.**

Vice Mayor Fuller made a motion to approve the ordinance. Council Member Tricoche seconded the motion, and it passed by a unanimous poll vote.

**STAFF RECOMMENDATION: Council Discretion**

**Item 9. Consideration and approval of an Emergency Ordinance on first and second reading authorizing the use of Communication Media Technology (CMT) during periods when the Town Mayor determines and declares a local state of emergency.**

**AN EMERGENCY ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AUTHORIZING THE USE OF COMMUNICATION MEDIA TECHNOLOGY AND FOR ATTENDANCE BY USE OF SUCH TECHNOLOGY BY ELECTED AND APPOINTED OFFICIALS DURING PERIODS WHEN THE TOWN MAYOR DETERMINES AND DECLARES A LOCAL PUBLIC HEALTH EMERGENCY OR STATE OF EMERGENCY AND FURTHER DETERMINES AND DECLARES THAT IT IS NECESSARY TO PROTECT THE HEALTH AND SAFETY OF TOWN OFFICIALS, TOWN STAFF, AND THE PUBLIC; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Attorney Simone explained the purpose of the Ordinance to use the hybrid system or fully virtual meetings during the pandemic and during Declaration of Emergency by the Mayor.

There was concern and discussion that certain actions of the Council, such as approval of ongoing contracts, could be open to challenge; and not having meetings until January pending action by Florida governor to possibly extend the Executive Order to allow virtual meetings.

Council Member Yaffe made a motion to approve the Ordinance. Council Member Tricoche seconded the motion, and it passed by a unanimous poll vote.

**TOWN MANAGER ITEMS:**

**Item 10.** Ratification of December 16, 2019 Contract with The News Directors and resulting charges in the amount of \$50,812.50.

Town Manager Lasday advised that the Council is required to ratify the amount for audit purpose. Concern was expressed as to some of the cost included in the amount, such as paying the consultant for watching a School Board Meeting at a cost of \$250 per hour; repercussion for a Town Manager exceeding his/her spending authority; part of the amount being covered under COVID19 reimbursements under the the Cares Act; figuring out a check and balance system to avoid a similar occurrence; authorizing the Town Manager and Town Attorney to renegotiate the amount; and suggestion for using staff as the PIO.

## **PUBLIC COMMENT**

Francis Neuhet, 1060 Kane Concourse, commented that the Town Attorney could handle the media.

## **PUBLIC COMMENT CLOSED**

It was further discussed that the bills which deal with COVID19 related matters has already been paid and approximately \$42,000 will be reimbursed to the Town.

Council Member Leonard made a motion to approve the \$50,912.50 expenditure. Council Member Tricoche seconded the motion, and it passed by a unanimous poll vote.

**Item 11.** Discussion and Possible Action of a proposal for services from The News Directors for the period of October 1, 2020 through September 30, 2021.

At this time, Vice Mayor Fuller left the meeting at 8:47 P.M.

Town Manager Lasday will discuss future services with Brian Andrews.

## **DISCUSSION ITEMS**

**Item 12. Discussion and possible action requested by Council Member Leonard as to 1) Surfside informing the Town that it is no longer taking the lead on the Surfside – Bal Harbour – Bay Harbor Islands Shuttle (“Shuttle”) project; and 2) Surfside’s request that Bay Harbor Islands take the lead on the Shuttle project, including the issuance and the advertisement of a Request for Proposals for Shuttle service providers.**

Council Member Leonard spoke of the Town of Bay Harbor Island taking over the shuttle operation as far as putting out the RFP and managing the grant. The Council reached a consensus for the Town to take the lead on the shuttle project.

**Item 13. Discussion requested by Council Member Reid regarding how we can assist the Town's Business District during the COVID-19 pandemic.**

Council Member Reid suggested conducting a survey of the businesses by sending out letters asking questions as to how the Town can help them.

Council Member Tricoche suggested bringing back the business group virtually to brainstorm and provide ideas; having a calendar and providing free or low-cost advertising in the business district; hosting virtual meet and greet; and having virtual cooking sessions to help promote the business district by safe participation.

Council Member Yaffe mentioned that there was a Business Development Association which was very active for a period but has since fizzled out; and he suggested getting the business community to be more active by organizing themselves and coming to the Town Council with their requests.

Mayor Bruder stated that she wanted to revitalize the Business District. She spoke of an idea for the landlord and business owners to meet with someone who does economic development to provide some type of incentive to bring people to the Town if monies can be found in the budget.

Council Member Leonard suggested looking for funding to assist the business district; he mentioned businesses having left due to COVID19; and possibly rebating a portion of the BTR taxes.

**PUBLIC COMMENT**

Francis Neuht, 1060 Kane Concourse, questioned why a new Town Attorney has not been chosen; she discussed poor condition of the island; alleged BTR's are being issued without Council's approval; and suggested Church by the Sea pay taxes to help the business district.

**CLOSED PUBLIC HEARING**

Council Member Reid spoke on the issue of Smart Park, 1035-1055 Kane Concourse ticketing residents when part of the agreement with the Town was for the company not to tow or boot cars. Town Attorney Simone advised that the matter pertains to the issuance of ticketing on private property, which is not enforceable the same way as a citation.

**PUBLIC COMMENT**

Kathleen Kennedy, 9180 West Bay Harbor Drive, spoke about plans for events with Park & Recreation, such as dolly parade, cultural singing on the causeway with loudspeakers, Opera Night, and Spanish Night. She suggested that all retail be on the ground floor.

Former Mayor Zilber, 1235 95<sup>th</sup> Street, talked about planning events for the future; and having programs on the street that involve children from the Town drawing pictures and putting them in windows of the businesses.

The Town Council reached a consensus for staff to conduct a survey; gather data from the businesses and from the Town as to how the Town can help the businesses.

There being no further business to discuss meeting was adjourned at 6:56 p.m.

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MAYOR

ATTEST

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TOWN CLERK

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MAYOR

ATTEST

\_\_\_\_\_  
TOWN CLERK

**TOWN OF BAY HARBOR ISLANDS**  
**MINUTES OF A PUBLIC HEARING**

A Public Hearing of the Town Council was held on Tuesday, February 10<sup>th</sup>, 2021 at 6:08 P.M. through the ZOOM Platform. Upon roll call the following members responded:

|                             |                               |
|-----------------------------|-------------------------------|
| Mayor Stephanie Bruder      |                               |
| Vice Mayor Joshua Fuller    | Council Member Jordan Leonard |
| Council Member Kelly Reid   | Council Member Isaac Salver   |
| Council Member Robert Yaffe |                               |

Council Member Tricoche was absent.

1. **Discussion** for the purpose of hearing any public comment with respect to an application for variance from Section 23-12(6)(b)(iii) and Section 23-12(6)(a)(x) of the Town Code to construct a jet ski lift to the side of the existing "L" shaped boat dock, which boat lift also extends more than 25 feet seaward from the seawall cap. The application for a variance is being requested by the property owners Mark Tabacinic & Vanessa Bibliowicz for the property located at 10200 West Broadview Drive, Lot 42 & N 1/2 of Lot 43 in Block 23, Bay Harbor Islands, Florida. Enclosed is a copy of the variance application and other supporting documents.
2. **Approval or Denial** of the variance request for residence located at 10200 West Broadview Drive. As required by Section 2-22 of the Town Code, the Town Council shall determine whether to grant or deny the application for variance. An affirmative vote of five Council Member is necessary in order to grant the variance request. The decision of the Town Council is final. If the request is granted, the decision of the Town Council shall be recorded in a resolution to be prepared by the Town Attorney. It should be noted that any approval of the Town Council is subject to other requirements of the Town Code, County Code, Florida Building Code, FEMA, etc.

Mayor Bruder requested that Town Attorney Simone explained why some Council Members were present at the Community Center, and some were at their homes.

Town Attorney Simone referenced Attorney General's opinion, which allows Boards, Councils, and Committees to use electronic media for meetings, provided a quorum is present in person.

Vice Mayor Fuller noted that Council Members do not see the public; they only see other Council Members and persons employed by the Town; they do not see the public.

**ACTION:** Council Member Yaffe made a motion to approve the Resolution. Mayor Bruder seconded the motion and it passed by a unanimous vote.

There being no further business to discuss, the meeting was adjourned at 6:52 P.M.

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**MAYOR**

**ATTEST**

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**INTERIM TOWN CLERK**

## **AGENDA ITEM REPORT**

May 12, 2021

### **ITEM NUMBER: 6.**

**ITEM: Consideration and Approval** of a resolution requested by Council Member Bruder amending the rules and procedures for the distribution and posting of Council Meeting Agendas. Enclosed is a copy of the proposed resolution.

### **DESCRIPTION:**

At the April 20th Regular Council Meeting, the Town Council held a discussion to consider the 2021 meeting calendar and deadlines for submitting items for the Agenda. It was the consensus of the Council to come back with revised deadline dates for submitting items on the Agenda.

Enclosed is the proposed resolution which would amend the deadlines for the Town Manager, Town Attorney, and Department Heads to submit their agenda items and all supplemental materials precisely nine (9) days prior to the Agenda being published. Unless there is a legal holiday, the deadline will be moved to an earlier date.

### **RECOMMENDED ACTION:**

Approval

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### **FINANCIAL ANALYSIS:**

### **BUDGET IMPACT:**

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Submitted By:           Alba L. Chang, Town Clerk  
                                  Stephanie Bruder, Council Member

### **ATTACHMENTS**

1. Posting agendas - Meeting procedures

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING RESOLUTION 1050, ESTABLISHING RULES AND PROCEDURES FOR THE DISTRIBUTION AND POSTING OF AGENDAS.**

**WHEREAS**, the Town Council of the Town of Bay Harbor Islands is responsible for the public health, safety and welfare of the citizens of the Town of Bay Harbor Islands and those coming to the Town: 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 Town Council wishes to establish rules and procedures for the distribution of Agendas in a timely manner so as to allow for the free flow of information to the citizens of Bay Harbor Islands;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Bay Harbor Islands as follows:

Section 1. The Town Manager, Department Heads, Town Attorneys, Consultants, Mayor and Council Members shall deliver to the Town Clerk by 5:00 p.m. nine days prior to the publishing of the Agenda, all agenda-related material, including reports, correspondence, communications, petitions, proposed resolutions, ordinances, site plans, or other documents. The Town Clerk shall prepare the formal agenda, compile the submitted material, and deliver on the Thursday preceding the meeting the complied agenda material to the Mayor, each Council Member, the Town Manager, and the Town Attorney.

- a. The agenda shall be made public upon its delivery to the Mayor and Town Council and by posting on the regular Town Hall bulletin board at least 72 hours prior to the meeting and by distributing to those who request it.
- b. The Town Clerk shall also post the agenda and all back-up materials on the Town's website.
- c. Any item not filed with the Town Clerk by 5:00 p.m. nine days prior to the publishing of the Meeting Agenda, shall be placed on the next available meeting agenda.

Section 2. The agendas for all other meetings including, but not limited to, committee meetings and Planning and Zoning Board meetings, shall be made public by posting on the regular Town Hall bulletin board at least 72 hours prior to the meeting and by distributing to those who request it.

- a. The Town Clerk shall post the agenda and all back up materials on the Town's website.



- b. Any agenda that is not posted timely shall require the meeting to be cancelled and rescheduled.

Section 3. It shall be the discretion of the Town Clerk to establish the deadline for submittals that require further analysis from staff such as:

- a. Request for Public Hearing – Appeals
- b. Request for Quasi-Judicial Public Hearings (i.e. Variance request, Local Planning Agency, Planning & Zoning Board and/or Special Master Hearing).
- c. Any request that requires staff to conduct in depth analysis on a specific subject matter.
- d. Matters that require extensive notice and/or advertising per Florida Statutes.
- e. Items that require Town staff to perform inspections and/or provide a detail staff report.

**PASSED AND ADOPTED this 12th day of May, 2021.**

BY: \_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**TOWN CLERK**

**WORDS WITH A LINE THROUGH THEM ARE DELETED  
UNDERScoreD WORDS ARE ADDITIONS**

## **AGENDA ITEM REPORT**

May 12, 2021

### **ITEM NUMBER: 7.**

**ITEM: Consideration and Approval** of a resolution authorizing deposits and withdrawals of Town Bank accounts. Enclosed is a copy of the resolution

### **DESCRIPTION:**

The purpose of the proposed resolution is to update the authorized public officials to make deposits and transfers from certain Town Bank accounts. The resolution will remove former Council Member Kelly Reid and add Council Member Molly Winters Diallo.

Enclosed is a copy of the proposed resolution.

### **RECOMMENDED ACTION:**

Approval

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### **FINANCIAL ANALYSIS:**

### **BUDGET IMPACT:**

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Submitted By: Alba L. Chang, Town Clerk

### **ATTACHMENTS**

1. rev Update authorizing signatures-deposits-withdrawals

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY  
HARBOR ISLANDS, FLORIDA, AUTHORIZING DEPOSITS AND  
WITHDRAWALS OF TOWN FUNDS IN CERTAIN ACCOUNTS;  
PROVIDING FOR AN EFFECTIVE DATE.**

Pursuant to the authority given under Chapter 665.43, Florida Statutes,

**BE IT RESOLVED** that the executive officers of this Town be and are hereby authorized to deposit the funds of the Town from time to time with BANK OF AMERICA, N.A., and until further order of the Town Council to withdraw same from time to time upon check or draft of the Town, or other orders for payment of money, signed in the name of the Town in the following manner:

1. Town of Bay Harbor Islands - General Fund - Operation Account -
2. Town of Bay Harbor Islands - General Fund - Accounts Payable -
3. Town of Bay Harbor Islands - Broad Causeway - Revenue Fund -
4. Town of Bay Harbor Islands - Parking Meter Fund -
5. Town of Bay Harbor Islands - Water Revenue Account -
6. Town of Bay Harbor Islands - Sewer Operating Account -
7. Town of Bay Harbor Islands - Deposit Fund -
8. Town of Bay Harbor Islands - Law Enforcement Trust Fund -
9. Town of Bay Harbor Islands – Service Station Deposit -
10. Town of Bay Harbor Islands - Solid Waste Fund -
11. Town of Bay Harbor Islands - Sewer Debt Service & Repayment Reserve Account
12. Town of Bay Harbor Islands – Employee Retirement System -
13. Town of Bay Harbor Islands – Payroll -
14. Town of Bay Harbor Islands – Employee Retirement System -

By MARIA LASDAY, Town Manager, or \_\_\_\_\_

By JENICE ROSADO, Assistant Town Manager, or \_\_\_\_\_

By ALBA L. CHANG, Town Clerk, or \_\_\_\_\_

By PETER KAJOKAS, Finance Director

\_\_\_\_\_  
\_\_\_\_\_

or in case two of the above signers are not available, or in case of an emergency, with one of the following Council members:

STEPHANIE BRUDER \_\_\_\_\_

JOSHUA FULLER \_\_\_\_\_

MOLLY WINTERS DIALLO \_\_\_\_\_

JORDAN LEONARD \_\_\_\_\_

ISAAC SALVER \_\_\_\_\_

ELIZABETH TRICOCHE \_\_\_\_\_

ROBERT H. YAFFE \_\_\_\_\_

15. Town of Bay Harbor Islands - Payroll Account

By MARIA LASDAY, Town Manager, or \_\_\_\_\_

By JENISE ROSADO, Assistant Town Manager, or \_\_\_\_\_

By PETER KAJOKAS, Finance Officer, or \_\_\_\_\_

by ALBA L. CHANG, Town Clerk \_\_\_\_\_

and be it **FURTHER RESOLVED**, that **BANK OF AMERICA, N.A.**, be and it hereby is authorized and requested to accept, honor and pay, without further inquiry and until written notice of the authority hereby granted is received by said bank, all checks, drafts and other orders for the payment or withdrawal of money (including checks drawn to the individual order of the officer signing the same), when signed as by the foregoing resolution provided, including all such instruments payable or endorsed to the order of this Town.

and be it **FURTHER RESOLVED**, that **BANK OF AMERICA, N.A.**, be and is hereby authorized to transfer funds between items above upon receiving request to do so from the Town Manager or the Town Finance Officer.

**PASSED** and **ADOPTED** this   12   day of  May , 2021.

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**TOWN CLERK**

## **AGENDA ITEM REPORT**

May 12, 2021

### **ITEM NUMBER: 8.**

**ITEM: Consideration and approval** of a resolution revising Section 9-38 of Town Code adjusting monthly Solid Waste Fees. Enclosed is a copy of Resolution.

### **DESCRIPTION:**

The proposed resolution is to establish and adjust the solid waste collection fees to reflect the Consumer Price Index (CPI), tipping fee adjustment as reflected in Coastal & Waste Recycling Agreement with the Town.

The resolution sets forth the rates for residential, commercial, and restaurants.

Enclosed is a copy of the proposed resolution.

### **RECOMMENDED ACTION:**

Approval

---

### **FINANCIAL ANALYSIS:**

### **BUDGET IMPACT:**

---

Submitted By: Peter Kajokas, Finance Director  
Peter Kajokas, Finance Director

### **ATTACHMENTS**

1. Resolution Amending Solid Waste Fee

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, REVISING SECTION 9-38 OF THE TOWN OF BAY HARBOR ISLANDS CODE, ADJUSTING THE MONTHLY SOLID WASTE FEES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** Section 9-38 of the Code of Ordinances, of Town of Bay Harbor Islands, Florida provides for solid waste collection and disposal fees to be set by ordinance of the Town Council; and,

**WHEREAS,** the Town Council of Town of Bay Harbor Islands, Florida has amended Chapter 9 of the Town’s adopted code of ordinances entitled Solid Waste Collection Section 38 – Schedule of fees, and adopted for the establishment of rates by resolution; and,

**WHEREAS,** the Town Council has reviewed Monthly Price Schedule for Collection Services, with Consumer Price Index (CPI) adjustment as well as tipping fee adjustments, provided by the Town’s private solid waste and recycling contractor - Coastal Waste & Recycling, to ensure that the rates adopted herein are fair and equitable to all citizens.

**WHEREAS,** the Town Council will pass along solid waste and recycling services’ rate increase imposed by the Town’s private solid waste and recycling contractor, plus an administrative fee with this resolution,

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

**Section 1.** The Town of Bay Harbor Islands shall collect or franchise a service for collection and disposal of garbage, and yard waste as prescribed by Section 9-38 (B) of the Code of the Ordinances, and all persons, firms, or corporations whose premises are serviced thereby shall pay the following rates:

| <u>Description</u>                                                               | <u>Prior Fee</u>         | <u>New Fee</u>                 |
|----------------------------------------------------------------------------------|--------------------------|--------------------------------|
| <b>(a) RESIDENTIAL UNITS</b>                                                     |                          |                                |
| 1) For a condominium or co-op building with three or more units                  | <del>\$ 16.75/Unit</del> | \$20.00/Unit                   |
| 2) For a rental apartment building with three of more units                      | <del>\$ 19.90/Unit</del> | \$20.00/Unit                   |
| 3) For Single-Family residences                                                  | <del>\$22.80/Unit</del>  | \$23.00/Unit                   |
| 4) For all buildings, dwellings, etc., with private waste haulers, a monthly fee | <del>\$3.40/Unit</del>   | Eliminate – no longer provided |

| <b>(b) COMMERCIAL UNITS</b>                                                                                                         |                                          |                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------|
| 1) Waste collection and disposal fee for 32 gallons container                                                                       | <del>\$17.00/Container</del>             | Eliminate – 32 gallons containers no longer provided  |
| 2) Waste collection and disposal fee for 96 gallons container                                                                       | _____                                    | \$132.82/Container + Admin Fee = \$146.00/Container   |
| <b>(c) RESTAURANTS (and any other Units that have daily Collections Services) based upon the size of the Solid Waste Container:</b> |                                          |                                                       |
| 1) Units (establishments) that has daily Collection Services                                                                        | <del>Actual Cost plus 7% Admin Fee</del> | Actual Cost-plus Admin Fee                            |
| 2) 96 Gallon Solid Waste Container                                                                                                  | _____                                    | \$132.82/Container + Admin Fee = \$146.00/ Container  |
| 3) One (1) Yard Solid Waste Container                                                                                               | _____                                    | \$243.97/Container + Admin Fee = \$268.50/Container   |
| 4) Two (2) Yard Solid Waste Container                                                                                               | _____                                    | \$487.93/Container + Admin Fee = \$537.00Container    |
| 5) Four (4) Yard Solid Waste Container                                                                                              | _____                                    | \$975.86/Container + Admin Fee = \$1,073.50/Container |

**Section 2. Effective Date.** This resolution shall be in full force and take effect upon its passing and adoption.

**PASSED AND ADOPTED** on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

TOWN OF BAY HARBOR ISLANDS

By: \_\_\_\_\_  
Joshua D. Fuller, Mayor

ATTEST:

\_\_\_\_\_  
Alba Chang,  
Town Clerk

APPROVED AS TO FORM AND CONTENT:

\_\_\_\_\_  
Joseph Geller, Esq.,  
Town Attorney



**EXHIBIT “A”**

**COASTAL WASTE & RECYCLING PROPOSED MONTHLY PRICE SCHEDULE WITH CPI  
INCREASE ADJUSTMENT WITH AN EFFECTIVE DATE OF APRIL 1, 2021**

Effective April 1, 2021

**Exhibit “A”**  
**Rate Structure**

**Monthly Price Schedule for Collection Services**

(Per Unit. Per Month)

(Collection Services for Solid Waste (3 times per week),  
Bulk Waste (1 time per week), and Recycling (2 times per week))

- |    |                                                                                                                                                                       |                               |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| 1. | Multi Family Home and Single Family Home<br>(2668 Units, as of the Effective Date)                                                                                    | \$17.47, per Unit per Month   |
| 2. | Commercial Unit<br>(19 Units, as of the Effective Date)                                                                                                               | \$55.34, per Unit, per Month  |
| 3. | Restaurants (and any other Units that have daily<br>Collection Services) based upon the size of the<br>Solid Waste Container:<br>(11 Units, as of the Effective Date) |                               |
| a. | 96 Gallon Solid Waste Container                                                                                                                                       | \$132.82, per Unit, per Month |
| b. | One (1) Yard Solid Waste Container                                                                                                                                    | \$243.97, per Unit, per Month |
| c. | Two (2) Yard Solid Waste Container                                                                                                                                    | \$487.93, per Unit, per Month |
| d. | Four (4) Yard Solid Waste Container                                                                                                                                   | \$975.86, per Unit, per Month |

## AGENDA ITEM REPORT

May 12, 2021

### ITEM NUMBER: 9.

**ITEM: Consideration and Approval** to piggyback off the National Association of State Procurement Officials (NASPO) contract with Toshiba American Business Solutions, Inc. for copiers and printing services, pursuant to Section 2-1.2(6) of the Town Code. Enclosed is a copy of the proposal provided by Toshiba and other supporting documents.

### DESCRIPTION:

The purpose for the proposed services is to provide the most effective and reliable equipment for departments copying and printing services. In early 2021, staff began to research the market options for copiers and printing equipment for the Town departments. This includes the copiers for the Annex Building, Police and Community Center. The current lease with Toshiba American Business Solutions for these departments expired in February 2021. Several quotes were provided by Cannon Solutions America, Xerox Solutions, LLC and Toshiba American Business Solutions, Inc. All three companies offered similar services apart from the price. Toshiba provided the lowest lease options based on the recent research.

Town Council's approval is also required as the Town leases with Toshiba copier machines for Administration and Building Departments will expire in 2022. The combine cost for all equipment will exceed the Town Manager's \$20,000 spending authority, pursuant to Section 2-1.1(c) of the procurement regulations.

Staff recommends the Town piggyback off the National Association of State Procurement Officials (NASPO) Value Master Agreement service contract with Toshiba American Solutions, pursuant to Section 2-1.2(6) of the Town Code, Contracts which utilize a bid or proposal that has been secured by another governmental entity "piggyback contract".

NASPO offers procurement solution to government entities nationwide. Participation is opened to federal; state/province, and municipal governmental entities in the United States. The monthly lease amount includes parts, labor, and supplies such as ink cartridges, except for paper and staples.

Enclosed is a copy of the NASPO agreement and other supporting documents.

### RECOMMENDED ACTION:

Approval

---

### FINANCIAL ANALYSIS:

### BUDGET IMPACT:

| Name | Impact Date | Fund(s) | Account(s) | Project #s) | Amount Budgeted |
|------|-------------|---------|------------|-------------|-----------------|
|------|-------------|---------|------------|-------------|-----------------|

|                                    |           |            |                      |                            |            |
|------------------------------------|-----------|------------|----------------------|----------------------------|------------|
| Annex Building Copier Lease        | 5/12/2021 | \$3,127.00 | 001.5125.4000044.000 | Lease Agreement - Copier   | \$2,909.14 |
| Office Copier Annex Bldg.          | 5/12/2021 | \$4,200.00 | 001.5125.4000047.000 | Annual Charges for copies  | \$4,200.00 |
| Police Department Copier Lease     | 5/12/2021 | \$1,046.00 | 001.5210.4000044.000 | Lease Agreement            | \$2,400.00 |
| Police Department                  | 5/12/2021 | \$1,800.00 | 001.5125.4000047.000 | Monthly Charges for copies | \$1,800.00 |
| Community Center - Lease Agreement | 5/12/2021 | \$2,445.00 | 001.5720.4000045.000 | Lease Agreement - Copier   | \$2,700.00 |
| Community Center                   | 5/12/2021 | \$1,440.00 | 001.5720.4000047.000 | Monthly Charges for copies | \$1,440.00 |

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Submitted By: Alba L. Chang, Town Clerk

#### **ATTACHMENTS**

1. NASPO \_State of Florida PA 2021
2. bhi\_ ANNEXQuick Quote
3. bhi\_ Community Center Quick Quote
4. bhi\_ Police deptQuick Quote

NASPO ValuePoint

**PARTICIPATING ADDENDUM  
STATE OF FLORIDA**



**COPIERS AND MANAGED PRINT SERVICES**

Led by the State of Colorado

---

Master Agreement #: 140604

Contractor: Toshiba American Business Solutions Inc.

Participating State: Florida, Agreement No. 44000000-NASPO-19-ACS

1. **Scope:** This Addendum covers the NASPO ValuePoint Master Agreement for Copiers and Managed Print Services led by the State of Colorado, for use by state agencies and other entities located in the State of Florida and authorized by that state's statutes to utilize state contracts with the prior approval of the state's Chief Procurement Officer.
2. **Order of Precedence:**
  - a) This Participating Addendum and all Amendments;
  - b) State of Florida Additional Special Contract Conditions;
  - c) State of Florida Special Contract Conditions;
  - d) NASPO ValuePoint Master Agreement Terms & Conditions, including all Exhibits;
  - e) An Order issued against the Master Agreement;
  - f) The Solicitation, RFP-NP-18-001, Copiers and Managed Print Services;
  - g) The Contractor's response to the Solicitation, as revised (if permitted) and accepted by the Lead State; and
  - h) The Contractor's Supplemental Documents, including all Attachments.
3. **Term of the Participating Addendum:**
  - a) **Initial Term:** The initial term of this Participating Addendum will become effective on the last date the document is signed by all Parties, whichever is later, and shall be effective through December 31, 2021, unless terminated earlier, in accordance with the Special Contract Conditions.
  - b) **Renewal:** Upon agreement of the Parties, the Department and the Contractor may renew this Participating Addendum in accordance with section 287.057(13), Florida Statutes, and Rule 60A-1.048, Florida Administrative Code. Renewals must be in writing and are subject to the same term, conditions, and modifications set forth in this Participating Addendum. The Contractor and Purchasing Entities may negotiate renewal term pricing, which shall not exceed the pricing provided during the initial term as set forth in the Master Agreement.
4. **Product Offerings:** The Contractor is authorized to provide the Products listed below:
  - **Group A – MFD, A3**
  - **Group C – Production Equipment**
  - **Group D – Single-function Printers**
  - **Group E – Large/Wide Format Equipment**
  - **Group F - Scanners**
  - **Managed Print Services (MPS)**

NASPO ValuePoint

**PARTICIPATING ADDENDUM  
STATE OF FLORIDA****COPIERS AND MANAGED PRINT SERVICES**

Led by the State of Colorado

5. **Service Offerings:** The Contractor is authorized to provide Services listed below:

- **Managed Print Services – Attachment F (Toshiba MPS Statement of Work Template),** of the Master Agreement, provides a framework for any ensuing MPS engagement. Prior to any commencement, all MPS engagements must be agreed to and signed by both Customer and Contractor.
- **Maintenance Agreements:**
  - Automatic renewals are not permitted under the Master Agreement
  - Contractor shall have the ability to blend the Service and Supply costs over a large Equipment fleet
  - **Manual Meter Reads** - As part of its Services, Contractor may, at its discretion and dependent upon device capabilities, provide electronic remote meter reading and equipment monitoring. This may allow for automated meter reading and submission, automatic placement of low toner alerts, automatic placement of service calls in the event of a critical Product failure and may enable firmware upgrades
  - **Customer-Owned Equipment** - Customers may elect to enter into a Maintenance Agreement for Equipment they already own, or Equipment they acquire through an up-front purchase. The Maintenance Agreement may be priced on a flat rate fee, which shall include parts, labor, Preventative Maintenance (if applicable) and Service calls. Supplies may or may not be included. The Maintenance Agreement shall not be subject to automatic renewals.
  - **Lease or Rental Equipment** - Contractor shall be required to provide a Maintenance Agreement on all Equipment that is leased or rented by a Customer. The Maintenance Agreement shall be priced based on a cost per click rate, or a monthly base charge.

Participating State or Entity must check one of the boxes below. These modifications or additions apply only to actions and relationships within the State of Florida. A Participating Addendum shall not diminish, change, or impact the rights of the Lead State with regard to its contractual relationship with the Contractor under the Terms and Conditions of the State of Colorado NASPO ValuePoint Master Agreement.

☐ No changes to the terms and conditions of the Master Agreement are required.

☒ The following changes are modifying or supplementing the Master Agreement terms and conditions:

Exhibit A – Additional Special Contract Conditions

Exhibit B – Special Contract Conditions



NASPO ValuePoint

**PARTICIPATING ADDENDUM  
STATE OF FLORIDA****COPIERS AND MANAGED PRINT SERVICES**

Led by the State of Colorado

6. **Master Price Agreement Number:** All purchase orders issued by Purchasing Entities within the jurisdiction of this Participating Addendum shall include the NASPO ValuePoint Master Agreement number: **140604**
7. **Primary Contacts:** The primary contact individuals for this Participating Addendum are as follows (or their named successors):

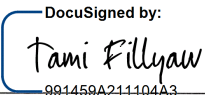
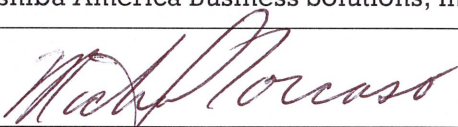
Contractor

|           |                                                 |
|-----------|-------------------------------------------------|
| Name      | Christina Fisher                                |
| Address   | 25530 Commercentre Drive, Lake Forest, CA 92630 |
| Telephone | 949.462.6325                                    |
| E-mail    | christina.fisher@tabs.toshiba.com               |

Participating Entity

|           |                                                |
|-----------|------------------------------------------------|
| Name      | Christia Nunnery                               |
| Address   | 4050 Esplanade Way, Tallahassee, FL 32399-0950 |
| Telephone | 850.488.8367                                   |
| E-mail    | Christia.Nunnery@dms.myflorida.com             |

**IN WITNESS WHEREOF**, the parties have executed this Addendum as of the date of execution by both parties below.

|                                                                                                                                                                  |                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| Participating State:<br>Florida                                                                                                                                  | Contractor:<br>Toshiba America Business Solutions, Inc.                                  |
| By: <br><small>DocuSigned by:<br/>Tami Fillyaw<br/>991459A211104A3...</small> | By:  |
| Name:<br>Tami Fillyaw                                                                                                                                            | Name:<br>Michael Torcaso                                                                 |
| Title:<br>Chief of Staff                                                                                                                                         | Title:<br>Senior VP and CFO                                                              |
| Date:<br>3/9/2020   3:18 PM EDT                                                                                                                                  | Date:<br>03/09/2020                                                                      |

NASPO ValuePoint

**PARTICIPATING ADDENDUM  
STATE OF FLORIDA**



**COPIERS AND MANAGED PRINT SERVICES**

Led by the State of Colorado

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For questions on executing a Participating Addendum, please contact:

**NASPO ValuePoint**

|                                      |                                                                              |
|--------------------------------------|------------------------------------------------------------------------------|
| Cooperative Development Coordinator: | Ted Fosket                                                                   |
| Telephone:                           | (907) 723-3360                                                               |
| Email:                               | <a href="mailto:tfosket@naspovaluepoint.org">tfosket@naspovaluepoint.org</a> |

**[Please email fully executed PDF copy of this document to  
[PA@naspovaluepoint.org](mailto:PA@naspovaluepoint.org), to support documentation of participation, and to  
post in appropriate data bases]**

# INVESTMENT SCHEDULE



**PREPARED FOR**

## **TOWN OF BAY HARBOR ISLAND FL-BAY HARBOR ISLANDS**

**March 4, 2021**

**PREPARED BY**

**Orlando LaCalle**

**orlando.lacalle@tbs.toshiba.com**

**TOSHIBA**





# INVESTMENT SCHEDULE

## TOWN OF BAY HARBOR ISLAND FL-BAY HARBOR ISLANDS

### New Toshiba Digital Solution

#### Model Details

- (1) Toshiba e-STUDIO5516ACT
  - Included Features: 2500-sheet Large Capacity Feeder, 50-sheet Staple Finisher, Finisher Guide Rail, Next Gen PCS Power Filter, 120V-20 Amps

#### Service Details

| Pool Name  | Monthly Overage Per Page |
|------------|--------------------------|
| Mono Pool  | \$0.00580                |
| Color Pool | \$0.03400                |

#### Total Monthly Investment

- 36 Month Lease \$260.55

Monthly investment includes parts, labor, travel, and supplies; everything except for paper, staples, and applicable taxes.



# INVESTMENT SCHEDULE

## TOWN OF BAY HARBOR ISLAND FL-BAY HARBOR ISLANDS

|                                 |          |
|---------------------------------|----------|
| <b>Total Monthly Investment</b> |          |
| • 36 Month Lease                | \$260.55 |

Monthly investment includes parts, labor, travel, and supplies; everything except for paper, staples, and applicable taxes.

# TOSHIBA

## TOSHIBA INNOVATION AT ITS FINEST

The ultra-modern look of the Toshiba e-STUDIO5516AC houses the latest innovative technology, like brilliant, multi-beam laser color delivered at up to 55 pages per minute and monochrome at up to 65 pages per minute. New high-speed, high-capacity Dual-Scan Document Feeder handles up to 300 sheets at a time and seamlessly scans both sides of each page in a single pass at 240 images per minute.

When it comes to seamless workflow and simplified integration the e-STUDIO5516AC represents the finest Toshiba has to offer. A new 10.1" tablet-style touch screen with an embedded web browser is easy to use and customizable to meet your needs. The e-BRIDGE Print & Capture application lets you scan from the MFP back to your mobile device. Multi-Station Print Enabler allows you to retrieve your print job from a series of networked MFPs via simple authentication.

### FEATURES AT A GLANCE

- **Copy Speed:** 55 PPM CLR / 65 PPM B&W
- **Copy Resolution:** 600 x 600 dpi
- **Print Resolution:** 1,200 x 1,200 dpi
- **Scan:** 240 IPM Duplex / 120 IPM Simplex
- **First Copy Out:** 6.4 Sec CLR / 5.2 Sec B&W
- **4-Drawer Paper Capacity:** 2,280 Sheets / Max 4,780 Sheets
- **Tandem Drawer Paper Capacity:** 3,520 Sheets / Max 6,020 Sheets
- **Memory:** 4GB
- **Reproduction Ratio:** 25% to 400%
- **Max Duty Cycle:** 480K Month
- **9" Color WVGA Touch Screen Tilting Display**



**e-STUDIO5516AC**

### POPULAR OPTIONS

|                                   |
|-----------------------------------|
| 2,500-Sheet Large Capacity Feeder |
| 50-Sheet Staple Finisher          |
| 50-Sheet Saddle-Stitch Finisher   |
| Hole Punch Unit                   |
| Side Exit Tray                    |
| Wireless LAN/Bluetooth Module     |
| Fax Unit / 2nd Line for Fax Unit  |

**TOSHIBA**

# EMPOWERING THE ART OF BUSINESS®



**At Toshiba, we are focused on helping businesses better control their productivity and profitability by delivering innovative imaging products and content solutions.**

## **TOSHIBA AMERICA BUSINESS SOLUTIONS, INC. (TABS)**

is an independent operating company of Toshiba Corporation, one of the largest integrated electronics and electrical equipment companies in the world with more than 140,000 employees globally and annual sales surpassing \$37 billion. TABS is a leading managed print and content solutions provider with experts that help organizations print smarter, improve workflow and communicate better.

Our current and future commitment is to continue to improve and enhance the functionality and capabilities of our digital imaging products and content solutions. Toshiba invests more than 6% of its annual revenue to Research & Development, and deploys a network of R&D centers around the world. In an average year, Toshiba Corporation is awarded more than 5,000 patents, many of which find their way either directly or indirectly into our multifunction office solutions products.

### **OUR MISSION**

As a technology company, we go way beyond printing. We are a creative and nimble organization that empowers our people to do whatever it takes to help our clients succeed.

### **OUR VISION**

Empowering new and better ways to deliver ideas and information.



# INVESTMENT SCHEDULE



**PREPARED FOR**

## **TOWN OF BAY HARBOR ISLAND FL-BAY HARBOR ISLANDS**

**April 12, 2021**

**PREPARED BY**

**Orlando LaCalle**

**[orlando.lacalle@tbs.toshiba.com](mailto:orlando.lacalle@tbs.toshiba.com)**

**TOSHIBA**



# INVESTMENT SCHEDULE

## TOWN OF BAY HARBOR ISLAND FL-BAY HARBOR ISLANDS

### New Toshiba Digital Solution

#### Model Details

- (1) Toshiba e-STUDIO4515AC
  - Included Features: 100-sheet RADF, Copier Stand, Inner Finisher, Analog Fax Unit / 2nd Line Fax Unit, Next Gen PCS Power Filter, 120V-15 AMPS

#### Service Details

| Pool Name  | Monthly Overage Per Page |
|------------|--------------------------|
| Mono Pool  | \$0.00650                |
| Color Pool | \$0.03700                |

#### Total Monthly Investment

- 36 Month Lease \$203.77

Monthly investment includes parts, labor, travel, and supplies; everything except for paper, staples, and applicable taxes.



# INVESTMENT SCHEDULE

## TOWN OF BAY HARBOR ISLAND FL-BAY HARBOR ISLANDS

|                                 |          |
|---------------------------------|----------|
| <b>Total Monthly Investment</b> |          |
| • 36 Month Lease                | \$203.77 |

Monthly investment includes parts, labor, travel, and supplies; everything except for paper, staples, and applicable taxes.

# TOSHIBA

## TOSHIBA TECHNOLOGY NEVER LOOKED BETTER

The Toshiba e-STUDIO4515AC can increase the efficiency of your workgroups, improve the professionalism of your presentations, and streamline the workflow of your organization. And, that's just for starters.

A 300-sheet high-speed, high-capacity Dual-Scan Document Feeder (DSDF) produces up to 120 IPM simplex and 240 IPM duplex. A conventional RADF is available for less scan-intensive businesses.

Toshiba has developed a customizable MFP to make your job easier. A new 10.1" tablet-style touch screen works intuitively, helping you find instructions, functions, and commands with the swipe of the finger. Toshiba's internally developed Multi-Station Print Enabler allows users to send print jobs from their desktop and retrieve them at any convenient MFP by simply swiping their badge and authenticating at that device.

### FEATURES AT A GLANCE

- **Copy/Print Speed:** 45 PPM
- **Copy Resolution:** Up to 2,400 x 1,200 dpi
- **First Copy Out:** 4.4s B&W, 5.7s Color
- **Paper Capacity:** Standard 1,200 Sheets / Max 3,200 Sheets
- **Scan Speed:** DSDF Scan—240 IPM Duplex, 120 IPM Simplex; RADF Scan—73 IPM
- **Memory:** 4GB
- **Reproduction Ratio:** 25% to 400%
- **Max Duty Cycle:** 210K B&W / 105K Clr Mo.
- **10.1" Color WVGA Touch Screen Tilting Display**



**e-STUDIO™ 4515AC**

### POPULAR OPTIONS

|                                  |
|----------------------------------|
| 100-Sheet RADF or 300-Sheet DSDF |
| 550-Sheet Paper Feed Pedestal    |
| 550-Paper Drawer                 |
| 2,000-Sheet LCF                  |
| Console Finisher                 |
| Saddle-Stitch Finisher           |
| Job Separator                    |
| Hole Punch Unit                  |



**TOSHIBA**

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## **OUR VISION**

Empowering new and better ways to deliver ideas and information.



# INVESTMENT SCHEDULE



**PREPARED FOR**

## **TOWN OF BAY HARBOR ISLAND FL-BAY HARBOR ISLANDS**

**April 12, 2021**

**PREPARED BY**

**Orlando LaCalle**

**[orlando.lacalle@tbs.toshiba.com](mailto:orlando.lacalle@tbs.toshiba.com)**

**TOSHIBA**



# INVESTMENT SCHEDULE

## TOWN OF BAY HARBOR ISLAND FL-BAY HARBOR ISLANDS

### New Toshiba Digital Solution

#### Model Details

- (1) Toshiba e-STUDIO3515AC
  - Included Features: 100-sheet RADF, Copier Stand, Inner Finisher, Analog Fax Unit / 2nd Line Fax Unit, 120/15A Power Filter & Network

#### Service Details

| Pool Name  | Monthly Overage Per Page |
|------------|--------------------------|
| Mono Pool  | \$0.00730                |
| Color Pool | \$0.03900                |

#### Total Monthly Investment

- 36 Month Lease \$187.15

Monthly investment includes parts, labor, travel, and supplies; everything except for paper, staples, and applicable taxes.



# INVESTMENT SCHEDULE

## TOWN OF BAY HARBOR ISLAND FL-BAY HARBOR ISLANDS

**Total Monthly Investment**

- 36 Month Lease \$187.15

Monthly investment includes parts, labor, travel, and supplies; everything except for paper, staples, and applicable taxes.

# TOSHIBA

## TOSHIBA TECHNOLOGY NEVER LOOKED BETTER

The Toshiba e-STUDIO3515AC can increase the efficiency of your workgroups, improve the professionalism of your presentations, and streamline the workflow of your organization. And, that's just for starters.

A 300-sheet high-speed, high-capacity Dual-Scan Document Feeder (DSDF) produces up to 120 IPM simplex and 240 IPM duplex. A conventional RADF is available for less scan-intensive businesses.

Toshiba has developed a customizable MFP to make your job easier. A new 10.1" tablet-style touch screen works intuitively, helping you find instructions, functions, and commands with the swipe of the finger. Toshiba's internally developed Multi-Station Print Enabler allows users to send print jobs from their desktop and retrieve them at any convenient MFP by simply swiping their badge and authenticating at that device.

### FEATURES AT A GLANCE

- **Copy/Print Speed:** 35 PPM
- **Print Resolution:** 1,200 x 1,200 dpi
- **First Copy Out:** 5.9s B&W, 7.8s Color
- **Paper Capacity:** Standard 1,200 Sheets / Max 3,200 Sheets
- **Scan Speed:** DSDF Scan—240 IPM Duplex, 120 IPM Simplex; RADF Scan—73 IPM
- **Memory:** 4GB
- **Reproduction Ratio:** 25% to 400%
- **Max Duty Cycle:** 210K B&W / 105K Clr Mo.
- **10.1" Color WVGA Touch Screen Tilting Display**



**e-STUDIO™ 3515AC**

### POPULAR OPTIONS

|                                  |
|----------------------------------|
| 100-Sheet RADF or 300-Sheet DSDF |
| 550-Sheet Paper Feed Pedestal    |
| 550-Paper Drawer                 |
| 2,000-Sheet LCF                  |
| Console Finisher                 |
| Saddle-Stitch Finisher           |
| Job Separator                    |
| Hole Punch Unit                  |

**TOSHIBA**

# EMPOWERING THE ART OF BUSINESS®



**At Toshiba, we are focused on helping businesses better control their productivity and profitability by delivering innovative imaging products and content solutions.**

## **TOSHIBA AMERICA BUSINESS SOLUTIONS, INC. (TABS)**

is an independent operating company of Toshiba Corporation, one of the largest integrated electronics and electrical equipment companies in the world with more than 140,000 employees globally and annual sales surpassing \$37 billion. TABS is a leading managed print and content solutions provider with experts that help organizations print smarter, improve workflow and communicate better.

Our current and future commitment is to continue to improve and enhance the functionality and capabilities of our digital imaging products and content solutions. Toshiba invests more than 6% of its annual revenue to Research & Development, and deploys a network of R&D centers around the world. In an average year, Toshiba Corporation is awarded more than 5,000 patents, many of which find their way either directly or indirectly into our multifunction office solutions products.

### **OUR MISSION**

As a technology company, we go way beyond printing. We are a creative and nimble organization that empowers our people to do whatever it takes to help our clients succeed.

### **OUR VISION**

Empowering new and better ways to deliver ideas and information.



## **AGENDA ITEM REPORT**

May 12, 2021

### **ITEM NUMBER: 10.**

**ITEM: Consideration and Approval** of Amendment No. 4 to the Memorandum of Understanding to implement the Nurse Enhancement Initiative for the 2021/2022 school year. Enclosed is a copy of the agreement and summary report.

### **DESCRIPTION:**

Leslie Rosenfeld, Chief Learning and Development Officer at the Organizational Development and Education Department, has requested that the Town approve a 4th amendment to an agreement with Organizational Development and Education Department to enable the department to continue to provide mental health support at Ruth K. Broad Bay Harbor K-8 Center.

A partnership with Organizational Development and Education Department enables the Town of Bay Harbor Islands to provide two days of service each week at Ruth K. Broad Bay Harbor K-8 Center by a licensed clinical social worker/mental health professional.

As of March 2021, at Ruth K. Broad Bay Harbor K-8 Center, 24 youths have received 182 mental health services including behavioral health interventions, consultations, and psychosocial/behavioral assessments between August 2020 – March 2021 during the two days of service provided. Additionally, 112 youths at Miami Beach Senior High have received 730 mental health interventions during the five days of service provided.

The prior approved amendment and the current youth utilization information pertaining to Organizational Development and Education Department's mental health partnership in the public schools (including Ruth K. Broad Bay Harbor K-8 Center) for the 2020-21 school year is attached.

### **RECOMMENDED ACTION:**

Approval

---

### **FINANCIAL ANALYSIS:**

The Town would be required to provide funding in the next fiscal year in the amount of \$8,112.00 for 2 days of service at Ruth K. Broad Bay Harbor K-8 Center. Note: The cost of the program is shared equally with Surfside and Bal Harbor. Each community is required to pay \$8,112.00.

### **BUDGET IMPACT:**

---

Submitted By: Maythe Martin, Executive Asst. to Town Manager

**ATTACHMENTS**

1. Amendment #3 Executed Final
2. Amend No. 4 to Nursue Initiative
3. MHP Data-Aug2020-Mar2021



**AMENDMENT NO. 3  
TO THE MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE CITY OF MIAMI BEACH, NORTH BAY VILLAGE, THE TOWN OF BAY HARBOR  
ISLANDS, THE TOWN OF SURFSIDE, BAL HARBOUR VILLAGE, AND  
THE MIAMI BEACH CHAMBER EDUCATION FOUNDATION TO IMPLEMENT A  
NURSE ENHANCEMENT INITIATIVE FOR SCHOOL YEAR 2020/2021**

Amendment No. 3 ("**Amendment**") is made and entered into this <sup>19</sup> day of August, 2020, by and between the **City of Miami Beach, Florida**, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 1700 Convention Center Drive, Miami Beach, Florida 33139 ("**CMB**"), **North Bay Village ("NBV")**, the **Town of Bay Harbor Islands ("TBHI")**, the **Town of Surfside ("TS")**, **Bal Harbour Village ("BHV")**, and the **Miami Beach Chamber Education Foundation, Inc. ("MBCEF")** (collectively, the "**Parties**") to amend the Memorandum of Understanding entered into on May 17, 2018 ("**MOU**"), as amended by Amendment No. 1 to the **MOU**, dated December 24, 2018 and as amended by Amendment No. 2 to the **MOU**, dated September 19, 2019 (collectively, the "**MOU**"), as follows:

**RECITALS**

**WHEREAS**, the Parties have determined that a program to provide healthcare services to students attending underserved public schools is in the best interests of the health and public welfare of the City of Miami Beach, North Bay Village, the Town of Bay Harbor Islands, the Town of Surfside, and Bal Harbour Village (the "**Participating Municipalities**"); and

**WHEREAS**, following the Parties' determination that students at Miami Beach North Beach Elementary, Treasure Island Elementary, and Ruth K. Broad Bay Harbor K-8 Center (the "**Participating Schools**") did not have full-time on-site healthcare services and were, thus, underserved as compared to other public schools in the feeder pattern that falls within the City of Miami Beach, the Parties entered into a Memorandum of Understanding on August 19, 2013 for a Nurse Initiative, and another Memorandum of Understanding on April 23, 2014, to provide healthcare services to the **Participating Schools** during the 2013/2014 and the 2014/2015 School Years; and

**WHEREAS**, due to the success of Nurse Initiatives during the 2013/2014 and 2014/2015 School Years, the Parties implemented an enhanced nurse initiative ("**Nurse Enhancement Initiative**") for the 2015/2016, 2016/2017, and the 2017/2018 School Years for the **Participating Schools** because the basic healthcare services previously funded in the Nurse Initiative by the **Participating Municipalities**, the **MBCEF**, and the Children's Trust ("**TCT**"), were provided by **TCT** via the new School Health Programs; and

**WHEREAS**, on May 17, 2018, **CMB, NBV, TBHI, TS, BHV**, and **MBCEF** executed the **MOU** for the continuation of the **Nurse Enhancement Initiative** for the **Participating Schools** for the 2018-2019 School Year; and

**WHEREAS**, the Parties executed Amendment No. 1 to the **MOU**, dated December 24, 2018, adding an additional day of service at Ruth K. Broad Bay Harbor K-8 Center; and

**WHEREAS**, on September 11, 2019, the Mayor and City Commission adopted Resolution No. 2019-30956, approving Amendment No. 2 to the **MOU** and approving funding of **CMB's** contribution for each subsequent school year, on a recurring basis, subject to funding approval during **CMB's** budgetary process and provided that **CMB's** contribution amount does not exceed \$15,400.00; and

**WHEREAS**, the Parties executed Amendment No. 2 to the **MOU**, dated September 19, 2019, extending the **Nurse Enhancement Initiative** for the **Participating Schools** for the 2019-20 School Year; and

**WHEREAS**, the Parties wish to provide for another **Nurse Enhancement Initiative** for the 2020/2021 School Year; and

**WHEREAS**, a **Nurse Enhancement Initiative** should be established at the **Participating Schools** for School Year 2020/2021 as herein provided and pursuant to a separate agreement between **MBCEF** and **TCT**.

**WHEREAS**, **MBCEF** shall provide funding to **TCT** for the 2020-2021 **Nurse Enhancement Initiative** in the amount of \$7,000.00.

**NOW, THEREFORE**, in consideration of the mutual conditions and promises contained herein, the Parties agree to amend the **MOU** as follows:

**1. ABOVE RECITALS.**

The above recitals are true and correct and are incorporated as part of this Amendment.

**2. MODIFICATIONS.**

Paragraph 3 of the **MOU** is hereby deleted in its entirety and replaced with the following:

- 3. On or before October 31, 2020 the Participating Municipalities shall provide their proportionate share of the funds for the 2020/21 Nurse Enhancement Initiative to MBCEF, subject to budget approval by the Participating Municipalities, which funds MBCEF shall hold in escrow pending the execution of its agreement with TCT referenced in paragraph 1. The**



**Participating Municipalities** proportionate share of funding for the 2020/21 School Year shall be paid by October 31, 2020 in the following amounts for 44 weeks from October 1, 2020 to June 5<sup>th</sup> 2021, and August 1, 2021 to September 30, 2021:

- i) **CMB** shall provided funding in the amount of \$15,400;
- ii) **NBV** shall provide funding in the amount of \$6,600
- iii) **TBHI** shall provide funding in the amount of \$8,112 for 2 days of service at Ruth K. Broad Bay Harbor K-8 Center;
- iv) **TS** shall provide funding in the amount of \$8,112 for 2 days of service at Ruth K. Broad Bay Harbor K-8 Center;
- v) **BHV** shall provide funding in the amount of \$8,112 for 2 days of service at Ruth K. Broad Bay Harbor K-8 Center;

**4. RATIFICATION.**

Except as amended herein, all other terms and conditions of the **MOU** shall remain in full force and effect. In the event there is a conflict between the provisions of this **Amendment** and the **MOU**, the provisions of this **Amendment** shall govern.

**(THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK)**

**IN WITNESS THEREOF**, the Parties hereto have executed by their respective and duly authorized officers the day and year first above written.

**ATTEST:**

**CITY OF MIAMI BEACH**, a Municipal Corporation of the State of Florida

By: DocuSigned by:  
Rafael E. Granado  
24A05013ADDC4B5...  
Rafael E. Granado, City Clerk

By: DocuSigned by:  
Jimmy Morales  
28CA18194070496  
Jimmy L. Morales, City Manager

Date: 8/19/2020 | 4:34 PM EDT

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION  
City Attorney 6/9/2022  
Date

**ATTEST:**

**NORTH BAY VILLAGE**, a Municipal  
Corporation of the State of Florida

By:   
Village Clerk

By:   
Village Manager

Date: 7/15/2020

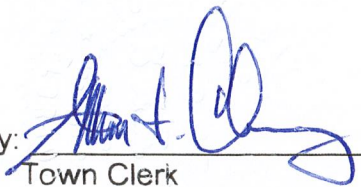
Approved as to form and  
Legal sufficiency

  
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**ATTEST:**

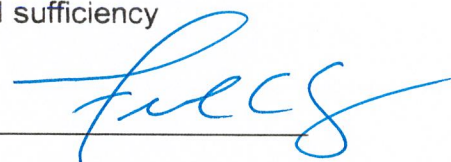
**TOWN OF BAY HARBOR ISLANDS**, a Municipal  
Corporation of the State of Florida

By:   
Town Clerk

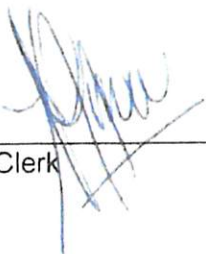
By:   
Mayor/Town Manager

Date: 8/12/2020

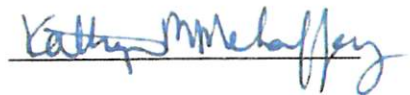
Approved as to form and  
Legal sufficiency



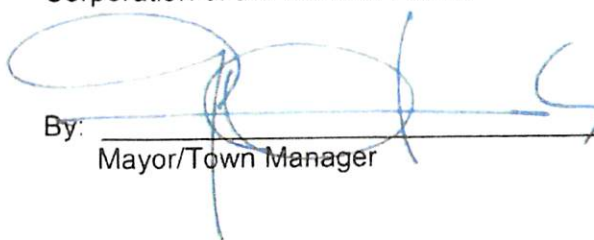
**ATTEST:**

By:   
Town Clerk

Approved as to form and  
Legal sufficiency

  
\_\_\_\_\_

**TOWN OF SURFSIDE**, a Municipal  
Corporation of the State of Florida

By:   
Mayor/Town Manager

**ATTEST:**

**BAL HARBOUR VILLAGE**, a Municipal  
Corporation of the State of Florida

By:   
Village Clerk

By:   
Mayor/Village Manager

Date: 9/14/2020

Approved as to form and  
Legal sufficiency

  
\_\_\_\_\_



ATTEST:

By: *Ida Bilal*

Date: *8-19-20*

MIAMI BEACH CHAMBER EDUCATION  
FOUNDATION

By: *Jerry Lubkin, President* (EO)



**RESOLUTION NO. 2019-30956**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN THE FORM ATTACHED TO THIS RESOLUTION, AMENDMENT NO. 2 TO THE MEMORANDUM OF UNDERSTANDING ("MOU"), DATED AUGUST 10, 2016, AMONG THE CITY, THE MIAMI BEACH CHAMBER OF COMMERCE, NORTH BAY VILLAGE, THE TOWN OF BAY HARBOR ISLANDS, THE TOWN OF SURFSIDE, AND BAL HARBOUR VILLAGE FOR THE FUNDING OF MENTAL HEALTH SERVICES, PROVIDING FOR A CITY CONTRIBUTION, IN AN AMOUNT NOT TO EXCEED \$13,887 ("CITY'S CONTRIBUTION") FOR THE 2019-2020 SCHOOL YEAR; AND APPROVING FUNDING OF THE CITY'S CONTRIBUTION FOR EACH SUBSEQUENT SCHOOL YEAR, ON A RECURRING BASIS, SUBJECT TO FUNDING APPROVAL DURING THE CITY'S BUDGETARY PROCESS AND PROVIDED THAT THE CITY'S CONTRIBUTION AMOUNT DOES NOT EXCEED \$15,400; AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE ANY AND ALL REQUIRED AGREEMENTS AND DOCUMENTS TO IMPLEMENT THE PROGRAM.**

**WHEREAS**, in January 2008, the City of Miami Beach (the "City") entered into an Education Compact with the Miami-Dade County Public Schools ("MDCPS") to enhance learning opportunities for youth; and

**WHEREAS**, the Education Compact reflects the desire of the Miami Beach community to support excellence in the City's public schools and enhance the health and well-being of our City's youth; and

**WHEREAS**, as a result of the City's Education Compact with MDCPS, all public schools in Miami Beach offer the International Baccalaureate program which is internationally recognized as a benchmark for education excellence and also fosters student participation in community service; and

**WHEREAS**, in the 2012-2013 School Year, five of the eight schools in our educational feeder pattern had Health Connect in Our Schools ("HCIOS") suites which were supported by The Children's Trust ("The Trust") and which provided a full-time Medical Assistant and a shared Registered Nurse on campus; and

**WHEREAS**, for students who do not require routine medications, the HCIOS suites were used for nursing assessments, administration of first aid, and other purposes such as consulting with parents and caregivers; and

**WHEREAS**, the City, North Bay Village, the Town of Bay Harbor Islands, the Town of Surfside, and Bal Harbour Village ("Participating Municipalities") determined that a program to provide healthcare services to students attending underserved public schools is in the best interests of the health and public welfare of youth; and



**WHEREAS**, in the 2013-2014 School Year, a municipal Nurse Initiative was implemented pursuant to a Memorandum of Understanding between the Participating Municipalities to provide a HCIOS team of professionals, including a shared Registered Nurse, a full-time Medical Assistant, and a social worker which was funded by Miami-Dade County Public Schools; and

**WHEREAS**, the benefits of HCIOS health teams include: a coordinated level of school-based healthcare, expanded health screenings, and assessments with access to follow-up care, mental and behavioral health services to identify and solve student health and educational issues, nutrition and health counseling, health services for uninsured students with no other option for access to health care, emergency first aid/CPR, and chronic disease management; and

**WHEREAS**, utilization of the HCIOS remained high throughout the 2014-2015 School Year, with 52 percent of the 3,044 unduplicated students utilizing the services from August 2014 through February 2015, an average of eleven visits per day per school resulting in 3,836 visits; and

**WHEREAS**, by approval of Resolution 2015-42 on February 9, 2015, The Trust's Board of Directors approved the release of RFP 2015-17: School Health Programs to fund improved access to quality health care through providers delivering comprehensive services in the public schools to 145 pre-selected schools for School Years 2015-2016, 2016-2017, and 2017-2018; the programs which are the subject of the RFP include all three (3) Miami Beach schools in the City's original Nurse Initiative; and

**WHEREAS**, due to the success of the Nurse Initiative during the 2013-2014 and 2014-2015 School Years, the Parties implemented an enhanced Nurse Initiative ("Nurse Enhancement Initiative") for 2015-2016 and the 2016-2017 School Years for the Participating Schools because the basic healthcare services previously funded in the Nurse Initiative by the Participating Municipalities, the Miami Beach Chamber Education Foundation, Inc., and The Trust, were provided by The Trust via the new School Health Programs; and

**WHEREAS**, the Nurse Enhancement Initiative established at the Participating Schools for School Years 2015-2016 and 2016-2017 was a success and the Parties provided for an enhanced nurse initiative for the 2017-2018 School Year; and

**WHEREAS**, the City's proportionate share for the Nurse Enhancement Initiative was approximately \$15,400 for the 2017-2018 School Year; and

**WHEREAS**, The Trust thereafter committed to fund the School Health Programs at all Miami Beach feeder schools through the end of the 2017-2018 School Year; and



**WHEREAS**, the funding provided by the Participating Municipalities enhanced The Trust's School Health Programs for North Beach Elementary, Treasure Island Elementary, and Ruth K. Broad Bay Harbor K-8 Center (the "Schools"), to include services such as behavioral health each week during the 2017-2018 School Year at each of the Schools; and

**WHEREAS**, funding from The Trust provided for a full-time registered nurse and/or licensed practical nurse at each of the Schools for the 2017-2018 School Year; and

**WHEREAS**, each of the Participating Municipalities contributed approximate funding for the Nurse Enhancement Initiative for the 2017-2018 School Year, as follows: City of Miami Beach \$15,400, Town of Surfside \$3,667, Town of Bay Harbor Islands \$3,667, Bal Harbour Village \$3,667, and North Bay Village \$6,600, which amounts will be offset by unused funds from the 2016-2017 Nurse Enhancement Initiative for the Town of Surfside, the Town of Bay Harbor Islands, Bal Harbor Village, and North Bay Village; and

**WHEREAS**, on May 17, 2018, a Memorandum of Understanding ("MOU") was entered into between the City of Miami Beach, the Miami Beach Chamber of Commerce, North Bay Village, the Town of Surfside, the Town of Bay Harbor Islands, and Bal Harbour Village, with the Participating Municipalities contributing their proportionate share of the costs to support the Nurse Enhancement Initiative program for the 2018-2019 School Year; and

**WHEREAS**, on December 24, 2018, the Participating Municipalities executed Amendment No.1 to the 2018-2019 MOU, each of the Participating Municipalities contributing funding for the Nurse Enhancement Initiative for the 2018-2019 School Year; and

**WHEREAS**, the Administration recommends approving Amendment No. 2 to the MOU, in the form attached to this Resolution, approving a City contribution in an amount not to exceed \$13,887 ("City Contribution") for the 2019-2020 School Year, and approving, on a recurring basis, the City's Contribution to the program for subsequent years, subject to funding approval during the City's fiscal year budgetary process, provided that the City Contribution does not exceed \$15,400 per year.

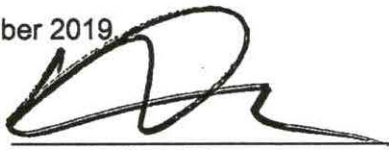
**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA** that the Mayor and City Commission hereby approve, in the form attached to this Resolution, Amendment No. 2 to the Memorandum of Understanding ("MOU"), dated August 10, 2016, among the City of Miami Beach, the Miami Beach Chamber of Commerce, North Bay Village, the Town of Bay Harbor Islands, the Town of Surfside, and Bal Harbour Village for the funding of mental health services, providing for a City contribution, in an amount not to exceed \$13,887 ("City's Contribution") for the 2019-2020 school year; and approving funding of the City's Contribution for each subsequent school year, on a recurring basis, subject to funding approval during the City's budgetary process and provided that the City's Contribution amount does not exceed \$15,400; and further authorizing the City Manager

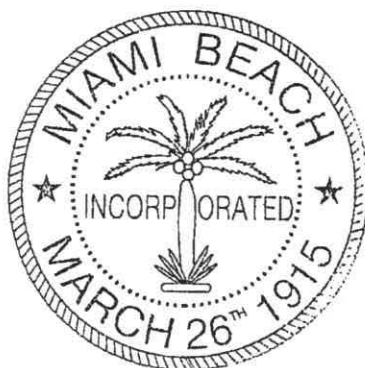
and City Clerk to execute any and all required agreements and documents to implement the program.

**PASSED AND ADOPTED** this 11th day of September 2019

**ATTEST:**

  
9/16/19  
Rafael E. Granado, City Clerk

  
Dan Gelber, Mayor



APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
City Attorney  
8/29/19  
Date



**Resolutions - C7 S**

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: September 11, 2019

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN THE FORM ATTACHED TO THIS RESOLUTION, AMENDMENT NO. 2 TO THE MEMORANDUM OF UNDERSTANDING ("MOU"), DATED AUGUST 10, 2016, AMONG THE CITY, THE MIAMI BEACH CHAMBER OF COMMERCE, NORTH BAY VILLAGE, THE TOWN OF BAY HARBOR ISLANDS, THE TOWN OF SURFSIDE, AND BAL HARBOUR VILLAGE FOR THE FUNDING OF MENTAL HEALTH SERVICES, PROVIDING FOR A CITY CONTRIBUTION, IN AN AMOUNT NOT TO EXCEED \$13,887 ("CITY'S CONTRIBUTION") FOR THE 2019-2020 SCHOOL YEAR; AND APPROVING FUNDING OF THE CITY'S CONTRIBUTION FOR EACH SUBSEQUENT SCHOOL YEAR, ON A RECURRING BASIS, SUBJECT TO FUNDING APPROVAL DURING THE CITY'S BUDGETARY PROCESS AND PROVIDED THAT THE CITY'S CONTRIBUTION AMOUNT DOES NOT EXCEED \$15,400; AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE ANY AND ALL REQUIRED AGREEMENTS AND DOCUMENTS TO IMPLEMENT THE PROGRAM.

---

### **RECOMMENDATION**

Sustain the Nurse Enhancement Initiative for Behavioral Health Services / Mental Health Services and support the partnership for the 2019-20 school year and subsequent school years subject to approval in each subsequent fiscal year budgetary process.

### **ANALYSIS**

The Nurse Enhancement Initiative for Behavioral Health is a partnership between the City of Miami Beach, Miami Beach Chamber of Commerce, North Bay Village, The Town of Surfside, The Town of Bay Harbor Islands, and Bal Harbour Village, that provides much needed mental health services for youth at three (3) public schools. For the 2016-17 school years, the initiative was enhanced to include behavioral health services (mental health services) to three (3) schools in the feeder pattern and was further expanded in the 2017-18 school year to an additional five (5) Miami Beach public schools. For the 2018-19 school year behavioral health/mental health youth support services were provided from August 2018 through June 2019 for North Beach Elementary, South Pointe Elementary, Fienberg Fisher K-8 Center, Biscayne Elementary, Treasure Island Elementary, Ruth K. Broad Bay Harbor K-8 Center, Nautilus Middle School, and Miami Beach Senior High School.

Overall, 2,105 youth received support services in the 2018-19 school year from the Licensed Clinical Social Workers (Social Worker) in all Miami Beach feeder public schools for 5,426 psychosocial issues an

increase of 49% and 65%, respectively. The chart below shows the utilization of students by school and number of psychosocial services provided to date:

| <b>Behavioral Health Services Summary Report</b><br><b>8/21/2018 - 4/30/2019</b> |                              |                              |                 |                                                    |                                                    |                 |
|----------------------------------------------------------------------------------|------------------------------|------------------------------|-----------------|----------------------------------------------------|----------------------------------------------------|-----------------|
| <b>School</b>                                                                    | <b># of Students 2017-18</b> | <b># of Students 2018-19</b> | <b>% Change</b> | <b># of Psychosocial Services Provided 2017-18</b> | <b># of Psychosocial Services Provided 2018-19</b> | <b>% Change</b> |
| Treasure Island Elementary School                                                | 52                           | 174                          | 235%            | 293                                                | 362                                                | 24%             |
| South Pointe Elementary School                                                   | 115                          | 303                          | 163%            | 197                                                | 465                                                | 136%            |
| North Beach Elementary School                                                    | 126                          | 254                          | 102%            | 439                                                | 398                                                | -9%             |
| Biscayne Elementary School                                                       | 111                          | 176                          | 59%             | 428                                                | 868                                                | 103%            |
| Ruth K. Broad K-8 Center                                                         | 84                           | 85                           | 1%              | 124                                                | 196                                                | 58%             |
| Fienberg Fisher K-8 Center                                                       | 277                          | 216                          | -22%            | 381                                                | 482                                                | 27%             |
| Nautilus Middle School                                                           | 474                          | 582                          | 23%             | 1150                                               | 1934                                               | 68%             |
| Miami Beach Senior High School                                                   | 177                          | 315                          | 78%             | 284                                                | 721                                                | 154%            |
| <b>Total</b>                                                                     | <b>1,416</b>                 | <b>2,105</b>                 | <b>49%</b>      | <b>3,296</b>                                       | <b>5,426</b>                                       | <b>65%</b>      |

The enhanced behavioral services include on-site access to a licensed clinical social worker to provide services including, but not limited to, the following:

- o Academic Issues
- o Attention Issues
- o Anger Management
- o Anxiety
- o Attention Issues
- o Disruptive Behavior
- o Depression
- o Stress Management
- o Family Issues
- o Growth Development

Each school receives support through this initiative for the indicated number of days per week during the 2018-19 school year: Treasure Island Elementary one (1) day per week, North Beach Elementary two (2) days per week, Biscayne Elementary two (2) days per week, Ruth K. Broad K-8 Center two (2) days per week, South Pointe Elementary two (2) days per week, Fienberg Fisher K-8 Center three (3) days per week, Nautilus Middle School three (3) days per week, Miami Beach Senior High School three (3) days per week.



week, South Pointe Elementary two (2) days per week, Flenberg Fisher K-6 Center three (3) days per week, Nautilus Middle School three (3) days per week, and Miami Beach Senior High School four (4) days per week.

**Legislative Tracking**

Organizational Development and Performance Initiatives

**ATTACHMENTS:**

**Description**

- ☐ Form Approved Amendment 2
- ☐ Form Approved Resolution

2019-30956

**AMENDMENT NO. 2  
TO THE MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE CITY OF MIAMI BEACH, NORTH BAY VILLAGE, THE TOWN OF BAY HARBOR  
ISLANDS, THE TOWN OF SURFSIDE, BAL HARBOUR VILLAGE, AND  
THE MIAMI BEACH CHAMBER EDUCATION FOUNDATION, INC TO IMPLEMENT A  
NURSE ENHANCEMENT INITIATIVE FOR SCHOOL YEAR 2019/2020**

Amendment No. 2 ("**Amendment**") is made and entered into this 19 day of SEPT, 2019, by and between the **City of Miami Beach, Florida**, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 1700 Convention Center Drive, Miami Beach, Florida 33139 ("**CITY**"), **North Bay Village ("NBV")**, the **Town of Bay Harbor Islands ("TBHI")**, the **Town of Surfside ("TS")**, **Bal Harbour Village ("BHV")**, and the **Miami Beach Chamber Education Foundation, Inc. ("MBCEF")** (collectively, the "**Parties**") to amend the Memorandum of Understanding entered into on May 17, 2018 ("**MOU**"), as amended by Amendment No. 1 to the MOU, dated December 24, 2018 (collectively, the "**MOU**"), as follows:

**RECITALS**

**WHEREAS**, the Parties have determined that a program to provide healthcare services to students attending underserved public schools is in the best interests of the health and public welfare of the City of Miami Beach, North Bay Village, the Town of Bay Harbor Islands, the Town of Surfside, and Bal Harbour Village (the "**Participating Municipalities**"); and

**WHEREAS**, following the Parties' determination that students at North Beach Elementary, Treasure Island Elementary, and Ruth K. Broad Bay Harbor K-8 Center (the "**Participating Schools**") did not have full-time on-site healthcare services and were, thus, underserved as compared to other public schools in the feeder pattern that falls within the City of Miami Beach, the Parties entered into a Memorandum of Understanding on August 19, 2013 for a Nurse Initiative, and another Memorandum of Understanding on April 23, 2014, to provide healthcare services to the **Participating Schools** during the 2013/2014 and the 2014/2015 School Years; and

**WHEREAS**, due to the success of Nurse Initiative during the 2013/2014 and 2014/2015 School Years, the Parties implemented an enhanced nurse initiative ("Nurse Enhancement Initiative") for the 2015/2016, 2016/2017, and the 2017/2018 School Years for the **Participating Schools** because the basic healthcare services previously funded in the Nurse Initiative by the **Participating Municipalities**, the **MBCEF**, and the Children's Trust, were provided by the Children's Trust via the new School Health Programs; and

**WHEREAS**, the Parties executed Amendment No. 1 to the MOU, dated December 24, 2018, extending the Nurse Enhancement Initiative for the Participating

Schools for the 2018-2019 School Year and adding an additional day of service at Ruth K Broad Bay Harbor K-8 Center; and

**WHEREAS**, the Nurse Enhancement Initiative established at the **Participating Schools** for the previous School Years was a success and the Parties wish to continue the Nurse Enhancement Initiative for the 2019/2020 School Year; and

**WHEREAS**, at the end of the 2018-2019 School Year, the Participating Municipalities unused program funds had the following:

- i) TBHI \$5,473.05
- ii) TS \$5,473.02
- iii) BHV \$5,473.02
- iv) NBV \$2,002.72
- v) CMB \$4,673.00; and

**WHEREAS**, the Participating Municipalities hereby agree to apply said unused funds for use from August 5<sup>th</sup>, 2019 to September 30<sup>th</sup>, 2019 for 9 weeks of service at each Participating School in the following amounts:

- i) TBHI \$1,659.27
- ii) TS \$1,659.27
- iii) BHV \$1,659.27
- iv) NBV \$1,350.00
- v) CMB \$3,150.00
  - a. \$900.00 for Treasure Island
  - b. \$2,250.00 for North Beach Elementary; and

**WHEREAS**, pursuant to paragraph 7 of the **MOU**, unused funds shall be used to offset the contribution of the Parties for the 2019-2020 School Year in the following amounts:

- i) TBHI \$3,813.78
- ii) TS \$3,813.78
- iii) BHV \$3,813.78
- iv) NBV \$652.72
- v) CMB \$1,523.00; and

**WHEREAS**, **MBCEF** shall provide funding to **TCT** for the 2019-2020 Nurse Enhancement Initiative in the amount of \$7,000.00; and

**WHEREAS**, the Parties wish to amend the Agreement by extending the term to include the months of August and September, 2020; and



**WHEREAS**, a Nurse Enhancement Initiative should be established at the Participating Schools for School Year 2019/2020 as herein provided and pursuant to a separate agreement to be entered into between **MBCEF** and **TCT**.

**NOW, THEREFORE**, in consideration of the mutual conditions and promises contained herein, the Parties agree to amend the **MOU** as follows:

**1. ABOVE RECITALS.**

The above recitals are true and correct and are incorporated as part of this Amendment.

**2. MODIFICATIONS.**

Paragraph 3 of the **MOU** is hereby deleted in its entirety and replaced with the following:

3. On or before October 31, 2019 the **Participating Municipalities** shall provide their proportionate share of funds for the 2019/2020 Nurse Enhancement Initiative to **MBCEF**, subject to budget approval by the **Participating Municipalities**, which funds **MBCEF** shall hold in escrow pending the execution of its agreement with **TCT** referenced in paragraph 1. The **Participating Municipalities** proportionate remaining share of funding for the 2019/2020 School Year shall be paid by October 31, 2019 in the following amounts for 44 weeks from October 1<sup>st</sup>, 2019 to June 5<sup>th</sup>, 2020, and August 1<sup>st</sup>, 2020 to September 30<sup>th</sup>, 2020:

- i) **CMB** shall provide funding in the amount of \$13,887.00;
- ii) **NBV** shall provide funding in the amount of \$5,947.28;
- iii) **TBHI** shall provide funding in the amount of \$4,298.22 for 2 days of service at Ruth K. Broad Bay Harbor K-8 Center;
- iv) **TS** shall provide funding in the amount of \$4,298.22 for 2 days of service at Ruth K. Broad Bay Harbor K-8 Center; and
- v) **BHV** shall provide funding in the amount of \$4,298.22 for 2 days of service at Ruth K. Broad Bay Harbor K-8 Center.

**4. RATIFICATION.**

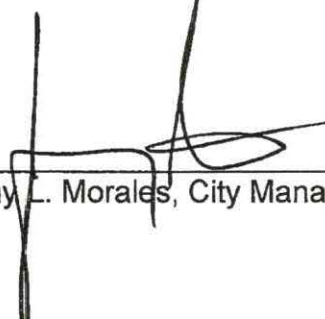
Except as amended herein, all other terms and conditions of the **MOU** shall remain in full force and effect. In the event there is a conflict between the provisions of this **Amendment** and the **MOU**, the provisions of this **Amendment** shall govern.

**IN WITNESS THEREOF**, the Parties hereto have executed by their respective and duly authorized officers the day and year first above written.

**ATTEST:**

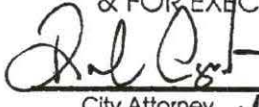
**CITY OF MIAMI BEACH**, a Municipal Corporation of the State of Florida

By:  9/19/19  
Rafael E. Granado, City Clerk

By:   
Jimmy L. Morales, City Manager



APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

 6-10-19  
City Attorney Date

**ATTEST:**

**NORTH BAY VILLAGE**, a Municipal  
Corporation of the State of Florida

By:   
Village Clerk

By:   
Village Manager

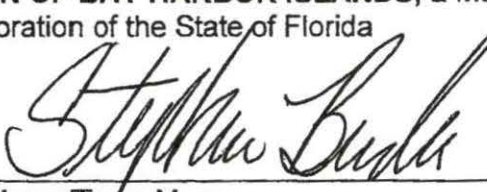
Approved as to form and  
Legal sufficiency



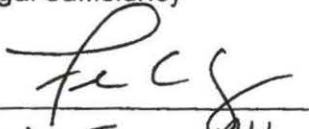
**ATTEST:**

By:   
Town Clerk

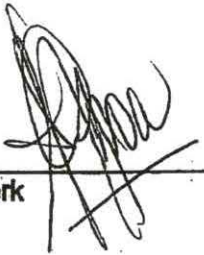
**TOWN OF BAY HARBOR ISLANDS**, a Municipal  
Corporation of the State of Florida

By:   
Mayor/Town Manager

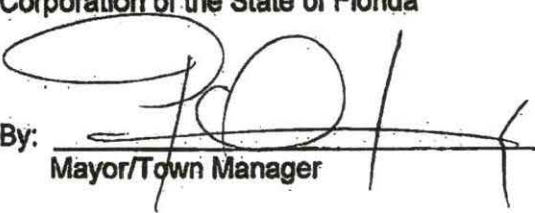
Approved as to form and  
Legal sufficiency

  
Asst Town Atty

**ATTEST:**

By:   
Town Clerk

**TOWN OF SURFSIDE, a Municipal  
Corporation of the State of Florida**

By:   
Mayor/Town Manager

Approved as to form and  
Legal sufficiency





**ATTEST:**

By: 

Village Clerk

**BAL HARBOUR VILLAGE**, a Municipal  
Corporation of the State of Florida

By: 

Mayor/Village Manager

Approved as to form and  
Legal sufficiency



**ATTEST:**

**MIAMI BEACH CHAMBER EDUCATION  
FOUNDATION**

By:  \_\_\_\_\_

By:  \_\_\_\_\_

Approved as to form and  
Legal sufficiency

\_\_\_\_\_

**AMENDMENT NO. 1  
TO THE MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE CITY OF MIAMI BEACH, NORTH BAY VILLAGE, THE TOWN OF BAY HARBOR  
ISLANDS, THE TOWN OF SURFSIDE, BAL HARBOUR VILLAGE, AND  
THE MIAMI BEACH CHAMBER EDUCATION FOUNDATION TO IMPLEMENT A  
NURSE ENHANCEMENT INITIATIVE FOR SCHOOL YEAR 2018/2019**

Amendment No. 1 ("**Amendment**") is made and entered into this 24 day of December, 2018, by and between the **City of Miami Beach, Florida**, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 1700 Convention Center Drive, Miami Beach, Florida 33139 ("**CITY**"), **North Bay Village ("NBV")**, the **Town of Bay Harbor Islands ("TBHI")**, the **Town of Surfside ("TS")**, **Bal Harbour Village ("BHV")**, and the **Miami Beach Chamber Education Foundation, Inc. ("MBCEF")** (collectively, the "**Parties**") to amend the Memorandum of Understanding entered into on May 17, 2018 ("**MOU**") as follows:

**RECITALS**

**WHEREAS**, the Parties have determined that a program to provide healthcare services to students attending underserved public schools is in the best interests of the health and public welfare of the City of Miami Beach, North Bay Village, the Town of Bay Harbor Islands, the Town of Surfside, and Bal Harbour Village (the "**Participating Municipalities**"); and

**WHEREAS**, following the Parties' determination that students at North Beach Elementary, Treasure Island Elementary, and Ruth K. Broad Bay Harbor K-8 Center (the "**Participating Schools**") did not have full-time on-site healthcare services and were, thus, underserved as compared to other public schools in the feeder pattern that falls within the City of Miami Beach, the Parties entered into a Memorandum of Understanding on August 19, 2013 for a Nurse Initiative, and another Memorandum of Understanding on April 23, 2014, to provide healthcare services to the **Participating Schools** during the 2013/2014 and the 2014/2015 School Years; and

**WHEREAS**, due to the success of Nurse Initiatives during the 2013/2014 and 2014/2015 School Years, the Parties implemented an enhanced nurse initiative ("Nurse Enhancement Initiative") for the 2015/2016, 2016/2017, and the 2017/2018 School Years for the **Participating Schools** because the basic healthcare services previously funded in the Nurse Initiative by the **Participating Municipalities**, the **MBCEF**, and the Children's Trust, were provided by the Children's Trust via the new School Health Programs, and

**WHEREAS**, the Nurse Enhancement Initiative established at the **Participating Schools** for School Years 2015/2016, 2016/2017, and 2017/2018 was a success and the Parties wish to provide for another nurse enhancement initiative for the 2018/2019 School Year; and

**WHEREAS**, a Nurse Enhancement Initiative should be established at the Participating Schools for School Year 2018/2019 as herein provided and pursuant to a separate agreement to be entered into between **MBCEF** and **TCT**.

**NOW, THEREFORE**, in consideration of the mutual conditions and promises contained herein, the Parties agree to amend the **MOU** as follows:

**1. ABOVE RECITALS.**

The above recitals are true and correct and are incorporated as part of this Amendment.

**2. MODIFICATIONS.**

The **MOU** is hereby amended (deleted items ~~struck through~~ and inserted items underlined) as follows:

(a) Paragraph 3 of the **MOU** is hereby amended and replaced with the following:

1. On or before October 31, 2018, the **Participating Municipalities** shall provide their proportionate share of funds for the 2018/2019 Nurse Enhancement Initiative to **MBCEF**, subject to budget approval by the **Participating Municipalities**, which funds **MBCEF** shall hold in escrow pending the execution of its agreement with **TCT** referenced in paragraph 1. The **Participating Municipalities'** proportionate remaining share of funding for the 2018/2019 School Year shall be paid by October 31, 2018 in the following amounts:

- i) **CMB** shall provide funding in the amount of \$15,400.00;
- ii) **NBV** shall provide funding in the amount of \$6,600.00;
- iii) **TBHI** shall provide funding in the amount of ~~\$3,667.00~~ \$8,112 for 2 days of service at Ruth K. Broad Bay Harbor K-8 Center;
- iv) **TS** shall provide funding in the amount of ~~\$3,667.00~~ \$8,112 for 2 days of service at Ruth K. Broad Bay Harbor K-8 Center;
- v) **BHV** shall provide funding in the amount of ~~\$3,667.00~~ \$8,112 for 2 days of service at Ruth K. Broad Bay Harbor K-8 Center;

3. **RATIFICATION.**

Except as amended herein, all other terms and conditions of the **MOU** shall remain in full force and effect. In the event there is a conflict between the provisions of this **Amendment** and the **MOU**, the provisions of this **Amendment** shall govern.

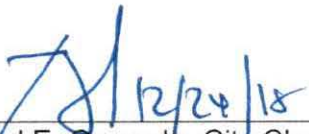
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**IN WITNESS THEREOF**, the Parties hereto have executed by their respective and duly authorized officers the day and year first above written.

**ATTEST:**

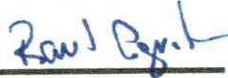
**CITY OF MIAMI BEACH**, a Municipal Corporation of the State of Florida

By:   
Rafael E. Granado, City Clerk

By:   
Dan Gelber, Mayor



APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
City Attorney 

18-3-18  
Date

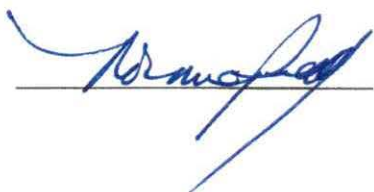
**ATTEST:**

**NORTH BAY VILLAGE**, a Municipal  
Corporation of the State of Florida

By:   
Village Clerk

By:   
Village Manager

Approved as to form and  
Legal sufficiency





**ATTEST:**

**TOWN OF BAY HARBOR ISLANDS**, a Municipal  
Corporation of the State of Florida

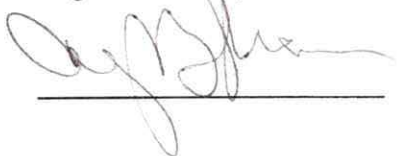
By: 

Town Clerk

By: 

Mayor/Town Manager

Approved as to form and  
Legal sufficiency





**ATTEST:**

By:   
Town Clerk

**TOWN OF SURFSIDE**, a Municipal  
Corporation of the State of Florida

By:   
Mayor/Town Manager

Approved as to form and  
Legal sufficiency

  
\_\_\_\_\_

**ATTEST:**

**BAL HARBOUR VILLAGE**, a Municipal  
Corporation of the State of Florida

By: 

Village Clerk

By: 

Mayor/Village Manager

Approved as to form and  
Legal sufficiency



*More - More Enhancement*

ATTEST:

MIAMI BEACH CHAMBER EDUCATION  
FOUNDATION

By: \_\_\_\_\_

By: *Jerry Blinn, President + CEO*

Approved as to form and  
Legal sufficiency

\_\_\_\_\_

**MEMORANDUM OF UNDERSTANDING BETWEEN  
THE CITY OF MIAMI BEACH, NORTH BAY VILLAGE, THE TOWN OF BAY HARBOR  
ISLANDS, THE TOWN OF SURFSIDE, BAL HARBOUR VILLAGE, AND  
THE MIAMI BEACH CHAMBER EDUCATION FOUNDATION TO IMPLEMENT A  
NURSE ENHANCEMENT INITIATIVE FOR SCHOOL YEAR 2018/2019**

This is a Memorandum of Understanding ("MOU") made and entered into this 17 day of MAY, 2018, by and between the **City of Miami Beach ("CMB")**, **North Bay Village ("NBV")**, the **Town of Bay Harbor Islands ("TBHI")**, the **Town of Surfside ("TS")**, **Bal Harbour Village ("BHV")**, and the **Miami Beach Chamber Education Foundation, Inc. ("MBCEF")** (collectively, the "Parties") to provide for funding and for the implementation of a Nurse Enhancement Initiative as provided herein, and as to be provided in an agreement between **MBCEF** and **The Children's Trust ("TCT")**.

**WITNESSETH**

**WHEREAS**, the Parties have determined that a program to provide healthcare services to students attending underserved public schools is in the best interests of the health and public welfare of the City of Miami Beach, North Bay Village, the Town of Bay Harbor Islands, the Town of Surfside, and Bal Harbour Village (the "**Participating Municipalities**"); and

**WHEREAS**, following the Parties' determination that students at North Beach Elementary, Treasure Island Elementary, and Ruth K. Broad Bay Harbor K-8 Center (the "**Participating Schools**") did not have full-time on-site healthcare services and were, thus, underserved as compared to other public schools in the feeder pattern that falls within the City of Miami Beach, the Parties entered into a Memorandum of Understanding on August 19, 2013 for a Nurse Initiative, and another Memorandum of Understanding on April 23, 2014, to provide healthcare services to the **Participating Schools** during the 2013/2014 and the 2014/2015 School Years; and

**WHEREAS**, due to the success of Nurse Initiatives during the 2013/2014 and 2014/2015 School Years, the Parties implemented an enhanced nurse initiative ("Nurse Enhancement Initiative") for the 2015/2016, 2016/2017, and the 2017/2018 School Years for the Participating Schools because the basic healthcare services previously funded in the Nurse Initiative by the Participating Municipalities, the Miami Beach Chamber Education Foundation, Inc., and the Children's Trust, were provided by the Children's Trust via the new School Health Programs, and

**WHEREAS**, the Nurse Enhancement Initiative established at the **Participating Schools** for School Years 2015/2016, 2016/2017, and 2017/2018 was a success and the Parties wish to provide for another nurse enhancement initiative for the 2018/2019 School Year; and



**WHEREAS**, a Nurse Enhancement Initiative should be established at the Participating Schools for School Year 2018/2019 as herein provided and pursuant to a separate agreement to be entered into between **MBCEF** and **TCT**.

**NOW, THEREFORE**, in consideration of the mutual terms, conditions, promises, covenants, and payments hereinafter set forth, the Parties agree to provide for a Nurse Enhancement Initiative for the Participating Schools during the 2018/2019 School Year as follows:

1. **MBCEF** shall enter into an agreement with **TCT** whereby **TCT** shall provide services for behavioral health and **TCT** shall provide certain schedules and reports as follows:
  - a) A monthly report of services provided at each of the **Participating Schools** shall be provided to the **Participating Schools** and to **MBCEF**; and
  - b) A monthly and an annual report shall be provided to the **Participating Municipalities** and to **MBCEF** documenting the percent of students returning to class after all visits relative to the above services at the **Participating Schools**.
2. On or before November 10, 2018, **MBCEF** shall provide funding to **TCT** for the 2018/2019 Nurse Enhancement Initiative in the amount of \$7,000.
3. On or before October 31, 2018, the **Participating Municipalities** shall provide their proportionate share of funds for the 2018/2019 Nurse Enhancement Initiative to **MBCEF**, subject to budget approval by the **Participating Municipalities**, which funds **MBCEF** shall hold in escrow pending the execution of its agreement with **TCT** referenced in paragraph 1. The **Participating Municipalities'** proportionate remaining share of funding for the 2018/2019 School Year shall be paid by October 31, 2018 in the following amounts:
  - i) **CMB** shall provide funding in the amount of \$15,400.00;
  - ii) **NBV** shall provide funding in the amount of \$6,600.00;
  - iii) **TBHI** shall provide funding in the amount of \$3,667.00;
  - iv) **TS** shall provide funding in the amount of \$3,667.00;
  - v) **BHV** shall provide funding in the amount of \$3,667.00;
4. **MBCEF** shall serve as the fiscal agent to collect the funds to be paid as provided in paragraph 3 above and shall disperse such funds to **TCT** after

entering into the agreement with **TCT** referenced in paragraph 1 and upon receipt of invoices from **TCT**.

5. **MBCEF** shall indemnify and hold harmless the **Participating Municipalities** and their respective officers employees, agents and instrumentalities from any and all liability, losses, or damages, including attorneys' fees and costs of defense, which the **Participating Municipalities** or their officers, employees agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to, or resulting from the performance of this **MOU** by **MBCEF** or its employees, agents, servants, partners, principals, or subcontractors. **MBCEF** shall pay claims and losses in connection therewith and shall investigate and defend all claims suits or actions of any kind or nature in the name of the **Participating Municipalities**, where applicable, including appellate proceedings, and shall pay all costs, judgements, and attorney's fees which may issue thereon.
6. In the event that one or more of the **Participating Municipalities** is not able to secure funds for their respective proportionate share of funding as provided in paragraph 3, then the remaining contributing **Participating Municipalities** may, in coordination with the **MBCEF** agree in writing to adjust the services to be provided through the Nurse Enhancement Initiative.
7. In the event that any of the provisions in this **MOU** are not performed, or if the 2018/2019 Nurse Enhancement Initiative is terminated after funds have been dispersed to **MBCEF** as provided in paragraphs 3 and 4, then **MBCEF** shall promptly reimburse each of the **Participating Municipalities** their proportionate share of unused funds. If any combination or all of the **Participating Municipalities** agree to implement a Nurse Enhancement Initiative for the 2019/2020 School Year, then **MBCEF** may, as directed by the Participating Municipalities in writing, hold any unused funds in escrow to be applied toward the 2019/2020 Nurse Enhancement Initiative. Any unused funds shall be credited toward each of the **Participating Municipalities'** proportionate share for the 2019/2020 Nurse Enhancement Initiative.

**IN WITNESS THEREOF**, the Parties hereto have executed by their respective and duly authorized officers the day and year first above written.

**ATTEST:**

**CITY OF MIAMI BEACH**, a Municipal Corporation of the State of Florida

By: TJ/5/17/18  
Rafael E. Granado, City Clerk

By: [Signature]  
Dan Gelber, Mayor



APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

[Signature]  
City Attorney

4/2/18  
Date

**ATTEST:**

**NORTH BAY VILLAGE**, a Municipal  
Corporation of the State of Florida

By:   
Village Clerk

By:  - school nurse  
Village Manager

Approved as to form and  
Legal sufficiency

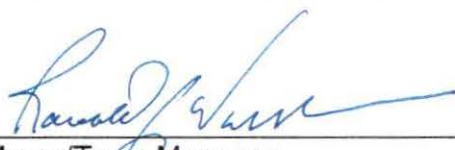
  
NORMAN C. Powell



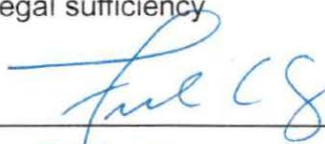
**ATTEST:**

**TOWN OF BAY HARBOR ISLANDS**, a Municipal  
Corporation of the State of Florida

By:   
Town Clerk

By:   
Mayor/Town Manager

Approved as to form and  
Legal sufficiency

  
Frank Simon, Esq.  
Asst. Town Atty.

**ATTEST:**

By: \_\_\_\_\_

Town Clerk

Approved as to form and  
Legal sufficiency

Kathryn McLaughlin

**TOWN OF SURFSIDE**, a Municipal  
Corporation of the State of Florida

By: \_\_\_\_\_

Mayor/Town Manager

[Signature]

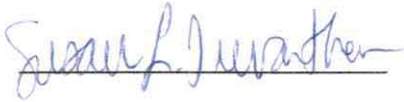
**ATTEST:**

**BAL HARBOUR VILLAGE**, a Municipal  
Corporation of the State of Florida

By:   
Village Clerk

By:   
Mayor/Village Manager

Approved as to form and  
Legal sufficiency

  
Notary Public

**ATTEST:**

**MIAMI BEACH CHAMBER EDUCATION  
FOUNDATION**

By: Jenny Hernandez

By: Jerry L. Llin, President of C&C

Approved as to form and  
Legal sufficiency

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**AMENDMENT NO. 4  
TO THE MEMORANDUM OF UNDERSTANDING  
AMONG  
THE CITY OF MIAMI BEACH, NORTH BAY VILLAGE, THE TOWN OF BAY HARBOR  
ISLANDS, THE TOWN OF SURFSIDE, BAL HARBOUR VILLAGE, AND  
THE MIAMI BEACH CHAMBER EDUCATION FOUNDATION  
TO  
IMPLEMENT A NURSE ENHANCEMENT INITIATIVE FOR SCHOOL YEAR 2021/2022**

Amendment No. 4 ("**Amendment**") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2021, by and among the **City of Miami Beach, Florida("CMB")**, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 1700 Convention Center Drive, Miami Beach, Florida 33139; **North Bay Village ("NBV")**, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 1666 John F. Kennedy Causeway, #3, North Bay Village, Florida 33141; the **Town of Bay Harbor Islands ("TBHI")**, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 9665 Bay Harbor Terrace, Bay Harbor Islands, Florida 33154; the **Town of Surfside ("TS")**, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 9293 Harding Avenue, Surfside, Florida 33154; **Bal Harbour Village ("BHV")**, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 655 96<sup>th</sup> Street, Bal Harbour, Florida 33154; and the **Miami Beach Chamber Education Foundation, Inc. ("MBCEF")**, a Florida not-for-profit corporation, having its principal place of business at 100 16<sup>th</sup> Street, Suite 6, Miami Beach, Florida 33139 (collectively, the "**Parties**") to amend the Memorandum of Understanding entered into on May 17, 2018 ("**MOU**"), as amended by Amendment No. 1 to the **MOU**, dated December 24, 2018, Amendment No. 2 to the **MOU**, dated September 19, 2019, and Amendment No. 3 to the **MOU**, dated August 19, 2020 (collectively, the "**MOU**"), as follows:

**RECITALS**

**WHEREAS**, the Parties have determined that a program to provide healthcare services to students attending underserved public schools is in the best interests of the health and public welfare of the City of Miami Beach, North Bay Village, the Town of Bay Harbor Islands, the Town of Surfside, and Bal Harbour Village (the "**Participating Municipalities**"); and

**WHEREAS**, following the Parties' determination that students at Miami Beach North Beach Elementary, Treasure Island Elementary, and Ruth K. Broad Bay Harbor K-8 Center (the "**Participating Schools**") did not have full-time on-site healthcare services and were, thus, underserved as compared to other public schools in the feeder pattern that falls within the City of Miami Beach, the Parties entered into a Memorandum of Understanding on August 19, 2013 for a Nurse Initiative, and another Memorandum of Understanding on April 23, 2014, to provide healthcare services to the **Participating Schools** during the 2013/2014 and the 2014/2015 School Years; and

**WHEREAS**, due to the success of Nurse Initiatives during the 2013/2014 and 2014/2015 School Years, the Parties implemented an enhanced nurse initiative ("**Nurse Enhancement Initiative**") for the 2015/2016, 2016/2017, and the 2017/2018 School Years for the **Participating Schools** because the basic healthcare services previously funded in the Nurse Initiative by the

**Participating Municipalities**, the **MBCEF**, and the Children's Trust ("**TCT**"), were provided by **TCT** via the new School Health Programs; and

**WHEREAS**, on May 17, 2018, **CMB**, **NBV**, **TBHI**, **TS**, **BHV**, and **MBCEF** executed the **MOU** for the continuation of the **Nurse Enhancement Initiative** for the **Participating Schools** for the 2018-2019 School Year; and

**WHEREAS**, the Parties executed Amendment No. 1 to the **MOU**, dated December 24, 2018, adding an additional day of service at Ruth K. Broad Bay Harbor K-8 Center; and

**WHEREAS**, on September 11, 2019, the Mayor and City Commission adopted Resolution No. 2019-30956, approving Amendment No. 2 to the **MOU** and approving funding of **CMB's** contribution for each subsequent School Year, on a recurring basis, subject to funding approval during **CMB's** budgetary process and provided that **CMB's** contribution amount does not exceed \$15,400.00; and

**WHEREAS**, the Parties executed Amendment No. 2 to the **MOU**, dated September 19, 2019, extending the **Nurse Enhancement Initiative** for the **Participating Schools** for the 2019-20 School Year; and

**WHEREAS**, the Parties executed Amendment No. 3 to the **MOU**, dated August 19, 2020, extending the **Nurse Enhancement Initiative** for the **Participating Schools** for the 2020-21 School Year; and

**WHEREAS**, due to the success of the **Nurse Enhancement Initiative** services, the Parties wish to provide the **Nurse Enhancement Initiative** for the 2021/2022 School Year; and

**WHEREAS**, a **Nurse Enhancement Initiative** should be established at the **Participating Schools** for School Year 2021/2022 as herein provided and pursuant to a separate agreement between **MBCEF** and **TCT**; and

**WHEREAS**, **MBCEF** shall provide funding to **TCT** for the 2021-2022 **Nurse Enhancement Initiative** in the amount of \$7,000.00.

**NOW, THEREFORE**, in consideration of the mutual conditions and promises contained herein, the Parties agree to amend the **MOU** as follows:

**1. ABOVE RECITALS.**

The above recitals are true and correct and are incorporated as part of this Amendment.

**2. MODIFICATIONS.**

The **MOU** is hereby amended (deleted items ~~struck through~~ and inserted items underlined) as follows:

- a. Paragraph 3 of the **MOU** is hereby deleted in its entirety and replaced with the following:

3. On or before October 31, 2021 the **Participating Municipalities** shall provide their proportionate share of the funds for the 2021/2022 **Nurse Enhancement Initiative** to **MBCEF**, subject to budget approval by the **Participating Municipalities**, which funds **MBCEF** shall hold in escrow pending the execution of its agreement with **TCT**, referenced in paragraph 1 of the **MOU**. The **Participating Municipalities'** proportionate share of funding for the 2021/2022 School Year shall be paid by October 31, 2021, in the following amounts for 44 weeks, from October 1, 2021 to June 5<sup>th</sup> 2021 and August 1, 2021 to September 30, 2021:

- i) **CMB** shall provide funding in the amount of \$15,400;
- ii) **NBV** shall provide funding in the amount of \$6,600
- iii) **TBHI** shall provide funding in the amount of \$8,112 for 2 days of service at Ruth K. Broad Bay Harbor K-8 Center;
- iv) **TS** shall provide funding in the amount of \$8,112 for 2 days of service at Ruth K. Broad Bay Harbor K-8 Center;
- v) **BHV** shall provide funding in the amount of \$8,112 for 2 days of service at Ruth K. Broad Bay Harbor K-8 Center;

a. Paragraph 7 of the MOU is hereby deleted in its entirety and replaced with the following:

7. In the event that any of the provisions in this **MOU** are not performed, or if the **Nurse Enhancement Initiative** is terminated, during a particular School Year, after funds have been disbursed to **MBCEF** as provided in paragraphs 3 and 4, then **MBCEF** shall promptly reimburse each of the **Participating Municipalities** their proportionate share of unused funds. If any combination or all of the **Participating Municipalities** agree to implement a **Nurse Enhancement Initiative** in the subsequent School Year, then **MBCEF** may, as directed by the **Participating Municipalities** in writing, hold any unused funds in escrow to be applied toward the **Nurse Enhancement Initiative** for the subsequent School Year. Any unused funds shall be credited toward each of the **Participating Municipalities'** proportionate share of the funding for the subsequent School Year.

b. A new paragraph 8 (Audit and Inspections) is hereby added to the MOU, as follows:

## 8. **AUDIT AND INSPECTIONS**

Upon reasonable verbal or written notice to **MBCEF**, and at any time during normal business hours (i.e. 9AM – 5PM, Monday through Fridays, excluding nationally recognized holidays), and as often as the City Manager may, in his/her reasonable discretion and judgment, deem necessary, there shall be made available to the City Manager, and/or such representatives as the City Manager may deem to act on **CMB's** behalf, to audit, examine, and/ or inspect, any and all other documents and/or records relating to all matters covered by this **MOU**. **MBCEF** shall maintain any and all such records at its place of business.

- c. A new paragraph 9 (Inspector General Audit Rights) is hereby added to the MOU, as follows:

**9. INSPECTOR GENERAL AUDIT RIGHTS**

- (A) Pursuant to Section 2-256 of the Code of the City of Miami Beach, **CMB** has established the Office of the Inspector General which may, on a random basis, perform reviews, audits, inspections and investigations on all **CMB** contracts, throughout the duration of said contracts. This random audit is separate and distinct from any other audit performed by or on behalf of **CMB**.
- (B) The Office of the Inspector General is authorized to investigate **CMB** affairs and empowered to review past, present and proposed **CMB** programs, accounts, records, contracts and transactions. In addition, the Inspector General has the power to subpoena witnesses, administer oaths, require the production of witnesses and monitor **CMB** projects and programs. Monitoring of an existing **CMB** project or program may include a report concerning whether the project is on time, within budget and in conformance with the contract documents and applicable law. The Inspector General shall have the power to audit, investigate, monitor, oversee, inspect and review operations, activities, performance and procurement process including but not limited to project design, bid specifications, (bid/proposal) submittals, activities of **MBCEF**, its officers, agents and employees, lobbyists, **CMB** staff and elected officials to ensure compliance with the contract documents and to detect fraud and corruption. Pursuant to Section 2-378 of the City Code, **CMB** is allocating a percentage of its overall annual contract expenditures to fund the activities and operations of the Office of Inspector General.
- (C) Upon ten (10) days written notice to **MBCEF**, **MBCEF** shall make all requested records and documents available to the Inspector General for inspection and copying. The Inspector General is empowered to retain the services of independent private sector auditors to audit, investigate, monitor, oversee, inspect and review operations activities, performance and procurement process including but not limited to project design, bid specifications, (bid/proposal) submittals, activities of **MBCEF**, their respective officers, agents and employees, lobbyists, **CMB** staff and elected officials to ensure compliance with the contract documents and to detect fraud and corruption.
- (D) The Inspector General shall have the right to inspect and copy all documents and records in **MBCEF**'s possession, custody or control which in the Inspector General's sole judgment, pertain to performance of the contract, including, but not limited to original estimate files, change order estimate files, worksheets, proposals and agreements from and with successful subcontractors and suppliers, all project-related correspondence, memoranda, instructions, financial documents, construction documents, (bid/proposal) and contract documents, back-change documents, all documents and records which involve cash, trade or volume discounts, insurance proceeds, rebates, or dividends received, payroll and personnel records and supporting documentation for the aforesaid documents and records.



- (E) MBCEF shall make available at its office at all reasonable times the records, materials, and other evidence regarding the acquisition (bid preparation) and performance of this MOU, for examination, audit, or reproduction, until three (3) years after final payment under this MOU or for any longer period required by statute or by other clauses of this MOU. In addition:
- i. If this MOU is completely or partially terminated, MBCEF shall make available records relating to the work terminated until three (3) years after any resulting final termination settlement; and
  - ii. MBCEF shall make available records relating to appeals or to litigation or the settlement of claims arising under or relating to this MOU until such appeals, litigation, or claims are finally resolved.
- (F) The provisions in this section shall apply to MBCEF, its officers, agents, employees, subcontractors and suppliers.
- (G) Nothing in this section shall impair any independent right of CMB to conduct audits or investigative activities. The provisions of this section are neither intended nor shall they be construed to impose any liability on CMB by MBCEF or third parties.

d. A new paragraph 10 (E-Verify) is hereby added to the MOU, as follows:

10. E-VERIFY

- (A) MBCEF shall comply with Section 448.095, Florida Statutes, "Employment Eligibility" ("E-Verify Statute"), as may be amended from time to time. Pursuant to the E-Verify Statute, commencing on January 1, 2021, MBCEF shall register with and use the E-Verify system to verify the work authorization status of all newly hired employees during the Term of the MOU. Additionally, MBCEF shall expressly require any subcontractors performing work or providing services pursuant to the MOU to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract Term. If MBCEF enters into a contract with an approved subcontractor, the subcontractor must provide MBCEF with an affidavit stating that the subcontractor does not employ, contract with, or subcontract with an unauthorized alien. MBCEF shall maintain a copy of such affidavit for the duration of the MOU or such other extended period as may be required under this MOU.
- (B) TERMINATION RIGHTS.
- (1) If CMB has a good faith belief that MBCEF has knowingly violated Section 448.09(1), Florida Statutes, CMB shall terminate this MOU with MBCEF, for cause, and CMB shall thereafter have or owe no further obligation or liability to MBCEF.
  - (2) If CMB has a good faith belief that a subcontractor has knowingly violated the foregoing Subsection 10(A), but MBCEF otherwise complied with such subsection, CMB will promptly notify MBCEF and order MBCEF to immediately terminate the MOU with the subcontractor. MBCEF's failure to terminate a subcontract shall be

- an event of default under this MOU, entitling CMB to terminate MBCEF's contract for cause.
- (3) A contract terminated under the foregoing Subsection (B)(1) or (B)(2) is not in breach of contract and may not be considered as such.
  - (4) CMB or MBCEF or a subcontractor may file an action with the Circuit or County Court to challenge a termination under the foregoing Subsection (B)(1) or (B)(2) no later than 20 calendar days after the date on which the contract was terminated.
  - (5) If CMB terminates the MOU with MBCEF under the foregoing Subsection (B)(1), MBCEF may not be awarded a public contract for at least 1 year after the date of termination of this MOU.
  - (6) MBCEF is liable for any additional costs incurred by CMB as a result of the termination of this MOU under this Section 10.

e. A new paragraph 11 (MBCEF's Compliance with Florida Public Records Law) is hereby added to the MOU, as follows:

#### **11. MBCEF'S COMPLIANCE WITH FLORIDA PUBLIC RECORDS LAW**

- (A) MBCEF shall comply with Florida Public Records law under Chapter 119, Florida Statutes, as may be amended from time to time.
- (B) The term "public records" shall have the meaning set forth in Section 119.011(12), which means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business of CMB.
- (C) Pursuant to Section 119.0701 of the Florida Statutes, if MBCEF meets the definition of "Contractor" as defined in Section 119.0701(1)(a), MBCEF shall:
  - (1) Keep and maintain public records required by CMB to perform the service;
  - (2) Upon request from CMB's custodian of public records, provide CMB with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes or as otherwise provided by law;
  - (3) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law, for the duration of the contract term and following completion of the MOU if MBCEF does not transfer the records to CMB;
  - (4) Upon completion of the MOU, transfer, at no cost to CMB, all public records in possession of MBCEF or keep and maintain public records required by CMB to perform the service. If MBCEF transfers all public records to CMB upon completion of the MOU, MBCEF shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If MBCEF keeps and maintains public records upon completion of the MOU, MBCEF shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to CMB, upon request from CMB's custodian of public records, in a format that is compatible with the information technology systems of CMB.

(D) REQUEST FOR RECORDS; NONCOMPLIANCE.

- (1) A request to inspect or copy public records relating to **CMB**'s contract for services must be made directly to **CMB**. If **CMB** does not possess the requested records, **CMB** shall immediately notify **MBCEF** of the request, and **MBCEF** must provide the records to **CMB** or allow the records to be inspected or copied within a reasonable time.
- (2) **MBCEF**'s failure to comply with **CMB**'s request for records shall constitute a breach of this **MOU**, and **CMB**, at its sole discretion, may: (1) unilaterally terminate the **MOU**; (2) avail itself of the remedies set forth under the **MOU**; and/or (3) avail itself of any available remedies at law or in equity.
- (3) IF **MBCEF** fails to provide the public records to **CMB** within a reasonable time may be subject to penalties under s. [119.10](#).

(E) CIVIL ACTION.

- (1) If a civil action is filed against **MBCEF** to compel production of public records relating to **CMB**'s contract for services, the court shall assess and award against **MBCEF** the reasonable costs of enforcement, including reasonable attorneys' fees, if:
  - a. The court determines that **MBCEF** unlawfully refused to comply with the public records request within a reasonable time; and
  - b. At least 8 business days before filing the action, the plaintiff provided written notice of the public records request, including a statement that **MBCEF** has not complied with the request, to **CMB** and to **MBCEF**.
- (2) A notice complies with subparagraph (1)(b) if it is sent to **CMB**'s custodian of public records and to **MBCEF** at **MBCEF**'s address listed on its contract with **CMB** or to **MBCEF**'s registered agent. Such notices must be sent by common carrier delivery service or by registered, Global Express Guaranteed, or certified mail, with postage or shipping paid by the sender and with evidence of delivery, which may be in an electronic format.
- (3) If **MBCEF** complies with a public records request within 8 business days after the notice is sent is not liable for the reasonable costs of enforcement.

(F) IF MBCEF HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO MBCEF'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS MOU, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT:

CITY OF MIAMI BEACH  
ATTENTION: RAFAEL E. GRANADO, CITY CLERK  
1700 CONVENTION CENTER DRIVE  
MIAMI BEACH, FLORIDA 33139  
E-MAIL: [RAFAELGRANADO@MIAMIBEACHFL.GOV](mailto:RAFAELGRANADO@MIAMIBEACHFL.GOV)  
PHONE: 305-673-7411

**12. RATIFICATION.**

Except as amended herein, all other terms and conditions of the **MOU** shall remain in full force and effect. In the event there is a conflict between the provisions of this **Amendment** and the **MOU**, the provisions of this **Amendment** shall govern.

**(THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK)**

**IN WITNESS THEREOF**, the Parties hereto have executed by their respective and duly authorized officers the day and year first above written.

**ATTEST:**

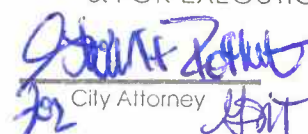
**CITY OF MIAMI BEACH**, a Municipal  
Corporation of the State of Florida

By: \_\_\_\_\_  
Rafael E. Granado, City Clerk

By: \_\_\_\_\_  
Alina T. Hudak, City Manager

Date: \_\_\_\_\_

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

04/23/2021  
\_\_\_\_\_  
Date

**ATTEST:**

**NORTH BAY VILLAGE**, a Municipal  
Corporation of the State of Florida

By: \_\_\_\_\_  
Village Clerk

By: \_\_\_\_\_  
Village Manager

Date: \_\_\_\_\_

Approved as to form and  
Legal sufficiency

\_\_\_\_\_

**ATTEST:**

**TOWN OF BAY HARBOR ISLANDS**, a Municipal  
Corporation of the State of Florida

By: \_\_\_\_\_  
Town Clerk

By: \_\_\_\_\_  
Mayor/Town Manager

Date: \_\_\_\_\_

Approved as to form and  
Legal sufficiency

\_\_\_\_\_

**ATTEST:**

**TOWN OF SURFSIDE**, a Municipal  
Corporation of the State of Florida

By: \_\_\_\_\_  
Town Clerk

By: \_\_\_\_\_  
Mayor/Town Manager

Date: \_\_\_\_\_

Approved as to form and  
Legal sufficiency

\_\_\_\_\_



**ATTEST:**

**BAL HARBOUR VILLAGE**, a Municipal  
Corporation of the State of Florida

By: \_\_\_\_\_  
Village Clerk

By: \_\_\_\_\_  
Mayor/Village Manager

Date: \_\_\_\_\_

Approved as to form and  
Legal sufficiency

\_\_\_\_\_

**ATTEST:**

**MIAMI BEACH CHAMBER EDUCATION  
FOUNDATION**

By: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

| Exam Time School               | Other Service                             |
|--------------------------------|-------------------------------------------|
| Total                          |                                           |
| BOR BISCAYNE ES                |                                           |
|                                | COUNSELING- STUDENT / INDIVIDUAL          |
|                                | NVA- CONSULTATION WITH PARENT/ CAREGIVER  |
|                                | NVA- CONSULTATION WITH SCHOOL STAFF       |
|                                | PSYCHOSOCIAL/BEHAVIORAL ASSESSMENT        |
| BOR FIENBERG/FISHER K-8 CENTER |                                           |
|                                | COUNSELING- STUDENT / INDIVIDUAL          |
|                                | NVA- CONSULTATION WITH PARENT/ CAREGIVER  |
|                                | NVA- CONSULTATION WITH SCHOOL STAFF       |
|                                | PSYCHOSOCIAL/BEHAVIORAL ASSESSMENT        |
| BOR MIAMI BEACH SHS            |                                           |
|                                | COUNSELING- CRISIS                        |
|                                | COUNSELING- FAMILY                        |
|                                | COUNSELING- GROUP                         |
|                                | COUNSELING- POST CRISIS                   |
|                                | COUNSELING- STUDENT / INDIVIDUAL          |
|                                | IEP/STAFFING TEAM MEETING                 |
|                                | INITIAL CONSULTATION                      |
|                                | NVA- ADAPTIVE BEHAVIOR ASSESSMENT SCORING |
|                                | NVA- CONSULTATION WITH EXTERNAL MH        |
|                                | NVA- CONSULTATION WITH MD/ OTHER PROVIDER |
|                                | NVA- CONSULTATION WITH PARENT/ CAREGIVER  |
|                                | NVA- CONSULTATION WITH SCHOOL STAFF       |
|                                | NVA- CONTACT WITH STUDENT                 |

NVA- PUBLIC ASSISTANCE

NVA- SCHOOL RESOURCE OFFICER

PREVENTION PROGRAM- FAMILY

PREVENTION PROGRAM- STUDENT/ INDIVIDUAL

PSYCHOSOCIAL/BEHAVIORAL ASSESSMENT

SCHOOL SUPPORT TEAM MEETING

TELEHEALTH

#### **BOR NAUTILUS MS**

COUNSELING- STUDENT / INDIVIDUAL

NVA- CONSULTATION WITH EXTERNAL MH

NVA- CONSULTATION WITH PARENT/ CAREGIVER

NVA- CONSULTATION WITH SCHOOL STAFF

NVA- CONTACT WITH STUDENT

PSYCHOSOCIAL/BEHAVIORAL ASSESSMENT

#### **BOR NORTH BEACH ES**

COUNSELING- STUDENT / INDIVIDUAL

INITIAL CONSULTATION

NVA- CONSULTATION WITH PARENT/ CAREGIVER

NVA- CONSULTATION WITH SCHOOL STAFF

PSYCHOSOCIAL/BEHAVIORAL ASSESSMENT

TELEHEALTH

#### **BOR RUTH K BROAD/BAY HARBOR K-8 CENTE**

COUNSELING- CRISIS

COUNSELING- FAMILY

COUNSELING- STUDENT / INDIVIDUAL

INITIAL CONSULTATION

NVA- CONSULTATION WITH PARENT/ CAREGIVER

NVA- CONSULTATION WITH SCHOOL STAFF

PSYCHOSOCIAL/BEHAVIORAL ASSESSMENT

TELEHEALTH

#### **BOR SOUTH POINTE ES**

COUNSELING- STUDENT / INDIVIDUAL

NVA- CONSULTATION WITH PARENT/ CAREGIVER

NVA- CONSULTATION WITH SCHOOL STAFF

#### **BOR TREASURE ISLAND ELEMENTARY**

COUNSELING- STUDENT / INDIVIDUAL

INITIAL CONSULTATION

NVA- CONSULTATION WITH PARENT/ CAREGIVER

NVA- CONSULTATION WITH SCHOOL STAFF

PSYCHOSOCIAL/BEHAVIORAL ASSESSMENT

| Number of Students (Count of Student ID) | Number of Services (Count of Event ID ) |
|------------------------------------------|-----------------------------------------|
| 256                                      | 1,574                                   |
| 15                                       | 123                                     |
| 7                                        | 21                                      |
| 10                                       | 30                                      |
| 15                                       | 73                                      |
| 3                                        | 3                                       |
| 25                                       | 133                                     |
| 10                                       | 27                                      |
| 17                                       | 24                                      |
| 25                                       | 79                                      |
| 5                                        | 5                                       |
| 112                                      | 730                                     |
| 4                                        | 8                                       |
| 25                                       | 43                                      |
| 1                                        | 1                                       |
| 1                                        | 2                                       |
| 44                                       | 131                                     |
| 7                                        | 9                                       |
| 51                                       | 56                                      |
| 1                                        | 1                                       |
| 2                                        | 2                                       |
| 5                                        | 9                                       |
| 83                                       | 240                                     |
| 85                                       | 253                                     |
| 3                                        | 3                                       |

|    |     |
|----|-----|
| 2  | 2   |
| 3  | 3   |
| 1  | 1   |
| 1  | 1   |
| 1  | 1   |
| 6  | 6   |
| 4  | 5   |
| 49 | 222 |
| 16 | 45  |
| 1  | 1   |
| 29 | 57  |
| 47 | 117 |
| 7  | 9   |
| 6  | 6   |
| 7  | 84  |
| 7  | 47  |
| 6  | 10  |
| 6  | 18  |
| 5  | 15  |
| 2  | 2   |
| 3  | 8   |
| 24 | 182 |
| 1  | 1   |
| 1  | 2   |
| 20 | 91  |
| 8  | 24  |

|    |    |
|----|----|
| 22 | 49 |
| 14 | 31 |
| 8  | 15 |
| 1  | 3  |
| 18 | 49 |
| 5  | 5  |
| 13 | 17 |
| 18 | 27 |
| 6  | 51 |
| 6  | 26 |
| 6  | 12 |
| 5  | 12 |
| 6  | 8  |
| 4  | 7  |



## **AGENDA ITEM REPORT**

May 12, 2021

### **ITEM NUMBER: 11.**

**ITEM: Consideration and Approval** for a Request for Proposals (RFP) for Servers Relocation Wiring Project. Enclosed is a copy of the proposal package material.

### **DESCRIPTION:**

Staff hereby request the Town Council consideration to approve the issuance of Request for Proposals (RFP) for the relocation of the administrative computer network; Police computer Network and Sunpass Network to a new location due to the high vulnerability of flooding at the current location.

The scope of the proposed project will include providing delivering and installation of all necessary equipment as well as implementing and configuring the new network with all components while maintaining the functionality of the systems with minimal disruptions.

Enclosed is a copy of all of the Request of Proposal documents.

### **RECOMMENDED ACTION:**

Approval

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### **FINANCIAL ANALYSIS:**

This is not a budgeted item and funds for this project will be requested as part of the Budget Amendment in June.

### **BUDGET IMPACT:**

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Submitted By: Robert Gonzalez, I.S. Manager  
Maria Lasday, Town Manager

### **ATTACHMENTS**

1. Server Relocation Wiring Project 1
2. Server Relocation Wiring Project

**TOWN OF BAY HARBOR ISLANDS, FLORIDA**  
**REQUEST FOR PROPOSAL**

**Server Relocation Wiring Project**

Sealed Bids for the **Server Relocation Wiring Project** must be received by the Town Clerk, Town of Bay Harbor Islands, 9665 Bay Harbor Terrace, Bay Harbor Islands, Florida 33154, **by 3:00 PM on May 26<sup>th</sup>, 2021** at which time bids will be publicly opened and read aloud. All bids shall be clearly marked: "Server Relocation Wiring Project."

The Town Bay Harbor Islands is a vibrant, affluent community of approximately 6,000 residents located on two islands in northern Biscayne Bay. The Town connects to the barrier island at Bal Harbour Village and the Town of Surfside to the east and to the mainland city of North Miami at 125<sup>th</sup> Street by a series of 4 bridges maintained by the Town of Bay Harbor Islands. The Town employs approximately 60 civilian employees and 23 police officers.

The Town is requesting proposals for the relocation of the administrative computer network, BHIPD Network and SunPass Network to a new location due to the high vulnerability of flooding at the location where it is located now. The scope will include providing delivering and installation of all necessary equipment as well as implementing and configuring the new network with all components while maintaining the functionality of the systems with minimal disruptions.

Further information may be obtained by emailing the Town's IT Manager, Roberto Gonzalez at [rgonzalez@bayharborislands-fl.gov](mailto:rgonzalez@bayharborislands-fl.gov)

The Town of Bay Harbor Islands reserves the right to waive any irregularities and to reject any and all bids.

Town of Bay Harbor Islands, Florida

# **Request for Proposal – Server Relocation Wiring Project.**

## **Town of Bay Harbor Islands, Florida**

### **Overview**

The Town of Bay Harbor Islands is a municipality with approximately 6,000 residents. The Town employs approximately 60 civilian employees and 23 police officers.

### **Purpose, Description, Qualifications and Insurance Requirements**

#### **Purpose:**

The purpose of this Request for Proposals (RFP) is to solicit bids from various companies, conduct and evaluation, and select the company who can best serve our needs.

#### **Description:**

The reason of this project is to relocate our entire BHI Admin network, BHIPD Network and SunPass servers to higher location in town that complies with the guidelines to a more secure network in case of a natural disaster such a hurricane and flooding to our town.

#### **Professional Qualifications:**

We are looking for a company with at least 5 years of experience in the Low voltage field and IT infrastructure. We will ask to show us some references of prior work done on these fields along with any certification you may have acquired.

#### **Insurance and other Requirements:**

Proof of Professional Liability insurance that includes coverage for both Hardware and software copyright infringement and the selected company would need to request building permits from our building department.

#### **Hardware Requirement**

We will require that CAT6 as well as Fiberoptic (If needed) wiring be use for all new wiring requested.

## **Scope**

1. The scope of this project will consist of new wiring for all offices, hallways and anywhere where we already have a network installation in place in the BHI Administrative building, BHIPD building and SunPass equipment.
2. New wiring for our phone system.
3. Removal and disposal of all old wiring
4. Relocation and fiber rewiring of all WAN equipment as needed.
5. Moving and installation of networking equipment.
6. The selected bidder will be responsible for committing to timeframes and schedules based on deadlines that will be established.

Contract terms and conditions will be negotiated upon selection of the winning bid.

## **Timeline**

Sealed Bids must be received by the Town Clerk, Town of Bay Harbor Islands, 9665 Bay Harbor Terrace, Bay Harbor Islands, Florida 33154, by 3:00 PM, May 26<sup>th</sup>, 2021 at which time bids will be publicly opened and read aloud. Bids need to be clearly marked "RFP BHI Network Relocation Project" and must be sealed.

Evaluation of the bids will be conducted thereafter. \*The project's timeline will be discussed in more detailed when the bid is awarded.

\*Times and dates are subject to change.

## **Budget**

All proposals must include proposed costs to complete the task described in the project scope. All costs must be itemized to include an explanation of all fees and costs.

## **Questions**

If you have any questions regarding the RFP, please send them to the attention of Roberto Gonzalez by email at [rgonzalez@bayharborislands-fl.gov](mailto:rgonzalez@bayharborislands-fl.gov)

All questions must be submitted in writing and all questions and responses will be shared with all prospective bidders.

## **AGENDA ITEM REPORT**

May 12, 2021

### **ITEM NUMBER: 12.**

**ITEM: Consideration and Approval** for a Request for Qualifications (RFQ) for Insurance Broker Services. Enclosed is a copy of the proposal package material.

### **DESCRIPTION:**

The purpose of the Request for Qualifications (RFQ) is to obtain a list of qualified consulting firms, who perform Health Insurance Broker Services. The contract will be awarded to the most qualified firm, who shall be responsible for providing brokerage services for employee benefits, including but not limited to medical and dental plans.

There is no record to indicate the last time the Town solicited Bids for health insurance broker services. Therefore, it is in the Town's best interest to solicit proposals to ensure competitive bidding for these services. Enclosed is a copy of the proposal package material. There are highlighted sections throughout the document that require the Town Attorney's review.

### **RECOMMENDED ACTION:**

Approval

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### **FINANCIAL ANALYSIS:**

No fiscal impact at this time. However, the current total annual health insurance premium costs are \$938,893.68. Health insurance broker services is allocated across every department and every fund.

### **BUDGET IMPACT:**

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Submitted By: Alba L. Chang, Town Clerk  
Jenice Rosado, Assistant Town Manager

### **ATTACHMENTS**

1. RFQ Insurance Broker Services



# **REQUEST FOR QUALIFICATIONS (RFQ)**

## **RFQ No. 2021-0**

**HEALTH INSURANCE BROKER SERVICES**

**TOWN OF BAY HARBOR ISLANDS**  
**MIAMI-DADE COUNTY, FLORIDA**

**May 21, 2021**



## **PUBLIC NOTICE**

**REQUEST FOR QUALIFICATIONS (RFQ) No. 2021-0**

### **HEALTH INSURANCE BROKER SERVICE**

**NOTICE IS HEREBY GIVEN** that the Town of Bay Harbor Islands (“Town”) is soliciting qualifications for Health Insurance Broker Services in Bay Harbor Islands, Florida. Interested firm/individuals (“Proposer(s)”) may pick-up a copy of the Request for Qualifications (“RFQ”) No. 2021-0 from the Town Clerk’s Office, Town Hall, 9665 Bay Harbor Terrace, Bay Harbor Islands, Florida, 33154, or may download it from the Town’s website at [www.bayharborislands-fl.gov](http://www.bayharborislands-fl.gov). The RFQ contains detailed and specific information about the scope of services, submission requirements, and evaluation and selection procedures.

One (1) original, five (5) hard copies, and one (1) electronic copy on a USB drive of the completed and executed qualifications must be delivered no later than **June 25, 2021 at 2:00 PM** (“Submission Deadline”), to the following address:

**Town of Bay Harbor Islands  
Town Hall  
Town Clerk’s Office  
9665 Bay Harbor Terrace  
Bay Harbor Islands,  
Florida, 33154.**

The Town reserves the right to reject late submissions, in the sole discretion of the Town Manager or his designee.

The envelope containing the sealed Proposal must be clearly marked as follows:

**“SEALED PROPOSAL  
RFQ NO. 2020-0  
HEALTH INSURANCE BROKER SERVICES**

**OPENING DATE AND TIME/SUBMISSION DEADLINE: June 25, 2021 2:00 PM**

A **Pre-Proposal Submission Conference** is scheduled for **June 12<sup>th</sup> 2021 at 11:00 AM** via zoom meeting . All Proposers planning to submit qualifications are required to attend this zoom meeting. Qualifications from those who have failed to attend will not be accepted.

All persons attending the **pre-submission zoom meeting** may ask questions or seek clarification regarding this RFQ via the procedures outlined below. Any questions or clarifications concerning the proposal specifications must be received by Alba Chang, Town Clerk, no later than **2:00 PM, June 16, 2021.** Any questions regarding RFQ No. 2020-05 are to be submitted either in writing directly to Alba Chang, Town Clerk, at the following address: 9665 Bay Harbor Terrace, Bay Harbor Islands, Florida 33154, or via email to: [achang@townofbayharborislands-fl.gov](mailto:achang@townofbayharborislands-fl.gov). Any questions received by the Clerk after the stated deadline will be disregarded. All questions received by the Clerk prior to the stated deadline shall be answered via an Addendum to this RFQ and circulated to all registered Proposers.

The Town intends to enter into an agreement with the successful Proposer to provide Health Insurance Broker Services in the Town of Bay Harbor Islands, Florida.

The Town reserves the right to cancel this solicitation, reject any or all submissions, with or without cause, to waive technical errors and informalities, and to accept any proposal from a proposer which is qualified and best serves the interests of or represents the best value to the Town.

The town hereby adopts for its own use the cone of silence procedures enumerated in section 2-11.1(t) of the Code of Miami Dade County (the "County Code") as it may be amended from time to time. The Town hereby provides notice to all proposers of the imposition of a Cone of Silence for this solicitation. "Cone of Silence," as used herein, means a prohibition on communication regarding a competitive bid or solicitation. Please contact the Town Clerk and/or Town Attorney with any questions on the Cone of Silence.



**TOWN OF BAY HARBOR ISLANDS, FLORIDA**  
**REQUEST FOR QUALIFICATIONS (RFQ) NO. 2021- 0**

**HEALTH INSURANCE BROKER SERVICES**

**SECTION 1. INFORMATION FOR THE PROPOSERS**

**1.1 INTRODUCTION.**

The Town of Bay Harbor Islands, Florida (“Town”), a municipality located in Miami-Dade County, Florida, requests qualifications for the selection of consulting firms (collectively, the “Consultant”) to perform Health Insurance Broker Services (“Services”) for the Town. The Town is requesting qualifications from Consultants with experience to provide the scope of services detailed in Section 1.3 herein below.

Florida law requires the Town to make a determination of a respondent’s qualifications to perform the Services prior to engagement. The information used in this Request for Qualifications (“RFQ”) will be used by the Town to make its determination. The Town intends to award a contract to the selected Consultant to provide the Services contemplated in this RFQ.

**1.2 BACKGROUND**

The Town of Bay Harbor Islands was founded in 1947 by the Shepard Broad family. The Town also known as “*The Best Kept Secret on the Water*” is a two-island vibrant and progressive community located in the heart of Biscayne Bay, nestled between the cities of North Miami, Bal Harbor and Surfside. The Town holds a residential population of approximately 6,000 and is home to A+ rated Ruth K. Broad Elementary School. The Broad Causeway corridor which runs through the heart of Bay Harbor, boasts exclusive shopping, top notch businesses and fine dining all within a picturesque and charming island atmosphere.

The Town is committed to efficient government administration. A small core of the Town staff has been serving its residents, businesses and visitors exceptionally well through their dedication and with the help of consultants, contractors, and service providers who also have been committed to providing quality services at competitive prices. The Town expects to continue this practice.

**1.3 SCOPE OF SERVICES**

The Town may engage a qualified Consultant to perform any of the services listed below. The successful planning firm shall be qualified to perform the following Services:

**SCOPE OF WORK PROJECT DESCRIPTION**

The Town of Bay Harbor Islands seeks to establish a contract for a qualified firm to provide Health Insurance Broker Services. The firm awarded the contract shall be responsible for providing Health Insurance Brokerage Services for employee benefits including but not

limited to: medical and dental plans.

**ELIGIBILITY** Proposals received from firms that have a contractual relationship with a group health or dental carrier that would preclude the firm from being unbiased in the services provided to the Town of Bay Harbor Islands will not be considered for evaluation and shall be deemed non-responsive. The awarded firm shall not receive any fees, commissions or other benefits for the insurance carrier/firms that may propose on any of the Town's RFPs or from an awarded carrier, unless disclosed in advance in the proposal submittal.

**TERM** It is anticipated the Town will contract for a period of three (3) years, from date of award, with an option for renewal of an additional two (2) one (1) year renewals, if mutually agreeable with both parties, for a maximum of five (5) years. The Town of Bay Harbor Islands reserves the right to extend this agreement or enter into a competitive proposal process at the end of each term. Either party may terminate this agreement by giving 60-days written notice, however, notice by the proposer shall not be given or accepted within 180 days prior to policy renewal.

#### **CURRENT EMPLOYEE AND BENEFIT PLAN INFORMATION**

- Current total annual health insurance premium costs - \$938,893.68;
- Approximately 95 covered employees (active & retirees);
- Plan year is January 1 - December 31 with Open Enrollment the month of September;
- Fiscal Year is Oct 1 – Sept 30;
- Health, Dental Vision, Group Life / AD&D Insurance Benefits:
  - The Town pays 100% of Employee only monthly premium for health HMO and dental HMO coverage. The Town, if providing another PPO option for health & dental, requires the employee to pay the additional amount of the difference between the HMO monthly premium coverage and the PPO coverage (an additional cost to the employee).
  - The Town pays 65% of dependent monthly premium coverage for health and dental HMO or PPO.
  - Vision Insurance is paid 100% by the employee.
  - The Town pays the full cost of employee only short term, long term, life and accidental death and dismemberment.
  - The Town pays life insurance in the amount that equals the employee's base annual salary (minimum of \$50,000 if salary is under \$50,000 annually).

Employees who are retiring from the Town service are eligible to continue their health, dental and vision insurance coverage for an indefinite period of time at the full monthly premium cost to the retiring employee. To be eligible to continue insurance participation, the retiree must be covered by the Town's health insurance, dental and vision insurance at the time of retirement and immediately apply for continuation of coverage. The retiree must renew their elections during open enrollment each year. If the retiree chooses to drop any particular coverage at any time, they are not eligible to re-enroll in that coverage at a later date. The

retiree must make timely premium payments in order to continue participation in their elected coverages.

- Employee Assistance Program (EAP) - City pays 100% of employee coverage;
- Flexible Spending Account (FSA) – not in existence but would like to explore possibility;
- Health Savings Account (HSA) – not in existence but would like to explore possibility;
- Voluntary Supplemental Insurances: STD, Life, Accident, Cancer, Hospitalization, Critical Care - Employee pays 100% of all coverages, currently through AFLAC.

**SCOPE OF SERVICES** This section outlines the products and services that the Town of Bay Harbor Islands expects to receive from a qualified firm as a subject matter expert.

#### **RENEWAL YEAR SERVICES**

- Meet with staff as necessary to discuss benefit plan options and establish goals and objectives for the Town of Bay Harbor Islands Benefits program;
- Provide analysis of renewal of current plan, reviewing past performance;
- Research, design, and propose employee benefit plans for the Town of Bay Harbor Islands, as appropriate, using current Town of Bay Harbor Islands medical and dental benefit plans as benchmarks;
- Review additional available cost savings plan alternatives and creative funding options;
- Provide the Town of Bay Harbor Island with information on what other municipalities of comparable size and location will be doing with their benefits in the upcoming plan year;
- Upon request, assist in coordinating a comprehensive “Request for Proposal” (RFP) to identify potential high quality benefits proposers, according to established Town of Bay Harbor Islands guidelines; the scope of this RFP may include, but is not limited to: Medical, Dental, Vision, Basic Life, Voluntary Life, Accidental Death and Dismemberment, Short Term and Long Term Disability insurance providers;
- Act as negotiator and consultant for the Town of Bay Harbor Island during benefit contract negotiations and renewals;
- Prepare and present a written analytical report of the proposals received including recommendation(s) and supporting documentation for recommendations;
- As edited and approved by the Town of Bay Harbor Islands Human Resource Manager, coordinate the design, printing and production of a comprehensive Employee Benefits Handbook to be distributed to each benefit eligible employee on an annual basis;
- Assist with the planning and implementation of selected changes including transition from the current to new vendors, the renewal proposal, and other benefits changes;
- Assist with annual open enrollment including coordinating multiple employee meetings at various locations;
- Advise and assist the Town of Bay Harbor Islands Human Resource Manager with the review of contracts, plan documents, insurance policies and other documents for applicability, accuracy, consistency, and legal compliance; and
- Assist the Town of Bay Harbor Islands with the development of performance guarantees relating to vendors’ performance of services to the Town of Bay Harbor Islands, and evaluation of the performance of vendors.

## **ON-GOING SERVICES FOR HEALTH AND DENTAL INSURANCES**

- Provide dedicated personnel as the primary contact for managing the account relationship with the Town of Bay Harbor Islands (specify names and areas of responsibility for each person);
- Monitor the programs' operations throughout the year to ensure that benefit providers are meeting all customer service requirements and standards;
- Provide ongoing administrative support, as requested, by acting as a liaison between the Town of Bay Harbor Islands and providers to assist promptly with resolving claim disputes, contract administration and interpretations, and other issues;
- Provide health advocacy services directly to plan members including, but not limited to, reviewing hospital and doctor bills, and Explanation of Benefits for claims accuracy, developing claims appeals, researching and resolving pharmacy delays or denials, assisting with member eligibility, explaining available benefits and services, and providing periodic on-site visits to provide said services;
- Meet with the Town of Bay Harbor Island's staff throughout the year at least quarterly but as often as reasonably necessary;
- Coordinate annual audits of the Town of Bay Harbor Island's benefits plans and associated vendors and prepare annual financial reports on the results of the completed plan year;
- Prepare and deliver any necessary reports for the Town of Bay Harbor Islands Human Resource Manager, including, but not limited to reports showing claims experience at intervals acceptable to Town of Bay Harbor Islands;
- Provide advice and assistance in the review of employee health and medical benefits program on a continuing basis to ensure that those plans are in compliance with state/federal requirements and their adequacy of benefits with respect to other plans;
- Track, monitor and provide information or changes on any pending or new legislation whether state or Federal, including the Affordable Care Act, to the Town of Bay Harbor Islands, as well as any employee benefit and funding trends that may affect the benefits program, as well as HIPAA, COBRA, PPACA, etc.;
- Ensure personnel availability for meetings, phone calls, and e-mail correspondence as required;
- Maintain the confidentiality of the Town of Bay Harbor Islands records and data where applicable under federal and state laws; and
- Perform other related services and provide other related products on an "as needed basis"

***These essential job functions are not to be construed as a complete statement of all duties to be performed. Consultant may be required to perform other job-related duties as required.***

All Services shall be performed and completed in compliance with the Florida Law, the Town of Bay Harbor Islands Charter and Code, Miami-Dade County Codes, and all other applicable codes and standards governing the Services.

### **1.4 TOWN'S RESERVATION OF RIGHTS.**

The Town reserves the right to award one or more contract(s) to the Consultant who will best serve the interests of the Town and whose Responses are considered by the Town to be the most qualified. Notwithstanding, the Town may, at its sole discretion, reject all responses and cancel this solicitation, in which case no award will be made. The Town reserves the right to accept or

reject any or all Responses, based upon its deliberations and opinions. In making such determination, the Town reserves the right to investigate the financial capability, integrity, experience and quality of performance of each Consultant, including officers, principals, senior management and supervisors as well as the staff identified in the Response. The Town also reserves the right to waive minor variations or irregularities in the Responses.

## 1.5 SCHEDULE OF EVENTS

The following is an anticipated schedule of events. The Town reserves the right to change the scheduled dates and times at its sole discretion.

| No. | Event                                                                                      | Date            | Time |
|-----|--------------------------------------------------------------------------------------------|-----------------|------|
| 1   | Advertisement/ Public Notice of RFQ                                                        | May 21, 2021    |      |
| 2   | Pre-Bid Conference (zoom)                                                                  | June 12, 2021   | 11am |
| 3   | Closing Date for Proposer Questions                                                        | June 16, 2021   | 2pm  |
| 4   | Proposals Due/Submission Deadline                                                          | June 25, 2021   | 2pm  |
| 5   | Evaluation Committee Meeting(s)                                                            | June 29, 2021   | 10am |
| 6   | Town Manager Issues Recommendation to Council                                              | July            |      |
| 7   | Council Meeting to Select Consultant and Authorize Negotiations and Execution of Agreement | August 11, 2021 |      |
| 8   | Negotiations                                                                               | August 16, 2021 |      |

## 1.6 ELIGIBILITY/QUALIFICATIONS.

In addition to other requirements stated in this RFQ, to be eligible for award, respondents must demonstrate the following qualifications and experience in their responses:

### **QUALIFICATIONS; STAFFING, EDUCATION AND EXPERIENCE, SKILLS AND ABILITIES.**

- Chosen firm shall provide most delivery of services Monday – Friday 9am-5pm. There will be times where services may be needed outside of the 9-5pm work hours. Ability to answer employee calls and troubleshoot issues at all times is required – even if outside the 9-5p hours. Firm shall establish a point of contact person for the Town.
- Respondent's Principal-in-Charge must be a licensed insurance broker and possess a Bachelor's Degree in related field (Human Resources, Health Care etc.) with a minimum of (10) years' experience as an agent of record / health Insurance broker preferably for local government. (A comparable amount of training, education or experience may be substituted for the minimum qualifications, at the sole discretion of the Town);
- Respondent's team must have prior experience within the past ten (10) years in the same field as the Services;
- Respondent's principal-in-charge must have a minimum of ten (10) years of experience within the same field as the Services; Respondent's project manager must have a minimum of ten (10) years of experience in the same field as the Services with prior project management experience and must be capable of speaking and making decisions on behalf of the Respondent; and
- Respondent shall meet all legal, technical and professional requirements for providing the requested Services.

- f. Respondent shall have the ability to provide the Town with access any files or any other programs used to carryout Insurance related functions
- g. Respondent shall have the ability to maintain utmost confidentiality on all matters
- a. Respondent shall have the ability to communicate effectively, tactfully with employees, directors, members of the public and staff;
- b. Respondent shall have the ability to maintain and adhere to records retention laws for the Town as it pertains to all Insurance matters
- c. Respondent shall have the ability to provide the Town with access any files or any other programs used to carryout Insurance related functions

Each respondent shall furnish such additional information as the Town may reasonably require. This includes information that indicates financial resources as well as ability to provide the Services. The Town reserves the right to make investigations of the respondents' qualifications, experience, past or current services provided to clients, or any of its agents, as it deems appropriate.

## **1.7 ADDENDA**

If the Town finds it necessary to add to, or amend this RFQ prior to the Response submission deadline, the Town will issue written addenda/addendum. Each Consultant must acknowledge receipt of each addendum by signing Form 8 (Addendum Acknowledgment) and providing it with its Response.

## **1.8 CERTIFICATION**

The signer of the Response (to this RFQ) must declare by signing the Forms included in Section 3, that the person(s), firm(s) and parties identified in the Response are interested in and available for providing the Services; that the Response is made without collusion with any other person(s), firm(s) and parties; that the Response is fair in all respects and is made in good faith without fraud; and that the signer of the cover letter of the Response has full authority to bind the person(s), firm(s) and parties identified in the Response.

## **1.9 PRE- SUBMITTAL CONFERENCE**

A Pre-RFQ Submittal Conference is scheduled for **June 12, 2021 at 11:00 Am.** the meeting shall occur virtually via zoom (Meeting ID: \_\_\_\_\_ / PW:\_\_\_\_\_). All Proposers planning to submit proposals are required to attend this meeting. Proposers should log into zoom session promptly at the advertised time. Roll call will be taken no later than 5 minutes after the start of the zoom meeting. Proposals from those who have failed to attend will not be accepted. All persons attending the pre-submission conference will receive the answers to all questions asked or submitted.

## **1.10 REQUESTS FOR INFORMATION OR CLARIFICATION; ADDENDA**

Requests for additional information or clarifications must be received by Alba Chang, Town Clerk, no later than **2 PM, June 16, 2021**. Any questions regarding RFQ No. 2021-00 are to be submitted either in writing or via e-mail directly to Alba Chang, Town Clerk, in accordance with the deadline for receipt of questions also specified in the Public Notice Section of this RFQ. The request for additional information and clarification must contain the RFQ number and title, Proposer's name, name of Proposer's contact person, address, phone number, and e-mail. Written requests for additional information or clarifications to this RFQ shall be addressed directly to Alba Chang, Town Clerk, at: **Town Clerk's Office, Bay Harbor Islands Town Hall, 9665 Bay Harbor Terrace, Bay Harbor Islands, Florida 33154**. Emails requesting additional information or clarifications for this RFQ must be received by Alba Chang, Town Clerk, at the

following email: [achang@bayharborislands.gov](mailto:achang@bayharborislands.gov). The request shall include, at a minimum, the RFQ number and title, the Proposer's name, the name of Proposer's contact person, address, phone number, and email.

The Town will issue responses to inquiries and any other corrections or amendments it deems necessary in written addenda issued prior to the Proposal submission deadline. All persons attending the pre-proposal conference will receive the Town's response. Proposers should not rely on any representations, statements or explanations other than those made in this RFQ or in any written addendum to this RFQ. Where there appears to be a conflict between the RFQ and any addenda issued, the last addendum issued shall prevail.

### **1.11 PUBLIC RECORDS**

Florida law provides that municipal records should be open for inspection by any person under Chapter 119, F.S. Public Records law. All information and materials received by the Town in connection with responses shall become property of the Town and shall be deemed to be public records subject to public inspection.

### **1.12 RETENTION OF RESPONSES**

The Town reserves the right to retain all Responses submitted and use any ideas contained in any Response, regardless of whether that Consultant is selected to perform the Services.

### **1.13 TOWN AUTHORITY AND RIGHTS**

Proposals will be selected at the sole discretion of the Town. The Town reserves the right to waive any immaterial defects or irregularities in the proposals, to reject any or all proposals, reject a proposal which is in any way incomplete or irregular, cancel, postpone and re-solicit the entire solicitation or enter into agreements with more than one respondent. Proposals received after the deadline provided in this RFQ will not be considered. The Town reserves the right to:

- a. Accept the Proposer who will, in the Town's sole discretion, best serves the interests of and represent the best value to the Town;
- b. Reject any and all qualifications and to seek new qualifications when such a procedure is reasonably in the best interest of the Town;
- c. Investigate the financial capability, client references, integrity, experience, and quality of performance of each Proposer, including officers, principals, senior management, and supervisors, as well as staff identified in the response to RFQ;
- d. Investigate the Proposer's qualifications or those of its agents, as it deems appropriate;
- e. Conduct personal interviews of any or all Proposers prior to selection (the Town shall not be liable for any costs incurred by the Proposer(s) in connection with such interviews);
- f. Waive any of the conditions or criteria set forth in this RFQ;
- g. Decide whether to select a firm based on submission received in response to this RFQ or whether to hold interviews with the firms the Town deems best qualified for the Services;
- h. The Town is under no obligation to return the Qualifications;

- i. The Town will not be liable for any costs incurred by a Proposer in the preparation of the response to this RFQ;
- j. Each Proposal shall be prima facie evidence that the respective Proposer has full knowledge of the scope, nature, quantity and quality of the Services to be performed; the detailed requirements of the specifications; and the conditions under which the Services are to be performed;
- k. Proposers shall furnish the Town with such additional information as the Town may reasonably require; and
- l. The Town must be satisfied that the Proposer demonstrates the ability to meet the requirements of this RFQ.

#### **1.14 RESPONSE /PRESENTATION COSTS**

The Town shall not be liable for any costs, fees, or expenses incurred by any Consultant in responding to this RFQ, nor subsequent inquiries or presentations relating to its Response.

#### **1.15 PERMITS, TAXES, LICENSES**

The Consultant shall, at its own expense, obtain all necessary permits, pay all licenses, fees and taxes required to comply with all local ordinances, state and federal laws, rules, regulations and professional standards that would apply to the provision of the Services and the agreement.

#### **1.16 COMPLIANCE WITH LAWS, ORDINANCES**

The Consultant shall observe and comply with all federal, state, and local laws, including ordinances, rules, regulations and professional standards that would apply to the Services and the agreement. Each proposer and the selected proposer shall comply with all applicable laws and regulations of the Federal Government, State of Florida, and local ordinances of Miami-Dade County and the Charter and Code of the Town of Bay Harbor Islands in the preparation and submittal of a proposal in response to this RFQ and in the performance of the Services and any agreement awarded as a result of this RFQ.

#### **1.17 TERMS OF ENGAGEMENT**

The Terms of the agreement will be negotiated upon selection of the Consultant. It is anticipated that the Town will enter into an agreement for an initial two (2) year term, with options to renew for three (3) additional one (1) year terms.

#### **1.18 CONE OF SILENCE**

Notwithstanding any other provision of these specifications, the provisions of the Town "Cone of Silence" set forth in Section 3-17 of the Town Code are applicable to this RFQ. The "Cone of Silence", as used herein, means a prohibition on any communication regarding a particular Request for Proposal (RFP), Request for Qualification (RFQ), or bid, between a potential vendor, service provider, contractor, bidder, lobbyist, or consultant, and the Town Council, Town's professional staff including, but not limited to, the Town Manager and his or her staff, any member of the Town's selection or evaluation committee.

The Cone of Silence shall be imposed upon each RFP, RFQ, and bid after the advertisement of said RFP, RFQ, or bid.



The Cone of Silence shall terminate at time the Town Manager makes his or her written recommendation to the Town Council. However, if the Town Council refers the Town's Manager's recommendation back to the Town Manager or staff for further review, the Cone of Silence shall be re-imposed until such time as the Town Manager makes a subsequent written recommendation.

The Cone of Silence shall not apply to:

1. Oral communications at pre-proposal/pre-bid conferences.
2. Oral presentations before selection or evaluation committees.
3. Public presentations made to the Town Council during any duly noticed public meeting.
4. Communications in writing at any time with any town employee, unless specifically prohibited by the applicable RFP, RFQ, or bid documents. The bidder or proposer shall file a copy of any written communication with the Town Clerk. The Town Clerk shall make copies available to any person upon request.
5. Communications regarding a particular RFP, RFQ, or bid between a potential vendor, service provider, contractor, bidder, lobbyist or consultant and the Town's Purchasing Agent or Town employee designated responsible for administering the procurement process of such RFP, RFQ or bid, provided the communication is limited strictly to matters of process or procedure already contained in the corresponding solicitation document.
6. Communications with the Town Attorney and his or her staff.
7. Duly noticed site visits to determine the competency of bidders regarding a particular bid during the time period between the opening of bids and the time the Town Manager makes his or her written recommendation.
8. Any emergency procurement of goods or services pursuant to Town Code.
9. Responses to the Town's request for clarification or additional information.
10. Contract negotiations during any duly noticed public meeting.
11. Communications to enable Town staff to seek and obtain industry comment or perform market research, provided all communications related thereto between a potential vendor, service provider, contractor, bidder, lobbyist, or consultant and any member of the Town's professional staff including, but not limited to, the Town Manager and his or her staff are in writing or are made at a duly noticed public meeting.

Violation of the Cone of Silence by a particular bidder or proposer shall render any RFP award, RFQ award, or bid award to said bidder or proposer voidable by the Town Council and/ or Town Manager.

Please contact the Town Clerk and/or Town Attorney for any questions concerning the Cone of Silence compliance.

#### **1.19 HOLD HARMLESS AND INDEMNIFICATION**

All Proposers shall hold the Town, its officials, and its employees harmless and covenant not to sue the Town, its officials, and its employees in reference to the Town's decision to reject, award, or not award an RFQ, as applicable. Additionally, the selected Proposer shall indemnify, defend, and save harmless the Town, its officers, agents, and employees, from or on account of any injuries or damages, received or sustained by any person or persons during or on account of the Proposer's performance of its Services under this RFQ, or by or in consequence of any negligence (excluding the sole negligence of the Town), in connection with the same; or by use of any improper materials or by or on account of any act or omission of the said selected Proposer, agents, servants, or employees. The selected Proposer shall indemnify, defend, and hold harmless the Town and their agents or employees from and against all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from the performance of the Services described in the RFQ, provided that any such claim, damage, loss, or expense (a) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property (other than work itself) including the loss of use resulting wherefrom and (b) is caused in whole or in part by any negligent act or omission of the selected Proposer, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, regardless of whether or not it is caused by a party indemnified hereunder.

**END OF SECTION**

## SECTION 2. RESPONSE SUBMISSION REQUIREMENTS AND EVALUATION

### 2.1 GENERAL RESPONSE INSTRUCTIONS

One (1) marked “original” copy, five (5) bound copies of the response, and one (1) USB flash drive containing an electronic copy of the response shall be submitted in one sealed package, clearly marked on the outside “Response to Town of Bay Harbor Islands RFQ No. 2021-0 for Human Resource Services.” The outside of the sealed envelope shall also show the name of the respondent.

**All responses must be received by June 25, 2021 at 2:00 PM at the following address: Alba Chang, Town Clerk, at: Town Clerk’s Office, Bay Harbor Islands Town Hall, 9665 Bay Harbor Terrace, Bay Harbor Islands, Florida 33154, [achang@townofbayharborislands-fl.gov](mailto:achang@townofbayharborislands-fl.gov).**

**All responses must be received by the Town Clerk by the submission due date and time. Responses received after the due date and time will not be considered.** Misdelayed or late Responses will not be considered for award.

### 2.2 RESPONSE / QUALIFICATION PACKAGE / REQUIREMENTS

In addition to other requirements stated in this RFQ, to be eligible to respond, the Consultant shall submit a response that includes all of the following information, appropriately tabbed, in this exact order (“Response”):

- A. Cover Page:** Each Response submitted shall have a cover page entitled Response to Town of Bay Harbor Islands RFQ No. 2021-0 for Health Insurance Broker Services.”
- B. Table of Contents.**
- C. Letter of Intent:** A Letter of Intent shall be provided that briefly introduces the Consultant and the aspects of the proposal.
- D. Response Checklist.** Consultant must complete Form 1 and include in its Response.
- E. Firm’s Qualifications:** Consultant must complete and submit Form 4, Company Qualifications Questionnaire and Form 6, Client References. Consultant must also provide the official complaint history within the last five (5) years for its qualifying professional license and a list of current and past clients, with an emphasis on Florida municipalities. Consultant must also include any relevant business licenses, including occupational license, and Florida registration (Company certifications, not personal) and a copy of State Corporate Certificate or other proof from the State of Florida that Consultant is authorized to do business in this State.
- F. Personnel Qualifications:** The Consultant must include the following information for this requirement:
  - a. Complete and submit Form 5, Key Personnel and Staff.
  - b. Provide an organizational chart showing reporting structure for all Key Personnel Staff, including any key subcontractors;
  - c. Include a one-page resume with contact information for at least three (3) professional references for the individual designated to serve as Program Manager;

- d. Include one-page resumes for each person listed in Form 5, Key Personnel and Staff. Resumes should include experience with similar projects, specifying the role the individual employee served on the project.
- e. For each task, list each individual Key Personnel and Staff member, including subconsultants, and indicate their relative involvement on the task (based on number of hours per week). Also indicate the relative involvement of the Consultant and each key subconsultant, if any, on the project in total.

**G. Project Implementation Strategy:** Describe the Consultant's strategy for implementing the project.

**H. Special Consideration:** Describe any special resources that Consultant or Consultant's personnel assigned to the project may bring to the project or in-house expertise in technical areas, which will specifically benefit the project. **Not to exceed three (3) pages. Excess pages will be removed prior to submission to the Evaluation Committee.**

**I. Insurance:** Consultant shall secure and maintain throughout the duration of this RFQ and agreement, if selected, insurance of such types and in such amounts not less than those specified below as satisfactory to Town, naming the Town as an Additional Insured, underwritten by a firm rated A-X or better by A.M. Best and qualified to do business in the State of Florida. The insurance coverage shall be primary insurance with respect to the Town, its officials, employees, agents and volunteers naming the Town as additional insured. Any insurance maintained by the Town shall be in excess of the Contractor's insurance and shall not contribute to the Contractor's insurance. The insurance coverages shall include at a minimum the amounts set forth in this section and may be increased by the Town as it deems necessary or prudent. Copies of Contractor's actual Insurance Policies as required herein and Certificates of Insurance shall be provided to the Town, reflecting the Town as an Additional Insured. Each Policy and certificate shall include no less than (30) thirty-day advance written notice to Town prior to cancellation, termination, or material alteration of said policies or insurance. All coverage forms must be primary and non-contributory and the Contractor shall provide a waiver of subrogation for the benefit of the Town. The Contractor shall be responsible for assuring that the insurance policies and certificates required by this Section remain in full force and effect for the duration of the Project.

- Commercial General Liability coverage with limits of liability of not less than a \$1,000,000 per Occurrence combined single limit for Bodily Injury and Property Damage. This Liability Insurance shall also include Completed Operations and Product Liability coverages and eliminate the exclusion with respect to property under the care, custody and control of Contractor. The General Aggregate Liability limit and the Products/Completed Operations Liability Aggregate limit shall be in the amount of \$2,000,000 each.
- Workers Compensation and Employer's Liability insurance, to apply for all employees for statutory limits as required by applicable State and Federal laws. The policy(ies) must include Employer's Liability with minimum limits of \$1,000,000.00 each accident. No employee, subcontractor or agent of the Contractor shall be allowed to provide Services pursuant to this RFQ who is not covered by Worker's Compensation insurance.
- Business Automobile Liability with minimum limits of \$1,000,000.00 per Occurrence, combined single limit for Bodily Injury and Property Damage. Coverage must be afforded on a form no more restrictive than the latest edition

of the Business Automobile Liability policy, without restrictive endorsements, as filed by the Insurance Service Office, and must include Owned, Hired, and Non-Owned Vehicles.

- Professional Liability Insurance in an amount of not less than One Million Dollars (\$1,000,000.00) per occurrence, single limit.

**K. Litigation Statement:** Consultant must complete and submit Form 7, Dispute Disclosure, and provide a statement that no litigation or regulatory action has been filed against Consultant's firm in the last three (3) years shall be included in the Response. If an action has been filed against the Consultant's firm within the last three (3) years, state and describe the litigation or regulatory action filed against the Consultant's firm and identify the court or agency before which the action was instituted, the applicable case or file number, and the status or disposition for such reported action. Described all litigation (include the court and location) of any kind involving Consultant or any Key Staff members within the last five (5) years.

**L. Forms:** Complete all forms listed in Section 3.

### 2.3 RESPONSE EVALUATION CRITERIA

Responses will be evaluated according to the following criteria and respective weight:

|    | Category                                                                                                                                                                                                                                                                                             | Maximum Available Points |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| 1. | <b>Qualifications of the Firm (Proposer)</b><br>To include years of municipal experience, ability, capacity and skill of firm(s), whether the firm is a certified minority business enterprise, and adequacy of personnel to perform, including timeliness, stability and availability and licenses. | 25 Points                |
| 2. | <b>Qualifications/Experience of Project Team</b><br>Credentials and accomplishments of the proposed team (up to 5) members                                                                                                                                                                           | 25 Points                |
| 3. | <b>Previous Similar Projects &amp; Client References</b><br>Experience and background in providing similar municipal services and past performance, including but not limited to, familiarity with local, state, and federal regulatory agencies procedures and requirements.                        | 25 Points                |
| 4. | <b>Project/Services Implementation Strategy</b><br>Indicate Firm's understanding of the Town's needs and the Services                                                                                                                                                                                | 25 Points                |
|    |                                                                                                                                                                                                                                                                                                      |                          |
|    | <b>TOTAL</b>                                                                                                                                                                                                                                                                                         | <b>100 Points</b>        |

### 2.4 PROCESS OF EVALUATION AND SHORT-LIST FOR ORAL PRESENTATIONS AND FINAL SELECTION

The Town Staff shall review and evaluate the responses submitted to ensure the minimum requirements of the RFQ have been met. The Town Manager or designee may reject those responses that do not meet the minimum requirements of the RFQ.

The Town Manager will appoint an Evaluation Committee to review and evaluate the responsive responses. The highest ranked three (3) respondents will be short-listed on the basis of the

Responses by the Evaluation Committee and may be called for oral presentations before the Evaluation Committee regarding their responses, approach to the Services, and ability to furnish the required Services. All Consultants and subconsultants in their teams shall be present at the assigned time for a 20-minute presentation followed by up to a 10-minute question-and-answer session. The Consultants are encouraged to be represented only by the Project Manager and the key staff identified in the Response. Additional details on the oral presentations may be provided to the short-listed Consultants. The Evaluation Committee shall rank the respondents and provide its recommendations to the Town Manager.

After short-listing of the top three (3) respondents deemed qualified by the Evaluation Committee, the Town Manager will present a recommendation to the Town Council. The Town Council may select a Consultant that it determines is the most qualified and authorize the Town Manager to proceed with negotiations and execute a professional services agreement with the selected Consultant. The Town Council shall have the final authority to select the Consultant to proceed with negotiations.

The Town reserves the right to reject any or all proposals, reject a proposal, which is in any way incomplete, or irregular, re-bid the entire solicitation or enter into agreements with more than one respondent.

## **2.5 PROCESS OF NEGOTIATION**

The Town Manager or designee(s) shall negotiate an agreement with the selected firm at compensation that the Town Manager, in his/her sole discretion, determines is fair, competitive, and reasonable. Should the Town Manager be unable to negotiate a satisfactory agreement with the selected firm at a fee or price the Town Manager determines to be fair, competitive, and reasonable, negotiations with that firm may be terminated. The Town Manager or designee(s) shall then undertake negotiations with the next highest-ranked firm, and, if negotiations are terminated, shall continue to each next highest-ranked firm until a satisfactory agreement may be negotiated. Any award shall be made by the Town Council and subject to execution of an agreement in form and substance approved by the Town Attorney.

Notwithstanding the foregoing, the Town maintains the right to reject all responses submitted if so desired.

## **SECTION 3. FORMS AND EXHIBITS**

### **3.1 EXHIBITS**

The following exhibits are attached and incorporated into this solicitation:

- Exhibit A: Draft Professional Services Agreement
- Exhibit A: Draft Professional Services Agreement
- 

### **3.2 FORMS**

The following forms and affidavits are attached to this solicitation for completion and submission with the Proposer's Response:

Form 1: Response Checklist

Form 2: Proposal Information Form

Form 3: Certificate of Authority (Complete one of the two forms as applicable)

Form 3A: Certificate of Authority (for Corporations or Partnerships)

Form 3B: Certificate of Authority (for Individuals)

Form 4 – Company Qualifications Questionnaire

Form 5 – Key Personnel and Staff

Form 6 - Client References

Form 7 - Dispute Disclosure

Form 8 - Addendum Acknowledgment

Form 9 - Single Execution Affidavits

## AGENDA ITEM REPORT

May 12, 2021

### ITEM NUMBER: 13.

**ITEM: Consideration and Approval** of an ordinance on **second** reading amending Chapter 9 of the Town Code updating the solid waste schedule of fees. Enclosed is a copy of the proposed ordinance.

### DESCRIPTION:

The proposed ordinance will amend Chapter 9 of the Town Code entitled Solid Waste and Recycling Collection Schedule of Fees. The solid waste and recycling fees are currently codified in the Town Code requiring a Code amendment to change the fees. The proposed ordinance will amend the code for such fees to be updated when applicable via resolution.

Enclosed is a copy of the proposed ordinance.

### PREVIOUS MEETING VOTE:

| COUNCIL VOTE                |     |         |           |
|-----------------------------|-----|---------|-----------|
| NAME                        | FOR | AGAINST | ABSTAINED |
| Mayor J. Fuller             | X   |         |           |
| Vice Mayor E. Tricoche      | X   |         |           |
| Council Member S. Bruder    | X   |         |           |
| Council Member M. Diallo    | X   |         |           |
| Council Member J. Leonard   | X   |         |           |
| Council Member I. Salver    | X   |         |           |
| Council Member Robert Yaffe | X   |         |           |

### RECOMMENDED ACTION:

Approval

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### FINANCIAL ANALYSIS:

### BUDGET IMPACT:

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Submitted By: Alba L. Chang, Town Clerk  
Peter Kajokas, Finance Director  
Maria Lasday, Town Manager

### ATTACHMENTS



## 1. Solid Waste ORdinance -2

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE  
TOWN OF BAY HARBOR ISLANDS, FLORIDA,  
AMENDING CHAPTER 9 OF THE TOWN'S ADOPTED  
CODE OF ORDINANCES ENTITLED SOLID WASTE  
COLLECTION, BY AMMENDING SECTION 9-38  
ENTITLED SCHEDULE OF FEES; PROVIDING FOR  
SEVERABILITY; PROVIDING FOR CODIFICATION; AND  
PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council is charged with the protection of the health, safety and welfare of the Town's residents; 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 Town has the option to enter into contract(s) with a private solid waste and recycling contractor(s) to provide solid waste and recycling collection services to the Town, business entities located in the Town, and for the residents of the Town; and

**WHEREASE**, the cost of solid waste and recycling services set forth in such contract(s) change from time to time and, as a result, the amount payable for such services by the the Town, business entities located in the Town, and for the residents of the Town must also change from time to time to reflect the same; and

**WHEREAS**, the costs of solid waste and recycling services shall be set forth by Resolution to account for and reflect such cost changes.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE  
TOWN OF BAY HARBOR ISLANDS, FLORIDA:**

**Section 1:** That Section 9-38 of the Town of Bay Harbor Islands Code of Ordinances is hereby amended as set forth in the attached Exhibit "A," and by reference is made a part hereof.

**Section 2:** That if any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

**Section 3:** That it is the intention of the Town Council of the Town of Bay Harbor Islands, Florida, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections of this

Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

**Section 4:** That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

**Section 5:** That this Ordinance shall be in full force and take effect upon its passage and adoption.

**PASSED** on First Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

**PASSED AND ADOPTED** on Second Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
**STEPHANIE BRUDER**  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**ALBA CHANG**  
**Town Clerk**

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

\_\_\_\_\_  
**JOSEPH S. GELLER, ESQ.**  
**Town Attorney**

## EXHIBIT A

### **Sec. 9-38. - Schedule of fees.**

- (a) Every person, firm, corporation, partnership or other legal entity owning or operating a commercial establishment or residential unit(s) shall be required to use solid waste and recycling collection and disposal services furnished by the town and pay for said services as hereinafter provided. The town shall have the option to enter into contract(s) with private solid waste and recycling contractor(s) for such solid waste and recycling collection services. The solid waste and recycling collection contractor(s) shall be paid by the town and the town, in turn, shall bill the commercial establishment and residential unit(s) ~~establishment~~ who shall be billed monthly for the actual costs thereof, plus an administrative fee, as set forth herein.
- (b) ~~For establishments selling food for human consumption, such establishments shall pay a monthly fee, as established by Resolution. For all other commercial establishments, the amount of the fee shall be based upon the amount of waste normally collected and shall be paid directly by the owner or operator of the property or commercial establishment.~~
- (b) Every person, firm, corporation, partnership or other legal entity owning or operating a residential unit, whether a single-family dwelling, multiple-family dwelling, a condominium, apartment or other dwelling unit shall pay a monthly fee, as established by Resolution. ~~as follows:~~
  - (1) ~~For a condominium or co-op building with three or more units, a monthly fee of \$16.75 per unit.~~
  - (2) ~~For a rental apartment building with three or more units, a monthly fee of \$19.90 per unit.~~
  - (3) ~~For single family residences, a monthly fee of \$22.80 per unit; and~~
  - (4) ~~For all buildings, dwellings, etc., with private waste haulers, a monthly fee of \$3.40 per unit for recycling fees.~~
- (c) Every person, firm, corporation, partnership or legal entity owning or operating a commercial establishment, shall ~~be required to use sanitation and solid waste disposal service furnished by the town and the owner of said property shall pay for waste collection and disposal~~ pay a monthly fee, as established by Resolution ~~on the basis of \$17.00 per container (32 gallons or equivalent), per month.~~
- (d) A commercial establishment located within the same building with a residential unit or with another commercial establishment, even though under the same ownership, shall not be considered a part of that residential unit or other commercial establishment, but shall be treated as a separate commercial establishment upon which a separate ~~waste~~ fee shall be due.

## **AGENDA ITEM REPORT**

May 12, 2021

### **ITEM NUMBER: 14.**

**ITEM: Consideration and Approval** of an ordinance on **first** reading authorizing the use of Communication Media Technology (CMT) during periods when the Town's Mayor or the Governor declares a Local Public Health Emergency or local State of Emergency. Enclosed is a copy of the proposed ordinance.

### **DESCRIPTION:**

On May 3, 2021 Governor Ron DeSantis issued two Executive Orders suspending or invalidating local government emergency actions based on the COVID-19 state of emergency.

The proposed ordinance on first reading is being presented by Town Attorney Geller to allow for the Town Council, Boards, and Committees to conduct public meetings utilizing teleconferencing or web based conferencing platforms provided that a physical quorum is present.

Enclosed is a copy of the proposed ordinance.

### **RECOMMENDED ACTION:**

Council Discretion

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### **FINANCIAL ANALYSIS:**

### **BUDGET IMPACT:**

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Submitted By:           Alba L. Chang, Town Clerk  
                                  Joseph Geller, Town Attorney

### **ATTACHMENTS**

1. Authorizing Public Meetings Via Communication Media (DRAFT)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AUTHORIZING THE USE OF COMMUNICATION MEDIA TECHNOLOGY AND FOR ATTENDANCE BY USE OF SUCH TECHNOLOGY BY ELECTED AND APPOINTED OFFICIALS AND MEMBERS OF THE PUBLIC UNDER SUCH CIRCUMSTANCES AS IS APPROPRIATE AND AUTHORIZED BY LAW, INCLUDING DURING PERIODS WHEN THE TOWN MAYOR OR GOVERNOR DETERMINES AND DECLARES A LOCAL PUBLIC HEALTH EMERGENCY OR STATE OF EMERGENCY AND FURTHER DETERMINES AND DECLARES THAT IT IS NECESSARY TO PROTECT THE HEALTH AND SAFETY OF TOWN OFFICIALS, TOWN STAFF, AND THE PUBLIC; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** The Town Council of the Town of Bay Harbor Islands, Florida (“Town Council”) deems it to be in the best interest of the citizens and residents of the Town of Bay Harbor Islands (the “Town”) to make provisions for public meetings by use of communication media technology and for attendance by use of such technology by elected and appointed officials and members of the public during such circumstances as is appropriate and authorized by law, including during periods when the town mayor or governor determines and declares a local public health emergency or state of emergency and further determines and declares that it is necessary to protect the health and safety of town officials, town staff, and the public; and

**WHEREAS,** Current law allows the attendance of members of the Town Council at official meetings through the use of communication media technology (“CMT”) when “extraordinary circumstances” exist, provided that a quorum is physically present at the meeting site, and further allow for such attendance by other Town officials and by members of the public; and

**WHEREAS,** The COVID-19 pandemic constitutes “extraordinary circumstances”; and

**WHEREAS,** On March 11, 2020, the Town Mayor declared a state of emergency pursuant to Section 2.02(b)(2) of the Town Charter; and

**WHEREAS,** Florida law, including Article 1, Section 24(b) Florida Constitution, and Florida Statutes, Sections 286.011 and 166.041, requires that meetings of elected and appointed officials (“Bodies”), for the conduct of public business, must be held following procedures (notice, access of meetings, opportunity to be heard, the taking of minutes, etc.) that ensure that the public is able to participate in and be aware of the decision-making process (the “Sunshine Law”); and

**WHEREAS**, The Florida Attorney General (“Attorney General”) has issued various opinions concerning the use of CMT and physical quorum. For example, 06-20 Op. Atty Gen. (2006), the Attorney General stated that:

*The use of interactive electronic media to increase public participation in meetings and the use of such media to allow members of a board or commission to participate in a duly noticed public meeting does not necessarily raise Sunshine Law issues, but rather implicates the ability of an entity to conduct official business with a quorum.*

**WHEREAS**, The Town Council possesses broad home rule powers that authorize it to protect the public health, safety, and welfare, declare emergencies, and protect its citizens; and

**WHEREAS**, The Town Charter does not prohibit attendance at the meeting of Town Council members by electronic media and the Town Council finds that its attendance may be permitted by CMT, provided that physical quorum is present at the meeting site. This same rule of attendance applies to Town board or committee meetings and quasi-judicial hearings; and

**WHEREAS**, The “preemption” of CMT attendance, if it were to exist, must be expressly set forth in the Florida Constitution or general or special law, not vaguely and ambiguously implied. Thus, the Town Council finds that no preemption exists in state law; and

**WHEREAS**, The Town Council finds that it is in the best interests of the Town Council, boards, committees, Town personnel, and citizens and residents of the Town to authorize the Town Council to provide for the Town Council, Town staff, and members of the various boards and committees, and members of the public, to be able to attend meetings electronically, providing that a physical quorum is present.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:**

**Section 1. Recitals.** The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

**Section 2. Authorization for Public Meetings With Physical Presence.** The Town Council is hereby authorized, pursuant to the home rule authority of the Town Council, Chapter 252, Florida Statutes, and based upon the Findings set forth in the above-stated recitals, to:

- a. arrange for the Town Council, boards, and committees to meet electronically, provided a physical quorum is present;
- b. promulgate rules of procedure that will ensure compliance with the Sunshine Law; and
- c. provide technology and administrative support as necessary to fulfill these objectives.

Such a meeting may only be conducted with the physical presence of a quorum of the Town Council, boards and committees, so long as (i) the meeting is properly noticed; (ii) minutes are taken; and (iii) the public is permitted to attend via technology such as teleconferencing or web-based conferencing, or in person pursuant to appropriate procedures.

**Section 3. Severability.** If any section, sentence, clause or phrase of this Ordinance 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 Ordinance.

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

**Section 5. Codification.** If the Official Code of Ordinances of the Town of Bay Harbor Islands Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

**Section 6. Effective Date.** This Ordinance shall be in full force and take effect upon its passing and adoption on second reading.

**PASSED** on First Reading this \_\_\_\_ day of \_\_\_\_\_, 2021.

**PASSED AND ADOPTED** on Second Reading this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**TOWN CLERK**

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

\_\_\_\_\_  
**TOWN ATTORNEY**



## **AGENDA ITEM REPORT**

May 12, 2021

### **ITEM NUMBER: 15.**

**ITEM: Discussion** Regarding The Finvarb Group's Request for a Perpetual Right to Use the Town's Right-of-Way.

### **DESCRIPTION:**

The Finvarb Group is planning on purchasing 9650 East Bay Harbor Drive ("Property"). The Landon Hotel and Palm restaurant are located on the Property. The Finvarbs would like to convert the existing lobby at the hotel to a restaurant and outdoor seating area for the hotel's guests and patrons. To add the proposed improvements, the Finvarbs will need to eliminate two existing driveways located on the west side of East Bay Harbor Drive just south of 97th Street to create on-street parking for drop-off purposes in the Town's right-of-way.

The Finvarb Group would like to discuss with the Town Council the possibility of allowing the Finvarb Group to use the Town's right-of-way to create a drop-off area. In return, The Finvarb Group indicated that they would provide an easement on the west property line to the Town. The Town presently has nine (9) parking spaces encroaching on the Property.

The Finvarb Group's request to use the Town's right-of-way is a policy decision. Should the Town Council allow The Finvarb Group to eliminate two existing driveways located on the west side of East Bay Harbor Drive just south of 97th Street to create on-street parking for drop-off purposes, building and zoning codes will still need to be complied with, as well as ADA Compliance.

Letter from The Finvarb Group's attorney and a depiction of the property, which illustrates the area of the right-of-way in question [(depicted in blue), a proposed sidewalk (highlighted in yellow), and the area where the Town's nine (9) parking spaces encroach on the Property (depicted in purple)] are attached.

### **RECOMMENDED ACTION:**

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### **FINANCIAL ANALYSIS:**

There is no fiscal impact to the Town.

### **BUDGET IMPACT:**

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Submitted By: Maythe Martin, Executive Asst. to Town Manager  
Maria Lasday, Town Manager

### **ATTACHMENTS**

1. L2 M. Lasday 4.23.21
2. BHI TC Staff Report Landon Hotel Reno Issues May 6 2021
3. BHI Landon Hotel 2021 Sale Reno Backup Docs May 6 2021



200 S. Biscayne Boulevard  
Suite 300, Miami, FL 33131

[www.brzoninglaw.com](http://www.brzoninglaw.com)

305.377.6238 office

305.377.6222 fax

[mmarrero@brzoninglaw.com](mailto:mmarrero@brzoninglaw.com)

April 23, 2021

**VIA HAND DELIVERY**

[mlasday@bayharborislands-fl.gov](mailto:mlasday@bayharborislands-fl.gov)

Maria Lasday, Town Manager  
Town of Bay Harbor Islands  
9665 Bay Harbor Terrace, 2nd Floor  
Bay Harbor Islands, FL 33154

Re: Mutual Easements for Driveway, Sidewalk and Parking 9650-9660  
East Bay Harbor Drive, Bay Harbor Islands, Florida 33154

Dear Ms. Lasday:

This law firm represents The Finvarb Group ("Finvarb"), with regard to its proposed acquisition of the Landon Hotel and Palm restaurant property located at 9650-9660 East Bay Harbor Drive (the "Property"). As you are aware, Finvarb has a record of developing award-winning hotel and restaurant projects throughout South Florida and beyond. This project will be no exception and they are anxious to enhance this Property and the surrounding area. The project will specifically include improvements not only on the aesthetics and operation of the hotel, but also upon the food and beverage components to be more in line with the Town's neighborhood vision. Please consider this letter Finvarb's request for the Town Council to review the proposed concept plan (the "Plan") for the Property (See attached Exhibit A), specifically as it relates to certain parking easements within the perimeter of the Property.

In order to implement the Plan, Finvarb seeks to modify the drop-off and pick-up area associated with the Property in order to accommodate the upgraded hotel, restaurant and new lobby bar/café with an outdoor courtyard and seating area. This new drop-off and pick-up area will be similar to Kane Concourse and furthers the Town's mission to activate outdoor areas and dining. In order for this to occur, the Town will need to grant to the Property a perpetual right to use the right-of-way shaded in **AGUA** to accommodate such drop-off and pick-up area. If the Property is demolished and redeveloped, such use of the right-of-way will be cancelled. In exchange for this easement for the drop-off area, Finvarb would propose to grant the Town the necessary easement(s) so that the Town may use (a) part of the Property shaded in **YELLOW** for a sidewalk,

and (b) the parking located on the west side shaded in PURPLE of the Property so long as the Property will not be subject to additional parking requirements. Finvarb's proposal would be for the aforementioned easements to be mutual perpetual easements.

Additionally, traffic engineer Joaquin Vargas of Traf Tech Engineering, has reviewed the proposed drop-off and pick-up area and has advised that the Plan will work well. His analysis is attached for your review.

I appreciate your prompt response to the foregoing request, and placement of this item on the next available Town Council agenda. Please call me with any questions or clarifications you may have regarding this matter.

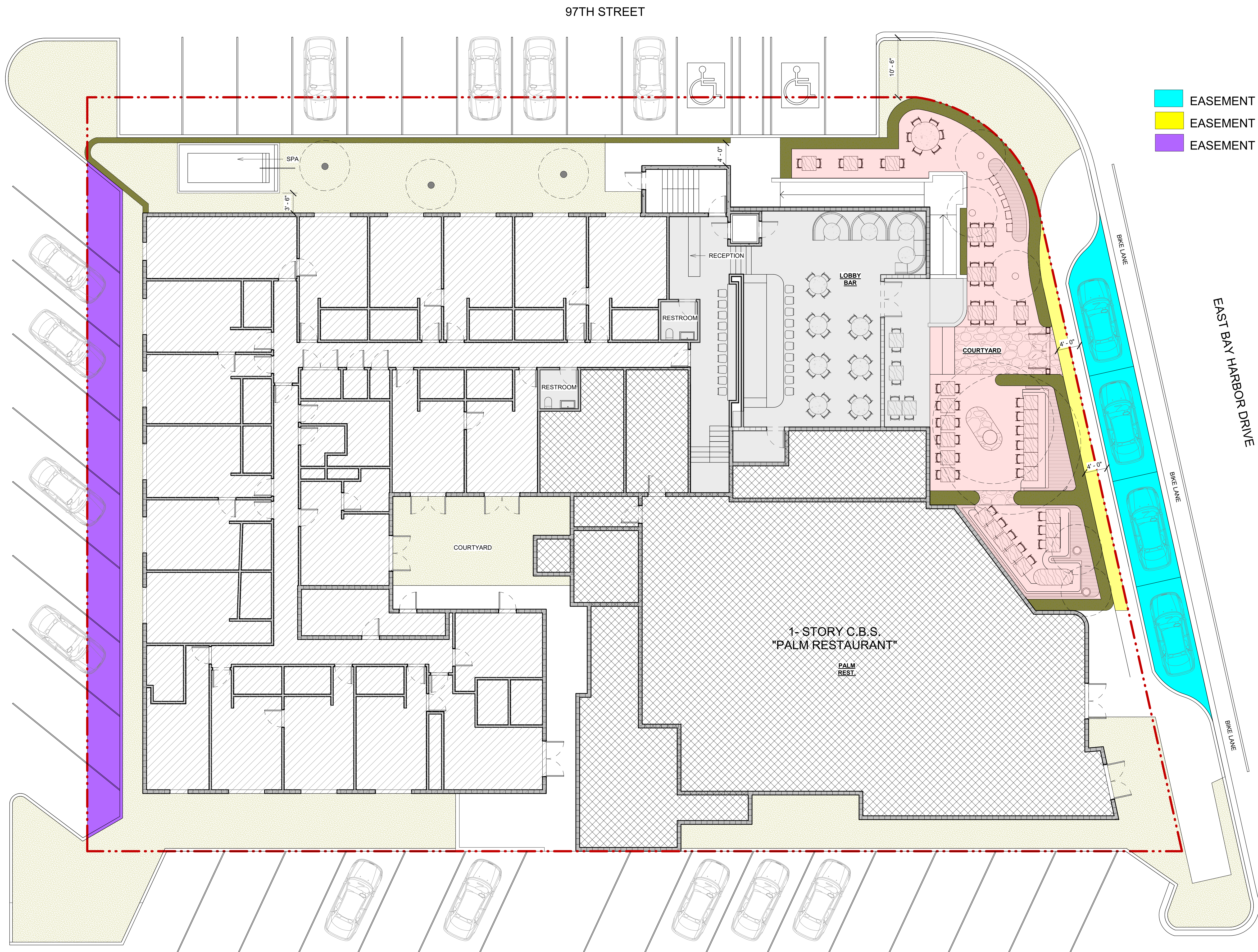
Sincerely,



Michael J. Marrero

cc: Richard Finvarb [via email | [richard@finvarb.com](mailto:richard@finvarb.com)]  
Ronald Finvarb [via email | [ronald@finvarb.com](mailto:ronald@finvarb.com)]  
Andrew S. Cohen [via email | [acohen@hfgtx.com](mailto:acohen@hfgtx.com)]  
Matthew Amster [via email | [mamster@brzoninglaw.com](mailto:mamster@brzoninglaw.com)]



[illegible]

1 SITE PLAN.  
1/8" = 1'-0"



April 21, 2021

Mr. Ronald J. Finvarb  
Principal – Finvarb Group  
1065 Kane Concourse, Suite 200  
Bay Harbor Islands, Florida 33154

**Re: Bay Harbor Hotel – On Street Parking for Drop off Memorandum**

Dear Mr. Finvarb:

Per your request, Traf Tech Engineering, Inc. evaluated the proposed elimination of the two existing driveways located on the west side of East Bay Harbor Drive just south of 97<sup>th</sup> Street to create on-street parking for drop-off purposes. Attached is a site plan depicting the proposed on-street parking spaces associated with the Bay Harbor Hotel development. Our review focused on safety and stacking.

The proposed on-street parking for drop-off purposes meets separation distances from both 97<sup>th</sup> Street and from the exit driveway located to the south. According to Miami-Dade County's Traffic Operations Manual, the distance from 97<sup>th</sup> Street shall be a minimum of 20 feet (measured from the centerline) for a 30 miles per hour speed limit roadway and over 50 feet is provided. Similarly, the distance from the exit driveway to the south shall be a minimum of 35 feet and over 65 feet is provided. Therefore, the proposed on-street parking for drop-off purposes meets safety standards.

Finally, Traf Tech Engineering, Inc. is of the opinion that four on-street parking spaces for drop-off purposes is adequate for the Bay Harbor Hotel development.

Please give me a call if you have any questions.

Sincerely,

**TRAF TECH ENGINEERING, INC.**

Joaquin E. Vargas, P.E.  
Senior Transportation Engineer

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

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**To:** Mayor and Town Councilmembers  
Town of Bay Harbor Islands

**CC:** Maria Lasday, Esq. – Town Manager  
Alba Chang, CMC – Town Clerk  
Joseph S. Geller, Esq. – Town Attorney

**From:** Michael J. Miller, AICP   
Consultant Town Planner

**Date:** May 6<sup>th</sup>, 2021

**Subject:** Landon Hotel  
9650-9660 East Bay harbor Drive  
Potential Sale of Property / Redevelopment Concept / Related Issues  
MMPA Acct. No. 01-0702-0500

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**ISSUE**

The Landon Hotel (formerly Daddy "O" Hotel) and Palm Restaurant structures located at 9650-9660 East Bay Harbor Drive was originally built in 1946 according to the Miami-Dade Property Appraiser website. Several minor building additions / renovations have occurred over the years. In 2008 the Town approved the last major renovations to the hotel structure with the work completed in 2009. Due to the age of the structure some existing design features do not comply with current day Code criteria; therefore, the site is considered legal nonconforming as to those inconsistencies. The hotel has had several owners / operators over the years – the current owner is BHI Hotel, LLC based in Maryland. Since the beginning of the COVID-19 pandemic in March 2020 the hospitality industry has been particularly severely hurt. In addition, there are now three (3) hotels located within the Town (Grand Beach Hotel / ALTAIR (formerly TRYP) each with 96 rooms. The current owners of the Landon Hotel are attempting to sell the complex to a local interest (Finvarb). A due diligence period is now ongoing prior to closing. Numerous conversations between the current owners, prospective owners, and the Town's staff have occurred. The current Landon Hotel was approved with 26 hotel suites and up to 46 rooms (lock-out rooms). A shared looped driveway / drop-off area exists on the east side to the site fronting East Bay Harbor Drive. There are only 12 parking spaces confirmed for the hotel / restaurant use at this time. A valet service / customers utilize nearby parking in either Town or private parking lots. The prospective new owner is desirous of renovating the site by modifying the hotel lobby into a food / bar area and removing the driveway / drop-off area and adding outdoor seating. This will have impacts on site access and parking.

---

**Town of Bay Harbor Islands**

**Landon Hotel**

**9650-9660 East Bay Harbor Drive**

**Potential Sale of Property / Redevelopment Concept / Related Issues**

**May 6<sup>th</sup>, 2021**

**Page 2**

The Town has determined and recently issued a Zoning Confirmation Letter stating the development site is grandfathered and vested for 26 hotel suites / 46 max. hotel rooms (max. 35 rooms allowed by current Code without TDR allocation), as well as the limited number of parking spaces. For 26 hotel suites at least 23 parking spaces are required. For the maximum 46 hotel rooms at least 33 parking spaces are required. The Town Code exempts all ground floor restaurants / bars from providing any parking spaces. This is not to say there will not be a need for parking spaces for customers, just that the Code does not require them.

During the due diligence period and a review of the conceptual Site Development Plan modifications (will require PZB approval) several issues arose that need to be brought to the attention of the Town Council for knowledge / consent / action. This is notwithstanding the overall access / off-street parking issues in Block 11 which affect this site to a degree as well.

- 1) On the west side of the site is the Town Hall / Public Works complex. A municipal surface parking lot exist between the Land Hotel and Public Works building. It has been discovered via a review of surveys / title documents that the eastern 5-feet of the municipal parking lot is built partially on the Landon Hotel site. The Town obtained a 5-foot wide easement for this encroachment in 1966 from the then hotel owner. For some reason the easement expired after 20 years in July 1986. It appears both parties failed to realize this arrangement expired and extend / modify the easement or make alternative arrangements (see purple easement on map exhibit). This detail needs to be addressed and resolved. FYI - There is a 5-foot wide landscape strip on the hotel site between the hotel structure and nearest parking space.
- 2) As was mentioned above the new owners are desirous of removing the existing driveways / drop-off area at the hotel / restaurant entrances and converting the area into outdoor seating for a food / bar that includes a renovation the hotel lobby as well. The prospective owners want to reconstruct a portion of E. Bay Harbor Drive and add four (4) parallel parking spaces adjoining the site for drop-off / valet parking serves. It is noted there is about enough room on the site now for 4+/- vehicles to queue. During peak operations there is now some traffic congestion in this area. A private Traffic Engineer has looked conceptually at this new arrangement and issued a letter finding the revised design will operate safely. Because the site design will change, and modifications will occur within the public right-of-way, staff felt it was important to obtain Town Council input. There is not currently a section of sidewalk on the subject site continuous from Kane Concourse to 97<sup>th</sup> Street (stops at so-called alley). It is noted a striped pavement area exists for pedestrian / bicycle traffic on E. Bay Harbor Drive adjoining this site. E. Bay Harbor Drive is a 60-foot wide public right-of-way corridor and the vehicular travel lanes expand for separate through / turning lanes from the "alley" south to Kane Concourse. The redevelopment plan includes the aforementioned new parallel parking spaces within the Town's roadway and a new adjoining sidewalk so vehicle occupants (passengers) can exit safely to the site (not exit into traffic). The prospective new owner would be willing to grant an easement to the Town for that portion of a new public sidewalk encroaching onto their site (yellow area on map exhibit). Finally, the new owner wants an exclusive right to the four (4) new parallel parking spaces that would be built on E. Bay Harbor Drive (easement / license to be determined). Any such arrangement would be tied to the current development. If the site is eventually redeveloped (expected in the future) the "agreement" would terminate or have to be revised based on the new development.

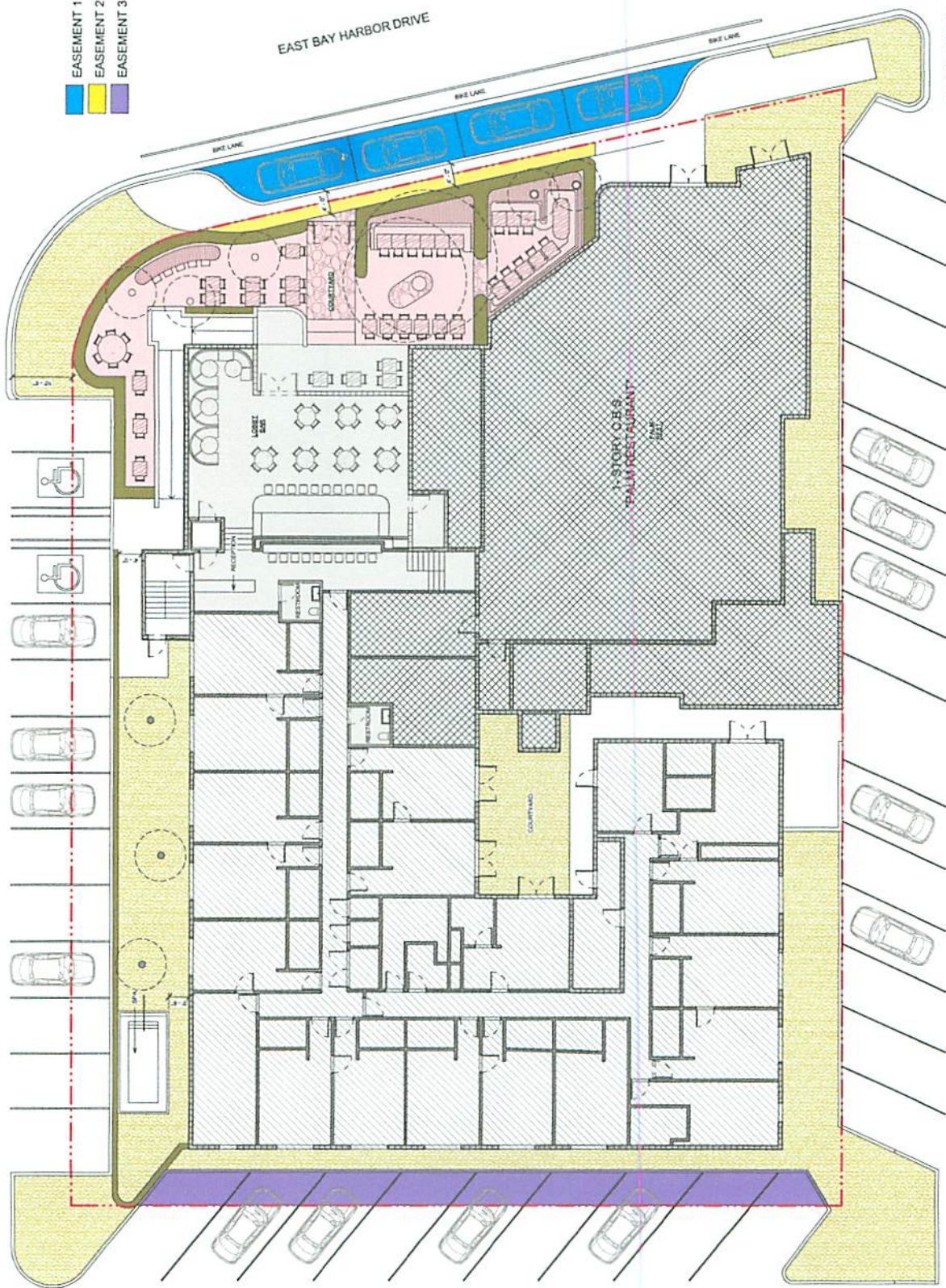


## **SUMMARY**

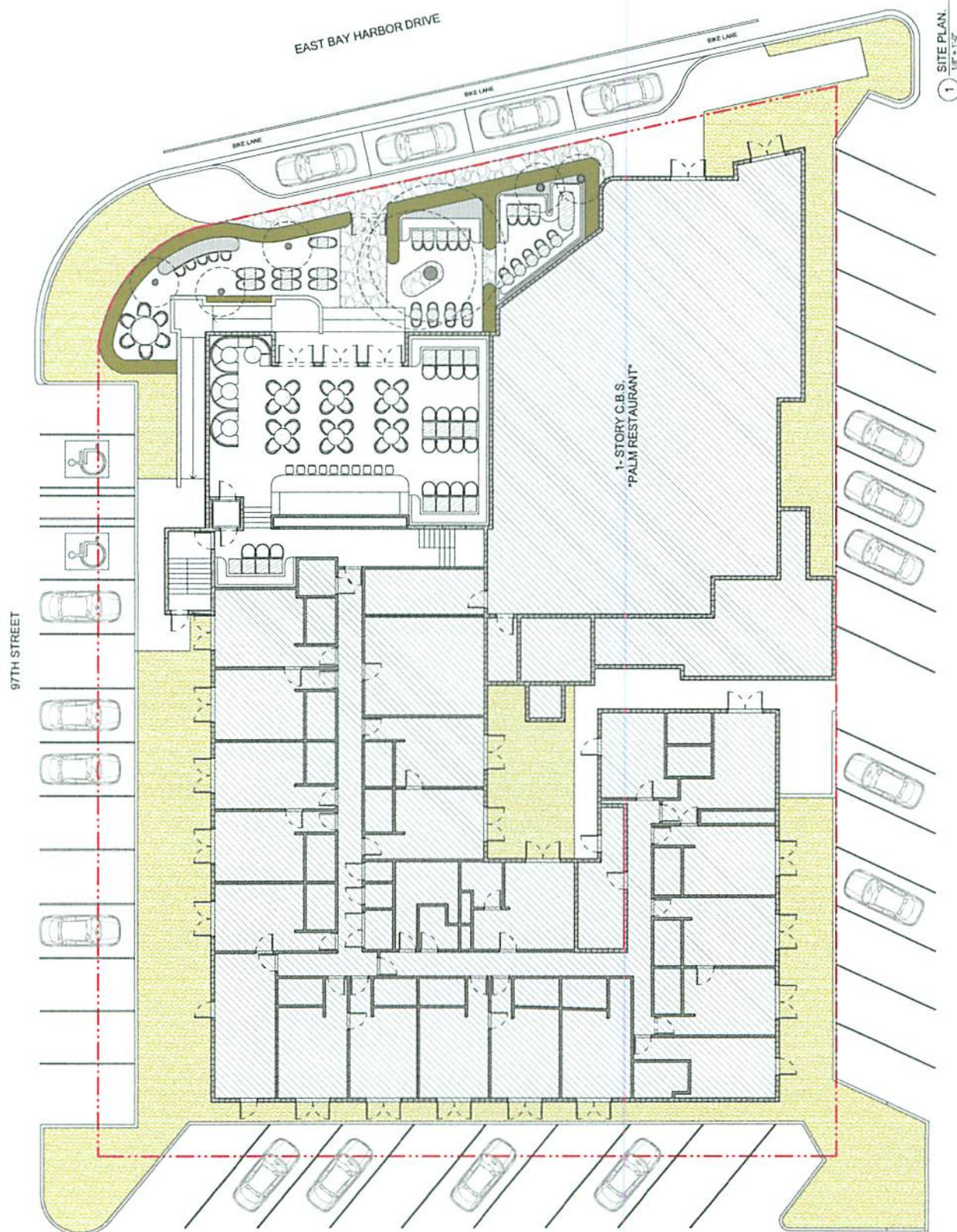
The Landon Hotel (formerly Daddy "O" Hotel) and Palm Restaurant structures located at 9650-9660 East Bay Harbor Drive are in the process of being examined for acquisition and possible renovations. In 2008 the Town approved the last major renovations to the hotel structure with the work completed in 2009. Due to the age of the structure some existing design features do not comply with current day Code criteria; therefore, the site is considered legal nonconforming as to those inconsistencies. Since the beginning of the COVID-19 pandemic in March 2020 the hospitality industry has been particularly severely hurt. In addition, there are now three (3) hotels located within the Town causing competition. The current owners of the Landon Hotel are attempting to sell the complex to a local interest (Finvarb). A due diligence period is now ongoing prior to closing. Numerous conversations between the current owners, prospective owners, and the Town's staff have occurred. The current Landon Hotel was approved with 26 hotel suites and up to 46 rooms (lock-out rooms). A shared looped driveway / drop-off area exists on the east side to the site fronting E. Bay Harbor Drive. There are a very limited number of parking spaces confirmed exclusively for the hotel / restaurant use at this time. A valet service / customers utilize nearby parking in either Town or private parking lots. The prospective new owner is desirous of renovating the site by modifying the hotel lobby into a food / bar area and removing the driveway / drop-off area and adding outdoor seating. This will have impacts on site access and parking. A conceptual plan was submitted for discussion purposes. It has been discovered that a 1966 Town parking easement on the west side of the hotel site expired in 1986 even though portions of the Town's municipal parking lot encroach onto the hotel site. Finally, by removing the existing E. Bay Harbor Drive driveways and on-site hotel / restaurant drop-off area and constructing four (4) new on-street parallel parking spaces adjoining the site for drop-off / valet parking would necessitate cooperation between the Town and owner.

It was felt a discussion should occur between the Town Council and prospective new owners about the renovations concepts which would involve various types of agreements necessary to accomplish this arrangement. Attached are a number backup documents to explain the plan.

97TH STREET







1 SITE PLAN.  
1/8" = 1'-0"





April 21, 2021

Mr. Ronald J. Finvarb  
Principal – Finvarb Group  
1065 Kane Concourse, Suite 200  
Bay Harbor Islands, Florida 33154

**Re: Bay Harbor Hotel – On Street Parking for Drop off Memorandum**

Dear Mr. Finvarb:

Per your request, Traf Tech Engineering, Inc. evaluated the proposed elimination of the two existing driveways located on the west side of East Bay Harbor Drive just south of 97<sup>th</sup> Street to create on-street parking for drop-off purposes. Attached is a site plan depicting the proposed on-street parking spaces associated with the Bay Harbor Hotel development. Our review focused on safety and stacking.

The proposed on-street parking for drop-off purposes meets separation distances from both 97<sup>th</sup> Street and from the exit driveway located to the south. According to Miami-Dade County's Traffic Operations Manual, the distance from 97<sup>th</sup> Street shall be a minimum of 20 feet (measured from the centerline) for a 30 miles per hour speed limit roadway and over 50 feet is provided. Similarly, the distance from the exit driveway to the south shall be a minimum of 35 feet and over 65 feet is provided. Therefore, the proposed on-street parking for drop-off purposes meets safety standards.

Finally, Traf Tech Engineering, Inc. is of the opinion that four on-street parking spaces for drop-off purposes is adequate for the Bay Harbor Hotel development.

Please give me a call if you have any questions.

Sincerely,

**TRAF TECH ENGINEERING, INC.**

  
Joaquin E. Vargas, P.E.  
Senior Transportation Engineer



BAY HARBOR TER

Parking easement between Town and Landon Hotel expired in 1986. The lease needs to be renewed to keep the Town's parking in a 5 - foot parking area. (5 feet in the westerly area of hotel property lot [Lot 2])

Exclusive parking at Landon; pursuant to town lease; 12 parking spaces.

9665 Bay Harbor Terrace (Town Property) – property line in yellow

Landon Hotel  
9650 E BH- for sale (current issue re parking)

Platted alley owned by Town. Used for parking spaces and utilities.

1067 KC-Wittels  
(Issue: Renewal of lease requested. If the current lease between the Town and owner is not renewed, access may be eliminated). Owner is also requesting to be allowed to install "Pay Parking" on their property if the lease is not renewed.

1065  
KC  
Finvarb

1045 KC-Sherman  
(Issue: Smart Park-Owner would like to install "Pay Parking" at their property.)

1025 KC-Cohen (Issue: A building expansion is being considered by owner; If approved, owner would like to grant an easement to the Town under certain conditions.)

1019 KC - Bussel

# BAY HARBOR INN/TOWNSIDE RENOVATIONS (FORMERLY BAY HARBOR INN)

9650/9660 EAST BAYHARBOR DRIVE  
BAY HARBOR ISLAND, FLORIDA 33154



## INDEX OF DRAWINGS

|       |                                             |
|-------|---------------------------------------------|
|       | COVER SHEET                                 |
|       | SURVEY                                      |
| A-0.1 | CONTEXT PHOTOS & ELEVATIONS                 |
| A-0.2 | CONTEXT PHOTOS & ELEVATIONS                 |
| A-0.3 | CONTEXT PHOTOS & ELEVATIONS                 |
| A-0.4 | CONTEXT SITE PLAN / ADJACENT LAND - USES    |
| A-0.5 | CONTEXT PHOTOS & ELEVATION - SOUTH          |
| A-0.6 | CONTEXT PHOTOS & ELEVATIONS - NORTH         |
| A-1   | EXISTING SITE / FLOOR PLAN - LEVEL 1        |
| A-2   | EXISTING FLOOR PLAN - LEVEL 2               |
| A-3   | PROPOSED EAST & NORTH ELEVATIONS            |
| A-3.1 | PROPOSED LANDSCAPED EAST & NORTH ELEVATIONS |
| A-4   | PROPOSED SOUTH & WEST ELEVATIONS            |
| A-4.1 | PROPOSED LANDSCAPED SOUTH & WEST ELEVATIONS |

## LEGAL DESCRIPTION WEST SIDE HOTEL:

LOT 1 AND 2, BLOCK 11, BAY HARBOR ISLAND, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 46, PAGE 5, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION DEEDED TO THE TOWN OF BAY HARBOR ISLAND, AS RECORDED IN OFFICIAL RECORDS BOOK 10897, PAGE 196. CONTAINS 21,956 SQ. FT. OR 0.504 ACRES, MORE OR LESS.



## ZONING DATA FOR WEST SITE:

|                       |                              |
|-----------------------|------------------------------|
| LAND USE DESIGNATION: | MH - MED. HIGH DENSITY       |
| ZONING DISTRICT:      | B-1                          |
| FOOTAGE:              | EXISTING: 23,458 SQ. FT.     |
| TOTAL SITE AREA:      | 21,956 SQ. FT. = 0.504 ACRES |

BASE FLOOD ELEVATION [B.F.E.] = +8.0' N.G.V.D.  
EXISTING FINISHED FLOOR ELEVATION = +8.0' N.G.V.D.

AVERAGE ELEVATION @ CROWN OF ROAD [EAST BAY HARBOR DRIVE] = +4.95' N.G.V.D.  
AVERAGE ELEVATION @ CROWN OF ROAD [97TH STREET] = +/- 5' N.G.V.D.

| BUILDING SETBACKS / WEST SIDE HOTEL: | EXISTING |
|--------------------------------------|----------|
| FRONT: (EAST BAY HARBOR DR)          | 7.07'    |
| SIDE STREET: (NORTH / 97TH ST)       | 11.97'   |
| SIDE: (SOUTH / ALLEY)                | 0.31'    |
| REAR: (WEST)                         | 9.8'     |

|                                           |                      |
|-------------------------------------------|----------------------|
| EXISTING LANDSCAPED AREA (PERVIOUS AREA): | 4,563 S.F. (20.78%)  |
| EXISTING IMPERVIOUS AREA:                 | 17,393 S.F. (79.22%) |

## EXISTING PARKING / CALCULATIONS:

|                                  | REQUIRED | PROVIDED |
|----------------------------------|----------|----------|
| PARKING FOR HOTEL SUITES:        | 20       |          |
| ON-SITE / R.O.W. PARKING:        |          | 22       |
| PALM RESTAURANT (NIGHT-TIME USE) | 0        | VALET    |

## FRANKEL BENAYOUN ARCHITECTS INC.

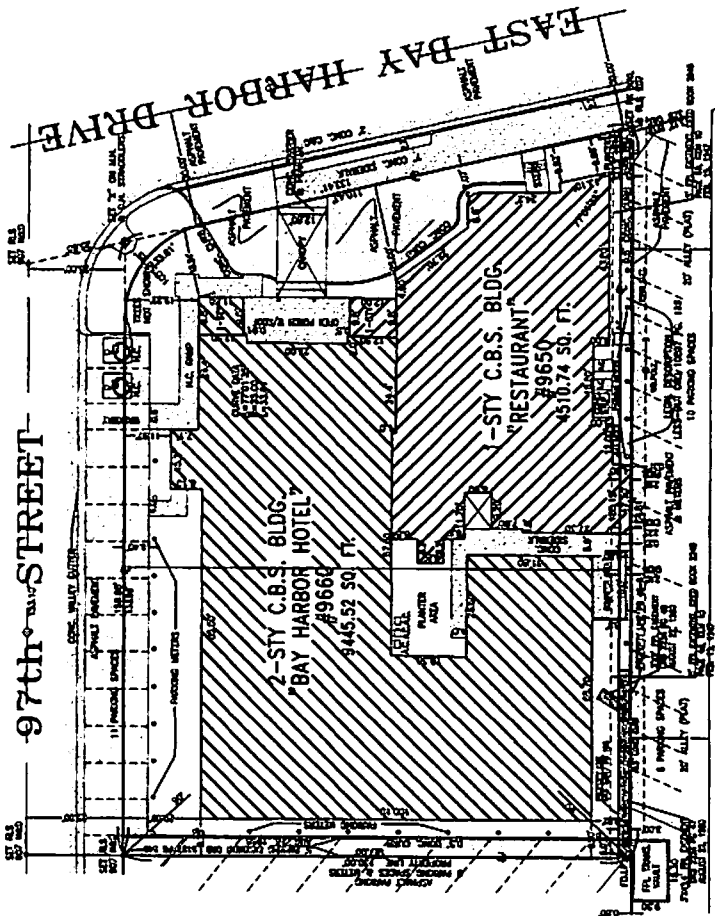
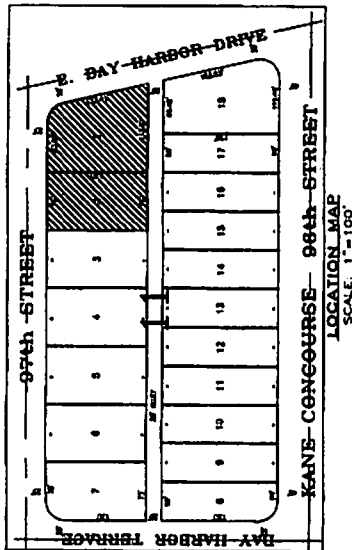
ARCHITECTS PLANNERS INTERIORS DESIGN  
LICENSE NO. AA-0001484  
1777 KANE CONCOURSE, SUITE 120  
BAY HARBOR ISLAND, FLORIDA 33154  
PH: (305) 888-3848  
FAX: (305) 888-3850  
E-MAIL: INFO@FRANKELBENAYOUN.COM

PAZ SUBMISSION  
FEBRUARY 12, 2008

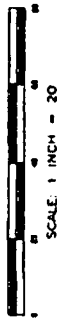
FEB 19 2008  
LAND PLANNING & ZONING BOARD

# SKETCH OF BOUNDARY AND TOPOGRAPHY SURVEY

A. R. TOUSSAINT & ASSOCIATES, INC.  
LAND SURVEYORS  
FLORIDA CERTIFICATE OF  
AUTHORIZATION NO. 18-773  
630 N.E. 12<sup>TH</sup> ST. NORTH MIAMI, FLORIDA 33161  
TEL. 375-2421 FAX 375-2507  
CROWN NO. 14240 SCALE 1" = 20'



FEDERAL FLOODED DISTRICT DATA  
COMMUNITY NO. 110437 BAY HARBOR ISLAND  
MAP NO. 11043700077  
DATE 11/1/84  
SCALE 1" = 20'  
PREP. MAP DATE: FEB. MARCH 2, 1984  
DATE OF SURVEY: 11/1/84



PREPARED FOR  
SHULMAN, ROGERS, GANDAL ET AL

LEGAL DESCRIPTION:  
LOT 1 AND 2, BLOCK 11, BAY HARBOR ISLAND, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 44, PAGE 5, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION DEED TO THE TOWN OF BAY HARBOR, MIAMI, FLORIDA, BY DEED NO. 110437, RECORDED IN PLAT BOOK 44, PAGE 140, CONTAINS 21,688 SQ. FT. OR CLERK ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATION:  
I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT AND THAT I AM A LICENSED LAND SURVEYOR IN THE STATE OF FLORIDA. THIS SURVEY COMPLIES WITH THE MODERN TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA, UNDER CHAPTER 81017-8, FLORIDA ADMINISTRATIVE CODE, CHAPTER 110, FLORIDA STATUTES. THIS SURVEY IS REFERRED TO AS A SURVEY OF THE STANDARDS, TABLE 1, ITEMS 1-4 AND ITEMS 8-11, NOT VALID WITHOUT THE SIGNATURE AND PRESSED SEAL OF THE REGISTERED LAND SURVEYOR SHOWN HEREON.

- LEGEND:
- ASH - ASPHALT
  - CL - CLAY
  - CON - CONCRETE
  - CH - CHAIN LINK (FENCE)
  - ED - EDGE OF PAVEMENT
  - ENC - ENCLOSURE
  - IP - IRON PIPE
  - HD - HANDICAP PARKING
  - MA - MANHOLE
  - OV - OVERHEAD
  - OW - OIL WELL
  - RS - REGISTERED LAND SURVEYOR
  - SK - SKULL
  - WD - WOOD
  - WT - WATER METER

A. R. TOUSSAINT & ASSOCIATES, INC.

ALBERT E. TOUSSAINT  
REGISTERED LAND SURVEYOR NO. 8438  
REGISTERED DATE OF LICENSE

| DATE                          | BY | SCALE   | 1 OF 1 | NO. |
|-------------------------------|----|---------|--------|-----|
| JUL 14 1987                   | BY | 1:42:40 |        | 83  |
| BAY HARBOR HOTEL & RESTAURANT |    |         |        |     |





NORTH EAST VIEW



VIEW AT EAST BAY HARBOR DR.



VIEW AT 97th STREET



VIEW AT SOUTH EAST SIDE

**BALONGUE**  
INITIALS  
100 HAVENWOOD ROAD, SUITE 100, MIAMI, FL 33134  
TEL: 305.555.1234 / FAX: 305.555.1235  
balongue@bcs.com

**GEOMANTIC**  
DESIGNS, INC.  
ROBERT PAREY ASIA  
ARCHITECTS  
100 HAVENWOOD ROAD, SUITE 100, MIAMI, FL 33134  
TEL: 305.555.1234 / FAX: 305.555.1235  
geomantic@bcs.com

**FRANKEL BENAYOUN**  
ARCHITECTS INC.  
100 HAVENWOOD ROAD, SUITE 100, MIAMI, FL 33134  
TEL: 305.555.1234 / FAX: 305.555.1235  
frankel@bcs.com

**BAY HARBOR INN-TOWNSIDE RENOVATIONS**  
9650 / 9650 E BAY HARBOR DRIVE  
BAY HARBOR BLVD, FLORIDA 3354

**BAY HARBOR YACHT CLUB LLC**

EXISTING BUILDING/CONTEXT  
PHOTOS & ELEVATIONS  
DATE: JANUARY 25, 2018  
PROJECT: A-01  
DRAWN BY: [signature]



NORTH EAST VIEW



VIEW AT WEST SIDE



VIEW AT 97th STREET



VIEW AT NORTH SIDE

**BALONGUE**  
INTERIORS  
3000 ALABAMA AVE. SUITE 100  
HOUSTON, TEXAS 77058  
713.866.8888  
balongueinteriors.com

**GEOMANTIC**  
DESIGNS, INC.  
Landscape Architecture  
10000 FARMLEY AVE. SUITE 100  
HOUSTON, TEXAS 77036  
713.866.8888  
geomanticdesigns.com

**FRANKEL BENAYOUN**  
ARCHITECTS  
10000 FARMLEY AVE. SUITE 100  
HOUSTON, TEXAS 77036  
713.866.8888  
frankelbenayoun.com

**BAY HARBOR INN-TOWNSIDE RENOVATIONS**  
9600 / 9600 E BAY HARBOR DRIVE  
BAY HARBOR BEACH, FLORIDA 33434

**BAY HARBOR YACHT CLUB LLC**

**EXISTO BUILDING/CONTEXT**  
PHOTOS & ELEVATIONS  
DATE: 11/28/2017  
TIME: 11:28:11  
A-02





VIEW AT SOUTH EAST SIDE



VIEW OF PALM RESTAURANT EAST

**BALONGUE**  
INTERNATIONAL  
301 HUNTERSWOOD BLVD. SUITE 100  
THE WOODBRIDGE / FOX HILLS GOLF  
COMMUNITY CENTER

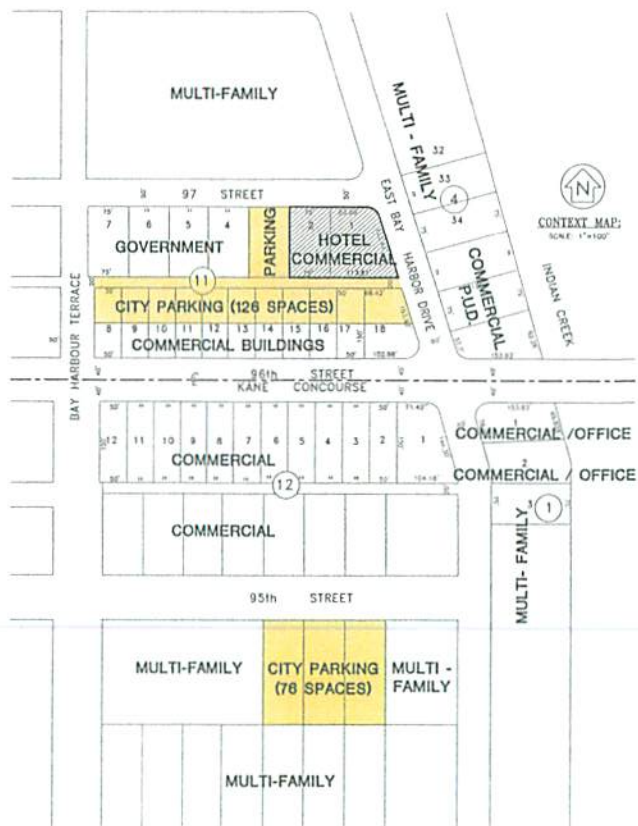
**GEOMANTIC**  
ENGINEERS, INC.  
10000 W. 11TH AVENUE  
SUITE 1000  
DENVER, CO 80202  
303.755.1100  
WWW.GEOMANTIC.COM

**FRANKEL BENAYOUN**  
ARCHITECTS INC.  
10000 W. 11TH AVENUE  
SUITE 1000  
DENVER, CO 80202  
303.755.1100  
WWW.FRANKELBENAYOUN.COM

**BAY HARBOR INN-TOWNSIDE RENOVATIONS**  
8650 / 8650 E BAY HARBOR DRIVE  
BAY HARBOR BLANCK, FLORIDA 3354

**BAY HARBOR YACHT CLUB LLC**

EXISTING BUILDING/CONTEXT  
PHOTOS & ELEVATIONS  
DATE: JANUARY 25, 2023  
A-03  
SHEET 1 OF 1



**BALONGUE**  
INTERIORS

101 WATERFORD ROAD, MIAMI, FL 33156  
TEL: 781.222.1111 / FAX: 781.222.1111  
balongue@balongue.com

**GEOMANTIC**  
DESIGNS, INC.

10000 SW 15th AVE, SUITE 100  
MIAMI, FL 33156  
TEL: 781.222.1111 / FAX: 781.222.1111  
geomantic@geomantic.com

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ARCHITECTS INC.

10000 SW 15th AVE, SUITE 100  
MIAMI, FL 33156  
TEL: 781.222.1111 / FAX: 781.222.1111  
frankelbenayoun@frankelbenayoun.com

# **BAY HARBOR INN-TOWNSIDE RENOVATIONS**

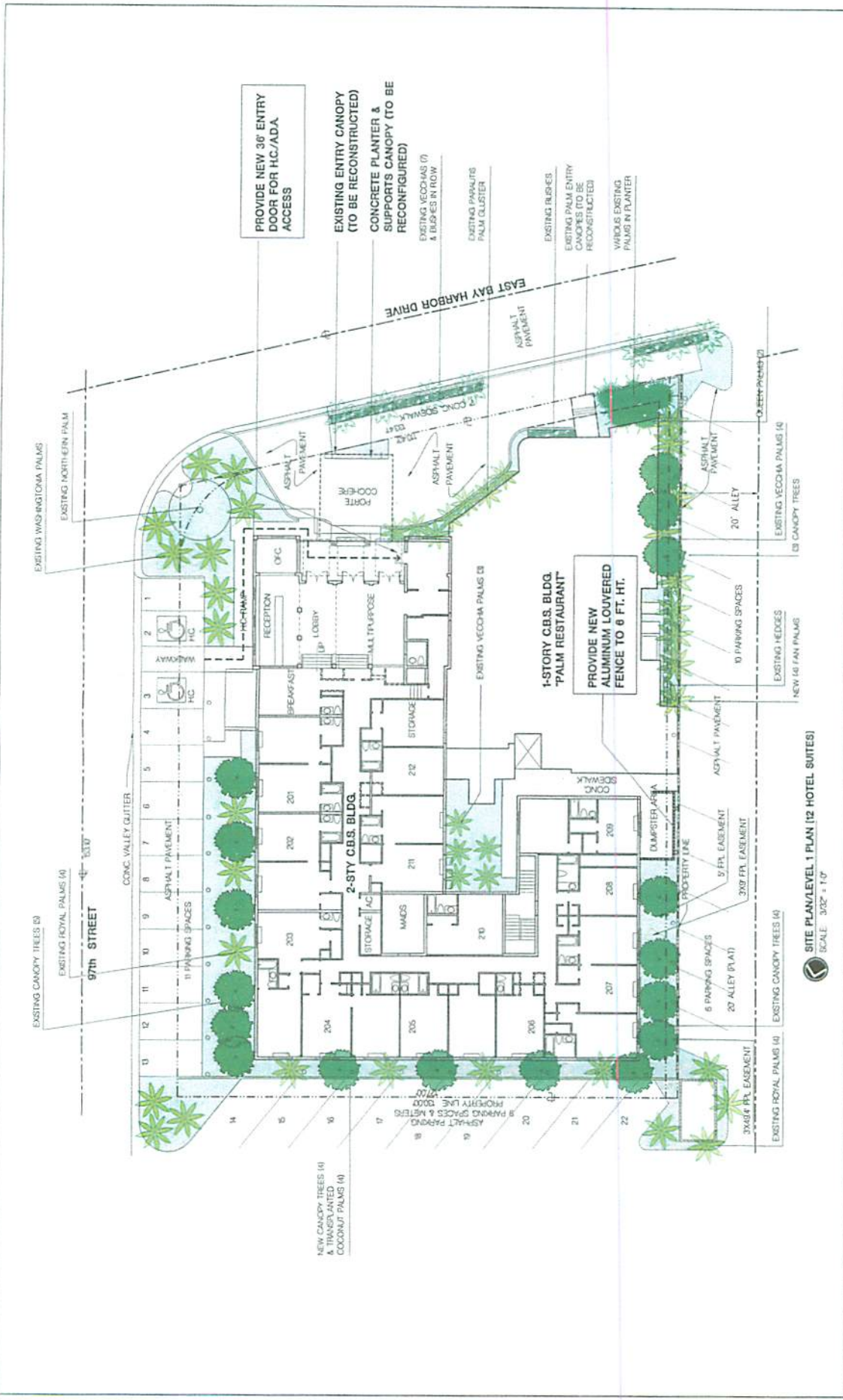
9650 / 9660 E BAY HARBOR DRIVE  
BAY HARBOR ISLAND, FLORIDA 33154

BAY HARBOR YACHT CLUB LLC

**CONTEXT SITE**  
ADJACENT LAND - USES

Scale: 1"=100'  
Date: 05/25/2018  
A-04





**BALOGUE**  
INTERIORS

100 WASHINGTON AVENUE, SUITE 100  
MIAMI, FL 33139  
TEL: 305.358.1111 / FAX: 305.358.1112  
www.balogue.com

**GEONANTIC**  
DESIGNS, INC.

100 WASHINGTON AVENUE, SUITE 100  
MIAMI, FL 33139  
TEL: 305.358.1111 / FAX: 305.358.1112  
www.geonantic.com

**FRANKEL BENAYOUN**  
ARCHITECTS & ENGINEERS, P.A.

100 WASHINGTON AVENUE, SUITE 100  
MIAMI, FL 33139  
TEL: 305.358.1111 / FAX: 305.358.1112  
www.frankelbenayoun.com

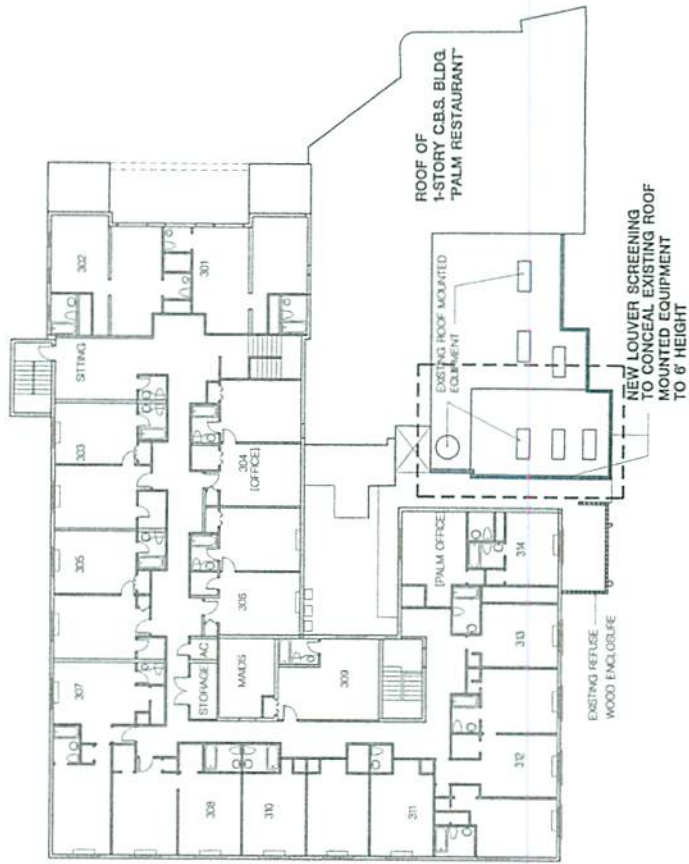
**BAY HARBOR INN-TOWNSIDE RENOVATIONS**

5800 E BAY HARBOR DRIVE  
BAY HARBOR BLVD, FLORIDA 33454

**BAY HARBOR YACHT CLUB LLC**

**SITE PLAN**

3/22/12  
A-1



EXISTING LEVEL 2  
SCALE 3/32" = 1'-0"

|                                                                                                                                                     |                                                                                                                                                   |                                                                                                                                                                         |                                                                                                     |                           |  |  |  |                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|---------------------------|--|--|--|------------------------------------------------|
| <b>BALONGUE</b><br>ARCHITECTS<br>1000 W. WASHINGTON AVENUE, SUITE 100<br>TAMPA, FL 33606<br>TEL: 813.241.1111 FAX: 813.241.1112<br>www.balongue.com | <b>GEOMANTIC</b><br>DESIGN<br>1000 W. WASHINGTON AVENUE, SUITE 100<br>TAMPA, FL 33606<br>TEL: 813.241.1111 FAX: 813.241.1112<br>www.geomantic.com | <b>FRANKEL BENAYOUN</b><br>ARCHITECTS INC.<br>1000 W. WASHINGTON AVENUE, SUITE 100<br>TAMPA, FL 33606<br>TEL: 813.241.1111 FAX: 813.241.1112<br>www.frankelbenayoun.com | <b>BAY HARBOR INN-TOWNSIDE RENOVATIONS</b><br>9500 E. BAY HARBOR DRIVE<br>BAY HARBOR, FLORIDA 33454 | BAY HARBOR YACHT CLUB LLC |  |  |  | EXISTING LEVEL 2<br>SCALE 3/32" = 1'-0"<br>A-2 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|---------------------------|--|--|--|------------------------------------------------|



|                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                |                                                                                                                                                                       |                                                                                                                                                                   |                   |                   |                   |                   |                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
|  <p><b>BALONGUE</b><br/>INTERIORS</p> <p>300 WATERFORD ROAD, ALABAMA, AL 36813<br/>TEL: 334/860-7744 FAX: 334/860-7838<br/>BALONGUE@AOL.COM</p> | <p><b>GEOMANTIC DESIGNS, INC.</b><br/>LUMINOUS ARCHITECTURE</p> <p>ROBERT PARSLER, AIA, LEED<br/>1000 1/2 S. GULF BLVD., SUITE 200<br/>P.O. BOX 100000<br/>TALLAHASSEE, FL 32302-0000<br/>TEL: 904/222-0000 FAX: 904/222-0001<br/>WWW.GEOMANTICDESIGNS.COM</p> | <p><b>FRANKEL BENAYOUN ARCHITECTS INC.</b><br/>P.O. BOX 100000<br/>TALLAHASSEE, FL 32302-0000<br/>TEL: 904/222-0000 FAX: 904/222-0001<br/>WWW.FRANKELBENAYOUN.COM</p> | <p><b>BAY HARBOR INN-TOWNSIDE RENOVATIONS</b><br/>9600 / 9600 E BAY HARBOR DRIVE<br/>BAY HARBOR ISLAND, FLORIDA 33564</p> <p><b>BAY HARBOR YACHT CLUB LLC</b></p> | <p>10/12/2006</p> | <p>10/12/2006</p> | <p>10/12/2006</p> | <p>10/12/2006</p> | <p>10/12/2006</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|



### PROPOSED NORTH ELEVATION



PROPOSED EAST ELEVATION









PROPOSED SOUTH ELEVATION



PROPOSED WEST ELEVATION

**FRANKEL BENAYOUN  
ARCHITECTS INC.**  
1001 N.W. 10th St., Suite 100  
Fort Lauderdale, FL 33311  
Tel: (954) 561-1234  
Fax: (954) 561-1235  
www.frankelbenayoun.com

**BAY HARBOR YACHT CLUB  
ADDITIONS AND RENOVATIONS**

8000 / 8002 E BAY HARBOR DRIVE  
BAY HARBOR BLVD, FLORIDA 33154

BAY HARBOR YACHT CLUB LLC

**SOUTH & WEST ELEV.  
(WEST BUILDING)**  
DATE: 12/12/2018  
BY: JCB  
A-4.1  
DWG NUMBER



March 26, 2021

Richard Finvarb  
Finvarb Group  
1065 Kane Concourse, Ste 200  
Bay Harbor Islands, Florida 33154

**Town Council**

Stephanie Bruder  
Mayor

Joshua D. Fuller  
Vice Mayor

Jordan W. Leonard  
Council Member

Kelly Reid  
Council Member

Isaac Salver  
Council Member

Elizabeth Tricoche  
Council Member

Robert Yaffe  
Council Member

**Town Officials**

Maria D. Lasday  
Town Manager

Marlene Marante Siegel  
Town Clerk

Frank C. Simone  
Town Attorney

**RE: Comprehensive Plan / Zoning District Confirmation Letter Landon Hotel**  
**9660 East Bay Harbor Drive**  
**Bay Harbor Islands, Florida 33154**  
**Legal Description - Lots 1 & 2 of Block 11**  
**Bay Harbor Islands Subdivision / PB 46, PG 5**

Dear Mr. Finvarb:

The Town of Bay Harbor Islands ("Town") is in receipt of your email request dated March 9th, 2021 requesting a letter from the Town confirming the Town's Comprehensive Plan Future Land Use Map (FLUM) designation, Zoning District classification and other development-related information on the above-mentioned properties.

The Town's adopted Comprehensive Plan Future Land Use Map (FLUM) designates the subject property as "C" Commercial. The subject property is zoned B-1 Business District which permits a variety of business & commercial type uses including, but not limited to, retail shops, offices, professional services, restaurants, etc., as well as hotels and mixed-use developments. Sec. 23-5 of the Town's Code of Ordinances lists the permissible uses in the district. Sec. 23-11(C) sets forth the basic minimum development criteria for the district such as setbacks, height, etc.

Please be advised that the Town's initial review has determined that while a hotel is a permitted use at this location per Sec. 23-5, some of the existing design features of the building and site are considered legal non-conforming as further described hereinafter.

As related to hotel uses, the maximum allowable base density is 70 hotel rooms per acre. The maximum allowable overall density (base density / TDR) is not currently limited and could exceed 70 rooms per acre. Based on the current plot size (.504 acres) a maximum of 35 hotel rooms could be built under the base density. TDR units used for additional hotel rooms are not guaranteed to be approved by the Town. For 46 individual hotel rooms 5 TDR units (reqd. for 11 additional hotel rooms) are required. The Town has adopted a conversion factor for DU vs. hotel rooms (.486 hotel rooms per DU). Per Sec. 23-9(5) individual hotel rooms must average at least 340 sq. ft. but may not be less than 300 sq. ft., inclusive of closet area and bathroom area, within the inside limiting walls of a hotel room. The Town is aware that six of the existing 26 hotel suites are less than the required 300 sq. ft. in size (no connecting lock-out room), as are most of the existing 20 so-called individual lock-out hotel rooms. All of the other hotel suites exceed the minimum 340 sq. ft. requirement (av. 496 sq. ft.). Due

MAYOR JOSEPH J. GARDNER GOVERNMENT CENTER



to the age of this complex, lack of Town documentation, changes to Town land development regulations after the site was built, and development approval history, the Town has determined the existing number of hotel suites / rooms and hotel room sizes provided (the existing 26 suites not to exceed 46 rooms) are "grandfathered". Thus, the present 26 hotel suites are presently authorized. We have confirmed that the Town's Planning and Zoning Board approved a renovation plan for the subject site on February 19th, 2008 that included 26 hotel suites, most with connecting rooms (up to 46 individual hotel rooms). One of the primary goals of the 2008 renovation for the Town was to address some of the old site deficiencies (# of rooms / size of rooms).

The maximum allowable base building height in B-1 district is 65 feet above BFE; however, up to 75 feet above BFE may be permitted under the Town's public benefit program. The existing building height (2-stories / 25+/- feet) is less than the allowed height.

As to required parking spaces, due to the age of the complex and its development history, very few designated parking spaces exist on the site at present (13 total spaces incl. 2 ADA spaces along 97th Street mostly built in Town roadway swale). The Town's current Zoning Code would require at least 23 parking spaces for 26 hotel suites / 33 parking spaces for 46 individual hotel rooms – all located on the site or with formal off-site arrangements. To accommodate the parking needs of this hotel and attached restaurant (Palm), there have historically been various parking arrangements made with the Town / other property owners (agreements / easements / valet); therefore, the Town has determined the existing number of available parking spaces and arrangements (although unstructured) has been adequate to date and is "grandfathered". It is recommended that more formal long-term parking arrangements be secured for the future use of this site, as many of the earlier off-site parking arrangements / opportunities have changed over the years (expired easements and/or agreements / expired private land access / parking licenses).

Finally, the hotel and restaurant have an existing on-site drop off area that needs to be kept, unless an acceptable alternative design is approved by the Town that will not affect road traffic.

Notwithstanding the above, please be advised that there are presently certain issues being raised by property owners in Block 11, that may affect the hotel's existing "grandfathered" parking spaces and available number of Town / private parking spaces utilized by this property and others which may, in turn, require this property owner to obtain additional parking spaces from private parties, the Town (if available), and/or payment into the Town's Parking Trust ("Parking Trust Issues").

There are number of other land development regulations throughout the Town's Code that could affect the physical design, minimum parking space requirements, signage, etc. Any future expansion or modifications to the subject site may affect the above grandfathering status.

The land to the east / north are zoned for residential development. The lands to the south / west of the property are zoned for business development. The site adjoining the hotel site to its west is developed with a municipal parking lot that is part of the Town Hall complex. The hotel granted a 5' wide easement to the Town in 1966 (expired in 1986 – needs to be extended) to build several parking spaces. The hotel / restaurant utilize the Town parking lot spaces for valet. And, as set forth above, the "Parking Space Issues" may decrease the availability of the required parking spaces, including the "grandfathered" parking spaces.

Improvements existing at this time either conform to the current B-1 Zoning District regulations, are considered legal non-conforming if they do not comply with current Land Development Regulations but a valid building permit was issued or may be illegal if no Town approval / permit was granted. While we are not aware of any non-conforming improvements there could be improvements existing that were done without a valid building permit and either conform or do not conform with Town Codes / Florida Building Code; in which case, they may or may not be legal non-conforming. Please refer to Sections 23-8 of the Town's Code pertaining to non-conforming uses and properties. If any future building / site modifications of the land occurs, this may require the property to be upgraded to meet current day requirements such as building setbacks, parking requirements, landscaping, etc.

If you have any further questions, please feel free to contact my office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eliezer", with a stylized flourish at the end.

Eliezer Palacio  
Chief Building Official & Director

April 21, 2021

**Via Email | *mlasday@bayharborislands-fl.gov***

Maria Lasday, Town Manager  
Town of Bay Harbor Islands  
9665 Bay Harbor Terrace, 2nd Floor  
Bay Harbor Islands, FL 33154

Re: Mutual Easements for Driveway and Parking  
9650-9660 East Bay Harbor Drive  
Bay Harbor Islands, Florida 33154

Dear Ms. Lasday:

This law firm represents The Finvarb Group ("Finvarb"), with regard to its proposed acquisition of the Landon Hotel and Palm restaurant property located at 9650-9660 East Bay Harbor Drive (the "Property"). As you are aware, Finvarb has a record of developing award-winning hotel projects throughout South Florida and beyond. This project will be no exception and they are anxious to enhance this Property and the surrounding area. The project will specifically include improvements not only on the aesthetics and operation of the hotel, but also upon the food and beverage components to be more in line with the Town's neighborhood vision. Please consider this letter Finvarb's request for the Town Council to review the proposed concept plan (the "Plan") for the Property (See attached Exhibit A), specifically as it relates to certain parking easements within the perimeter of the Property.

In order to implement the Plan, Finvarb seeks to modify the drop-off and pick-up area associated with the Property. In order for this to occur, an easement will need to be granted by the Town of Bay Harbor Islands (the "Town") in favor of the Property. In exchange for this easement for the drop-off area, Finvarb would propose to grant the Town the necessary easement(s) so that the Town may use the parking located on the west side of the Property. Finvarb's proposal would be for the aforementioned easements to be mutual perpetual easements. Notwithstanding these mutual easements, the existing grandfathered parking for the Property and all of its uses will remain in place.

Additionally, traffic engineer Joaquin Vargas of Traf Tech Engineering, has reviewed the proposed drop-off and pick-up area and has advised that the Plan will work well. His analysis is attached for your review.

I appreciate your prompt response to the foregoing request, and placement of this item on the next available Town Council agenda. Please call me with any questions or clarifications you may have regarding this matter.

Sincerely,

Michael J. Marrero

cc: Richard Finvarb [via email | [richard@finvarb.com](mailto:richard@finvarb.com)]  
Ronald Finvarb [via email | [ronald@finvarb.com](mailto:ronald@finvarb.com)]  
Andrew S. Cohen [via email | [acohen@hfgtx.com](mailto:acohen@hfgtx.com)]  
Matthew Amster [via email | [mamster@brzoninglaw.com](mailto:mamster@brzoninglaw.com)]

E A S E M E N T

THIS INDENTURE made and entered into this 26 day of AUGUST, 1966, by and between DENNIS HOTEL, INC., a Florida corporation, and SWANSON-DOLL ENTERPRISES, INC., a Florida corporation, hereinafter designated "First Parties", and TOWN OF BAY HARBOR ISLANDS, a Florida municipality, hereinafter designated "Second Party".

WHEREAS, DENNIS HOTEL, INC., is the owner in fee simple of Lot 2, Block 11, BAY HARBOR ISLAND, recorded in plat book 46, at page 5, Public Records of Dade County, Florida; and

WHEREAS, SWANSON-DOLL ENTERPRISES, INC., is the lessee of the above described property; and

WHEREAS, the TOWN OF BAY HARBOR ISLANDS is constructing an off-street parking area in the above described Block 11 and requires a portion of the property described above for municipal purposes in connection with such off-street parking area; and

WHEREAS, it is to the benefit of all parties to this easement that such off-street parking area be constructed and include a portion of the above described property,

NOW THIS INDENTURE WITNESSETH:

1. In consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration paid by the Second Party to the First Parties, receipt of which is hereby acknowledged, the First Parties hereby grant to the Second Party, its successors and assigns, an easement and right of way in, to, and over the land described below, together with full and free right of passage for the Second Party hereto, and for the agents, servants, employees, licensees, guests, and those members of the general public authorized and permitted by the Second Party from time to time and at all times hereafter at their will for the



purpose of parking vehicles, ingress, egress and regress, and for all other municipal purposes by foot and by vehicles of all kinds, from any direction and in any direction, and from any place to any place, to enter in or upon or pass over or upon the land described below, the right of user whereof is hereby granted, and to pave the same or repair the same whether on the surface or below the surface or above the surface, as there shall be occasion.

2. The property which is subject to this easement is described as follows:

THE WESTERLY 5 feet of LOT 2,  
BLOCK 11, BAY HARBOR ISLAND,  
Plat Book 46 at Page 5, Dade  
County, Florida

3. This easement shall be binding upon and inure to the benefit of the parties hereto, their personal representatives, successors, assigns, invitees, agents, officers and employees, and such members of the general public who are authorized by the Second Party, and shall be a covenant running with the land.

4. The duration of this easement shall be a period of 20 years from the date hereof.

IN WITNESS WHEREOF the parties have set their hands and seals this 26 day of AUG. 1966.

WITNESS:

DENNIS HOTEL, INC.

Robert T. Campbell

By ~~Edna N. Linn~~ Edna N. Linn  
President

As to Dennis Hotel, Inc.

Attest: Mary Ellen Smith  
Secretary

SWANSON-DOLL ENTERPRISES, INC.

James A. Swanson

By James A. Swanson  
President

As to Swanson-Doll  
Enterprises, Inc.

Attest: Mrs. Lillian E. Swanson  
Secretary

WITNESS:

TOWN OF BAY HARBOR ISLANDS

John H. [Signature]

By [Signature]  
Mayor

[Signature]  
As to Town of Bay Harbor  
Islands

[Signature]  
Clerk

STATE OF New Jersey ss:  
COUNTY OF Essex

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Edna N. [Signature] and Mary L. [Signature] respectively President and Secretary of BERNIS HOTEL, INC., a Florida corporation, to me well known to be the persons described in and who executed the foregoing EASEMENT and duly acknowledged before me that they executed the same for the purpose therein expressed as the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the said County and State this 11th day of August A.D. 1966.

[Signature]  
Notary Public

My Commission Expires:  
ROBERT J. CAMPBELL  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Sept. 10, 1969

STATE OF FLORIDA )  
COUNTY OF DADE ) ss:

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Neil J. [Signature] and Louise E. [Signature] respectively President and Secretary of SWANSON-DOLL ENTERPRISES, INC., a Florida corporation, to me well known to be the persons described in and who executed the foregoing EASEMENT and duly acknowledged before me that they executed the same for the purposes therein expressed as the act and deed of said corporation

IN WITNESS WHEREOF, I have hereunto set my hand and

affixed my official seal at Bay Harbor Islands, said County and State, this 21st day of July A.D. 1966.

Edward H. Ziebler  
Notary Public

My Commission Expires:  
Notary Public, State of Florida  
My Commission Expires March 5, 1970

STATE OF FLORIDA )  
COUNTY OF DADE ) ss:

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments SHEPARD BROAD and AUDREY P. EDRICK, respectively Mayor and Town Clerk of the TOWN OF BAY HARBOR ISLANDS, a Florida municipality, to me well known to be the persons described in and who executed the foregoing EASEMENT and duly acknowledged before me that they executed the same for the purpose therein expressed as the act and deed of said municipality.

IN WITNESS WHEREOF, I have herunto set my hand and affixed my official seal at Miami Beach, said County and State, this 26th day of August A.D. 1966.

Edward H. Ziebler  
Notary Public

My Commission Expires:

Notary Public, State of Florida  
My Commission Expires March 5, 1970

State of Florida, County of Dade.  
This instrument was filed for record the 26th day of August, 1966 at 11:11 A.M. and duly recorded in OFFICIAL RECORDS Book 111 on Page 111. File # BAR 111-111

E. B. LEATHERMAN  
Clerk Circuit Court

## AGENDA ITEM REPORT

May 12, 2021

### ITEM NUMBER: 16.

**ITEM: Consideration and Approval** of a contract award to Jones-Benitez Corporation in the amount of \$195,175.20 for project No. BC 156 for the Rehabilitation of Snapped Tendons in a Pre-stressed U-channel Section of Bridge 875103 (Indian Creek Bridge). Enclosed is a copy of the bid results and other supporting documents.

### DESCRIPTION:

Since 2018, the Town has been aware of, and has attempted to take action to repair the pre-stressed beams over the Indian Creek Bridge. The work was placed out to bid in late 2018 as BC-152; Repair Snapped Pre-stressed Tendon in U-Channel Over Indian Creek Bridge, and the bid opening was conducted on 12/13/2018. The selected bidder from that RFP was Cone & Graham (Heavy Civil). Cone & Graham were given a Notice of intent to Award (attached) and had a signed contract agreement (attached) to commence work on January 15, 2019. The project never commenced. Please read the attached letter from the Town's Attorney, Sherman & Sherman, dated October 7, 2019 for a full accounting of events.

Since the settlement with Cone & Graham, this project sat idle and a new RFP was issued in March of 2021, titled; BC 156 - Rehabilitation of Snapped Tendons in a Pre-stressed U-Channel Section on Bridge 875103. Lakes Engineering provided new designs and specifications with an accompanying RFP package. The bid opening, conducted on April 16, 2021, had two submissions; one from Jones-Benitez in the amount of \$195,175.20, and one from Infrastructure Solutions, LLC in the amount of \$205,813.00. The Infrastructure Solutions, LLC bid was disqualified because they did not represent themselves at a mandatory Pre-Bid Meeting, held on March 25, 2021. The Jones-Benitez bid was approximately \$10,000.00 less than Infrastructure Solutions, LLC bid. Lakes Engineering reviewed the only qualifying bid and commented that the bid cost was within the reasonable estimate they had determined, that Jones-Benitez was capable of accurately performing the shoring and FRP strengthening calculations, and that J-B had included that cost as part of their overall bid.

### PREVIOUS MEETING VOTE:

### RECOMMENDED ACTION:

Approval

### FINANCIAL ANALYSIS:

This Project is budgeted in this Fiscal Year ('20-'21)

### BUDGET IMPACT:

| Name              | Impact Date | Fund(s)      | Account(s) | Project #s) | Amount Budgeted |
|-------------------|-------------|--------------|------------|-------------|-----------------|
| REHABILITATION OF | 8/20/2021   | \$195,175.20 | 401-541.5- | BC          | \$350,000.00    |

|                                                                                                    |  |  |            |     |  |
|----------------------------------------------------------------------------------------------------|--|--|------------|-----|--|
| SNAPPED TENDONS IN A<br>PRE-STRESSED U-CHANNEL<br>SECTION OF BRIDGE 875103<br>(INDIAN CREEK BRIGE) |  |  | 400063.000 | 156 |  |
|----------------------------------------------------------------------------------------------------|--|--|------------|-----|--|

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Submitted By: Douglas Armstrong, Assistant Public Works Director  
Maria Lasday, Town Manager

**ATTACHMENTS**

1. NOTICE OF INTENT TO AWARD CONE AND GRAHAM 2018
2. BC 152 SIGNED CONTRACT BHI AND CONE AND GRAHAM JAN2019
3. SHERMAN AND SHERMAN LETTER TO CONE AND GRAHAM 07OCT19
4. PRE-BID MEETING BC-156 U-CHANNEL
5. BID TABULATION SHEET BC 156
6. JONES-BENITEZ BID FORM
7. INFRASTRUCTURE SOLUTIONS LLC BID FORM
8. REFERENCE SURVEY FORM AVENTURA 19APR21
9. EMAIL CORRESPONDENCE WITH LAKES (BCC) ENGINEERING CONCERNING  
THE LOW BIDDER

**NOTICE OF INTENT TO AWARD**

TO: Cone & Graham, Inc.  
Contractor

2132 NW Settle Avenue, Port St. Lucie, FL 34986  
Address

ATT: Robert Gillespie Graham, President  
Name and Title

PROJECT: BC 152 "Repair Snapped Pre-stressed Tendon in U-Channel over Indian Creek Bridge"

Gentlemen:

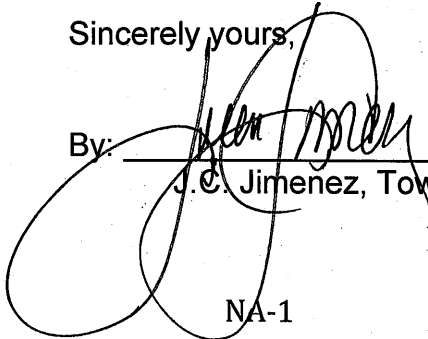
This is to advise you that the Town of Bay Harbor Islands (the "Town") intends to award the contract for the above referenced project as a result of your lowest responsive bid in the amount of Ninety Four Thousand Seven Hundred and Four Dollars and Twenty Cents. (\$94,704.20) submitted to the Town on December 13, 2018.

Two (2) sets of the Construction Documents for this project are attached. Each set contains an un-executed Agreement and the requirement for attaching the Performance and Payment Bonds. Please execute all copies of the Agreement and attach a copy of the Performance and Payment Bonds to each Agreement and return the Project Manuals to our office for final execution by the Town.

Your attention is drawn to the provision whereby your proposal guarantee may be forfeited in the event the Agreement with satisfactory Performance and Payment Bonds attached is not executed and delivered to the Town within ten (10) working days from **January 15, 2019.**

Any Bidder who wishes to protest this Intent to Award, is referred to 120.57 (3) of the Florida Statutes for the Bid Protest Procedures. Failure to file a protest within the time prescribed in section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

Sincerely yours,

By: 

J.C. Jimenez, Town Manager

NA-1

## **AGREEMENT (CONTRACT)**

### **BETWEEN OWNER AND CONTRACTOR**

THIS AGREEMENT is dated as of the 15 day of January, in the year 2019, by and between the Town of Bay Harbor Islands (hereinafter called OWNER), and CONE & GRAHAM, INC. (hereinafter called CONTRACTOR).

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

#### **Article 1 WORK**

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

Provide structural strengthening to the damaged pre-stressed U Channel that supports the sewer force main over the Indian Creek River. The U Channel may have been impacted by a vessel navigating under the bridge and caused the concrete cover to the pre-stressed tendons to be broken off; it is not clear whether the snapped pre-stressed tendons occurred at the time of impact or if the exposed tendons deteriorated over time to the point that they snapped.

The work includes furnishing all materials, labor, equipment, and services for the supply, installation and finish of all structural strengthening using an externally bonded FRP composite system.

The Project, for which the Work under the Contract Documents may be the whole, or only a part, is generally described as follows:

#### **TOWN OF BAY HARBOR ISLANDS**

#### **BC 152 – “Repair Snapped Pre-stressed Tendon in U-Channel over Indian Creek Bridge”**

#### **Article 2 NOT APPLICABLE**

#### **Article 3 CONTRACT TIME**

- 3.1 The Work will be substantially completed within 35 CALENDAR days after the date that the Contract Time commences to run, as provided in paragraph

2.03 of the General Conditions, and completed and ready for final payment in accordance with paragraph 14.07 of the General Conditions within 45 CALENDAR days after the date when the Contract Time commences to run.

- 3.2 Liquidated Damages. OWNER and CONTRACTOR recognize that time is of the essence of this Agreement and that OWNER will suffer financial loss if the Work is not substantially complete within the time specified in paragraph 3.1 above, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. They also recognize the delays, expense and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by OWNER if the Work is not substantially complete on time. Accordingly, instead of requiring any such proof, OWNER and CONTRACTOR agree, that as liquidated damages for delay (but not as a penalty), CONTRACTOR shall pay OWNER Two Hundred and 00/100 dollars (\$200) for each day that expires after the time specified in Paragraph 3.1 for substantial completion until the Work is substantially complete. Liquidated damages shall be deducted from the final CONTRACTOR pay request.

#### **Article 4 CONTRACT PRICE**

- 4.1 OWNER shall pay CONTRACTOR for performance of the Work in accordance with the Contract Document and the Schedule of Values provided for payment request purposes in current funds as follows:

Contract Price 94,704.20

Contract Price (in Words) Ninety Four Thousand Seven Hundred & Four Dollars And Twenty Cents.

#### **Article 5 PAYMENT PROCEDURES**

CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for payment will be processed as provided in the General Conditions.

- 5.1 Progress Payments. TOWN shall make progress payments within 30 days of TOWN approval of the CONTRACTOR'S Application for payment. The Applications for Payment shall be in AIA format. All progress payments will be on the basis of the progress of the Work measured by the schedule of values provided for in paragraph 14.01 of the General Conditions.



- 5.1.1 Prior to Substantial Completion, progress payments will be in an amount equal to: 90% of the Work completed, less the aggregate of payments previously made.
- 5.1.2 Upon Substantial Completion, OWNER shall pay an amount sufficient to increase total payments to CONTRACTOR to 95% of the Contract Price, less such amounts determined in accordance with paragraph 14.02.B.5 of the General Conditions.
- 5.2 Final Payment. Upon final completion and acceptance of the Work in accordance with paragraph 14.07.B.1 of the General Conditions, OWNER shall pay the remainder of the Contract Price as recommended in said paragraph 14.07.B.1.

## **Article 6 INTEREST**

Not Applicable

## **Article 7 CONTRACTOR'S REPRESENTATIONS**

In order to induce TOWN to enter into Procurement Agreement, CONTRACTOR makes the following representations:

- 7.1 CONTRACTOR has familiarized himself with the nature and extent of the Contract Documents, Work, locality, and with all local conditions and federal, state and local laws, ordinances, rules and regulations that in any manner may affect cost, progress or performance of the work.
- 7.2 CONTRACTOR has studied carefully all reports of investigations and tests of subsurface and latent physical conditions at the site or otherwise affecting cost, progress or performance of the Work which were relied upon in the preparation of the Drawings and Specifications and which have been identified in the Supplementary Conditions.
- 7.3 CONTRACTOR has made or caused to be made examinations, investigations and tests and studies of such reports and related data in addition to those referred to in paragraph 7.2 as he deems necessary for the performance of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents; and no additional examinations, investigations, tests, reports or similar data are or will be required by CONTRACTOR for such purposes.

- 7.4 CONTRACTOR has correlated the results of all such observations, examinations, investigations, tests, reports, and data with the terms and conditions of the Contract Documents.
- 7.5 CONTRACTOR has given TOWN written notice of all conflicts, errors or discrepancies that he has discovered in the Contract Documents and the written resolution thereof by OWNER is acceptable to CONTRACTOR.

## **Article 8 CONTRACT DOCUMENTS**

The Contract Documents which comprise the entire agreement between OWNER and CONTRACTOR are attached to this Agreement, made a part hereof and consists of the following:

- 8.1 This Agreement
- 8.2 Exhibits to this Agreement
- 8.3 Performance and Payment Bonds
- 8.4 Notice of Award
- 8.5 General Conditions
- 8.6 Supplementary Conditions
- 8.7 Technical Specifications
- 8.8 Contract Drawings
- 8.9 Addendum (if any)
- 8.10 CONTRACTOR'S BID
- 8.11 Documentation submitted by CONTRACTOR prior to Notice of Award
- 8.12 Any Modifications, including Change Orders, duly delivered after execution of Agreement.

There are no Contract Documents other than those listed above in this Article 8. The Contract Documents may only be altered, amended or repealed by a Modification (as defined in Section 1 of the General Conditions).

## **Article 9 MISCELLANEOUS**

- 9.1 Terms used in this Agreement which are defined in Article 1 of the General Conditions shall have the meanings indicated in the General Conditions.

- 9.2 No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.
- 9.3 TOWN and CONTRACTOR each binds himself, his partners, successors, assigns and legal representatives to the other party hereto, his partners, successors, assigns and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.
- 9.4 This Contract may be executed in counterparts.
- 9.5 Should there be any action brought to enforce the terms of this Contract, the prevailing party shall be entitled to recovery of attorney's fees (including paralegal fees) incurred through mediation, arbitration, or the appellate processes.
- 9.6 The TOWN shall retain the ownership of all shop drawings and design drawings once payment therefore is made.
- 9.7 TOWN and CONTRACTOR hereby knowingly, irrevocably, voluntarily and intentionally waive any right either may have to a trial by jury in respect to any action or proceeding based upon the Contract Documents or arising out of, under, or in connection with the work or the Project

IN WITNESS WHEREOF, the parties hereto have signed TWO (2) copies of this Agreement. At least one counterpart each has been delivered to TOWN and CONTRACTOR. All portions of the Contract Documents have been signed or identified by OWNER and CONTRACTOR.

OWNER

Town of Bay Harbor Islands

ADDRESS

9665 Bay Harbor Terrace

Bay Harbor Islands, FL 33154

BY

J.C. Jimenez  
Print Name

Town Manager  
Title

WITNESS

(CORPORATE SEAL)

CONTRACTOR

Cone & Graham, Inc

ADDRESS

2132 NW Settle Avenue

Port St. Lucie, FL 34986

BY

Robert Gillespie Graham  
Print Name

President  
Title

WITNESS

(CORPORATE SEAL)

# SHERMAN & SHERMAN P.A.

Attorneys at Law

701 BRICKELL AVENUE  
SUITE 1550  
MIAMI, FLORIDA 33131

TELEPHONE (305) 221-8000

TELEFAX (305) 357-2510

WEBSITE: [ShermansLaw.com](http://ShermansLaw.com)

October 7, 2019

Via Federal Express

Robert G. Graham, President  
Cone & Graham, Inc.  
5101 Cone Road  
Tampa, FL 33610

**Re: Town of Bay Harbor Islands Prestressed Beam Repair**

Dear Mr. Graham:

The undersigned represents the Town of Bay Harbor Islands ("Town"). Please direct all communications relating to the above referenced matter to me.

As you know, Cone & Graham ("C&G") entered into Contract No. BC 152 with the Town to Repair Two (2) Snapped Pre-Stressed Tendons in U-Channel Over Indian Creek Bridge ("Repair") on or about January 14, 2019 ("Agreement"). The Agreement provided for the payment of \$94,704.00 to C&G for the Repair.

Thereafter, C&G performed certain prework investigation of the Repair. C&G discovered that there was additional work that needed to be performed to effectuate the Repair, to wit: one (1) additional broken tendon and one (1) additional tendon that was severely corroded. C&G provided the Town with Change Order Request #001 dated April 2, 2019 in the amount of \$45,264.00 to repair the two (2) additional tendons ("Change Order"). In the Change Order, C&G requested that the Town "... direct us on how you [the Town] would like to proceed."

Thereafter, the Town had its engineer firm, Lakes Engineering, Inc. ("Town's Engineer") review the Change Order and the condition of the bridge.

On April 24, 2019, C&G, the Town's Engineer, and the Town Engineer, Randy Daniel, met to discuss the Change Order. During this meeting, C&G requested that it be paid for work in connection with the Change Order.

At no time during the meeting did the Town approve the Change Order. As of today's date, the Town has not approved the Change Order.

Thereafter, the Town's Engineer requested supporting documents from C&G in support of the Change Order. C&G provided certain documents to the Town's Engineer in support of the Change



Order ("Supporting Documents"). In connection with the Supporting Documents, C&G insisted it be paid for the Change Order.

At no time subsequent to the Change Order has C&G performed any work. Pursuant to the Supporting Documents, C&G has not performed any work since March 14, 2019.

Because C&G has performed no work for over six (6) months, the Town may terminate the Agreement for cause pursuant to Section 15.02 of the Agreement and take possession of the Work. Alternatively, the Town may terminate the Agreement for convenience pursuant to Section 15.03 of the Agreement for convenience.

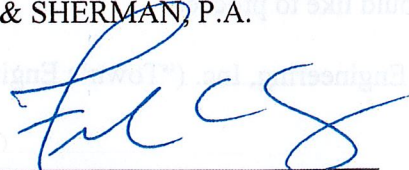
In an effort to resolve the Change Order (that the Town has not accepted) and mutually agree to the termination of the Agreement, the Town offers C&G \$22,674.00 ("Settlement Sum") and C&G the ability to re-bid on the contract (along with other contractors). The Settle Sum consists of the following:

- 1) Construction Costs of \$10,881.00 (as submitted); and
- 2) Engineering Costs of \$11,793.00 (5 design calculation sheets, 41 data sheets, and 7 drawings submitted on March 14, 2019 for a total of 84 hours (10 hours chief engineer, 28 hours engineer, and 46 hours pre-proof) performed on or before March 14, 2019 for the Repairs).

Please be advised that if the Settlement Sum is not accepted in writing prior to October 21, 2019, the Settlement Sum shall expire, be of no further force or effect, and the instant communication shall constitute the Town's notice of Termination with Cause pursuant to Section 15.02 of the Agreement or, in the alternative, Termination for Convenience pursuant to Section 15.03 of the Agreement.

GOVERN YOURSELF ACCORDINGLY!

SHERMAN & SHERMAN, P.A.

By: 

FRANK SIMONE, P.A., of counsel  
Frank C. Simone, Esq., CFP®

cc: J.C. Jimenez, Town Manager  
Randy Daniel, PE, Town Engineer



## **PRE-BID MEETING**

### **BC-156 U-CHANNEL TENDON REPAIRS**

**Time: 10:30 AM**

**Date: 03/25/2021**

**Place: Town Hall**

#### **ATTENDANCE:**

1. **DOUGLAS ARMSTRONG BHI 786-877-4130**  
**[darmstrong@bayharborislands-fl.gov](mailto:darmstrong@bayharborislands-fl.gov)**
2. **Margarita Cadet Jones Benitez Corp 305-821-1699**  
**[mcader@jonesbenitez.com](mailto:mcader@jonesbenitez.com)**
3. **Esen Tokay P.E. Lakes Eng. 305-667-1657**  
**[e.tokay@lakeseng.com](mailto:e.tokay@lakeseng.com)**
4. **Jorge Rodriquez BCC Eng. 954-928-1828**  
**[jorge.rodriquez@bcceng.com](mailto:jorge.rodriquez@bcceng.com)**

Bid Tabulation Sheet for Project BC 156: Rehabilitation of Snapped Tendons in a Pre-stressed U-Channel section of  
Bridge 875103

| <u>BIDDER</u>                       | <u>BID PRICE</u>    | <u>COMMENTS</u>                                                      |
|-------------------------------------|---------------------|----------------------------------------------------------------------|
| <u>JONES-BENITEZ CORPORATION</u>    | <u>\$195,175.20</u> | <u>QUALIFIED &amp; LOWEST BIDDER</u>                                 |
| <u>INFASTRUCTURE SOLUTIONS, LLC</u> | <u>\$205,813.00</u> | <u>BIDDER DISQUALIFIED: DID NOT ATTEND MANDATORY PRE-BID MEETING</u> |



## BID FORM

| <u>Bid Item No.</u> | <u>Description</u>                                        | <u>Quantity</u> | <u>Unit</u> | <u>Unit Price</u> | <u>Value</u>      |
|---------------------|-----------------------------------------------------------|-----------------|-------------|-------------------|-------------------|
| 101 - 1             | MOBILIZATION                                              | 1               | LS          | \$20,000.00       | \$ 20,000.00      |
| 101 -1A             | BARGE (MATERIAL AND EQUIPMENT STORAGE/ DELIVERY)          | 126             | DA          | \$ 100.00         | \$ 12,600.00      |
| 102 - 1             | MAINTENANCE OF TRAFFIC                                    | 1               | LS          | \$20,000.00       | \$ 20,000.00      |
| 102 - 60A           | WORK ZONE SIGN                                            | 126             | ED          | \$ 2.00           | \$ 252.00         |
| 103 - 2 - A         | TEMPORARY SHORING                                         | 1               | LS          | \$30,000.00       | \$ 30,000.00      |
| 104 - 11            | FLOATING TURBIDITY BARRIER                                | 120             | LF          | \$ 50.00          | \$ 6,000.00       |
| 400 - 150           | CLEANING AND SEALING CONCRETE SURFACE                     | 313             | SF          | \$ 60.00          | \$ 18,780.00      |
| 401 - 70 - 1        | RESTORE SPALLED AREAS, EPOXY                              | 20              | CF          | \$ 750.00         | \$ 15,000.00      |
| 411 - 1             | EPOXY MATERIAL FOR CRACK INJECTION - STRUCTURES REHAB     | 30              | GA          | \$ 60.00          | \$ 1,800.00       |
| 411 - 2             | CRACK INJECT AND SEAL - STRUCTURES REHAB                  | 72              | LF          | \$ 100.00         | \$ 7,200.00       |
| 413 - 149           | PENETRANT SEALER                                          | 2               | GA          | \$ 150.00         | \$ 300.00         |
| 940-100             | STRENGTHEN DEFICIENT BEAMS WITH FRP                       | 1               | LS          | \$45,000.00       | \$ 45,000.00      |
| 700-3-203           | SIGN PANEL, FURNISH & INSTALL OVERHEAD MOUNT, UP TO 12 SF | 1               | EA          | \$ 500.00         | \$ 500.00         |
|                     | 10% CONTINGENCY                                           | 1               | EA          |                   | \$ 17,743.20      |
| <b>TOTAL</b>        |                                                           |                 |             | <b>\$</b>         | <b>195,175.20</b> |

**TOTAL BID AMOUNT \$** \$195,175.20

**TOTAL BID AMOUNT (IN WORDS)** One Hundred Ninety Five Thousand One  
Hundred Seventy Five and 20/100 Dollars

## BID FORM

| <u>Bid Item No.</u> | <u>Description</u>                                        | <u>Quantity</u> | <u>Unit</u> | <u>Unit Price</u>    | <u>Value</u> |
|---------------------|-----------------------------------------------------------|-----------------|-------------|----------------------|--------------|
| 101 - 1             | MOBILIZATION                                              | 1               | LS          | \$19,500.00          | \$19,500.00  |
| 101 -1A             | BARGE (MATERIAL AND EQUIPMENT STORAGE/ DELIVERY)          | 126             | DA          | \$1.00               | \$126.00     |
| 102 - 1             | MAINTENANCE OF TRAFFIC                                    | 1               | LS          | \$10,000.00          | \$10,000.00  |
| 102 - 60A           | WORK ZONE SIGN                                            | 126             | ED          | \$1.00               | \$126.00     |
| 103 - 2 - A         | TEMPORARY SHORING                                         | 1               | LS          | \$8,500.00           | \$8,500.00   |
| 104 - 11            | FLOATING TURBIDITY BARRIER                                | 120             | LF          | \$67.50              | \$8,100.00   |
| 400 - 150           | CLEANING AND SEALING CONCRETE SURFACE                     | 313             | SF          | \$11.00              | \$3,443.00   |
| 401 - 70 - 1        | RESTORE SPALLED AREAS, EPOXY                              | 20              | CF          | \$2,450.00           | \$49,000.00  |
| 411 - 1             | EPOXY MATERIAL FOR CRACK INJECTION - STRUCTURES REHAB     | 30              | GA          | \$145.00             | \$4,350.00   |
| 411 - 2             | CRACK INJECT AND SEAL - STRUCTURES REHAB                  | 72              | LF          | \$51.50              | \$3,708.00   |
| 413 - 149           | PENETRANT SEALER                                          | 2               | GA          | \$150.00             | \$300.00     |
| 940-100             | STRENGTHEN DEFICIENT BEAMS WITH FRP                       | 1               | LS          | \$79,100.00          | \$79,100.00  |
| 700-3-203           | SIGN PANEL, FURNISH & INSTALL OVERHEAD MOUNT, UP TO 12 SF | 1               | EA          | \$850.00             | \$850.00     |
|                     | 10% CONTINGENCY                                           | 1               | EA          | \$18,710.00          | \$18,710.00  |
| <b>TOTAL</b>        |                                                           |                 |             | <u>\$ 205,813.00</u> |              |

**TOTAL BID AMOUNT \$** 205,813.00

**TOTAL BID AMOUNT (IN WORDS)** Two Hundred five thousand, eight hundred thirteen dollars and zero cents



## TOWN OF BAY HARBOR ISLANDS

RFP Reference Survey

### RFP NO. BC-156: Rehabilitation of Snapped Tendons in a Pre-stressed U-channel Section of Bridge 875103

|          |                                                                                                                          |                                           |
|----------|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| FROM:    | Mr. J Kroll                                                                                                              | TO: DOUGLAS ARMSTRONG, PWD                |
| OWNER:   | City of Aventura                                                                                                         | DATE: 19APR21                             |
| PHONE:   | 305-466-8970                                                                                                             | TOTAL # OF PAGES: 1                       |
| FAX:     |                                                                                                                          | PHONE: 305-866-6241 EXT. 111              |
| EMAIL:   | <a href="mailto:krollj@cityofaventura.com">krollj@cityofaventura.com</a>                                                 | EMAIL: darmstrong@bayharborislands-fl.gov |
| SUBJECT: | Please Provide Reference for Jones-Benitez Concerning the Rehabilitation of Existing Section of Bridge performed in 2018 |                                           |

You as an individual or your company has been given to us as a point of contact for a reference on a project completed for you (identified above).

#### COMPANY YOU ARE PROVIDING REFERENCE FOR:

|                                                                                                                                                       | INDICATE: | "YES" or "NO" |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------------|
| 1. Was the scope of work performed similar in nature?                                                                                                 |           |               |
| 2. Did this company have the proper resources and personnel by which to get the job completed?                                                        |           |               |
| 3. Were any problems encountered with the company's work performance?                                                                                 |           |               |
| 4. Were any change orders or contract amendments issued, other than owner-initiated?                                                                  |           |               |
| 5. Was the job completed on time, based upon the original established timeline?                                                                       |           |               |
| 6. Was the job completed within budget, based upon the original established budget?                                                                   |           |               |
| 7. On a scale of 1 to 10, ten being best, how would you rate the overall work performance, considering professionalism, final product, and personnel? |           |               |
| 8. If the opportunity were to present itself, would you rehire this company?                                                                          |           |               |
| 9. Please provide any additional comments pertinent to this company and the work they performed for you.                                              |           |               |

#### PLEASE COMPLETE AND RETURN TO THE ATTENTION OF:

DOUGLAS ARMSTRONG, PUBLIC WORKS DIRECTOR: [darmstrong@bayharborislands-fl.gov](mailto:darmstrong@bayharborislands-fl.gov)  
Subject:

REFERENCE PRINT NAME

REFERENCE SIGNATURE

REFERENCE TITLE

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IRE

## Douglas Armstrong

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**From:** Esen Tokay <etokay@lakeseng.com>  
**Sent:** Wednesday, April 28, 2021 9:07 AM  
**To:** Douglas Armstrong  
**Cc:** Eugenio Ochoa  
**Subject:** RE: Questions Concerning BC-156

Mr. Armstrong, good morning,

As you have requested, forwarding lost e- mails.

Regards,

**Esen Tokay, P.E.**  
[Lakes Engineering, Inc.](#)  
4870 SW 72nd Avenue  
Miami, FL 33155  
Tel.: (305) 667-1657  
Fax: (305) 667-1790  
[etokay@lakeseng.com](mailto:etokay@lakeseng.com)

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**From:** Douglas Armstrong <darmstrong@bayharborislands-fl.gov>  
**Sent:** Tuesday, April 20, 2021 3:56 PM  
**To:** Yvette Benitez <yvette@jonesbenitez.com>  
**Cc:** Margarita Cadet <mcadet@jonesbenitez.com>; Jeff Jones <Jeff@jonesbenitez.com>; Esen Tokay <etokay@lakeseng.com>; Eugenio Ochoa <eochoa@lakeseng.com>  
**Subject:** RE: Questions Concerning BC-156

Thank you, Yvette, for your prompt response.

Best regards,

*Douglas P. Armstrong*

PUBLIC WORKS DIRECTOR  
TOWN OF BAY HARBOR ISLANDS  
9665 BAY HARBOR TE  
BAY HARBOR ISLANDS, FL 33154  
PH: 305-866-6241 EXT. 111  
FAX: 305-866-4863

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**From:** Yvette Benitez <[yvette@jonesbenitez.com](mailto:yvette@jonesbenitez.com)>  
**Sent:** Tuesday, April 20, 2021 1:54 PM  
**To:** Douglas Armstrong <[darmstrong@bayharborislands-fl.gov](mailto:darmstrong@bayharborislands-fl.gov)>  
**Cc:** Margarita Cadet <[mcadet@jonesbenitez.com](mailto:mcadet@jonesbenitez.com)>; Jeff Jones <[Jeff@jonesbenitez.com](mailto:Jeff@jonesbenitez.com)>; [etokay@lakeseng.com](mailto:etokay@lakeseng.com); Eugenio - CBI <[eochoa@lakeseng.com](mailto:eochoa@lakeseng.com)>  
**Subject:** RE: Questions Concerning BC-156

Hi Mr. Armstrong,



Thank you for your time and consideration in regard to bid for BC-156. Jeff Jones and I are both PE for the State of Florida and owners of Jones Benitez (JBC). We have included the cost of design as part of both pay items noted below. Please review and advise if there is additional information required. We look forward to working with you.

Warm Regards,

Yvette Benitez, PE  
President  
Jones Benitez Corporation



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**From:** Margarita Cadet <[mcadet@jonesbenitez.com](mailto:mcadet@jonesbenitez.com)>  
**Sent:** Tuesday, April 20, 2021 12:21 PM  
**To:** Jeff Jones <[Jeff@jonesbenitez.com](mailto:Jeff@jonesbenitez.com)>  
**Cc:** Yvette Benitez <[yvette@jonesbenitez.com](mailto:yvette@jonesbenitez.com)>  
**Subject:** FW: Questions Concerning BC-156

Regards,

Margarita Cadet  
Office Engineer

---

**From:** Douglas Armstrong <[darmstrong@bayharborislands-fl.gov](mailto:darmstrong@bayharborislands-fl.gov)>  
**Sent:** Tuesday, April 20, 2021 12:19 PM  
**To:** Margarita Cadet <[mcadet@jonesbenitez.com](mailto:mcadet@jonesbenitez.com)>  
**Cc:** [etokay@lakeseng.com](mailto:etokay@lakeseng.com); Eugenio - CBI <[eochoa@lakeseng.com](mailto:eochoa@lakeseng.com)>  
**Subject:** Questions Concerning BC-156

Good afternoon, Margarita.

Our engineering consultant reviewed your bid and has the following comments:

Bid Item No. 103-2-A Temporary Shoring requires the Contractor to retain the services of a Fl. Licensed P. E. to design the shoring ( Refer to Scope of Work note 4, Sheet 2 ).

Same is true for Bid Item 940-100 Strengthen Deficient Beams with FRP. FRP Notes on Sheet 7 requires the Contractor to retain the services of a Fl. Licensed P.E. to design the FRP strengthening.

We recommend the low bidder be requested to confirm that their Lump Sum Bid includes the required engineering costs in both cases.

Please acknowledge receipt of this email and provide a comment(s) related to highlighted sections.

Best,

*Douglas P. Armstrong*

PUBLIC WORKS DIRECTOR  
TOWN OF BAY HARBOR ISLANDS  
9665 BAY HARBOR TE  
BAY HARBOR ISLANDS, FL 33154  
PH: 305-866-6241 EXT. 111  
FAX: 305-866-4863

## AGENDA ITEM REPORT

May 12, 2021

### ITEM NUMBER: 17.

**ITEM: Consideration and Approval** of a Business Tax Receipt Application from Bay Harbor Islands Property Owner I, LLC (DBA Continuum Realty, LLC) for a Sales Center to be located at 1111 Kane Concourse, Ground Floor Space. Enclosed is a copy of the Business Tax Receipt and other supporting documents.

### DESCRIPTION:

The Office of the Town Clerk received a Business Tax Receipt Application from Bay Harbor Islands Property Owner I, LLC for a Sales Center to be located on the ground floor of 1111 Kane Concourse. The subject property currently has two individually owned spaces facing Kane Concourse, one of which is currently being occupied by Riverchase Dermatology (non-conforming use).

Section 23-5 of the Town Code  
Notwithstanding the foregoing, 100 percent of the ground floor space of any newly developed building or land facing Kane Concourse shall be used for the purposes set forth above excluding business and professional offices, including but not limited to physicians, attorneys, real estate offices, medical offices and clinics and stock and commodity broker offices. As used in this subsection, "newly developed" shall mean buildings constructed on vacant land or demolition of any existing building and subsequent construction of a new building. For existing buildings, at least 75 percent of the ground floor space facing Kane Concourse shall be used for the purposes set forth above excluding the above referenced office uses. For existing buildings with two or fewer ground floor uses, at least 50 percent of the ground floor space shall be used for the purposes set forth above excluding the above referenced office uses. If an existing nonconforming use vacates a ground floor space for more than 180 days, any future use shall conform to the use provisions herein.

Enclosed is a copy of the Business Tax Receipt Application, Town Code and correspondence from the Town Planner and Town Attorney.

### RECOMMENDED ACTION:

Council Discretion

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### FINANCIAL ANALYSIS:

### BUDGET IMPACT:

---

Submitted By: Alba L. Chang, Town Clerk

**ATTACHMENTS**

1. 1111 KC BTR App
2. - Legal Sales Center - 1111 Kane Concourse
3. 23-5 Use Regulations - B-1 BD



# Town of Bay Harbor Islands

## APPLICATION FOR BUSINESS TAX RECEIPT - BUSINESS DISTRICT

**PRINT OR TYPE ALL INFORMATION REQUESTED**

BEFORE OPENING A BUSINESS IN BAY HARBOR ISLANDS MAKE SURE YOU CHECK WITH THE BUILDING DEPARTMENT FOR CERTAIN CONDITIONS THAT MAY APPLY TO THE BUSINESS OR LOCATION.

EXAMPLE: Change of Use and Occupancy Inspections  
Fire Department Inspections  
Sign Regulations

**PROCESSING FEE - \$25.00**

|                         |                       |
|-------------------------|-----------------------|
| (For official use only) |                       |
| DATE RECEIVED: _____    |                       |
| DATE ISSUED: _____      | LICENSE FEE: \$ _____ |
| ACCT. NO. _____         | LICENSE NO. _____     |
| CLASSIFICATION: _____   |                       |

INDICATE TYPE OF OWNERSHIP OF BUSINESS: ☐ Individual ☒ Corporation ☐ Partnership ☐ Other \_\_\_\_\_

|                                                                                                                                                                                                                                  |                  |                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------|
| *APPLICANT: Bay Harbor Islands Property Owner I, LLC                                                                                                                                                                             |                  | DATE OF BIRTH: _____       |
| E-MAIL ADDRESS: allie@continuumllc.net                                                                                                                                                                                           |                  | WORK PHONE: (212) 554-3700 |
| SS#: _____                                                                                                                                                                                                                       | FEIN: 86-2786074 | DRIVER LICENSE: _____      |
| BUSINESS NAME: Bay Harbor Islands Property Owner I, LLC                                                                                                                                                                          |                  | CELL PHONE: (917) 749-5384 |
| DOING BUSINESS AS (dba): Continuum Realty LLC                                                                                                                                                                                    |                  |                            |
| BUSINESS ADDRESS: 1111 Kane Concourse, Bay Harbor Islands, FL 33154                                                                                                                                                              |                  |                            |
| MAILING ADDRESS (if different) 30 West 21st Street, 11th Floor, New York, NY 10010                                                                                                                                               |                  |                            |
| DESCRIPTION OF BUSINESS (provide details) We intend to open a temporary sales center (for 2 years) to be the primary sales driver of our 2 new development projects at 9201 East Bay Harbor Drive and 9481 East Bay Harbor Drive |                  |                            |
| Note: The umbrella company for Bay Harbor Islands Property Owner I is Continuum Company LLC. Run by Ian Bruce Eichner, a developer with over 30 years of experience.                                                             |                  |                            |

ESTIMATED NUMBER OF EMPLOYEES: 4 DAYS BUSINESS WILL BE OPEN: 7 HOURS: 10am-6pm  
WILL BUSINESS HAVE VENDING MACHINES NO IF SO, WHAT PRODUCT WILL BE VENDED: \_\_\_\_\_  
**ATTACH THE FOLLOWING DOCUMENTS:**

CERTIFICATIONS ISSUED BY STATE/COUNTY AGENCIES  
COPY OF ARTICLES OF INCORPORATION OR ARTICLES OF ORGANIZATION  
LIST OF CORPORATE OFFICERS (Including Name, Address and Telephone Numbers)  
COPY OF LEASE (IF APPLICANT IS OTHER THAN OWNER)  
IF PROPERTY OWNER, PROVIDE COPIES OF DEED OR OTHER DOCUMENTS SHOWING OWNERSHIP

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| LIST NAME, ADDRESS AND TYPE OF BUSINESS (both current and previous) YOU HAVE OPERATED:  |
| Sales center for Madison Square Park Tower -- 45 East 22nd Street, New York, NY 10010   |
| Sales Center for Continuum South Beach -- 100 South Pointe Drive, Miami Beach, FL 33139 |
| Sales Center for Cosmopolitan Resort & Casino in Las Vegas.                             |

LIST THREE (3) REFERENCES: (Note if you list a bank, corporation, etc. include name of a contact person)

| NAME           | ADDRESS                                         | PHONE          |
|----------------|-------------------------------------------------|----------------|
| Phil Gutman    | 631 W. 51st Street, Miami beach, FL 33140       | (305) 915-5879 |
| Sissy DeMaria  | 300 Sevilla Ave Ste 210, Coral Gables, FL 33134 | (305) 608-5350 |
| David Williams | 166 Mercer Street, New York, NY 10012           | (917) 674-6164 |

I understand that in applying for a business license in the Town of Bay Harbor Islands it is my obligation to understand and comply with the rules and regulations of the Town of Bay Harbor Islands. I acknowledge receipt of a copy of the Town's sign regulations, if applicable.

APPLICANT'S SIGNATURE  DATE: 04/30/2021

FOR RESTAURANTS/FOOD ESTABLISHMENTS,  
A SOLID WASTE DEPOSIT IS REQUIRED (This  
amount can be adjusted depending upon monthly  
volume usage)

**INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED  
PLEASE BE SURE TO ATTACH ALL REQUIRED DOCUMENTATION**

# Town of Bay Harbor Islands

## APPLICATION FOR CERTIFICATE OF OCCUPANCY

Before the issuance of a Certificate of Occupancy will be granted for the completion of a building permit or for a Business Tax Receipt, the following information must be provided.

Per the Florida Building Code, Section 503 and 307, the premises must be inspected and approved prior to new occupancy being granted.

Date: 04/30/2021

|                                                |                                                   |
|------------------------------------------------|---------------------------------------------------|
| Business Location                              | 1111 Kane Concourse, Bay Harbor Islands, FL 33154 |
| Previous Tenant: (name)                        | Space has been vacant for 8 years                 |
| Previous Use (type of business)                | It was previously a beauty shop                   |
| New Business Name                              | Bay Harbor Islands Property Owner I, LLC          |
| New Tenant's Name                              | Bay Harbor Islands Property Owner I, LLC          |
| Telephone Number                               | 212-554-3700                                      |
| Contractor's Name and Address and Phone Number | TBD -- post approval                              |

### OFFICIAL USE ONLY

#### Town Clerk:

Type of Business Compliant with Code? ☐ Yes ☐ No

Council Approval Required? ☐ Yes ☐ No

Council Approval Date: \_\_\_\_\_

Town Clerk: \_\_\_\_\_ Town Clerk Approval Date: \_\_\_\_\_

#### Police Department:

Background Investigation Completed? ☐ Yes ☐ No Date: \_\_\_\_\_

Approval for License ☐ Yes ☐ No

Date: \_\_\_\_\_

Officer's Name: \_\_\_\_\_ Officer's Signature: \_\_\_\_\_

Officer's Remark:

#### Building Department:

Change of Use? ☐ Yes ☐ No

#### Inspections Required:

- ☐ Code Compliance
- ☐ Building
- ☐ Electrical
- ☐ Mechanical
- ☐ Fire
- ☐ Public Works
- ☐ DERM

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

Inspector: \_\_\_\_\_

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Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

May 3, 2021

Sent Via Email

Mr. Osman and Necibe Khuja  
C/O Milton Raijman  
1135 Kane Concourse, 2<sup>nd</sup> floor  
Bay Harbor Islands, Florida

VIA EMAIL: milton@raijman.com

**RE: 1111 Kane Concourse Letter of Intent to Lease Ground Floor Space**

Dear Milton:

I have been authorized by Bay Harbor Islands I Property Owner LLC ("Tenant") to submit this Letter of Intent for them to occupy 1111 Kane Concourse under the following general terms and conditions:

|                                       |                                                                                                                                                                     |
|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Premises:</u></b>               | Space # 1150<br>1111 Kane Concourse<br>Bay Harbor Islands, Florida                                                                                                  |
| <b><u>Tenant:</u></b>                 | Bay Harbor Islands I Property Owner LLC                                                                                                                             |
| <b><u>Use:</u></b>                    | Sales and Design Office for the marketing of two projects in Bay Harbor Islands located at 9161 and 9201 East Bay Harbor Drive and 9431-9481 East Bay Harbor Drive. |
| <b><u>Square Footage:</u></b>         | Approximately 2,000 RSF.                                                                                                                                            |
| <b><u>Term:</u></b>                   | Two (2) years, with two (1) one year options.                                                                                                                       |
| <b><u>Beginning Base Rent:</u></b>    | \$144,000 per annum gross plus sales tax.                                                                                                                           |
| <b><u>Additional Rent:</u></b>        | Tenant shall reimburse Landlord for its architecture and engineering plans.                                                                                         |
| <b><u>Possession Date:</u></b>        | August 1.                                                                                                                                                           |
| <b><u>Rent Commencement Date:</u></b> | Upon taking possession                                                                                                                                              |
| <b><u>Delivery Condition:</u></b>     | The Premises will be delivered to Lessee in its as-is condition.                                                                                                    |
| <b><u>Landlord's Work:</u></b>        | None.                                                                                                                                                               |
| <b><u>Tenant Allowance:</u></b>       | None.                                                                                                                                                               |
| <b><u>Taxes:</u></b>                  | Landlord to pay property taxes.                                                                                                                                     |

**Insurance:** Tenant shall obtain Liability Insurance and Renters Property Insurance to insure its personal property and improvements to the Premises.

**Signage:** Tenant, subject to City codes and Condo Approval shall have the right to place its business sign, including its name, logo and corporate color upon the exterior of the premises.

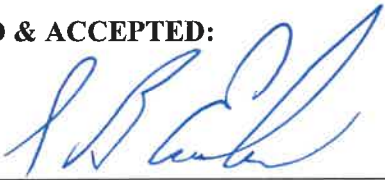
**Brokerage:** Landlord shall compensate Milton Raijman via a separate agreement on this transaction. Landlord and Tenant acknowledge that Milton Raijman is the procuring and only professional earning a fee on this transaction.

**This proposal represents the basic terms and conditions, which will be incorporated into a formal lease document. However, notwithstanding anything contained in this Letter of Intent to the contrary, only a final lease document fully executed by Landlord and Tenant and delivered to the Tenant shall create a legal obligation on the part of either party.**

Sincerely,

Bay Harbor Islands I Property Owner LLC  
Ian Bruce Eichner, Managing Member 5/4/2021

**AGREED & ACCEPTED:**

By: \_\_\_\_\_

Date: 5/5/21\_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

# Delaware

The First State

Page 1

*I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF  
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT  
COPY OF THE CERTIFICATE OF FORMATION OF "BAY HARBOR ISLANDS  
PROPERTY OWNER I LLC", FILED IN THIS OFFICE ON THE FOURTH DAY  
OF MARCH, A.D. 2021, AT 1:26 O`CLOCK P.M.*

  
Jeffrey W. Bullock, Secretary of State

5363926 8100  
SR# 20210798084

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

Authentication: 202652501  
Date: 03-04-21

**CERTIFICATE OF FORMATION**  
**OF**

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 01:26 PM 03/04/2021  
FILED 01:26 PM 03/04/2021  
SR 20210798084 - File Number 5363926

**BAY HARBOR ISLANDS PROPERTY OWNER I LLC**

The undersigned, an authorized natural person, for the purpose of forming a limited liability company, under the provisions and subject to the requirements of the State of Delaware (particularly Chapter 18, Title 6 of the Delaware Code and the acts amendatory thereof and supplemental thereto, and known, identified, and referred to as the "Delaware Limited Liability Company Act"), hereby certifies that:

**FIRST:** The name of the limited liability company (hereinafter called the "limited liability company") is:

**BAY HARBOR ISLANDS PROPERTY OWNER I LLC**

**SECOND:** The address of the registered office and the name and the address of the registered agent of the limited liability company required to be maintained by Section 18-104 of the Delaware Limited Liability Company Act are Corporation Service Company, 251 Little Falls Drive, Wilmington, DE 19808, County of New Castle.

**THIRD:** To the maximum extent permitted by law, the Members and Managers shall not be liable to the Company or any Member or Manager for any liability, loss, damage, cost or expense which may arise out of or in connection with any act or conduct on the part of the Members or Managers.

**FOURTH:** The Company shall defend, indemnify and hold harmless all Members, Managers, and former Members and Managers of the Company against expenses (including attorneys' fees, judgments, fines, and amounts paid in settlement) incurred in connection with any claims, causes of action, demands, damages, liabilities of the Company, and any pending or threatened action, suit, or proceeding. Such indemnification shall be made to the fullest extent permitted by the laws of the State of Delaware. The indemnification provided herein shall inure to the benefit of successors, assigns, heirs, executors, and the administrators of any such person.

**IN WITNESS WHEREOF**, the undersigned has executed this Certificate of Formation of **BAY HARBOR ISLANDS PROPERTY OWNER I LLC** as of March 4, 2021.

/s/ Kim McEllen  
Authorized Person

# Delaware

The First State

Page 1

*I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF  
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT  
COPY OF THE CERTIFICATE OF FORMATION OF "BAY HARBOR ISLANDS  
PROPERTY OWNER II LLC", FILED IN THIS OFFICE ON THE FOURTH DAY  
OF MARCH, A.D. 2021, AT 1:26 O`CLOCK P.M.*



Jeffrey W. Bullock, Secretary of State

5363898 8100  
SR# 20210798083

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

Authentication: 202652508  
Date: 03-04-21



**CERTIFICATE OF FORMATION**  
**OF**  
**BAY HARBOR ISLANDS PROPERTY OWNER II LLC**

The undersigned, an authorized natural person, for the purpose of forming a limited liability company, under the provisions and subject to the requirements of the State of Delaware (particularly Chapter 18, Title 6 of the Delaware Code and the acts amendatory thereof and supplemental thereto, and known, identified, and referred to as the "Delaware Limited Liability Company Act"), hereby certifies that:

**FIRST:** The name of the limited liability company (hereinafter called the "limited liability company") is:

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**FOURTH:** The Company shall defend, indemnify and hold harmless all Members, Managers, and former Members and Managers of the Company against expenses (including attorneys' fees, judgments, fines, and amounts paid in settlement) incurred in connection with any claims, causes of action, demands, damages, liabilities of the Company, and any pending or threatened action, suit, or proceeding. Such indemnification shall be made to the fullest extent permitted by the laws of the State of Delaware. The indemnification provided herein shall inure to the benefit of successors, assigns, heirs, executors, and the administrators of any such person.

**IN WITNESS WHEREOF**, the undersigned has executed this Certificate of Formation of **BAY HARBOR ISLANDS PROPERTY OWNER II LLC** as of March 4, 2021.

/s/ Kim McEllen  
Authorized Person





Ron DeSantis, Governor

Julie I. Brown, Secretary



**STATE OF FLORIDA**  
**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**DIVISION OF REAL ESTATE**

THE BROKER HEREIN IS LICENSED UNDER THE  
PROVISIONS OF CHAPTER 475, FLORIDA STATUTES

**GUTMAN, PHILIP J**

631 W 51ST STREET  
MIAMI BEACH FL 33140

**LICENSE NUMBER: BK3075866**

**EXPIRATION DATE: MARCH 31, 2023**

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# STATE OF FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

2601 BLAIR STONE ROAD  
TALLAHASSEE FL 32399-0783

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Our mission at the Department is: License Efficiently, Regulate Fairly. We constantly strive to serve you better so that you can serve your customers. Thank you for doing business in Florida, and congratulations on your new license!



STATE OF FLORIDA DEPARTMENT  
OF BUSINESS AND PROFESSIONAL  
REGULATION

BK3075866  
REAL ESTATE BROKER  
GUTMAN, PHILIP J

ISSUED: 04/29/2021

Signature

LICENSED UNDER CHAPTER 475, FLORIDA STATUTES  
EXPIRATION DATE: MARCH 31, 2023

Ron DeSantis, Governor

Julie I. Brown, Secretary

## STATE OF FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION DIVISION OF REAL ESTATE

**LICENSE NUMBER: BK3075866**

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ISSUED: 04/29/2021

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Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.

**From:** [Joseph Geller](#)  
**To:** [Michael J. Miller](#)  
**Cc:** [Alba Chang](#)  
**Subject:** Re: Sales Center - 1111 Kane Concourse  
**Date:** Thursday, May 6, 2021 12:21:20 PM

---

I concur with what Mr. Miller has written, but I think if the Town Council decides to approve the requested temporary use, it should be limited as to time, with the possibility of being renewed at the Council's discretion.

Please let me know if there are any further questions.

Thank you.

Joseph S. Geller, Esq.  
Greenspoon Marder, LLP  
Town Attorneys

Sent from my iPad

On May 6, 2021, at 11:29 AM, Michael J. Miller  
<[mmiller@michaelmillerplanning.com](mailto:mmiller@michaelmillerplanning.com)> wrote:

Alba:

Following up on my previous email (4/22/21) on this subject.

I have re-examined the Code provisions and discussed the matter verbally with Mr. Geller. He agreed with my initial findings and asked me to send a new email he can opine on.

In summary a business building owner / manager (Milton R.) has requested the Town allow him to temporarily lease a ground floor space at the 1111 KC center for a multifamily sales / model center. The term of the temporary use was not given. Normally it takes about 2-3 years to obtain permits / construct a large multifamily building.

The RM-1 / RM-2 / RM-3 Multifamily Zoning Districts specifically list sales centers / models as permitted uses subject to TC approval. In the B-1 Business District Sec. 23-5 allows a wide range of permitted uses including business / professional offices. General real estate offices would be considered a business office. Real Estate sales centers / model centers for specific projects is not listed at all.

As we know the Code was amended several years ago (2006) to encourage ground floor uses to be more active with retail sales / restaurants. The subject site was built in 1982 according to the MDPA website so it predates the Code update. For buildings that existed prior to the adoption of the 2006 Code update at least 75% of the ground

floor space must be other than offices. Pre-existing office uses could remain – if a space is vacated for more than 180 days any new land use must comply (no offices). It is my understanding the space in question has been vacate for some time.

While such a use could easily occupy an office space on upper floors on this complex a request is made to allow it on the ground floor for pedestrian traffic. As the proposed use will be temporary sales / model center (not listed in Code) and while it will be used for sales it is not a commercial real estate firm – it is project specific (Island House / Royal House).

As I opined previously I believe the Town allowed such a similar temporary use before in another building. I remember it on a TC agenda for action. Sec. 23-5(14) was drafted to give the TC some flexibility for uses not specifically listed / unusual uses.

**Based on the above I believe the TC has the authority to grant a temporary use if they wish via Sec. 23-5(14).**

A variance would not be appropriate as a hardship would need to exist and that action could be deemed a de facto rezoning.

Michael J. Miller, AICP  
Town of Bay Harbor Islands  
Consultant Town Planner  
May 6, 2021

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**From:** Michael J. Miller  
**Sent:** Thursday, April 22, 2021 5:16 PM  
**To:** Alba Chang <achang@bayharborislands-fl.gov>  
**Cc:** Joseph Geller <Joseph.Geller@gmlaw.com>  
**Subject:** RE: Sales Center

Alba:

It is my understanding a “use” variance is not allowed under law (I am not an attorney but that is what I have been told) – as it is a de facto rezoning.

I read the Code and see there is the clause about the TC approving other uses not listed that are “similar”.

### **Sec. 23-5. - Use regulations, B-1 Business district.**

*Intent.* The purpose of the district is to provide appropriate land development regulations for the business/mixed-use properties on the eastern island of the town. The lots about the Kane Concourse, the main roadway within the town. This area is the most urban in form with higher intensity development, narrow setbacks, on-street and/or garage parking facilities. The district regulations provide guidelines to

encourage desired land uses such as restaurants and retail shops at street grade with other uses, including residential uses, above or behind the Kane Concourse frontage uses.

*Permitted uses.* In the B-1 business district, no building or land shall be used and no building shall hereafter be erected, constructed, reconstructed, or structurally altered which is designed, arranged, or intended to be used or occupied for any purpose, excepting for one or more of the following uses:

(7) Notwithstanding the foregoing, 100 percent of the ground floor space of any newly developed building or land facing Kane Concourse shall be used for the purposes set forth above excluding business and professional offices, including but not limited to physicians, attorneys, real estate offices, medical offices and clinics and stock and commodity broker offices. As used in this subsection, "newly developed" shall mean buildings constructed on vacant land or demolition of any existing building and subsequent construction of a new building. For existing buildings, at least 75 percent of the ground floor space facing Kane Concourse shall be used for the purposes set forth above excluding the above referenced office uses. For existing buildings with two or fewer ground floor uses, at least 50 percent of the ground floor space shall be used for the purposes set forth above excluding the above referenced office uses. If an existing nonconforming use vacates a ground floor space for more than 180 days, any future use shall conform to the use provisions herein.

(14) Other similar uses as may be permitted by the town council, provided that such uses are compatible with and do not adversely affect the character of the district.

I seem to remember Marlene took a use to the TC years ago as a temporary sales center – maybe even same site – can you research this. It may have been before the Code was changed for the current ground floor regulations.

Is there anything in the BTR regulations for temporary uses?

We should ask Mr. Geller about his legal opinion.

MJM

---

**From:** Alba Chang <[achang@bayharborislands-fl.gov](mailto:achang@bayharborislands-fl.gov)>

**Sent:** Thursday, April 22, 2021 12:59 PM

**To:** Michael J. Miller <[mmiller@michaelmillerplanning.com](mailto:mmiller@michaelmillerplanning.com)>

**Subject:** Sales Center

Hi Michael,

I hope all well. As you know we had a business owner from Kane Concourse who wishes to utilize a space located at 1111 Kane Concourse (suite 1B) as a sales center. The issue is that there is already one business facing Kane Concourse which is of a non-conforming use (dermatology clinic). I advise him of the Town Code and how ground floor uses are restricted and the formula utilized for existing building. So, he spoke at the meeting and the Council was not responsive on having a discussion to amend the code but directed him to me and mention a variance. He is stating that due to covid the owners are having a hardship renting the space.

My questions is should this request come before the Council as a variance? The council mention having a temporary use. I don't know if you have this situation happen in past years before me.

Let me know your thoughts

*Alba L. Chang, CMC  
Town Clerk*

*Town of Bay Harbor Islands  
9665 Bay Harbor Terrace  
Bay Harbor Islands, FL 33154  
Ph. 305-866-6241  
Fax 305-866-4863  
Email: [achang@bayharborislands-fl.gov](mailto:achang@bayharborislands-fl.gov)  
Website: [www.bayharborislands-fl.gov](http://www.bayharborislands-fl.gov) [[bayharborislands-fl.gov](http://bayharborislands-fl.gov)]*

#### GREENSPOON MARDER LLP LEGAL NOTICE

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A portion of our practice involves the collection of debt and any information you provide will be used for that purpose if we are attempting to collect a debt from you.

---

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To: [achang@bayharborislands-fl.gov](mailto:achang@bayharborislands-fl.gov)

Message Score: 5

High (60): **Pass**

My Spam Blocking Level: High

Medium (75): **Pass**

From:

Low (90): **Pass**

joseph.geller@gmlaw.com

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

## Sec. 23-5. - Use regulations, B-1 Business district.

*Intent.* The purpose of the district is to provide appropriate land development regulations for the business/mixed-use properties on the eastern island of the town. The lots about the Kane Concourse, the main roadway within the town. This area is the most urban in form with higher intensity development, narrow setbacks, on-street and/or garage parking facilities. The district regulations provide guidelines to encourage desired land uses such as restaurants and retail shops at street grade with other uses, including residential uses, above or behind the Kane Concourse frontage uses.

*Permitted uses.* In the B-1 business district, no building or land shall be used and no building shall hereafter be erected, constructed, reconstructed, or structurally altered which is designed, arranged, or intended to be used or occupied for any purpose, excepting for one or more of the following uses:

- (1) Multiple-family dwellings including condominiums, rental apartments, townhouses, lofts and similar dwelling units, provided the residential uses are part of a mixed-use development. No residential dwelling units may be located at ground level adjoining Kane Concourse; provided however, a lobby access is permitted. Single-family detached and two-family (duplex) dwellings are not permitted. Live/work dwelling units may be permitted if approved by the town council.
- (1a) Vacation rentals subject to the provisions in Chapter 23, Article VI of the Code of Ordinances of the Town of Bay Harbor Islands.
- (2) Business and profession office uses: Banks, savings and loan associations, business and professional offices, medical offices and clinics, stock and commodity broker, employment agency and similar uses.
- (3) Retail uses: Clothing and wearing apparel, neighborhood grocery stores, liquor and wine sales, tobacco sales, stationary, shoe sales and repairs, luggage and leather goods, sporting goods, electronic and music sales and service, telephones and communication goods, computers sales and service, optical and eye glasses, office supplies, florists, drug and sundries.
- (4) Personal service uses: Barber shop, beauty shop, skin care, day spas, dog grooming salon, nail salons, wigs and hair, fitness, exercise, weight loss, yoga, meditation center.
- (5) Miscellaneous uses: Antique display and sales, jewelry sales and repairs, furniture sales, confectionary and ice cream store, bakery and pastries, art galleries and studios, auction house, post office, theater, hardware store.
- (6) Restaurant uses: Sit-down restaurants including indoor, outdoor and sidewalk cafes; coffee shops, sandwich shops, except that no fast-food shall be permitted unless approved by the town council. A fast-food restaurant is defined as an establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, in cars on the premises, or off the premises.
- (7) Notwithstanding the foregoing, 100 percent of the ground floor space of any newly developed building or land facing Kane Concourse shall be used for the purposes set forth above excluding business and professional offices, including but not limited to physicians, attorneys, real estate offices, medical offices and clinics and stock and commodity broker offices. As used in this subsection, "newly developed" shall mean buildings constructed on vacant land or demolition of any existing building and subsequent construction of a new building. For existing buildings, at least 75 percent of the ground floor space facing Kane Concourse shall be used for the purposes set forth above excluding the above referenced office uses. For existing buildings with two or fewer ground floor uses, at least 50 percent of the ground floor space shall be used or the

purposes set forth above excluding the above referenced office uses. If an existing nonconforming use vacates a ground floor space for more than 180 days, any future use shall conform to the use provisions herein.

- (8) Religious institutions provided any such use is located on the second floor or higher floors of buildings.
- (9) Private clubs, but only upon specific approval at a public hearing and permit from the town council. The applicant shall demonstrate compliance with subsection (8.1)(c)1., 2. and 3. herein.
- (10) Hotels and customary accessory uses, including but not limited to, restaurants, bars, swimming pools, spas and other recreational facilities, and meeting facilities. This shall include the ability of a private school to operate a facility as part of hospitality education, provided the school is open to the general public.
- (11) Duly licensed home occupations are permitted subject to the requirements of the Town Code for those uses.
- (12) Convention organization services; community centers; show and film direction or production; import/export services; interior design; internet sales and service; municipal offices, parking facilities and related functions; parking of motor vehicles as accessory uses; valet parking services if approved by the town council.
- (13) Dry cleaning pick-up and delivery, provided no on-site dry cleaning occurs; tailors, clothing alterations.
- (14) Other similar uses as may be permitted by the town council, provided that such uses are compatible with and do not adversely affect the character of the district.
- (15) Activities occurring on the rooftop of the building shall be subject to the following restrictions:
  - (a) Uses and facilities shall be limited to recreational facilities for the building tenants, such as jogging/walking paths, swimming pool and/or spa, sun decks, seating areas, food preparation and/or serving areas (barbecue grill/sink/storage) and similar facilities.
  - (b) Passive recreational activities, such as jogging, walking, conversation, eating, meditation, and similar passive recreational activities shall be permitted, provided no such rooftop activities shall occur prior to 8:00 a.m. or after 11:00 p.m. from Sunday through Thursday, and prior to 8:00 a.m. or after 12:00 a.m. (midnight) on Friday and Saturday.
  - (c) No commercial business activities shall operate on the building rooftop, unless specifically approved by the town council at an advertised public meeting. A commercial business is defined as one holding a valid town business tax receipt (formerly known as occupational license) or certificate of use.
  - (d) All electrical loudspeakers, amplifiers or musical instruments shall limit sound emission for background music or entertainment purposes, regardless of whether it is "live" or recorded. Such sound emissions shall not exceed 70 decibels at any time at its source, in accordance with the town's noise ordinance (article II of chapter 12).
  - (e) Certain limited events and/or functions such as charity events, fundraising receptions, cocktail parties and the like may be permitted for the building owner or tenants, their guests and invitees, if approved in writing by the town manager, prior to the event and/or function occurring. All such requests shall be submitted to the town manager's office, on a form provided by the town, at least 24 hours in advance of the event/function, except that the town manager may approve, but is not required to approve, an event/function on short-term notice based on special circumstances. At a minimum, the application form information shall include:
    - 1. The name, address, telephone number and e-mail address of the tenant/sponsor;
    - 2. The name, address, telephone number, e-mail address and signature of the building/property owner and any designated property manager;
    - 3. The estimated number of persons attending;



4. A description of the purpose of the event/function;
  5. The hours of the event/function;
  6. A description of any planned beverage/food or entertainment; and
  7. An off-street parking plan to accommodate the attendees (if required).
- (f) All events and/or functions must be sponsored or hosted by the building owner or a building tenant, with the building owner's written consent. The building owner shall sign the town's request form or submit a separate written consent letter to the town with the request. No such limited rooftop event/function activities shall occur prior to 9:00 a.m. or after 11:00 p.m. on Sunday through Thursday and prior to 6:00 p.m. or after 12:00 a.m. (midnight) on Friday or Saturday.
- (g) No bright lights, globes, strobes or flashing lights shall be permitted.
- (h) The town reserves the right to order that any activities causing a nuisance be altered immediately to comply with Town Code provisions, or to close any activity immediately that is deemed to be in violation of this criteria that negatively affects properties both within the town and within adjoining communities.
- (i) Should these land development regulations conflict with any previously approved limitations for rooftop uses, the provisions set forth herein shall take precedence.

*Prohibited uses.* In the B-1 business district, no building or land shall be used and no building shall hereafter be erected, constructed, reconstructed, or structurally altered which is designed, arranged, or intended to be used or occupied for any of the following uses: Thrift shops or stores selling secondhand merchandise; pawn stores, gas stations; tattoo parlors or body piercing; check cashing stores; psychic or fortune tellers; flea markets; adult entertainment establishments; shops or stores selling dogs and cats; any use not specifically listed, unless permitted by the town council. Notwithstanding the above, bona fide antique or vintage stores selling clothing, accessories, jewelry and furnishings may be permitted by the town council so long as such stores are compatible with and do not adversely affect the character of the district. Antique and vintage sale items, as opposed to thrift or secondhand stores, are characterized as items from earlier periods of time. By way of example (in 2011), vintage items are typically from the time period prior to 1980 and antique items are typically from the time period prior to 1920 having some intrinsic value.

(Ord. No. 108, § 5, 6-10-57; Ord. No. 125, § 1, 1-12-59; Ord. No. 287, § 1, 1-13-75; Ord. No. 699, § 1, 3-11-02; Ord. No. 747, § 3, 8-16-04; Ord. No. 794, § 1, 4-10-06; Ord. No. 7997, § 1(Exh. A), 7-10-06; Ord. No. 893, § 1(Exh. A), 11-9-09; Ord. No. 915, § 1(Exh. A), 8-8-2011; Ord. No. 931, § 1(Exh. A), 3-12-2012; Ord. No. 963, § 1(Exh. A), 4-7-14; Ord. No. 1002, § 1(Exh. A), 11-14-16; Ord. No. 1003, § 1(Exh. A), 11-14-16)

## **AGENDA ITEM REPORT**

May 12, 2021

### **ITEM NUMBER: 18.**

**ITEM: Consideration and Approval** of a Business Tax Receipt Application from Kundani, LLC for an Early Childcare Center to be located at 1037 Kane Concourse. Enclosed is a copy of the Business Tax Receipt Application and other supporting documents.

### **DESCRIPTION:**

The Office of the Town Clerk received a Business Tax Receipt Application from Kundani, LLC (the "Applicant") for an Early Childcare / Daycare Center to be located at 1037 Kane Concourse (ground floor). The applicant would like to provide child care services for children from the age of 1 to 4 years of age.

This Business Tax Receipt application is being brought before the Town Council for consideration because of the ground floor location and previous legal opinion that any future applications for such use would require the Town Council for Approval.

Enclosed is a copy of the Kundani, LLC Business Tax Receipt Application, presentation and other supporting documents.

### **RECOMMENDED ACTION:**

Council Discretion

---

### **FINANCIAL ANALYSIS:**

### **BUDGET IMPACT:**

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Submitted By: Alba L. Chang, Town Clerk

### **ATTACHMENTS**

1. BTR App\_Prana Kids
2. PRANA KIDS PROJECT
3. 23-5 Use Regulations - B-1 BD

# Town of Bay Harbor Islands

## APPLICATION FOR BUSINESS TAX RECEIPT - BUSINESS DISTRICT

### PRINT OR TYPE ALL INFORMATION REQUESTED

PROCESSING FEE - \$25.00

BEFORE OPENING A BUSINESS IN BAY HARBOR ISLANDS MAKE SURE YOU CHECK WITH THE BUILDING DEPARTMENT FOR CERTAIN CONDITIONS THAT MAY APPLY TO THE BUSINESS OR LOCATION.

EXAMPLE: Change of Use and Occupancy Inspections  
Fire Department Inspections  
Sign Regulations

|                         |                       |
|-------------------------|-----------------------|
| (For official use only) |                       |
| DATE RECEIVED: _____    | _____                 |
| DATE ISSUED: _____      | LICENSE FEE: \$ _____ |
| ACCT. NO.: _____        | LICENSE NO.: _____    |
| CLASSIFICATION: _____   |                       |

INDICATE TYPE OF OWNERSHIP OF BUSINESS: ☐ Individual ☐ Corporation ☐ Partnership ☐ Other \_\_\_\_\_

|                                                                 |             |                                   |
|-----------------------------------------------------------------|-------------|-----------------------------------|
| *APPLICANT: Daniela Calzadilla                                  |             | DATE OF BIRTH: 06/22/1973         |
| E-MAIL ADDRESS: DANIELACALZADILLA@HOTMAIL.COM                   |             | WORK PHONE: 7863577122            |
| SSN: [REDACTED]                                                 | FEIN: _____ | DRIVER LICENSE: C423-160-73-722-0 |
| BUSINESS NAME: KUNDANI LLC                                      |             | CELL PHONE: 7863577122            |
| DOING BUSINESS AS (aka): PRANA KIDS                             |             |                                   |
| BUSINESS ADDRESS: 1037 Kane Terrace BAY HARBOR ISLANDS FL 33154 |             |                                   |
| MAILING ADDRESS (if different): _____                           |             |                                   |
| DESCRIPTION OF BUSINESS (provide details): Day Care             |             |                                   |

ESTIMATED NUMBER OF EMPLOYEES: 2 DAYS BUSINESS WILL BE OPEN: 180 HOURS: 170 HRS PER WEEK  
WILL BUSINESS HAVE VENDING MACHINES: NO IF SO, WHAT PRODUCT WILL BE VENDED: \_\_\_\_\_

### ATTACH THE FOLLOWING DOCUMENTS:

CERTIFICATIONS ISSUED BY STATE/COUNTY AGENCIES  
COPY OF ARTICLES OF INCORPORATION OR ARTICLES OF ORGANIZATION  
LIST OF CORPORATE OFFICERS (including Name, Address and Telephone Numbers)  
COPY OF LEASE (IF APPLICANT IS OTHER THAN OWNER)  
IF PROPERTY OWNER, PROVIDE COPIES OF DEED OR OTHER DOCUMENTS SHOWING OWNERSHIP

|                                                                                        |
|----------------------------------------------------------------------------------------|
| LIST NAME, ADDRESS AND TYPE OF BUSINESS (both current and previous) YOU HAVE OPERATED: |
| BAY HARBOR TOWN CENTER                                                                 |
|                                                                                        |
|                                                                                        |

LIST THREE (3) REFERENCES: (Note if you list a bank, corporation, etc. include name of a contact person)

| NAME             | ADDRESS                                   | PHONE        |
|------------------|-------------------------------------------|--------------|
| ROBERT SUAREZ    | 7201 NE 4th Ave Unit 103, Miami, FL 33138 | 954 394 2876 |
| BEATRIZ MONTANEZ | 271 NE 110 ST MIAMI FL 33161              | 818 207 3548 |
| PEDRO MOULIE     | 1045 94 ST BAY HARBOR ISLAND FL 33154     | 786 662 9750 |

I understand that in applying for a business license in the Town of Bay Harbor Islands it is my obligation to understand and comply with the rules and regulations of the Town of Bay Harbor Islands. I acknowledge receipt of a copy of the Town's sign regulations, if applicable.

APPLICANT'S SIGNATURE:  DATE: 05/03/21

FOR RESTAURANTS/FOOD ESTABLISHMENTS,  
A SOLID WASTE DEPOSIT IS REQUIRED (This  
amount can be adjusted depending upon monthly  
volume usage)

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED  
PLEASE BE SURE TO ATTACH ALL REQUIRED DOCUMENTATION

# Town of Bay Harbor Islands

## APPLICATION FOR CERTIFICATE OF OCCUPANCY

Before the issuance of a Certificate of Occupancy will be granted for the completion of a building permit or for a Business Tax Receipt, the following information must be provided.

Per the Florida Building Code, Section 903 and 307, the premises must be inspected and approved prior to new occupancy being granted.

Date: 05/03/21

|                                                |                                                 |
|------------------------------------------------|-------------------------------------------------|
| Business Location                              | 1037 KANE CONCOURSE BAY HARBOR ISLANDS FL 33154 |
| Previous Tenant: (name)                        | FLY YOGA                                        |
| Previous Use (type of business)                | YOGA STUDIO                                     |
| New Business Name                              | PRANA KIDS                                      |
| New Tenant's Name                              | DANIELA CALZADILLA                              |
| Telephone Number                               | 786 3577122                                     |
| Contractor's Name and Address and Phone Number |                                                 |

### OFFICIAL USE ONLY

#### Town Clerk:

Type of Business Compliant with Code? ☐ Yes ☐ No

Council Approval Required? ☐ Yes ☐ No

Council Approval Date: \_\_\_\_\_

Town Clerk: \_\_\_\_\_ Town Clerk Approval Date: \_\_\_\_\_

#### Police Department:

Background Investigation Completed? ☐ Yes ☐ No Date: \_\_\_\_\_

Approval for License ☐ Yes ☐ No Date: \_\_\_\_\_

Officer's Name: \_\_\_\_\_ Officer's Signature: \_\_\_\_\_

#### Officer's Remark:

#### Building Department:

Change of Use? ☐ Yes ☐ No

#### Inspections Required

☐ Code Compliance

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

☐ Building

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

☐ Electrical

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

☐ Mechanical

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

☐ Fire

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

☐ Public Works

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

☐ DERM

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

**Electronic Articles of Organization  
For  
Florida Limited Liability Company**

**L20000220003  
FILED 8:00 AM  
July 27, 2020  
Sec. Of State  
oisimmons**

**Article I**

The name of the Limited Liability Company is:

KUNDANI YOGA LLC

**Article II**

The street address of the principal office of the Limited Liability Company is:

1155 97TH ST  
APT 201  
BAY HARBOR ISLAND, FL. 33154

The mailing address of the Limited Liability Company is:

1155 97TH ST  
APT 201  
BAY HARBOR ISLAND, FL. 33154

**Article III**

The name and Florida street address of the registered agent is:

INTEGRAL SERVICES MIAMI LLC  
5713 NW 114TH CT  
APT 105  
DORAL, FL. 33178

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Registered Agent Signature: JENNY M. COVARRUBIA

### **Article IV**

The name and address of person(s) authorized to manage LLC:

Title: AMBR  
DANIELA CALZADILLA  
1155 97TH ST, APT 201  
BAY HARBOR ISLAND, FL. 33154

L20000220003  
FILED 8:00 AM  
July 27, 2020  
Sec. Of State  
oisimmons

### **Article V**

The effective date for this Limited Liability Company shall be:

07/20/2020

Signature of member or an authorized representative

Electronic Signature: JENNY M. COVARRUBIA

I am the member or authorized representative submitting these Articles of Organization and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of the LLC and every year thereafter to maintain "active" status.

Date of this notice: 08-03-2020

Employer Identification Number:  
85-2297393

Form: SS-4

Number of this notice: CP 575 G

KUNDANI YOGA LLC  
DANIELA CALZADILLA SOLE MBR  
1155 97TH ST APT 201  
BAY HARBOR IS, FL 33154

For assistance you may call us at:  
1-800-829-4933

IF YOU WRITE, ATTACH THE  
STUB AT THE END OF THIS NOTICE.

#### WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 85-2297393. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

A limited liability company (LLC) may file Form 8832, *Entity Classification Election*, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, *Election by a Small Business Corporation*. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

To obtain tax forms and publications, including those referenced in this notice, visit our Web site at [www.irs.gov](http://www.irs.gov). If you do not have access to the Internet, call 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your local IRS office.

#### IMPORTANT REMINDERS:

- \* Keep a copy of this notice in your permanent records. **This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you.** You may give a copy of this document to anyone asking for proof of your EIN.
- \* Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.
- \* Refer to this EIN on your tax-related correspondence and documents.

If you have questions about your EIN, you can call us at the phone number or write to us at the address shown at the top of this notice. If you write, please tear off the stub at the bottom of this notice and send it along with your letter. If you do not need to write us, do not complete and return the stub.

Your name control associated with this EIN is KUND. You will need to provide this information, along with your EIN, if you file your returns electronically.

Thank you for your cooperation.

08-03-2020 KUND 0 9999999999 SS-4

CP 575 G (Rev. 7-2007)

CP 575 G

999999999999

DATE OF THIS NOTICE: 08-03-2020  
EMPLOYER IDENTIFICATION NUMBER: 85-2297393  
FORM: SS-4 NOBOD

KUNDANI YOGA LLC  
DANIELA CALZADILLA SOLE MBR  
1155 97TH ST APT 201  
BAY HARBOR IS, FL 33154



# ***CERTIFICATE***



National Institute of Child Care Management

certifies that

**Sandra Elena Calzadilla Prada**

Has completed

**N.I.C.C.M.'s CDA Fast Track Course**

has met all educational requirements set by NICCM and has demonstrated an understanding of child care classroom practices, and is hereby awarded

 **'s CDA Fast Track ©**

This credential carries 30 contact hours and/or 3.0 CEU's

***Bradley Smith***

Bradley Smith, Executive Director

**March 28<sup>th</sup>, 2021**

Dated

**March 28<sup>th</sup>, 2022**

Expires

National Institute of Child Care Management, 5235 E. Southern Ave. ; Suite D106-621 Mesa, AZ 85206 (602) 476-1422, Fax (480) 264-3656, E-mail [niccm@handprint.org](mailto:niccm@handprint.org)



# ***CERTIFICATE***



National Institute of Child Care Management

certifies that

**Sandra Elena Calzadilla Prada**

Has completed N.I.C.C.M.'s National Administrator's Credential program,  
including the Texas Director's Credential Program  
has passed the written examination and praxis, has demonstrated an  
understanding of child care management practices, and is hereby awarded

 **'s N. A. C. ©**

Contact hours awarded - 45  
Continuing Education Units - 4.5

***Bradley Smith***

Bradley Smith, Executive Director

May 2<sup>nd</sup>, 2021

Dated

May 2<sup>nd</sup>, 2023

Expires

National Institute of Child Care Management, 5235 E. Southern Ave., Suite D106-621, Mesa, AZ 85206 (602) 476-1422, Fax (602) 264-3656, E-mail [niccm@handprint.org](mailto:niccm@handprint.org)





# CHILD CARE TRAINING TRANSCRIPT

Student: Sandra Elena Calzadilla  
Student ID: 1384987 Date: 03/23/2021

| TRAINING/COURSE                                                                                        | Hours | Certificate # | Date       | CEUs |
|--------------------------------------------------------------------------------------------------------|-------|---------------|------------|------|
| <b>CHILD CARE FACILITY PART 1</b>                                                                      |       |               |            |      |
| Child Care Facility Rules and Regulations (RNRF)                                                       | 6     | 5803107       | 01/26/2019 |      |
| Health, Safety and Nutrition (HSAN)                                                                    | 8     | 5782855       | 09/22/2018 |      |
| Identifying and Reporting Child Abuse and Neglect (CAAN)                                               | 4     | 5640481       | 07/24/2018 |      |
| Child Growth and Development (CGDR)                                                                    | 6     | 5792343       | 09/22/2018 |      |
| Behavioral Observation and Screening (BOSR)                                                            | 6     | 5666595       | 12/13/2018 |      |
| <b>CHILD CARE FACILITY PART 2</b>                                                                      |       |               |            |      |
| Understanding Developmentally Appropriate Practices (UDAP)                                             | 5     | 5884083       | 11/20/2018 |      |
| Infant and Toddler Appropriate Practices (ITPR)                                                        | 5     | 5900976       | 12/13/2018 |      |
| Preschool Appropriate Practices (PSPR)                                                                 | 5     | 5890627       | 11/20/2018 |      |
| Special Needs Appropriate Practices (SNP)                                                              | 10    | 5927569       | 01/26/2019 |      |
| <b>IN-SERVICE</b>                                                                                      |       |               |            |      |
| Early Literacy for Children Age Birth through Three (ELC)<br>(In-service only course after 01/01/2018) | 5     | In-Service    | 01/08/2019 |      |

## INTRODUCTORY TRAINING REQUIREMENTS

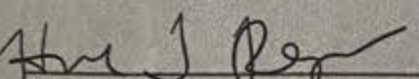
Part I Child Care Facility 30 Hour Training Requirement has been completed. Yes

Part II Child Care Facility 10 Hour Training Requirement has been completed. Yes

School-Age Child Care 40 Hour Training Requirement has been completed. No

Family Child Care Home 30 Hour Training Requirement has been completed. No

Early Literacy 5 Hour Training Requirement has been completed. Yes

  
Director  
Office of Child Care Regulation





# WHO WE ARE?

## **Sandra Calzadilla**

I am Teacher experienced in Early Childhood Education for over 14 years; I was a Lead Teacher at Vonwedel Montessori, Ocean Reef Academy and Co-Founder of PeaPod Kids with an orientation based on different philosophies from Maria Montessori, Reggio Emilia and Waldorf.

I provide suitable education for children from 1 to 4 years old, working techniques to develop coordination, concentration and independence, where children can have the freedom to learn through exploration, creativity and socialization while improving their fine and gross motor skills for a complete individual growth.

Certified in DCF, CDA and Director Credential.



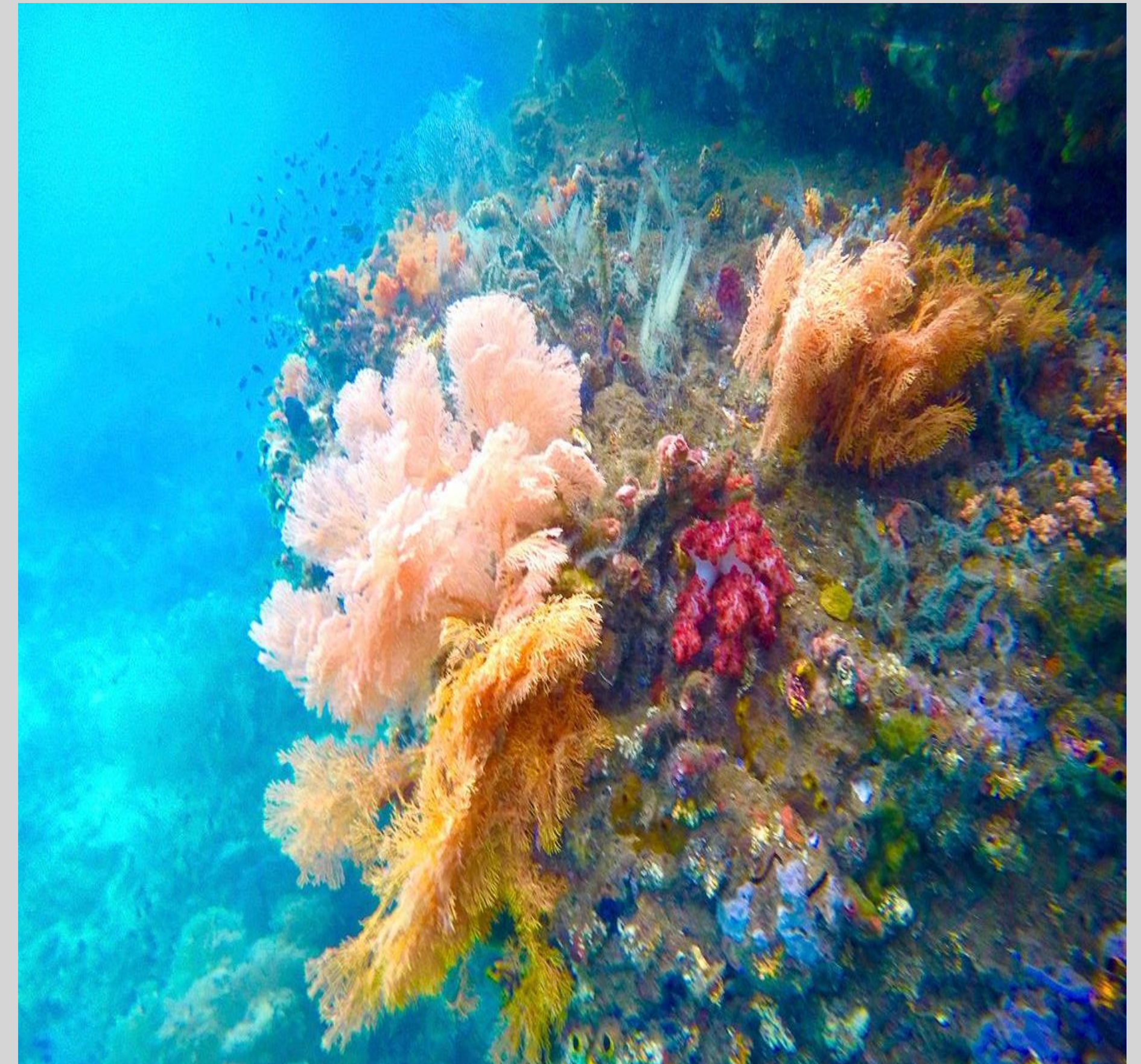


## **Daniela Calzadilla**

I am an expert in Mindfulness Teaching for kids including those with special needs. I have have taught children this valuable technique for the past 4 years at Bay Harbor Community Center, Preschool Group of the Bay and Peapod Kids.

I have a 20 years background in pediatric dentistry serving children of all abilities.

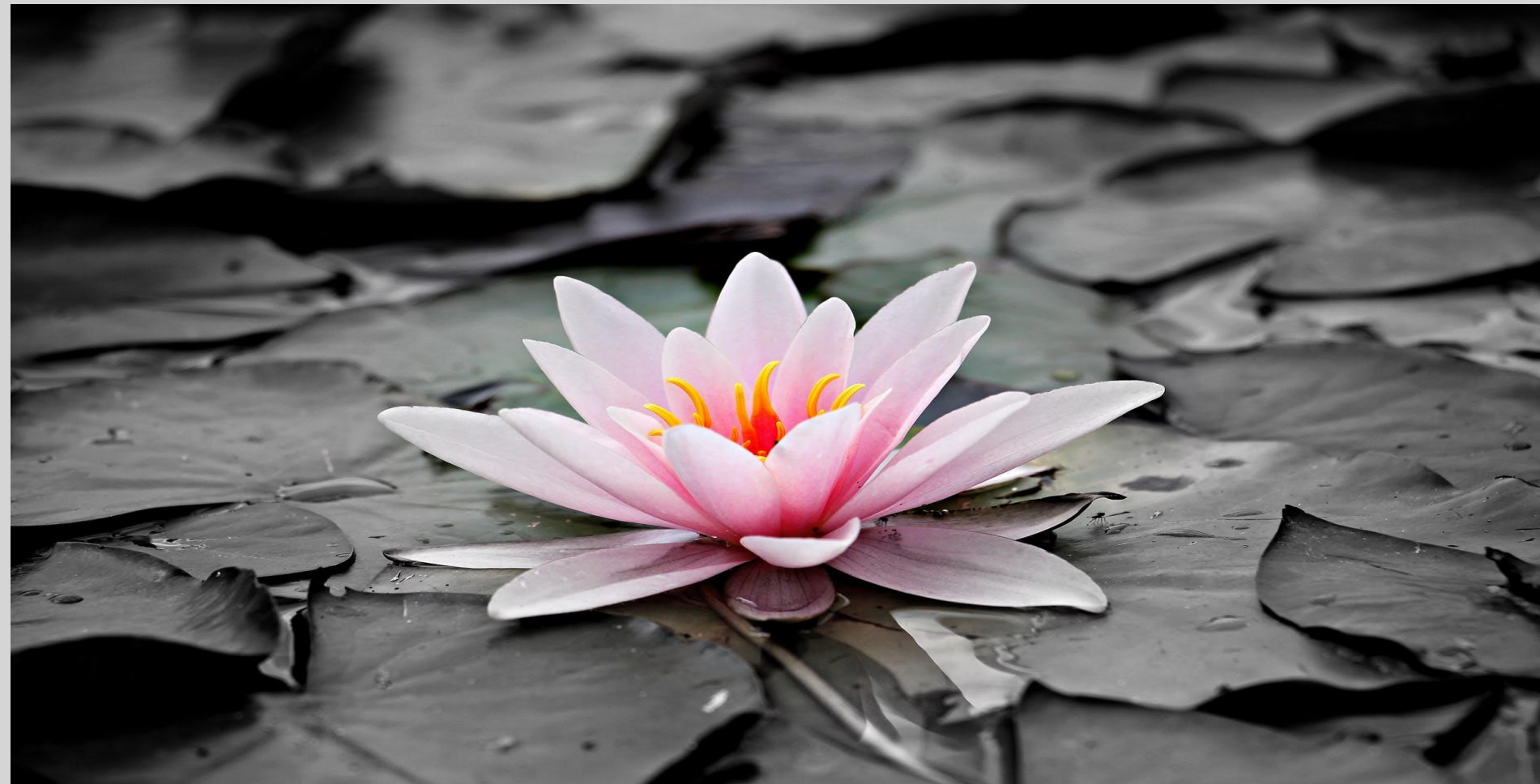
Now, Founder of Kundani, I have developed a program to maximize breathing consciousness to calm the mind and central nervous system for all ages.





# Our Mission

Our Mission is to teach our kids to explore their potential through self-awareness and mindfulness, giving them the confidence to manifest their feelings, express their ideas and believe in them self.



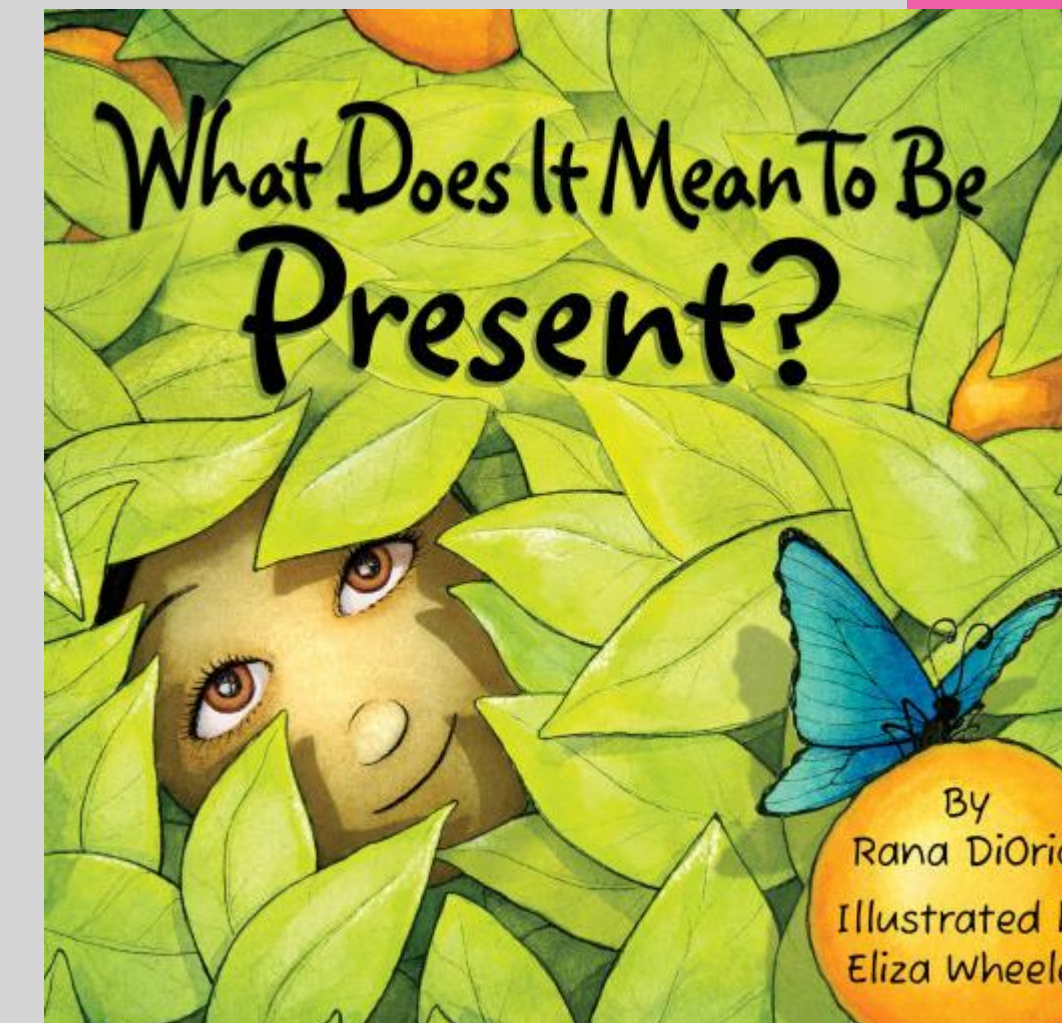
**“We must teach our children to Dream with  
their eyes open” –**  
Harry Edwards



## Environment Care



## Mindful Character Building



## Sensory Stimulation





## Breathing Consciousness



## Motor Skills



## Practical Life





## Learning Techniques

## SocialSkills





# Learning Together







**“Success is no accident, It is handwork perseverance, learning,  
studying, and most of all LOVE”**



## Sec. 23-5. - Use regulations, B-1 Business district.

*Intent.* The purpose of the district is to provide appropriate land development regulations for the business/mixed-use properties on the eastern island of the town. The lots about the Kane Concourse, the main roadway within the town. This area is the most urban in form with higher intensity development, narrow setbacks, on-street and/or garage parking facilities. The district regulations provide guidelines to encourage desired land uses such as restaurants and retail shops at street grade with other uses, including residential uses, above or behind the Kane Concourse frontage uses.

*Permitted uses.* In the B-1 business district, no building or land shall be used and no building shall hereafter be erected, constructed, reconstructed, or structurally altered which is designed, arranged, or intended to be used or occupied for any purpose, excepting for one or more of the following uses:

- (1) Multiple-family dwellings including condominiums, rental apartments, townhouses, lofts and similar dwelling units, provided the residential uses are part of a mixed-use development. No residential dwelling units may be located at ground level adjoining Kane Concourse; provided however, a lobby access is permitted. Single-family detached and two-family (duplex) dwellings are not permitted. Live/work dwelling units may be permitted if approved by the town council.
- (1a) Vacation rentals subject to the provisions in Chapter 23, Article VI of the Code of Ordinances of the Town of Bay Harbor Islands.
- (2) Business and profession office uses: Banks, savings and loan associations, business and professional offices, medical offices and clinics, stock and commodity broker, employment agency and similar uses.
- (3) Retail uses: Clothing and wearing apparel, neighborhood grocery stores, liquor and wine sales, tobacco sales, stationary, shoe sales and repairs, luggage and leather goods, sporting goods, electronic and music sales and service, telephones and communication goods, computers sales and service, optical and eye glasses, office supplies, florists, drug and sundries.
- (4) Personal service uses: Barber shop, beauty shop, skin care, day spas, dog grooming salon, nail salons, wigs and hair, fitness, exercise, weight loss, yoga, meditation center.
- (5) Miscellaneous uses: Antique display and sales, jewelry sales and repairs, furniture sales, confectionary and ice cream store, bakery and pastries, art galleries and studios, auction house, post office, theater, hardware store.
- (6) Restaurant uses: Sit-down restaurants including indoor, outdoor and sidewalk cafes; coffee shops, sandwich shops, except that no fast-food shall be permitted unless approved by the town council. A fast-food restaurant is defined as an establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, in cars on the premises, or off the premises.
- (7) Notwithstanding the foregoing, 100 percent of the ground floor space of any newly developed building or land facing Kane Concourse shall be used for the purposes set forth above excluding business and professional offices, including but not limited to physicians, attorneys, real estate offices, medical offices and clinics and stock and commodity broker offices. As used in this subsection, "newly developed" shall mean buildings constructed on vacant land or demolition of any existing building and subsequent construction of a new building. For existing buildings, at least 75 percent of the ground floor space facing Kane Concourse shall be used for the purposes set forth above excluding the above referenced office uses. For existing buildings with two or fewer ground floor uses, at least 50 percent of the ground floor space shall be used or the

purposes set forth above excluding the above referenced office uses. If an existing nonconforming use vacates a ground floor space for more than 180 days, any future use shall conform to the use provisions herein.

- (8) Religious institutions provided any such use is located on the second floor or higher floors of buildings.
- (9) Private clubs, but only upon specific approval at a public hearing and permit from the town council. The applicant shall demonstrate compliance with subsection (8.1)(c)1., 2. and 3. herein.
- (10) Hotels and customary accessory uses, including but not limited to, restaurants, bars, swimming pools, spas and other recreational facilities, and meeting facilities. This shall include the ability of a private school to operate a facility as part of hospitality education, provided the school is open to the general public.
- (11) Duly licensed home occupations are permitted subject to the requirements of the Town Code for those uses.
- (12) Convention organization services; community centers; show and film direction or production; import/export services; interior design; internet sales and service; municipal offices, parking facilities and related functions; parking of motor vehicles as accessory uses; valet parking services if approved by the town council.
- (13) Dry cleaning pick-up and delivery, provided no on-site dry cleaning occurs; tailors, clothing alterations.
- (14) Other similar uses as may be permitted by the town council, provided that such uses are compatible with and do not adversely affect the character of the district.
- (15) Activities occurring on the rooftop of the building shall be subject to the following restrictions:
  - (a) Uses and facilities shall be limited to recreational facilities for the building tenants, such as jogging/walking paths, swimming pool and/or spa, sun decks, seating areas, food preparation and/or serving areas (barbecue grill/sink/storage) and similar facilities.
  - (b) Passive recreational activities, such as jogging, walking, conversation, eating, meditation, and similar passive recreational activities shall be permitted, provided no such rooftop activities shall occur prior to 8:00 a.m. or after 11:00 p.m. from Sunday through Thursday, and prior to 8:00 a.m. or after 12:00 a.m. (midnight) on Friday and Saturday.
  - (c) No commercial business activities shall operate on the building rooftop, unless specifically approved by the town council at an advertised public meeting. A commercial business is defined as one holding a valid town business tax receipt (formerly known as occupational license) or certificate of use.
  - (d) All electrical loudspeakers, amplifiers or musical instruments shall limit sound emission for background music or entertainment purposes, regardless of whether it is "live" or recorded. Such sound emissions shall not exceed 70 decibels at any time at its source, in accordance with the town's noise ordinance (article II of chapter 12).
  - (e) Certain limited events and/or functions such as charity events, fundraising receptions, cocktail parties and the like may be permitted for the building owner or tenants, their guests and invitees, if approved in writing by the town manager, prior to the event and/or function occurring. All such requests shall be submitted to the town manager's office, on a form provided by the town, at least 24 hours in advance of the event/function, except that the town manager may approve, but is not required to approve, an event/function on short-term notice based on special circumstances. At a minimum, the application form information shall include:
    - 1. The name, address, telephone number and e-mail address of the tenant/sponsor;
    - 2. The name, address, telephone number, e-mail address and signature of the building/property owner and any designated property manager;
    - 3. The estimated number of persons attending;

4. A description of the purpose of the event/function;
  5. The hours of the event/function;
  6. A description of any planned beverage/food or entertainment; and
  7. An off-street parking plan to accommodate the attendees (if required).
- (f) All events and/or functions must be sponsored or hosted by the building owner or a building tenant, with the building owner's written consent. The building owner shall sign the town's request form or submit a separate written consent letter to the town with the request. No such limited rooftop event/function activities shall occur prior to 9:00 a.m. or after 11:00 p.m. on Sunday through Thursday and prior to 6:00 p.m. or after 12:00 a.m. (midnight) on Friday or Saturday.
- (g) No bright lights, globes, strobes or flashing lights shall be permitted.
- (h) The town reserves the right to order that any activities causing a nuisance be altered immediately to comply with Town Code provisions, or to close any activity immediately that is deemed to be in violation of this criteria that negatively affects properties both within the town and within adjoining communities.
- (i) Should these land development regulations conflict with any previously approved limitations for rooftop uses, the provisions set forth herein shall take precedence.

*Prohibited uses.* In the B-1 business district, no building or land shall be used and no building shall hereafter be erected, constructed, reconstructed, or structurally altered which is designed, arranged, or intended to be used or occupied for any of the following uses: Thrift shops or stores selling secondhand merchandise; pawn stores, gas stations; tattoo parlors or body piercing; check cashing stores; psychic or fortune tellers; flea markets; adult entertainment establishments; shops or stores selling dogs and cats; any use not specifically listed, unless permitted by the town council. Notwithstanding the above, bona fide antique or vintage stores selling clothing, accessories, jewelry and furnishings may be permitted by the town council so long as such stores are compatible with and do not adversely affect the character of the district. Antique and vintage sale items, as opposed to thrift or secondhand stores, are characterized as items from earlier periods of time. By way of example (in 2011), vintage items are typically from the time period prior to 1980 and antique items are typically from the time period prior to 1920 having some intrinsic value.

(Ord. No. 108, § 5, 6-10-57; Ord. No. 125, § 1, 1-12-59; Ord. No. 287, § 1, 1-13-75; Ord. No. 699, § 1, 3-11-02; Ord. No. 747, § 3, 8-16-04; Ord. No. 794, § 1, 4-10-06; Ord. No. 7997, § 1(Exh. A), 7-10-06; Ord. No. 893, § 1(Exh. A), 11-9-09; Ord. No. 915, § 1(Exh. A), 8-8-2011; Ord. No. 931, § 1(Exh. A), 3-12-2012; Ord. No. 963, § 1(Exh. A), 4-7-14; Ord. No. 1002, § 1(Exh. A), 11-14-16; Ord. No. 1003, § 1(Exh. A), 11-14-16)

## **AGENDA ITEM REPORT**

May 12, 2021

### **ITEM NUMBER: 19.**

**ITEM: Discussion and possible action** requested by Council Member Leonard to remove the Town Clerk and Appoint an Interim Town Clerk. Enclosed is a copy of the Town Charter.

### **DESCRIPTION:**

The following item is being requested by Council Member Leonard for the Town Council to consider the removal of Alba L. Chang as the Town Clerk and appoint an Interim Town Clerk.

Enclosed is a copy of the Town Charter.

### **RECOMMENDED ACTION:**

Council Discretion

---

### **FINANCIAL ANALYSIS:**

### **BUDGET IMPACT:**

---

Submitted By: Alba L. Chang, Town Clerk  
Jordan W. Leonard, Council Member

### **ATTACHMENTS**

1. Section 3.02 of the Town Charter



## Section 3.02. - Town Clerk.

- (a) Appointment. The Council shall appoint a Town Clerk (the "Clerk").
- (b) Responsibilities. The Clerk shall give notice of Council meetings to its members and the public, shall maintain minutes of its proceedings, shall have the authority to administer oaths, shall have charge of the conduct of municipal elections in coordination with the County Supervisor of Elections and shall perform such other duties as the Council may prescribe from time to time. The Clerk shall report to the Council.
- (c) Removal. The Clerk may be removed by affirmative vote of no less than four (4) Council Members.
- (d) Compensation. The compensation of the Clerk shall be fixed by the Council.

## **AGENDA ITEM REPORT**

May 12, 2021

### **ITEM NUMBER: 20.**

**ITEM: Discussion and direction** on the policy and procedures for naming and re-naming of Town-owned properties. Enclosed is a copy of Resolution No. 1057 and staff's recommendation on the matter.

### **DESCRIPTION:**

The purpose of this policy is provide standard procedures and guidelines for the naming and renaming of Town-owned properties.

Enclosed is an itemized list of recommendation / guidelines that staff prepared based on research obtained from other municipalities.

Staff recommends that the Council provides any additional suggestions and directs the Town Attorney to draft a resolution setting forth the Town Council's recommendations.

### **RECOMMENDED ACTION:**

Council Discretion

---

### **FINANCIAL ANALYSIS:**

### **BUDGET IMPACT:**

---

Submitted By: Alba L. Chang, Town Clerk

### **ATTACHMENTS**

1. 12-10-07 1057 RESO
2. Recommendations for names and guidelines to be followed

**RESOLUTION OF THE TOWN OF BAY HARBOR ISLANDS  
ESTABLISHING A POLICY FOR THE NAMING OF TOWN  
OWNED PROPERTY IN HONOR OF A CITIZEN.**

**WHEREAS**, the Town Council of the Town of Bay Harbor Islands is charged with preserving and protecting the public health, safety, and welfare of its citizens; and

**WHEREAS**, establishing a policy for the naming of Town owned property in honor of a citizen is essential to preserving and protecting the health, safety, and welfare of the citizens of the Town of Bay Harbor Islands; and

**WHEREAS**, it is desirable to have an established policy to provide guidance to the Town and to those seeking to name Town owned property in honor of a citizen; and

**WHEREAS**, the naming of Town owned property in honor of a citizen pursuant to an established policy is a benefit to the citizens of Bay Harbor Islands and to the public at large;

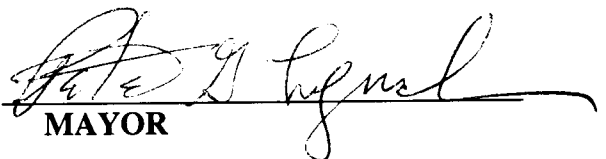
**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Bay Harbor Islands as follows:

**Section 1.** The Town of Bay Harbor Islands hereby establishes a policy that when there is a request to name Town owned property in honor of a citizen, the Town Council shall hear such a request and make a decision regarding the request only after a duly advertised public hearing has been held.

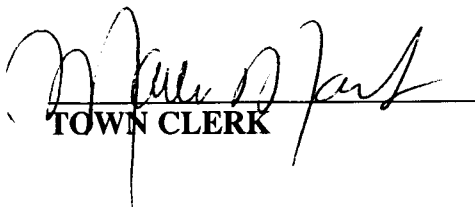
**Section 2.** This Resolution shall become effective upon adoption.

**PASSED AND ADOPTED** this 10th day of December, 2007.

**TOWN OF BAY HARBOR ISLANDS**

BY:   
**MAYOR**

**ATTEST:**

  
**TOWN CLERK**



### **Recommendations / Guidelines for Naming of Town of Bay Harbor Islands Property**

- (a) Recommendations or requests for naming of Town property shall be made by completing the “Application for Naming” and said application will be submitted to the office of the Town Manager for consideration and possible recommendation to the Town Council at a regularly advertised meeting.
- (b) The Town Council will consider “Applications for Naming” of Town roads, facilities or submitted through the Town Manager.
- (c) “Applications for Naming” submitted to the Town Manager must meet one of the three criteria for consideration and submittal to the Town Council for review: Historical significance, significant contribution to the Town, County, Country, humanity and/or significant sacrifice.
- (d) The “Application for Naming” shall be considered and possibly approved through the adoption of a resolution by majority vote of the Town Council at a public meeting.
- (e) Nothing in this rule shall prevent the Town Council from affixing the names of living individuals, groups, companies or other entities to bricks, plaques, etc. for the purpose of fundraising, special recognition or other events or situations as designated by the Town Council.

***When reviewing an “Application for Naming”, the following guidelines and criteria shall be utilized by the Town Manager & Town Council to determine viability and approval:***

- (1) Town roads, facilities or property will only be named after person(s) who are deceased unless the person(s) is a former elected official or family member(s) of former elected official(s).
- (2) Applications / Resolutions proposing the posthumous naming of roads, facilities or properties will only include those names of persons who: a) were considered to have outstanding historical significance and/or civic or community minded individuals within the Town, b) made significant contributions to the town, Miami-Dade County, the Country or humanity in general, or enjoyed national or international prominence.
- (3) Special considerations for officials or employees who gave their lives or other significant sacrifice while performing in the line of duty may be made.
- (4) All “Applications for Naming” must be accompanied with the appropriate background information and documented support for the Application.
- (5) The name of a Town road (non-state, federal or county), facility or Town property made pursuant to this chapter shall be permanent unless changed by a majority vote of the Town Council. Naming of State, Federal and County roads are approved through applicable legislature and/or County.



## **APPLICATION FOR NAMING**

PUBLIC PROPERTY DESIGNATION - Street, Facility, Park, Building or Property

**APPLICANT INFORMATION** for the person, group, or organization seeking to honor a past or current resident, residents, organization, or organizations by naming a city street, facility, park, building, or other property:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

**NAME AND LOCATION** of street, facility, park, building, or property being requested for honorary designation or to bear an official name:

NAME: \_\_\_\_\_

LOCATION: \_\_\_\_\_  
\_\_\_\_\_

### **PERSON OR ORGANIZATION TO BE HONORED:**

\_\_\_\_\_

- 1. HISTORICAL SIGNIFICANCE** of the person or organization whose name is proposed to be the honorary name for the street, facility, park, building or property (attach supporting documentation):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 2. PERSON'S OR ORGANIZATION'S CONTRIBUTIONS** to the Town of Bay Harbor Islands (attach supporting documentation):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3. PERSON'S OR ORGANIZATION'S HEROIC SERVICE OR PERSONAL SACRIFICE** to the Town of Bay Harbor Islands (attach supporting documentation):

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**\*\*\* If no contribution, historical significance, heroic service / personal sacrifice is listed, the application will not be considered\*\*\***

PERSON'S HISTORY OF RESIDENCY in the Town of Bay Harbor Islands:

LOCATION OF RESIDENCE:

---

HOW LONG:

---

HISTORY OF STREET, FACILITY, PARK, BUILDING, OR PROPERTY being requested for distinction:

CURRENT OFFICIAL NAME:

---

PRIOR OFFICIAL NAME(S):

---

PRIOR HONORARY NAME(S):

---

SIGNATURE OF APPLICANT \_\_\_\_\_

DATE: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

---

**APPLICATION REVIEW BY TOWN MANAGER**

DATE APPROVED: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

DATE DENIED: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Reason for Denial: \_\_\_\_\_

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Signature of Town Manager

## **AGENDA ITEM REPORT**

May 12, 2021

### **ITEM NUMBER: 21.**

**ITEM: Discussion** and report for the proposed amendments to the Town Comprehensive Plan. Enclosed is a copy of the full report and staff report.

### **DESCRIPTION:**

Town Planner Michael Miller will provide a presentation on the proposed amendments to the Town Comprehensive Plan.

Enclosed is a copy of the staff report and other supporting documents.

### **RECOMMENDED ACTION:**

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### **FINANCIAL ANALYSIS:**

### **BUDGET IMPACT:**

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Submitted By:       Alba L. Chang, Town Clerk  
                              Michael Miller, Town Planner

### **ATTACHMENTS**

1. BHI Complan Update History April 2021
2. BHI TC Staff Report 2021 Complan EBA
3. Comp Plan April 2021 Draft



**Town of Bay Harbor Islands, Florida**  
**Comprehensive Plan Updates**  
**Evaluation & Appraisal Report (EAR) Based Amendments / General Updates**  
**MMPA Project No. 01-0702-0105D**

The following was an attachment to the Town's 2019 DEO letter describing the community's development and planning history of the Town and a summary of the proposed changes to the plan. Effective 2011 local governments are no longer required statutorily to prepare a formal Evaluation and Appraisal Report (EAR) to analyze whether changes are necessary to the Town's adopted plan. The Town prepared such formal EARs in both 2006 and 2012; however, the 2012 EAR was never submitted - as the State's plan update process was revised. In lieu of the submission of a formal EAR, on January 24<sup>th</sup>, 2012, the Town submitted a letter to the state planning agency stating the Town would undertake actual Comprehensive Plan (Complan) amendments to update out-of-date portions of the plan, and to address state law changes. While a complete set of draft plan updates were prepared in 2012, the Town did not move forward with their adoption. In October 2018, the earlier complete set of draft plan updates was updated by MMPA and submitted to the Town; however, again the Town's administration at that time did not move forward with their adoption. The next EAR letter was due February 1<sup>st</sup>, 2019, which was submitted to DEO on January 29<sup>th</sup>, 2019. Once an EAR letter is submitted to DEO the local government agency has one (1) year to prepare formal updates to its Complan and submit them. Therefore, the Town should have submitted proposed Complan amendments to DEO by February 1<sup>st</sup>, 2020. Due to changes in the Town's administration and COVID-19 impacts the processing / adoption of the Complan amendments did not take place. The following includes discussions on the purpose of the plan update, changes that have occurred within the community (growth / population / etc.), an analysis of the individual plan elements and tables setting forth state legislative changes over the years, agency rule changes and changes to the South Florida Regional Planning Council's Strategic Regional Policy Plan (SRPP).

## **COMMUNITY HISTORY / DESCRIPTION**

The original Town area (easternmost 2 islands) was developed and platted by Shepard Broad (co-founder Broad & Cassel law firm) and Benjamin Kane (local businessman) as a unique master-planned community in December 1946. The Town was incorporated in 1947. Access to the islands was originally available only from the east via a bridge spanning the Indian Creek Waterway connecting to the communities of Bal Harbour Village and Town of Surfside on the barrier island. In 1951 the western island located in the middle of Biscayne Bay was added to the Town boundaries and the Broad Causeway to the mainland to the west was constructed.

The Town of Bay Harbor Islands is a small community, almost completely built-out, located in the northeast coastal area of Miami-Dade County. The Town's land area includes three (3) islands connected by 96<sup>th</sup> Street / Kane Concourse to Collins Avenue / SR A1A to the east and the mainland to the west at NE 123<sup>rd</sup> Street. The eastern boundary of the Town is the Indian Creek, a waterway that separates the Town from the communities of Bal Harbour Village, the Town of Surfside and Indian Creek Village. The southern boundary is a continuation of the Indian Creek at the eastern edge and Biscayne Bay for the balance. A portion of the western boundary is the City of North Miami, which begins at the western end of the Broad Causeway connecting 96<sup>th</sup> Street in the Town to NE 123<sup>rd</sup> Street on the mainland. Biscayne Bay comprises the remaining entire western and northern boundary of the Town. The Town is approximately 267 acres in size (.42 square miles), had a permanent resident population of approximately 5,628 persons in 2010, and has an estimated population of 5,793 in 2020.

**Town of Bay Harbor Islands, Florida**  
**Comprehensive Plan Updates**  
**Evaluation & Appraisal Report (EAR) Based Amendments / General Updates**  
**April 2021**

**COMMUNITY PLANNING HISTORY**

The Town has essentially been completely built-out in accordance with the original 1946 community master plan and subdivision plat. Only in the last 20 years (2000-2020) has any significant redevelopment occurred to replace some of the original structures.

The Town's first Comprehensive Plan was prepared jointly by the State Department of Community Affairs (DCA) and the Miami-Dade Planning Department staff through a technical assistance grant in April 1980 pursuant to the requirements of Florida's 1975 Growth Management Act. The 1980 plan was not legally binding on the Town as allowed by state law. The Town engaged an engineering consultant firm to prepare an Evaluation and Appraisal Report (EAR) of the 1980 plan in 1985. The Town engaged another engineering consultant firm to prepare another Evaluation and Appraisal Report (EAR) of the 1980 plan in 1988.

The Town subsequently adopted its current legally binding Comprehensive Plan on January 11<sup>th</sup>, 1989 (Ord. No. 476) pursuant to the requirements of Florida's 1985 Growth Management Act update. As noted above, earlier state laws required local governments to perform more frequent EARs and plan updates (annual / 5-years / other); however, those laws were modified several times due to the amount of cost / work involved to constantly update the plans, even though in many smaller communities there was little or no change / growth. The Town prepared its first EAR of the 1989 plan as a draft in 1995 using in-house staff (Round #1); however, the 1995 EAR was not found to be "sufficient" by the Department of Community Affairs (DCA) until June 1999. Because of internal Town staffing changes, funding and a general lack of knowledge about the state's Comprehensive Planning / EAR requirements, no EAR-Based Comprehensive Plan Amendments (EBA) were initiated after the final 1999 EAR approval. It was not until the fall of 2001 that the firm of Michael Miller Planning Associates, Inc. (MMPA), which had just been retained to help prepare a park grant application, informed the Town officials that the 1988 plan had never amended as required to incorporate the findings and recommendations of the 1995-99 EAR. The Town Council subsequently engaged MMPA as their Planning Consultant to among other things, prepare EAR-Based Amendments (EBA) that were suggested in the 1995-99 EAR. The draft Phase 1 EBA was completed in late 2001. Initially the work focused on the so-called Phase I EBA which included only the Future Land Use Element (FLUE) and Coastal Management Element (CME) to address the most pressing concern at that time (density allowances) due to mounting re-development pressures. The Town Council at that time had approved a few re-development projects that exceeded the plan density limits (2 were built). However, due to local citizen opposition and DCA concerns with the Town Council's initial residential density limit corrections (increases) to address previous plan errors (inaccurate as-built density limits) the Phase I EBA amendments were not adopted until December 2004 and found "In Compliance" by DCA in March 2005. The remaining 1995-99 EBA were well underway when the next EAR (Round #2) deadline approached in 2006. At that time, DCA staff instructed the Town to cease work on the remaining 1995-99 EBA plan updates and work on its new EAR, and then initiate a new comprehensive set of EBA.

Because of the Town's small size and development status, and the fact that the Town was working on the previous EBA, the Town felt it was not necessary to conduct the recommended Scoping Meeting to develop a Scope of Work and List of Major Local Issues that would serve as the basis for the 2006 EAR of its Comprehensive Plan. The Scope of Work and draft List of Major Local Issues was presented to the Town's Council, acting as the Local Planning Agency (LPA) on June 20<sup>th</sup>, 2005 and approved. The Town authorized MMPA to prepare a 2006 EAR,

**Town of Bay Harbor Islands, Florida**  
**Comprehensive Plan Updates**  
**Evaluation & Appraisal Report (EAR) Based Amendments / General Updates**  
**April 2021**

which was completed in draft form; however, the Town chose to not move forward with the 2006 EAR and associated EBA for various reasons.

Since 2005 when the Phase 1 EBA was approved, as required by state statute, the Town prepared, adopted and DCA approved three (3) plan amendments including:

- (1) School Co-Location / Siting amendments in 2005.
- (2) Public School Facilities Element in 2008 (Town approved June 9<sup>th</sup>, 2008 / DCA Compliance approval August 2008).
- (3) A 10-Year Water Supply Facilities Work Plan and related plan amendments in 2009 (Town approved February 9<sup>th</sup>, 2009 / DCA Compliance approval April 2009).

The next formal EAR submittal date was February 1<sup>st</sup>, 2012. The Town had already instructed MMPA to prepare its next EAR and an initial draft was completed. However, in 2011 the Florida Legislature modified the laws governing Comprehensive Planning and dropped the requirements to prepare / adopt a formal EAR. In its place was a requirement for each community to evaluate its adopted plan and advise the state planning agency in writing according to a published schedule if changes were necessary, based on changing community conditions or changes to state laws. On January 24<sup>th</sup>, 2012 the Town submitted a letter to the state (deadline was Feb. 1<sup>st</sup>, 2012) informing them of the previous EAR work and advising DEO the Town would proceed with formal EAR-Based plan amendments, based substantially on the 2012 EAR. MMPA was instructed to prepare new updated draft plan amendments for all elements – which was completed; however, the Town chose to not move forward with the 2012 EBA for various reasons.

In February 2015 the Town prepared / submitted updates to its 10-Year Water Supply Facilities Work Plan (WSP) in accordance with 18-month deadline imposed by the South Florida Water Management after its Lower East Coast Water Supply Plan was updated. However, as the Town had not submitted / adopted its last EBA, the state DEO informed the Town they could not proceed with the adoption of the WSP update. On October 5<sup>th</sup>, 2015 the Town requested a one-year extension to resubmit the WSP while the Town was to complete / submit their EBA. DEO approved the one-year extension on October 7<sup>th</sup>, 2015 - which extended the WSP resubmittal deadline to October 6<sup>th</sup>, 2016. However, the Town did not move forward with the completion of the 2012 EBA for various reasons, and the one-year extension to resubmit the WSP passed, meaning the WSP would have to be submitted as a new application.

During the 2015 Florida Legislative session a Bill was adopted that required local governments to review / possibly update their plans to address so-called flood perils from rising sea levels and high-wind storm events (hurricanes / tropical storms). Most coastal communities, including the Town, had already incorporated post storm event redevelopment strategies / priorities, and have retrofitted much of their original outdated stormwater systems. The Florida Building Code was updated to increase flood protection. FEMA has also increased their flood requirements. Very little guidance from the state was provided as to how to address this subject, and about a year elapsed before local governments began to adopt acceptable plan amendments to address this state law change. As the Town had not finalized / adopted their last EBA they could not proceed with these new required plan amendments.

**Town of Bay Harbor Islands, Florida**  
**Comprehensive Plan Updates**  
**Evaluation & Appraisal Report (EAR) Based Amendments / General Updates**  
**April 2021**

As stated above, the submittal date for the Town's next Comprehensive Plan Evaluation and Appraisal analysis letter was February 1<sup>st</sup>, 2019, which was submitted to DEO on January 29<sup>th</sup>, 2019 prior to the deadline. Once an EAR letter is submitted to DEO the local government agency has one (1) year to prepare formal updates to its Complan and submit them. Therefore, the Town should have submitted proposed Complan amendments to DEO by February 1<sup>st</sup>, 2020. Due to changes in the Town's administration and COVID-19 impacts the processing / adoption of the Complan amendments did not take place. An updated complete draft of Comprehensive Plan amendments was submitted to the Town in November 2018, including all elements (text & GOPs) and an updated 10-Year Water Supply Plan. The draft amendments also include new so-called "flood peril" amendments. Recently the Town received a reminder letter from DEO requesting a status of the Complan updates. The new Town Manager requested MMPA / Town staff to re-review the earlier element drafts and update the documents, which has been accomplished, using the best available data (some 2020 US Census data is not available as yet).

**Process** - The recommended process MMPA recommends to the Town to move forward with the draft Complan amendments is to hold at least one public discussion on the overall effort informally as an introductory matter, since the Town is not familiar with the topic or process. Once the Town Council / community is familiar with the updated text work effort and contents, a Local Planning Agency (LPA) meeting must be held. While some communities delegate the LPA function to an advisory board (PZB / other) in the Town's case, the Town Council is the designated LPA per Town Code Sec. 23-41. The LPA is required to formally review the draft Complan amendments and recommend action (preferably approval) to the Local Government Body (Town Council). The Town Council must hold a 1<sup>st</sup> reading of an Ordinance and authorize transmittal of the draft Complan amendments to DEO and a list of other numerous specified review agencies. In about 60 days the Town will receive an Objections, Recommendations and Comments (ORC) report from DEO listing any issues that would violate state law or cause the Town to not adopt the Complan amendments. The Town has ample time to research the comments, discuss the comments with the state agencies, and revise the draft amendments. Every effort should be made to address the DEO / other agency comments to achieve a "In Compliance" determination, otherwise, the Town's Complan amendments will be found "Not In Compliance" and a "Stipulated Settlement Agreement" process will begin to negotiate changes. It is quite common to receive comments from state agencies and due to the fact that the Town's Complan has not been updated more regularly, the Town should expect that. Under the current state laws, unless there is a clear conflict with state law or policies, the local governments have more legal rights to craft their local plans as they wish.

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

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

**CC:** Maria Lasday, Esq. - Town Manager  
Alba Chang, CMC - Town Clerk  
Joseph S. Geller, Esq. – Town Attorney

**From:** Michael J. Miller, AICP   
Consultant Town Planner

**Date:** May 5<sup>th</sup>, 2021

**Subject:** Town Comprehensive Plan Updates  
Evaluation & Appraisal Report (EAR-Based) Amendments / General Update  
Town of Bay Harbor Islands  
MMPA Acct. No. 00-1102-500A

---

**RECOMMENDED ACTION**

MMPA recommends the Town Council review the contents of this staff report, the attached topic explanation "white paper" on the purpose of this required work effort, and the draft Comprehensive Plan amendments (500+/- page draft document) in an informal session initially to gain an understanding of what the Comprehensive Plan is, what state requirements exist for periodic updates, note historical and current characteristics of the Town (changing conditions) and their implications, and either move forward with the draft Complan amendments as-is or request staff to make modifications prior to holding public hearing(s) and transmitting the documents to the state agencies for review / comments. This is a lengthy process.

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**ISSUE**

The State of Florida requires all local governments (Cities / Counties) to create / adopt / maintain a legally binding Comprehensive Plan (Community Development Master Plan). A Comprehensive Plan is required to include specific statutory subject matter on various topics (Land Use / Housing / Transportation / Infrastructure / Parks & Recreation / Conservation / Coastal Mgt. / Intergovernmental Cooperation / Water Supply / Public Schools / Capital Improvements / Etc.). Once adopted, periodic updates are required – as data / analysis / policies gets out of date. State law requires what are referred to as Evaluation and Appraisal Reports (EARs) about every 7 years.

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**Town of Bay Harbor Islands  
Comprehensive Plan Updates  
Evaluation & Appraisal Report (EAR-Based) Amendments / General Update  
May 5<sup>th</sup>, 2021  
Page 2**

The Town's first Comprehensive Plan was prepared jointly by the State Department of Community Affairs (DCA) and the Miami-Dade Planning Department staff through a technical assistance grant in April 1980 pursuant to the requirements of Florida's 1975 Growth Management Act. The 1980 plan was not legally binding on the Town as allowed by state law. The Town engaged an engineering consultant firm to prepare an Evaluation and Appraisal Report (EAR) of the 1980 plan in 1985. The Town engaged another engineering consultant firm to prepare another Evaluation and Appraisal Report (EAR) of the 1980 plan in 1988.

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However, an EAR does not amend or update a Comprehensive Plan – it simply notes changing conditions in the community, changes to state laws that require local action, and gives recommendations for possible future plan updates. So-called EAR-Based Amendments must be prepared and adopted by Ordinance (strike-thru / underline format).

No EAR-Based Comprehensive Plan Amendments (EBA) were initiated after the final 1999 EAR state approval. It was not until the fall of 2001 that the firm of Michael Miller Planning Associates, Inc. (MMPA) informed the Town officials that the 1988 plan had never amended as required to incorporate the findings and recommendations of the 1995-99 EAR. The Town subsequently engaged MMPA as their Planning Consultant to among other things, prepare EAR-Based Amendments (EBA) that were suggested in the 1995-99 EAR. The draft Phase 1 EBA was completed in late 2001. Initially the work focused on the so-called Phase I EBA which included only the Future Land Use Element (FLUE) and Coastal Management Element (CME) to address the most pressing concern at that time (density allowances) due to re-development pressures. Due to local citizen opposition and DCA concerns with the Town's initial residential density limit corrections (increases) to address previous errors (inaccurate as-built density limits) the Phase I EBA amendments were not adopted until December 2004 and found "In Compliance" by DCA in March 2005.

The remaining 1995-99 EBA were well underway when the next EAR deadline approached in 2006. At that time, DCA staff instructed the Town to cease work on the remaining 1995-99 EBA plan updates and work on its next EAR, and then initiate a new comprehensive set of EBA. The Town authorized MMPA to prepare a 2006 EAR, which was completed in draft form; however, the Town chose to not move forward with the 2006 EAR and associated EBA for various reasons.

**Town of Bay Harbor Islands  
Comprehensive Plan Updates  
Evaluation & Appraisal Report (EAR-Based) Amendments / General Update  
May 5<sup>th</sup>, 2021  
Page 3**

Since 2005 when the Phase 1 EBA was approved, as required by state statute, the Town prepared, adopted and DCA approved three (3) plan amendments including:

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The next formal EAR submittal date was February 1<sup>st</sup>, 2012. However, in 2011 the Florida Legislature modified the laws governing Comprehensive Planning and dropped the requirements to prepare a formal EAR. In its place was a requirement for each community to evaluate its adopted plan and advise the state planning agency in writing according to a published schedule if changes were necessary, based on changing community conditions or changes to state laws. On Jan. 24<sup>th</sup>, 2012 the Town submitted a letter to the state (deadline was 2/01/12) informing them of the previous EAR work and advising DEO the Town would proceed with formal EAR-Based plan amendments, based substantially on the 2012 EAR. MMPA was instructed to prepare updated draft plan amendments for all elements – which was completed; however, the Town chose again to not move forward with the 2012 EBA for various reasons.

In February 2015 the Town prepared / submitted updates to its 10-Year Water Supply Facilities Work Plan (WSP) in accordance with deadline imposed by the South Florida Water Management. However, as the Town had not submitted / adopted its last EBA, the state informed the Town they could not proceed with the adoption of the WSP update. The Town requested a one-year extension to resubmit the WSP while the Town was to complete / submit their EBA. DEO approved the one-year extension - which extended the WSP resubmittal deadline to October 6<sup>th</sup>, 2016. However, the Town did not move forward with the completion of the 2012 EBA for various reasons, and the one-year extension to resubmit the WSP passed, meaning the WSP would have to be submitted as a new application.

As stated above, the submittal date for the Town's latest Comprehensive Plan evaluation analysis letter was February 1<sup>st</sup>, 2019, which was submitted to DEO on January 29<sup>th</sup>, 2019. Once an EAR letter is submitted to DEO the local government agency has one (1) year to prepare formal updates to its Complan and submit them (may request an extension). Therefore, the Town should have submitted proposed Complan amendments to DEO by February 1<sup>st</sup>, 2020. Due to changes in the Town's administration and COVID-19 impacts the processing / adoption of the Complan amendments did not take place. A complete updated draft of Comprehensive Plan amendments was submitted to the Town by MMPA in November 2018, including all elements (text & GOPs) and an updated 10-Year Water Supply Plan. The draft amendments also include new so-called "flood peril" amendments. Recently the Town received a reminder letter from DEO requesting a status of the Complan update. The new Town Manager requested MMPA / Town staff to re-review the earlier element drafts and update the documents, which has been accomplished, using the best available data (some 2020 US Census data is not available as yet). This is a summary of the past and future actions necessary to update the plan.



## **CONCLUSION**

This is a general summary of the past and future actions that have occurred and are necessary to update the plan. See the accompanying "white paper" for more detailed historical information. The Town's original 1988 Comprehensive Plan has never been completely updated - only some portions. The 2020-21 Complan update is meant to examine each subject matter (element) and completely update the data, analysis and the Goals, Objectives, and Policies (GOPs). A new Transportation Element is included. Modifications to address state law changes that have occurred over the years are included to address the so-called "flood peril" issue of rising sea levels.

# **TOWN OF BAY HARBOR ISLANDS, FLORIDA**

## **COMPREHENSIVE PLAN AMENDMENTS 2021 UPDATES**

### **EAR-BASED AMENDMENTS / GENERAL UPDATES**



**Draft  
April 2021**

**Prepared by:  
Michael Miller Planning Associates, Inc.  
7522 Wiles Road Suite B-203  
Coral Springs, Florida 33067**

## **Town Council & Local Planning Agency**

Joshua D. Fuller, Esq. - Mayor  
Elisabeth Tricoche - Vice Mayor  
Stephanie Bruder - Councilperson  
Molly Diallo - Councilperson  
Jordan W. Leonard - Councilperson  
Isaac Salver - Councilperson  
Robert H. Yaffe, Esq., Councilperson

## **Town Staff**

Maria Lasday, Esq. - Town Manager  
Jenice Rosado - Assistant Town Manager  
Joseph S. Geller, Esq. - Town Attorney  
Alba Chang - CMC, Town Clerk  
Eliezer Palacio - Town Building Official  
Douglas Armstrong - Town Public Works Director  
Peter V. Kajokas - Town Finance Officer  
Raul Diaz – Town Police Chief

## **Planning Consultant**

Michael Miller Planning Associates, Inc.  
Michael J. Miller, AICP, President / Principal Planner  
Christopher Gratz, AICP, Senior Planner  
Ana Carolina Rocha, GIS / Planning Technician

## **Town of Bay Harbor Islands**

9665 Bay Harbor Terrace  
Bay Harbor Islands, FL 33154  
305-866-6241

## **TABLE OF CONTENTS**

### **ELEMENT SUPPORT DOCUMENTS AND GOALS, OBJECTIVES AND POLICIES (GOPs)**

| <b>VOLUME</b> | <b>ELEMENT</b>                                                                                                     |
|---------------|--------------------------------------------------------------------------------------------------------------------|
| <b>1</b>      | <b>Future Land Use Element</b>                                                                                     |
| <b>2</b>      | <b>Transportation Element</b>                                                                                      |
| <b>3</b>      | <b>Housing Element</b>                                                                                             |
| <b>4</b>      | <b>Sanitary Sewer, Solid Waste, Drainage, Potable Water &amp;<br/>Natural Groundwater Aquifer Recharge Element</b> |
| <b>5</b>      | <b>Conservation Element</b>                                                                                        |
| <b>6</b>      | <b>Coastal Management</b>                                                                                          |
| <b>7</b>      | <b>Recreation and Open Space Element</b>                                                                           |
| <b>8</b>      | <b>Intergovernmental Coordination Element</b>                                                                      |
| <b>9</b>      | <b>Public School Facilities Element</b>                                                                            |
| <b>10</b>     | <b>Capital Improvement Element</b>                                                                                 |
| <b>11</b>     | <b>10-Year Water Supply Facilities Work Plan Update</b>                                                            |



# **1 – FUTURE LAND USE ELEMENT**

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## FUTURE LAND USE ELEMENT

### TABLE OF CONTENTS

|                                                         | PAGE                    |
|---------------------------------------------------------|-------------------------|
| INTRODUCTION                                            |                         |
| I. INVENTORY                                            |                         |
| A. General Setting                                      | <del>2</del> <u>5</u>   |
| B. Existing Land Uses                                   | <del>2</del> <u>5</u>   |
| C. Natural Resources                                    | <del>19</del> <u>20</u> |
| II. ANALYSIS                                            |                         |
| A. Growth Trends                                        | <del>22</del> <u>24</u> |
| B. An Analysis of Conditions Affecting Development      | <del>27</del> <u>29</u> |
| III. FUTURE LAND USE PLAN                               |                         |
| A. Methodology for Determining the Future Land Use Plan | <del>34</del> <u>37</u> |
| B. Development and Re-development of Flood-Prone Areas  | <del>35</del> <u>38</u> |
| C. Future Land Uses                                     | <del>35</del> <u>38</u> |
| IV. GOALS, OBJECTIVES, AND POLICIES                     | <del>41</del> <u>43</u> |
| <del>APPENDIX A: Population Projections</del>           |                         |
| <del>APPENDIX B: Minimum Criteria Requirements</del>    |                         |



# FUTURE LAND USE ELEMENT

## LIST OF FIGURES

| Figure                     | Title                                        | Page                    |
|----------------------------|----------------------------------------------|-------------------------|
| L-1                        | Vicinity Map & Adjacent Land Uses            | <del>3</del> <u>6</u>   |
| L-2                        | Subdivision Plat                             | 4 <u>7</u>              |
| L-3                        | Existing Land Use                            | <del>6</del> <u>10</u>  |
| L-4                        | Distribution of Existing Land Use            | 9 <u>12</u>             |
| L-5                        | Planning Areas                               | <del>14</del> <u>15</u> |
| L-6                        | Residential Density; Dwelling Units per Acre | <del>12</del> <u>16</u> |
| L-7                        | Topography Map                               | <del>21</del> <u>22</u> |
| L-8                        | Average Climatic Conditions                  | <del>21</del> <u>22</u> |
| L-9                        | Flood Potential                              | 24 <u>23</u>            |
| L-7                        | FEMA Flood Zones                             | 24 <u>23</u>            |
| <del>L-8</del> <u>L-10</u> | Future Land Use                              | <del>39</del> <u>42</u> |

# FUTURE LAND USE ELEMENT

## LIST OF TABLES

| Table                       | Title                                                                                   | Page                    |
|-----------------------------|-----------------------------------------------------------------------------------------|-------------------------|
| L-1                         | Description of Land Use Types                                                           | 4 <u>8</u>              |
| L-2                         | Acreage of Existing Land Uses                                                           | <del>8</del> <u>11</u>  |
| L-3                         | Generalized Land Use by Sub-Area                                                        | 40 <u>13</u>            |
| L-4                         | Residential Land Use in Acres                                                           | 44 <u>17</u>            |
| L-5                         | Number of Dwelling Units                                                                | 45 <u>17</u>            |
| L-6                         | Commercial Land Use in Acres                                                            | 46 <u>18</u>            |
| L-7                         | Planning Sub-Area 1 Land Use Summary                                                    | 48 <u>19</u>            |
| L-8                         | Planning Sub-Area 11 Land Use Summary                                                   | <del>49</del> <u>20</u> |
| L-9                         | Historical Population Growth<br>Bay Harbor Islands: 1960 to <del>2000</del> <u>2017</u> | 23 <u>25</u>            |
| L-10                        | Historical Population Growth<br>Miami-Dade County: 1960- <del>2000</del> <u>to 2017</u> | 23 <u>25</u>            |
| L-11                        | Projected Resident Population                                                           | 25 <u>26</u>            |
| L-12                        | Peak Seasonal Non-Resident Population                                                   | 25 <u>27</u>            |
| L-13                        | Peak Resident and Non-Resident Population                                               | 26 <u>27</u>            |
| L-14                        | Seasonal Housing Units                                                                  | 26 <u>28</u>            |
| <del>L-15</del> <u>L-12</u> | Income Levels                                                                           | 27 <u>28</u>            |
| <del>L-16</del> <u>L-13</u> | Acreage of Proposed Future Land Uses                                                    | 39 <u>41</u>            |

## INTRODUCTION

The Future Land Use Element sets forth the physical plan for the future development of the Town of Bay Harbor Islands. It describes the appropriate location for future land uses and promulgates the policies regulating the location and development of all land uses. The Future Land Use Element sets forth not only the density and intensity of land uses appropriate for all locations but also considers other factors affecting land use development, such as timing, local policies, and current development trends.

The Future Land Use Map (FLUM) is one of the primary foci of the Comprehensive Plan. It indicates the proposed location and distribution of land uses to the year 2020 2030. Policies contained within this plan are consistent with the Future Land Use Map.

This element provides a descriptive analysis of the existing character of the Town of Bay Harbor Islands and provides an update to the Town's Comprehensive Plan originally adopted in 1980. The Town adopted ~~a new~~ its initial legally binding Comprehensive Plan in January 1989 in accordance with the requirements of the 1985 Local Government Comprehensive Planning and Land Development Act (LGCPA). In 1995, the Town prepared an Evaluation and Appraisal Report (EAR) of the Town's adopted Comprehensive Plan in accordance with the provisions in the Florida Statutes. This report included an evaluation of the Town's success in implementing the adopted Comprehensive Plan, an assessment of current and changing conditions as well as a recommendation to update all of the data and analysis contained within the plan. Despite the Town preparing the draft EAR in 1995 and submitting it for review and approval by required state agencies, it was not until February 8<sup>th</sup>, 1999 that the Town adopted the 1995 EAR. The EAR was not found to be "Sufficient" by the Department of Community Affairs (DCA) until June 8<sup>th</sup>, 1999. It was not until the fall of 2001 that the Town initiated EAR-Based amendments to the adopted Comprehensive Plan to incorporate the findings and recommendations of the adopted 1995 EAR. The EAR-Based amendments for this element revealed several errors in the data collection methodology and resultant Town development policies in the 1989 plan related to existing and allowable residential density on the eastern island. Approximately one-third of the existing development exceeds the density limit in the adopted plan. Draft EAR-Based Amendments were prepared and transmitted to DCA in the summer of 2002. One of the major proposed amendments to the element was to correct and establish density limits more reflective of the existing and desired development pattern. DCA objected to increasing density limits, even to correct the errors, as the Town is located within the Coastal High Hazard Area (CHHA) and state land development policies currently require maintaining or lowering populations in these areas due to hurricane issues. This decision severely hampers the Town in its efforts to allow similar typical developments located in the Town and adjacent municipalities or provide a framework for the Town officials to consider desired future re-development in the Town. However, DCA will allowed the establishment of an alternate method (other than a blanket density increase) to permit the allocation of additional dwelling units on a project-by-project basis subject to specific criteria and compatibility review. Based upon the above, this element ~~has been~~ was modified to establish development guidelines within the confines of the current DCA residential density constraints. The first portion of the Future Land Use Element (FLUE) is directed toward the collection and analysis of data pertaining to land use. The second portion includes development planning.

The Town's last FLUE update was adopted in December 2004 with DCA finding the element "In Compliance" on March 21, 2005. The next EAR was due in 2006 but due to the above it was felt this could be delayed. The next EAR was due in 2010 and the Town prepared a draft EAR. However, in 2011 the Florida Legislature modified the state's planning laws which dropped the

requirement to prepare formal full-scale EARs any longer. Local governments may elect to prepare full-scale EARs optionally, but local governments had to submit, as a minimum, a letter to the state planning agency informing them if community changes or state law changes necessitated amending their Comprehensive Plans, in accordance with a published schedule. In early 2012 the Town, in accordance with the state's EAR schedule, forwarded a letter to DEO indicating an intent to update its Comprehensive Plan, as many elements were outdated, and state law changes had occurred that affected the plan. Drafts of the element updates were prepared and finalized in October 2018. Due to changes in the Town's administration no action occurred on the amendment package until late 2020. On January 29<sup>th</sup>, 2019, in accordance with the state's updated EAR schedule, the Town forwarded a letter to DEO indicating an intent to still update its Comprehensive Plan. Per state law Comprehensive Plan amendments were due to be submitted within one year (January 29<sup>th</sup>, 2020). However, due to the aforementioned changes in Town administration, and the COVID-19 pandemic from March 2020 to present, action of the draft October 2018 amendment package did not occur. The 2020-21 overall plan update is meant to address the 2012 EAR and subsequent findings and recommendations, state law changes, and bring the plan fully up to date.

## **INVENTORY**

### **A. GENERAL SETTING**

The Town of Bay Harbor Islands is located in the northeastern portion of Miami-Dade County – this area of the County is highly developed. Bay Harbor Islands' neighbors include the municipalities of North Miami Beach, North Miami, Indian Creek Village, Bal Harbor Village, and the Town of Surfside. All are well-established, mostly residential communities.

The Town of Bay Harbor Islands consists primarily of two main islands bounded by Biscayne Bay to the north and west, by the Indian Creek Lake to the south and by the Indian Creek to the east. In the early 1950s, a connecting roadway known as the Broad Causeway was constructed westerly across Biscayne Bay connecting the Town to 123<sup>rd</sup> Street in the City of North Miami. The roadway connection is comprised, from east to west, of a bascule bridge over the Intracoastal Waterway that connects to an "island" constructed of dredged spoil from the adjoining waters and then to another bridge (known as the West Relief Bridge) that connects to 123<sup>rd</sup> Street in the City of North Miami. Kane Concourse (96<sup>th</sup> Street / SR 922) links the two main islands, which are separated by the Bay Harbor Waterway. The roadway connects the Town with the mainland to the west via the Broad Causeway and to the east via 96<sup>th</sup> Street to the coastal beach areas near SR A1A (Collins Avenue). The town is approximately 267.59 acres in size and is almost totally developed except for a few parcels of vacant land.

### **B. EXISTING LAND USES**

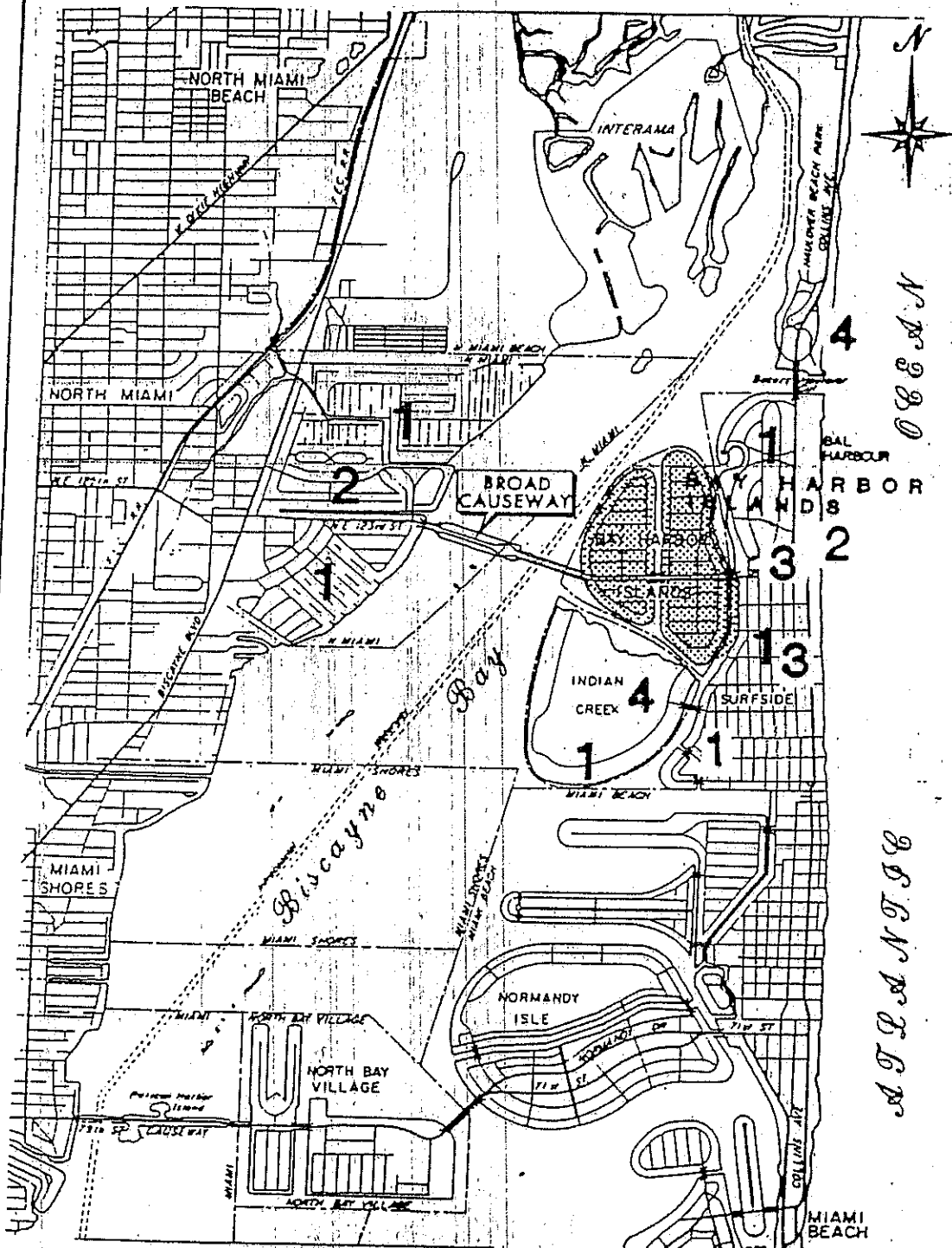
The study of present land uses is one of the essential first steps in the comprehensive planning process. In order to analyze the type, extent, and problems of land development in Bay Harbor Islands, a detailed land use survey of all land uses was conducted during March and April 1987. In addition, the 1995 and 2012 Evaluation and Appraisal Report (EAR) included an updated land use inventory. A further update was completed in 2001-2002 as part of EAR-Based amendments and in 2017 and 2020. The 2001-2002 land use inventory update included a verification of land use acreages based on computerized mapping information obtained from the Miami-Dade County Property Appraisers Office. Variations were noted in virtually all land use categories. The element has been modified to include the newest data. The latest update continues to use the 2001-2002 data as appropriate a baseline. This survey provides a general

description of existing land use characteristics and is a reference point for specific future land use recommendations. The term "land use" normally suggests designators of land utilization, usually categorized according to specific use characteristics. Certain areas within the corporate limits of Bay Harbor Islands have been defined as the planning areas. Land use classifications utilized in the field survey and indicated on the existing land use maps and tables are shown on the following table. Industrial, Agricultural, Historic Resources and Conservation land uses do not exist in the Town and therefore, were not included as land use categories.

**FIGURE L-1  
VICINITY MAP AND ADJACENT LAND USES**

# TOWN OF BAY HARBOR ISLANDS

## DADE COUNTY, FLORIDA



### LEGEND

- 1 Single-Family Residential
- 2 Multi-Family Residential
- 3 Commercial
- 4 Recreational

Source: C.H. Peterson, Broad Causeway, 1987 Annual Report.

Updated January 2002 - Michael Miller Planning Associates, Inc.

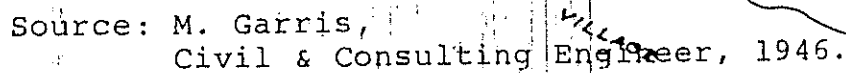
Preparation of this Map or Document was aided through financial assistance received from the State of Florida under the local Government Comprehensive Planning Assistance Program authorized by Chapter 88-167, Laws of Florida and administered by the Florida

VICINITY MAP  
AND ADJACENT LAND USES  
Figure L-1

JOSEPH MIDDLEBROOKS  
ASSOCIATES, P.A.  
ARCHITECTS - URBAN PLANNERS  
INTERIOR DESIGNERS - CONSTRUCTION ADMINISTRATION



**FIGURE L-2  
SUBDIVISION PLAT**



0 200 600 1000

SUBDIVISION PLAT

Figure L-2

**JM** JOSEPH MIDDLEBROOKS  
AND  
ASSOCIATES, P.A.  
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**Table L-1  
Description of Land Use Types**

| LAND USE CATAGORIES                                                                      | EXAMPLES OF TYPES OF USES                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESIDENTIAL</b>                                                                       |                                                                                                                                                                                                                                 |
| Low Density                                                                              | Up to 6 DUA (Single Family Detached Units)                                                                                                                                                                                      |
| Moderate Density                                                                         | > 6 up to 15 DUA (TF/TH/Garden Apts.)                                                                                                                                                                                           |
| Medium-High Density                                                                      | > 15 DUA up to 80+/- DUA (Multi-family)                                                                                                                                                                                         |
| Notes: DUA = Dwelling Units Per Acre; TF = Two-family; TH = Townhouse; MF = Multi-family |                                                                                                                                                                                                                                 |
| <b>COMMERCIAL</b>                                                                        | Retail outlets including general merchandise; furniture; food; apparel; eating establishments; gasoline service stations; hotels & motels; professional offices; service establishments; & banks.                               |
| <b>RECREATION &amp; OPEN SPACE</b>                                                       | Publicly owned parks, recreational facilities, or open space used for recreational purposes. This includes lands abutting the roadways on the Biscayne Bay Island (Toll Plaza Area) although no active recreational use occurs. |
| <b>PUBLIC FACILITIES</b>                                                                 | Properties owned by the Town or School Board other than open space, parks and recreational facilities.                                                                                                                          |
| <b>VACANT</b>                                                                            | Undeveloped land.                                                                                                                                                                                                               |

Sources: Joseph Middlebrooks & Associates, Inc. Architects & Planners, 1987  
Michael Miller Planning Associates, Inc, 2004

The surveyed existing land uses in Bay Harbor Islands utilized the lot-by-lot survey method. Land utilization classifications are used to analyze the degree of land development, actual land usage, land use relationships, and locations of particular uses. Generally, this data is the basis for identifying inefficient and incompatible uses, strengthening and preserving existing compatible uses, proposing efficient and compatible uses for any land yet to be developed or proposing use changes.

Prior to the survey, available maps were obtained from the Town and Miami-Dade County. Photo interpretation techniques were used by matching aerial mosaics with section maps, and recording as much data as possible. Every parcel was then inspected from street elevations. The specific use of each property was recorded on work maps.

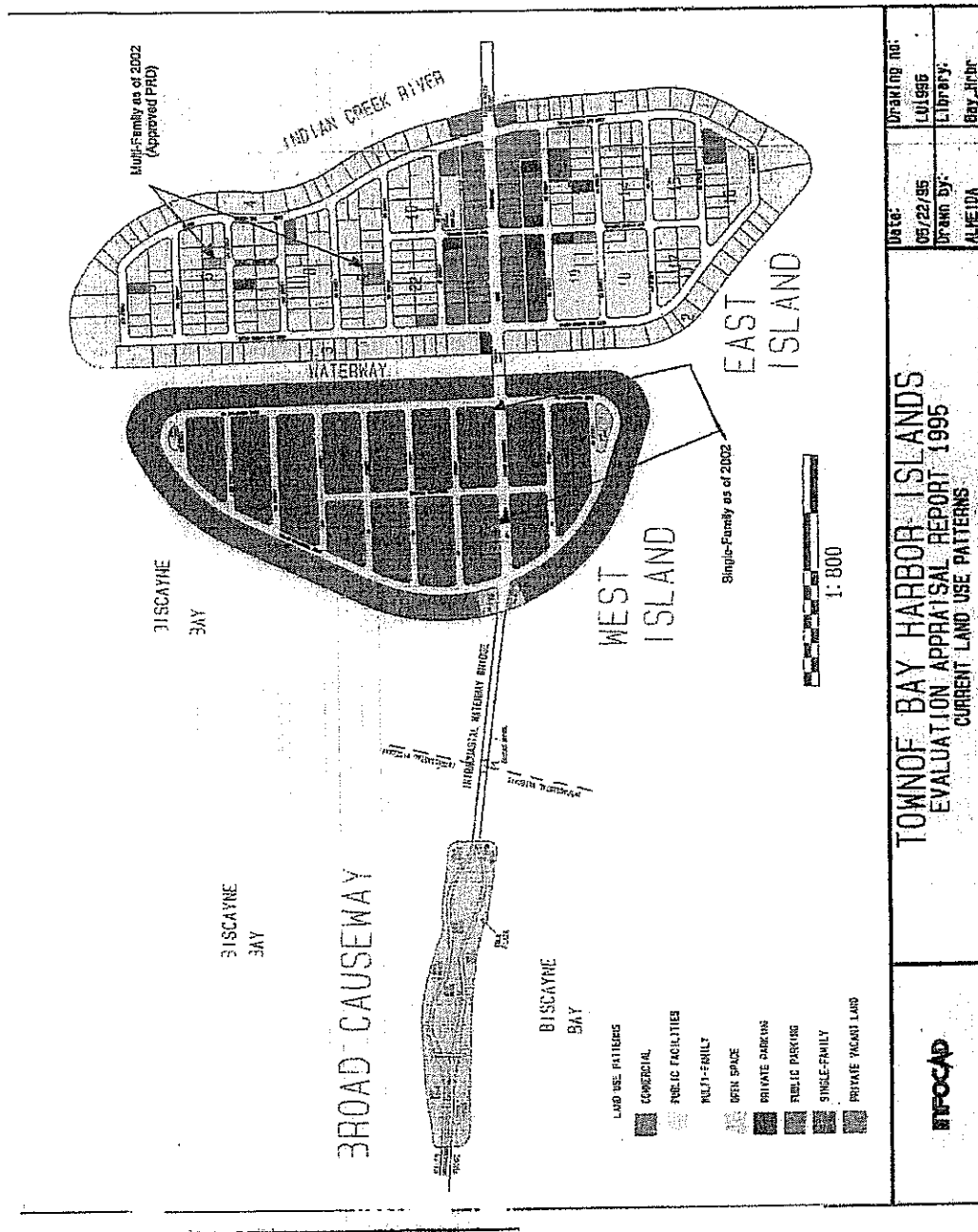
As mentioned previously, in 2002 as part of EAR-Based amendments, the Town obtained computerized mapping information from the Miami-Dade County Geographic Information Systems Department and utilized the information to create a new base map including the new Future Land Use Map (FLUM). The computerized data was created from various recorded plats, deeds, etc. the data is deemed very accurate as the entire County uses this data including the County Property Appraiser, Planner, Engineers, etc. It is believed the various land use acres in the Town's 1989 adopted Comprehensive Plan were most likely hand-calculations in the Town's original 1980 Comprehensive Plan, as well as the current 1989 Comprehensive Plan, the Town identified several acreage inconsistencies. In order to establish an accurate inventory of land, the Town prepared a new inventory of the acreages of all land within the Town utilizing the computer based geographic information systems software. The updated land use inventory has been substituted to insure the best data available is utilized. This data was used again as baseline data in the latest (2017-2020) review of the Comprehensive Plan.

All land uses within the Town are, thusly, inventoried and classified according to land use types. For Comprehensive Plan analysis purposes (gross land area) as opposed to consideration of an individual land development permit (net land area), properties have been measured from the centerline of the street to the rear property line, and acreage for each land type is presented. The results are summarized in both graphic and statistical format. The statistical summary of land use has been prepared in terms of gross acreage devoted to each category of use with an added category to summarize the acreage of land that is vacant.

A copy of the existing land use map (reduced) is shown in Figure L-3. The table which follows represents a tabular summary of existing land use based upon the classification system previously specified. Acres are summarized in terms of percentages of the total area of the Town. These acres and percentage summaries are prepared primarily as a quantitative description of land use and are employed in land use planning analysis and zoning studies. The data presented in the table is graphically illustrated in Figure L-4.

**FIGURE L-3  
EXISTING LAND USE MAP  
(As of 2002 2020)**

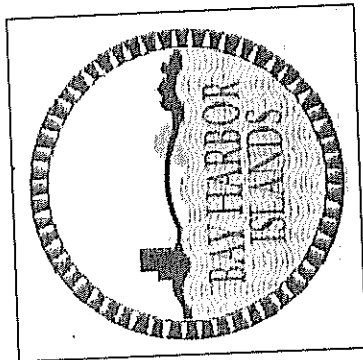
**EXISTING**



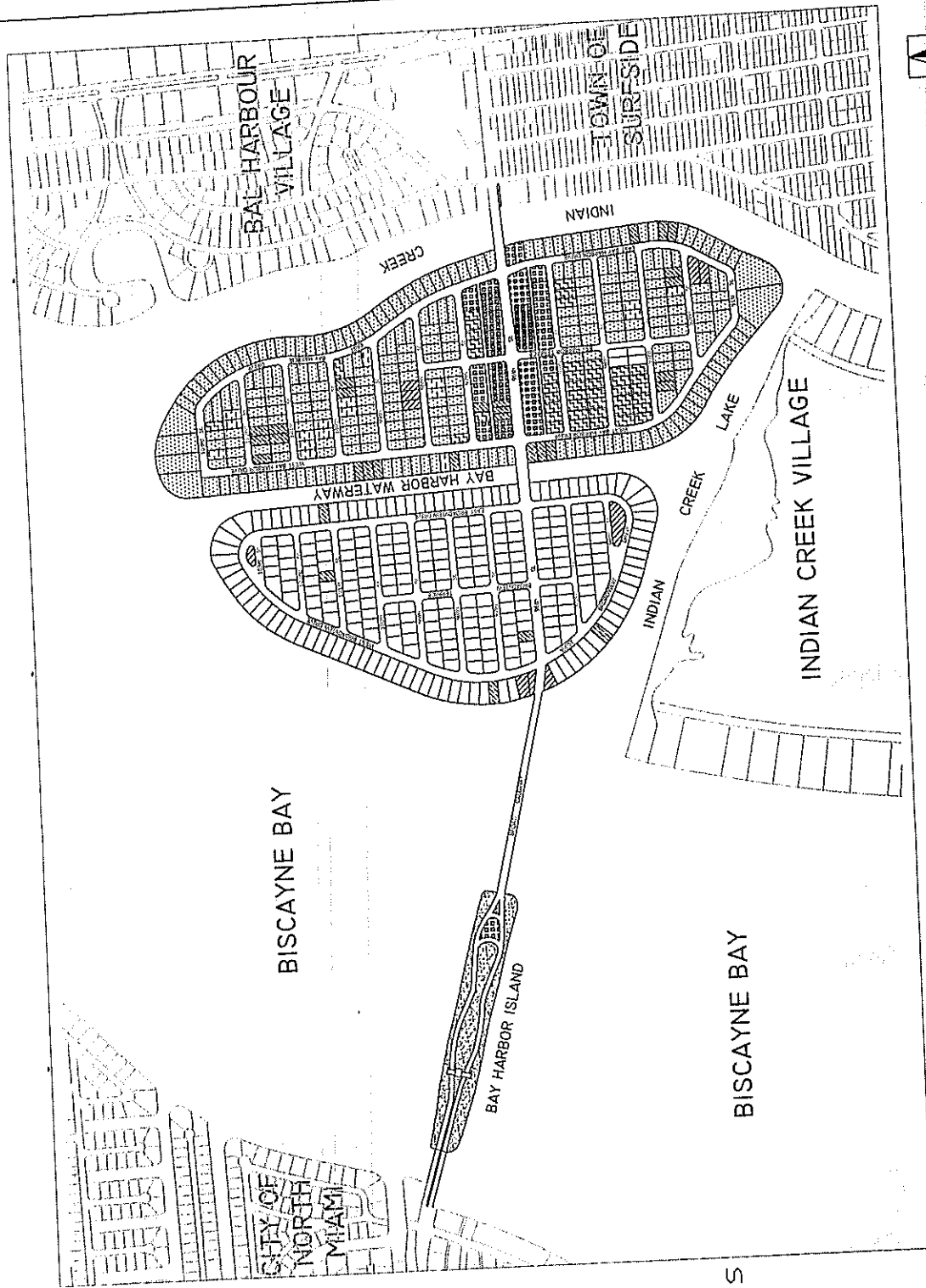
|                |                                                                                                                  |          |             |           |
|----------------|------------------------------------------------------------------------------------------------------------------|----------|-------------|-----------|
| <b>ITFOCAP</b> | <b>TOWN OF BAY HARBOR ISLANDS</b><br><b>EVALUATION APPRAISAL REPORT 1995</b><br><b>CURRENT LAND USE PATTERNS</b> |          |             |           |
|                | Date:                                                                                                            | 05/22/95 | Drawing no: | L01995    |
|                | Drawn by:                                                                                                        | ALMEIDA  | Library:    | Bay Jirbr |



**PROPOSED**



- Single-Family
- ▤ Duplex
- ▥ Multi-Family
- ▧ Commercial
- ▨ Public Facilities
- ▩ Parks
- Open Space
- Vacant



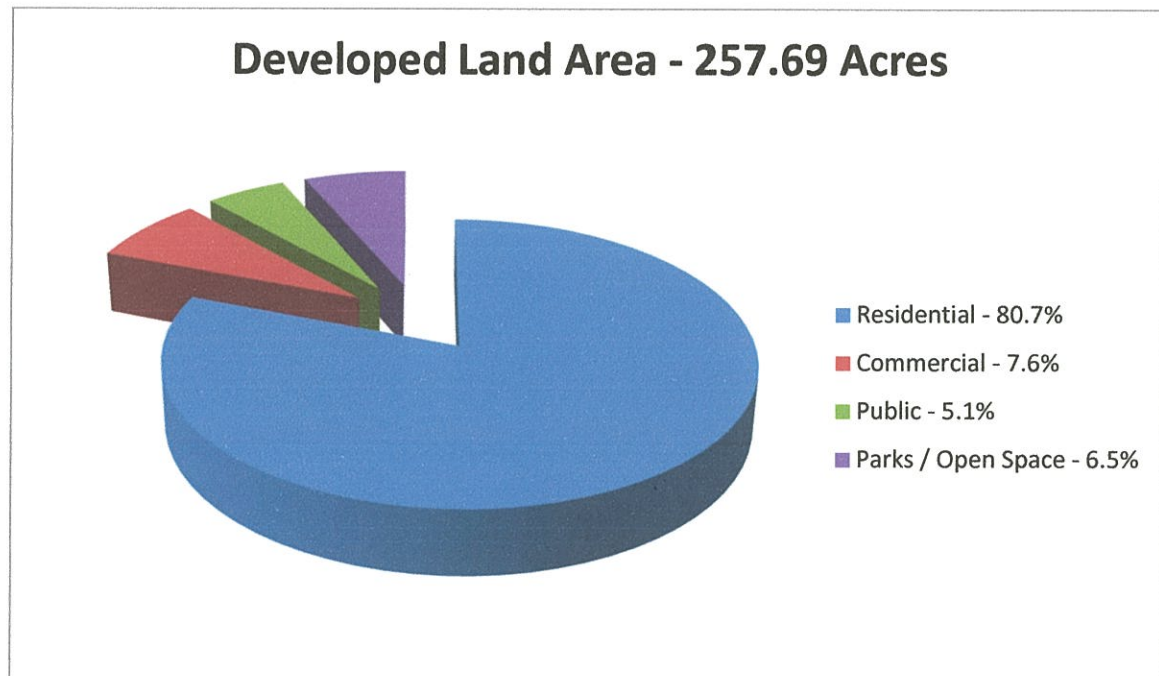
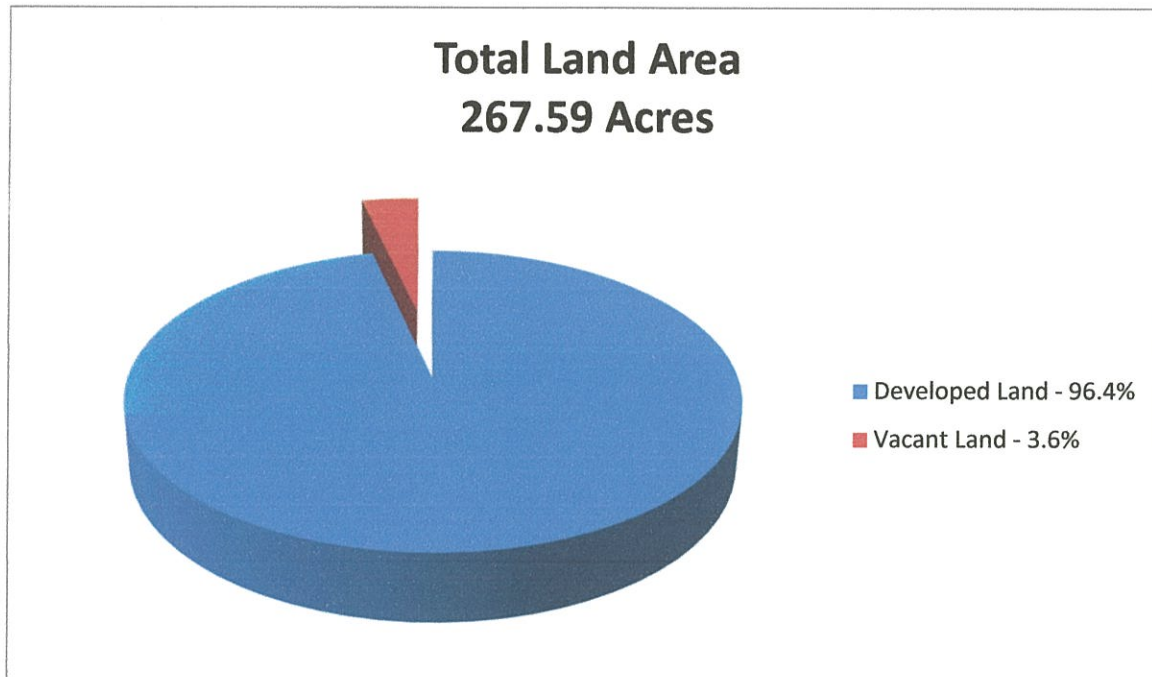
**TABLE L-2  
ACREAGE OF EXISTING LAND USES**

| USE              | ACRES                            | PERCENT OF<br>TOTAL LAND     | PERCENT OF<br>DEVELOPED LAND |
|------------------|----------------------------------|------------------------------|------------------------------|
| RESIDENTIAL      | <del>245.70</del> <u>210.78</u>  | <del>80.6</del> <u>78.8%</u> | <del>81.3</del> <u>80.7%</u> |
| Low              | <del>99.78</del> <u>99.17</u>    | <del>37.3</del> <u>37.0%</u> | <del>37.6</del> <u>38.0%</u> |
| Medium-High      | <del>145.95</del> <u>118.27</u>  | <del>43.3</del> <u>40.5%</u> | <del>43.7</del> <u>42.8%</u> |
| COMMERCIAL       | 19.85                            | 7.4%                         | <del>7.4</del> <u>7.6%</u>   |
| PUBLIC           | 13.38                            | 5.0%                         | <del>5.0</del> <u>5.1%</u>   |
| PARKS/OPEN SPACE | <del>16.24</del> <u>17.02</u>    | <del>6.1</del> <u>6.4%</u>   | <del>6.1</del> <u>6.5%</u>   |
| Active Parks     | <del>.48</del>                   | <del>.2%</del>               | <del>.1%</del>               |
| Open Space*      | <del>15.76</del>                 | <del>5.9%</del>              | <del>6.0%</del>              |
| TOTAL DEVELOPED  | <del>265.178</del> <u>257.69</u> | <del>99.1</del> <u>96.4%</u> | 100.0%                       |
| VACANT           | <del>2.39</del> <u>9.90</u>      | <del>.9</del> <u>3.6%</u>    |                              |
| TOTAL            | <del>267.60</del> <u>267.59</u>  | 100.0%                       |                              |

Source: Michael Miller Planning Associates, Inc., 2003 based on Miami-Dade County GIS information.  
Updated 2019 MMPA.

**\*Note:** The vast majority of the Open Space acreage noted above includes mostly the grassed lands on the Causeway Island other than the Toll Plaza, Gas Station and paved roadway surfaces. The lands were designated in the Town's 1989 Comprehensive Plan in that category.

**FIGURE L-4  
DISTRIBUTION OF LAND USES**



Source: Michael Miller Planning Associates, Inc., 2017

In order to localize land use investigations, neighborhood sub-areas are utilized based on definable physical boundaries and development similarities. Figure L-5 shows the location of each area. Table L-3 provides a breakdown of all land used by sub-area. The sub-areas are:

Sub-area 1 I  
Sub-area 2 II

Each sub-area is described in terms of its boundaries, specific land utilization, and land use relationship.

**TABLE L-3  
GENERALIZED LAND USE BY SUB-AREA**

| SUB-AREA LOCATION |                          | ACRES  | % OF TOWN | BASIC CHARACTERISTICS                                         |
|-------------------|--------------------------|--------|-----------|---------------------------------------------------------------|
| I                 | West Island and Causeway | 116.62 | 44.0%     | Single Family; Toll Facility; Gas Station; Passive Open Space |
| II                | East Island              | 150.98 | 56.4%     | Duplex; Multi-Family; Town Hall; School Site; Commercial      |

Source: Michael Miller Planning Associates, Inc., 2003

#### 1. Residential Uses

This category includes land used for residential purposes: including single family, duplex, and multi-family structures, accessory buildings (garages, sheds); condominium and cooperative housing where dwelling units are in semi-permanent occupancy. This category does not include hotels, motels and other transient housing which are classified as commercial land uses. However, the Bay Harbor Inn (Lots 35-37 of Block 4) was previously approved by the Town, has existed in the residential land use category for many years, is considered grandfathered and the Town would allow re-development of the site to occur. That site was studied for several years and eventually redeveloped as a new boutique hotel that opened in 2018. In addition, through the Town's PUD process another boutique hotel was approved and opened in 2018 at the southwest corner of Kane Concourse and West Bay Harbor Drive. Each hotel has 96 rooms.

This category has been divided into two existing land use sub-classifications: medium-high density residential and low-density residential use. These land use sub-classifications conform to the land use designations depicted on the adopted Miami-Dade County Land Use Plan. The category of medium-high density residential use includes existing residences developed at densities between 7 and 70 ~~80~~ units per acre and includes duplexes, rental apartments, condominium residences and other multi-family residences. Low-density residential development includes existing residences developed at a density of less than 6 units per acre. Residences in this category are conventional single-family residences, large-lot or estate housing.

Figure L-6 shows gross residential densities in areas of the Town by block average. Individual project densities (net density), particularly on the eastern island, vary from approximately 7.7 dwelling units per acre (duplexes) to approximately 81 dwelling units per acre (PRD). To calculate these densities, housing unit data was obtained from the Town's Building Department and combined with the lot-by-lot survey.

a. Planning Sub-area I

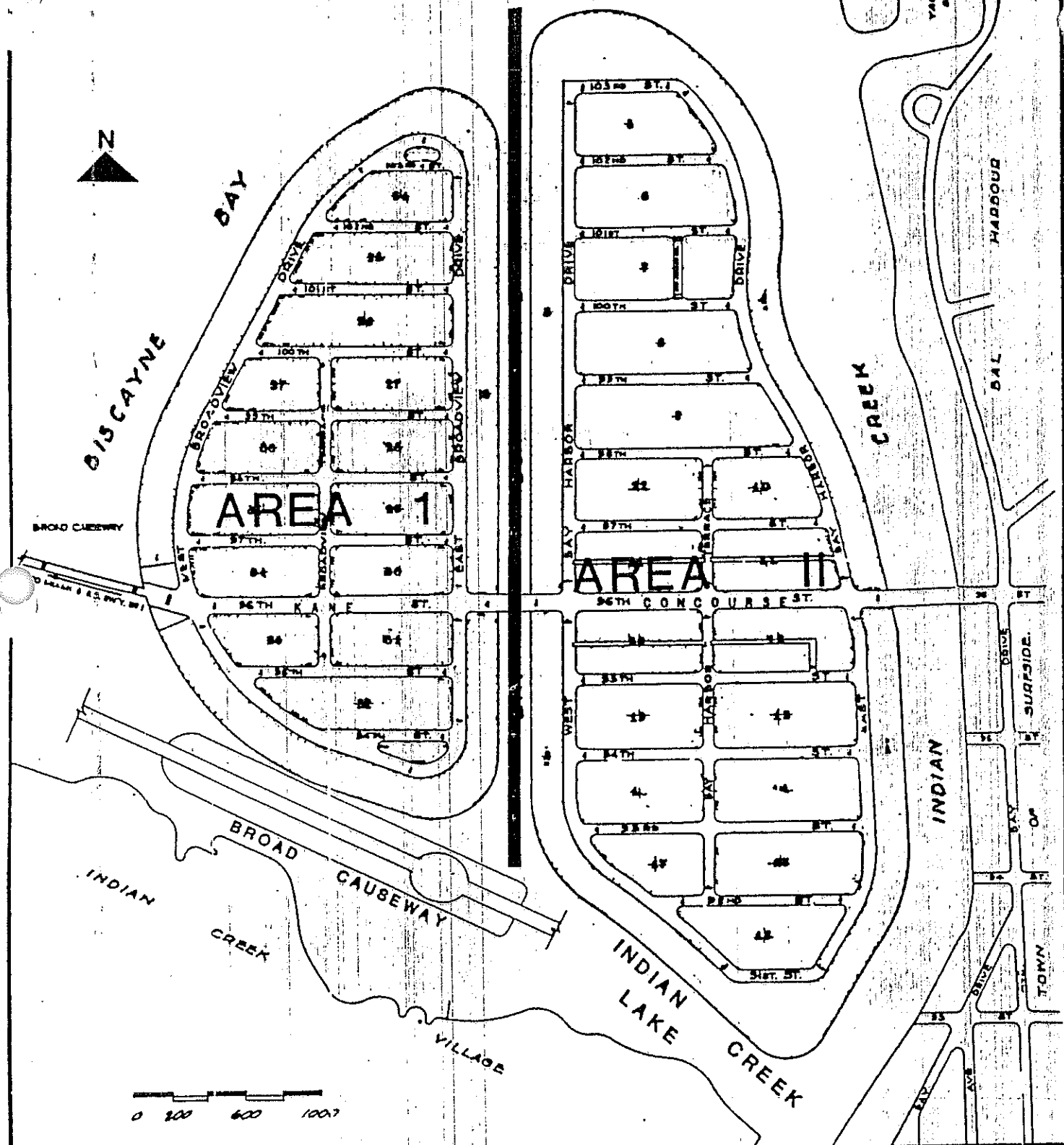
This sub-area contains all of the Town's single-family uses and is devoted almost exclusively to single-family development. The recorded Bay Harbor Island plat contained 298 platted lots. Four (4) lots were lost (Lots 68-71, Block 23) when the Broad Causeway was built across Biscayne Bay. Some of the existing single-family homes have been built on more than one lot, either 2 lots or portions of lots. ~~As of January 2002 there are 279 single-family homes existing on the West Island. With only two remaining lots undeveloped (2 lots @ 80' X 125' = .46 acres), the West Island is almost totally developed.~~ The 2017-18 vacant land inventory update determined that there were eight (8) vacant parcels (2+/- acres) on the West Island which are all zoned for low density residential (single-family). Houses in this sub-area are generally in the ~~\$350,000 to \$2,000,000+~~ \$850,000 to \$10,000,000+ valuation category depending upon location (waterfront) and size. Lot sizes for most houses exceed 10,000 square feet and provide a sense of space not always found in island communities along the Gold Coast.

b. Planning Sub-area II

With the exception of Blocks 11, 12, 20, and 21 which front on Kane Concourse, Lots 1 and 2 of Block 1 and the school board property, the entire area is utilized for residential use. Multi-family use occupies almost 104.61 acres and represents 79% of the land usage within this sub-area. Duplex units, representing approximately 1.8% of the area, are interspersed throughout the area. Residential densities range from approximately 7.7 units per net acre to a high of approximately 81 units per net acre on newer PRD waterfront properties. The 2017 vacant land inventory determined that there were 22 vacant parcels (7.9 acres) on the East Island which are zoned for medium – high residential use and five (5) vacant parcels on the east island which are zoned for commercial use. This data is time-sensitive, as the real estate market is active. Some of the aforementioned vacant sites have already been approved or are in the process of being reviewed for redevelopment.

**FIGURE L-5  
PLANNING AREAS**





Preparation of this Map or document was aided through financial assistance received from the State of Florida under the local Government Comprehensive Planning Assistance Program authorized by Chapter 86-167, Laws of Florida and administered by the Florida Department of Community Affairs.

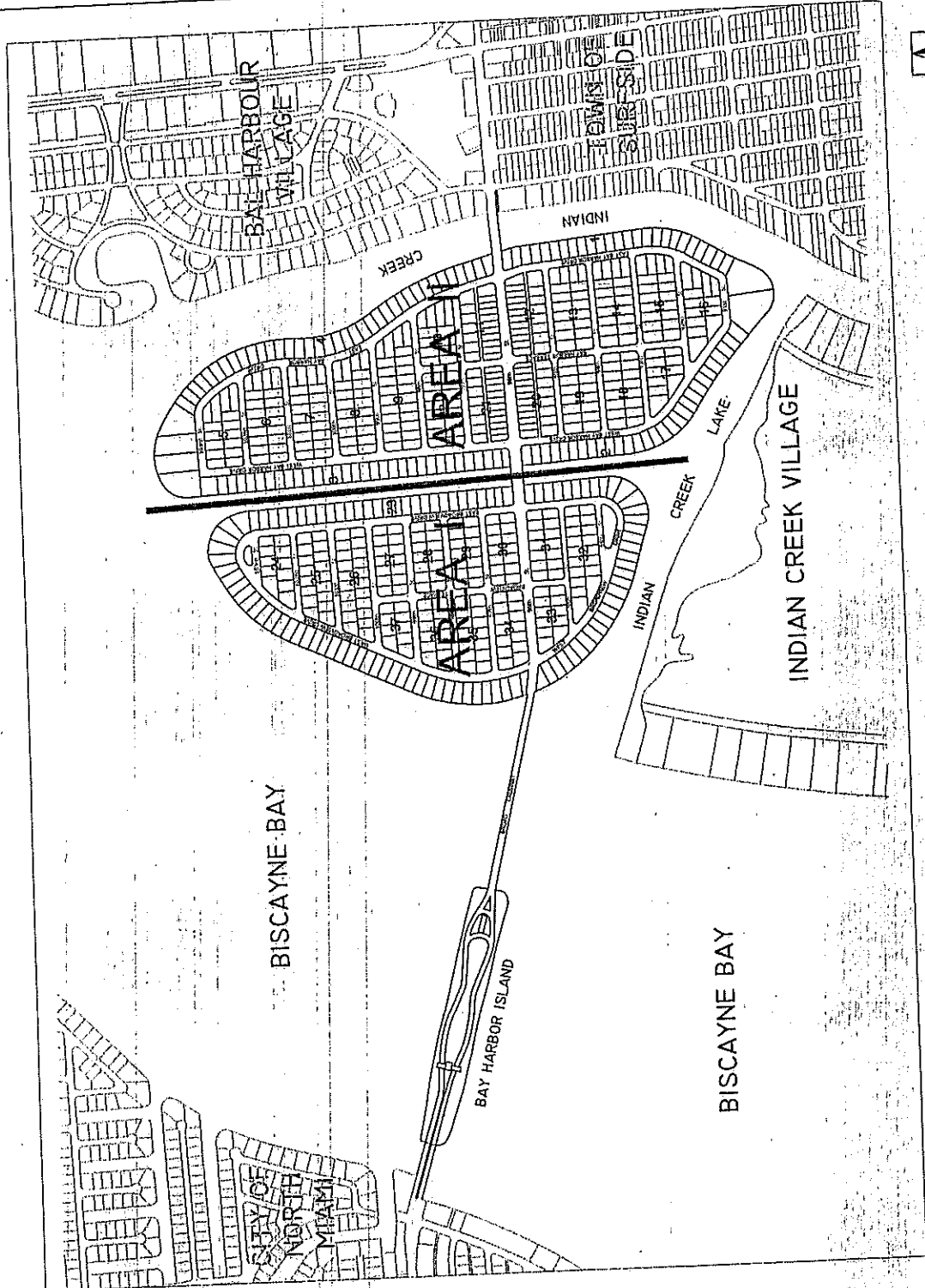
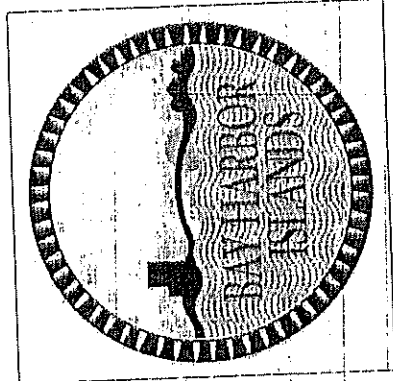
## Figure L-5

**JOSEPH MIDDLEBROOKS  
AND  
ASSOCIATES, P.A.**

---

ARCHITECTS • URBAN PLANNERS  
INTERIOR DESIGNERS • CONSTRUCTION ADMINISTRATORS

8-480 E W 82ND AVENUE SOUTH WEAVER, FLORIDA 33143 (278) 861 7 40



SHEET 1  
PROJECT 00  
SCALE

Planning Areas  
Figure L-5

TOWN OF BAY HARBOR ISLANDS

PREPARED FOR  
MICHAEL MILLER PLANNING ASSOCIATES, INC.  
7522 W. 74th Ave., Suite 100  
Coral Springs, Florida 33067  
Tel: (954) 371-4600 Fax: (954) 371-7980

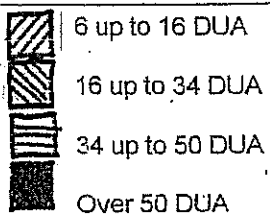
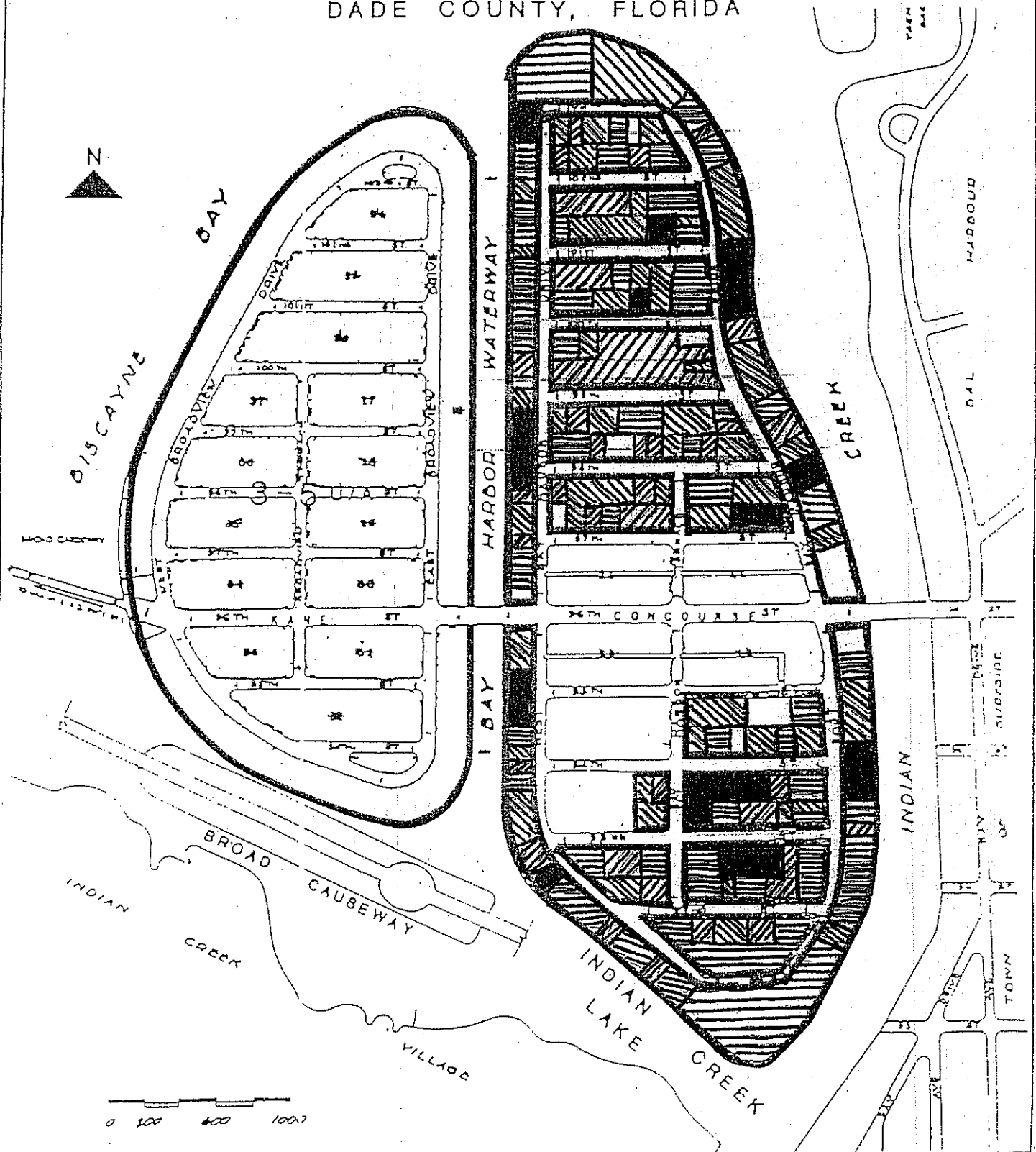
Designed: JMB  
Drawn: JMB  
Checked: JMB

| NO. | DATE | REVISION |
|-----|------|----------|
|     |      |          |
|     |      |          |
|     |      |          |
|     |      |          |

**FIGURE L-6**  
**RESIDENTIAL DENSITY DWELLING UNITS PER ACRE**  
**(As of 2003)**

# TOWN OF BAY HARBOR ISLANDS

## DADE COUNTY, FLORIDA



RESIDENTIAL DENSITY  
DWELLING UNITS PER ACRE

FIGURE L-6

Michael Miller Planning Associates

2002

**TABLE L-4  
RESIDENTIAL LAND USE IN ACRES**

|             | SINGLE FAMILY                 | DUPLEX                        | MULTI-FAMILY                     | TOTAL                           |
|-------------|-------------------------------|-------------------------------|----------------------------------|---------------------------------|
| SUB-AREA I  | <del>99.78</del> <u>99.17</u> | 0.00                          | 0.00                             | <del>99.78</del> <u>99.17</u>   |
| SUB-AREA II | 0.00                          | <del>40.56</del> <u>1.997</u> | <del>405.39</del> <u>109.613</u> | <del>445.95</del> <u>111.61</u> |

Source: Michael Miller Planning Associates, Inc. 2003 2020

**TABLE L-5  
NUMBER OF DWELLING UNITS**

|                     | SUB-AREA I                       | SUB-AREA II                          |
|---------------------|----------------------------------|--------------------------------------|
| Single Family Units | <del>279</del> <u>266</u>        | 0                                    |
| Duplex              | 0                                | <del>66</del> <u>5</u>               |
| Multi-Family Units  |                                  | <del>2,802</del> <u>2,549</u>        |
| <b>TOTAL</b>        | <b><del>279</del> <u>266</u></b> | <b><del>2,868</del> <u>2,554</u></b> |

Source: Michael Miller Planning Associates, Inc. 2003-2020

## 2. Commercial Uses

This category includes land used for retail and wholesale trade, offices, hotels, motels, restaurants, service outlets, and automobile dealerships. While no residential uses exist as of 2004, they have been permitted by the zoning district regulations since 1957. In 2018 the Town has been reviewing its first proposed mixed-use redevelopment on a former office site.

Acreage devoted to commercial uses constitutes approximately 9 7.6% of all developed land use, and is clustered on the East Island around four blocks fronting on Kane Concourse and two (2) lots south of Kane Concourse and east of East Bay Harbor Drive fronting the Indian Creek.

### a. Planning Sub-Area 1

The only commercial activity which can be found in Sub-area I is situated in the strip of land which supports the toll facility on Broad Causeway. Broad Causeway totals approximately 13.88 acres; approximately 1.00 acre is devoted to a commercial use (service station).

### b. Planning Sub-Area II

Commercial uses occur between 95<sup>th</sup> and 97<sup>th</sup> Streets; Kane Concourse (96<sup>th</sup> Street / SR 922) is the main shopping strip on the islands. The Town's 1989 Existing Land Use Inventory Map and Future Land Use Map (FLUM) incorrectly identified the use of an existing commercial property (former restaurant site @ SE corner of Kane Concourse and East Bay Harbor Drive) as a residential use. This site has been used and zoned for commercial use for many (40+) years. Typically, the commercial buildings are located on the lots fronting on the Kane Concourse with parking lots placed on the lots fronting 95<sup>th</sup> Street and 97<sup>th</sup> Street. These commercial uses total approximately ~~22.34~~ 19.85 acres of land.

**TABLE L-6  
COMMERCIAL LAND USE IN ACRES**

| LOCATION    | ACRES                         |
|-------------|-------------------------------|
| SUB-AREA I  | 1.00                          |
| SUB-AREA II | <del>22.34</del> <u>18.85</u> |
| TOTAL       | <del>23.34</del> <u>19.85</u> |

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Source: ~~Joseph Middlebrooks & Assoc., Inc., Architects & Planners 1987~~  
Michael Miller Planning Associates, Inc. 2003-2020

### 3. Recreation Uses

This category usually includes land used for neighborhood and community parks, sport facilities, and certain pastoral open space.

Parks and Open Space uses in Bay Harbor Islands account for ~~46.24~~ 17.02 acres and consist of passive open space areas and a tot lot on the West Island and open space areas along Broad Causeway. Only five limited sites are currently available for this use and they are all located in Planning Sub-Area I.

The elementary school also has a recreational area (Block 18) which is used by the Town in coordination with the Miami-Dade County School Board. This area contains 3 ~~2~~ tennis courts and a ball park which help the Town meet its recreational concurrency requirements.

In addition, within a portion of the Town's 95<sup>th</sup> Street Parking Garage a Community Center was opened, which provides a wide array of potential uses, including a library.

For a more detailed discussion of recreation in the Town of Bay Harbor Islands, refer to the Recreation and Open Space Element.

### 4. Public Grounds & Buildings

Public properties consist of ~~Bay Harbor Elementary School site~~ Ruth K. Broad Bay Harbor K-8 Center, municipal parking lots, the Town Hall Complex, transportation facilities on Broad Causeway and a parcel fronting on Kane Concourse near Broad Causeway. Theses uses account for approximately 13.38 acres representing 5% of the developed area of the Town.

The Town of Bay Harbor Islands has one of the best elementary schools in South Florida and this is one reason why young people with school age children are moving into the community. The Ruth K. Broad Bay Harbor Elementary School campus K-8 Center occupies Lots 2 to 13 and Lot 15 of Block 19 and Lots 3 through 18 in Block 18. The Town vacated a portion of NE 94<sup>th</sup> Street so the entire campus could be connected when the school was rebuilt in 1994-95. The new school buildings are located mostly in Block 18 with a majority of the recreational facilities in Block 19. The Ruth K. Broad Bay Harbor Elementary School was re-constructed as a K-8 facility in FY 2008-09. The school has existed in this general vicinity since the early 1950s and serves a large geographic area in northeastern Miami-Dade County. The 1989 Comprehensive Plan reported that the school had a capacity of 460 (county standards) and enrollment of 479. In 1994-95, the Miami-Dade County School Board replaced the original school with a new expanded campus. The current 2004 school plant capacity is designed for 929 students (capacity changes frequently). The 2020-2021 school FISH capacity is 1,327 students. The Town's Interlocal Agreement with the School District (parking / joint facility use) currently limits the capacity to 1,200 students. In the 2020-2021 school year student enrollment is 1,311, which results in operating capacity of 98.9%. Recently an 88-seat expansion was added. Most of the overcrowding is felt to be from children outside the Town.

#### 5. Other Uses

There are no industrial, agricultural, conservation, and archeological resource uses.

#### 6. Vacant Land

This land use category is utilized on the existing land use map and in tabular representation of existing land use acreage figures. This category includes vacant, undeveloped acreage. Most of the land in this category consists of lands which are platted but not fully developed; and land which formerly contained structures but now have no active use.

Approximately ~~9~~ 3.6% of the Town's land is vacant and totals ~~2.39~~ 9.90 acres. These vacant parcels occur along Kane Concourse. The vacant land inventory in Table L-2 shows about 2 acres on the West Island zoned for low density residential (single-family) and about 7.9 acres on the East Island (multifamily / commercial). Much of this land has redevelopment entitlements.

**TABLE L-7  
PLANNING SUB-AREA I  
LAND USE SUMMARY**

| CATEGORY          | ACRES                         | PERCENT OF SUB-AREA           |
|-------------------|-------------------------------|-------------------------------|
| Single Family     | <del>99.78</del> <u>98.12</u> | <del>85.6</del> <u>84.1</u> % |
| Public Facilities | 12.88                         | 11.0 %                        |
| Parks/Open Space  | <del>2.5</del> <u>15.51</u>   | <del>2.1</del> <u>13.1</u> %  |
| Commercial        | 1.00                          | 0.8 %                         |
| Vacant            | <del>.46</del> <u>1.99</u>    | <del>0.4</del> <u>1.7</u> %   |
| TOTAL             | 116.62                        | 100.0%                        |

Source: Michael Miller Planning Associates, Inc. 2003-2020



**TABLE L-8  
PLANNING SUB-AREA II  
LAND USE SUMMARY**

| CATEGORY                | ACRES                           | PERCENT OF SUB-AREA         |
|-------------------------|---------------------------------|-----------------------------|
| Residential:            |                                 |                             |
| Duplex                  | <del>40.56</del> <u>1.29</u>    | <del>6</del> <u>0.60%</u>   |
| Multi-family            | <del>104.64</del> <u>106.98</u> | <del>69</del> <u>70.9 %</u> |
| Public Facilities       | <del>15.43</del> <u>13.38</u>   | <del>10</del> <u>8.9 %</u>  |
| <u>Parks/Open Space</u> | <u>2.05</u>                     | <u>1.4%</u>                 |
| Commercial              | <del>19.46</del> <u>18.85</u>   | <del>12</del> <u>12.6%</u>  |
| Vacant                  | <del>93</del> <u>8.43</u>       | <del>67</del> <u>5.6%</u>   |
| <b>TOTAL</b>            | <b>150.98</b>                   | <b>100.0 %</b>              |

Source: Michael Miller Planning Associates, Inc. 2003 2020

### **C. NATURAL RESOURCES**

The presence of natural resources in Bay Harbor Islands has affected the land use patterns in the municipality. The surrounding waters particularly provide a natural barrier to the expansion of the Town. There are no beaches fronting on Biscayne Bay, but the bay still provides for a major recreational and visual resource for the inhabitants of the Town.

There are no extractable minerals, timberlands, and wetlands resources in the Town of Bay Harbor Islands.

#### **1. Topography**

The topography of Bay Harbor Islands is generally flat, as is common to most developments in the Biscayne Bay area, and is about 5 feet above mean sea level.

#### **2. Climate**

The following discussion is taken from the Comprehensive Development Master Plan, Dade County, 1980.

"The climate of southern Florida is strongly influenced by geographical location. Due to its proximity to the equator, south Florida experiences intense sunlight during 66 percent of the daylight hours. However, the attendant heat/temperature effects are modified by the waters of the Gulf Stream and the trade winds out of the southeast which warm the area in the summer and cool it in the winter.

The subtropical marine climate, or the tropical wet-and-dry climate as it has also been called, is characterized by warm weather, usually abundant rainfall and light but persistent winds. The marine influence is evidenced by the low daily range of

temperature and the rapid warming of cold or masses which penetrate into Florida from the mid-North American continent. The tropical classification is derived from the fact that average temperatures for each month exceed 65 degrees Fahrenheit. The prefix "sub" differentiates the climate from a true tropical climate in that killing frosts, although rare, do occasionally occur. Another distinguishing characteristic is the length of the rainy season, which in the subtropical marine climate, lasts for five or six months. This distinctively mild and warm climate has been a major contributing factor in development of both the coastal and inland areas of southeastern Florida. Each of the climatic elements of precipitation, temperature and wind has distinct and direct influence on the hydrology and water resources of the area. Climate together with the geology has helped to mold the shape of the land, the drainage characteristics and ultimately the activities of plants, animals and man."

### 3. Geology & Soils

Soils are one of the most important factors affecting development potential of land. Structures cannot be built on soils with poor load-bearing capacity unless costly methods are employed to overcome them. The U.S. Department of Agriculture classified the soils in Miami-Dade County and the soil type in Bay Harbor Islands is classified as man-made land, the soil being dredged material from the bay.

This dredged material is one of (7) soil types found in Miami-Dade County. Miami-Dade County soils are generally classified as sands, rocklands, marls and organic soils including peat and mulch. The Rollsdale soils are a mixture of weathered limestone fragments, organic materials, sand and marl and are found on the coastal ridge in northern Miami-Dade. The limestones of the coastal ridge are also overlaid by deposits of sandy soils in some areas, made primarily of quartz and calcareous fragments. The "man-made" soils are a representation of these elements of the neighboring mainland.

### 4. Water Resources

The Town of Bay Harbor Islands is surrounded by Biscayne Bay. The Town, however, has no beaches. Its shoreline is occupied primarily by residential uses — single family units on the West Island and multi-family units on the East Island, and therefore, is private property except for the passive park and public facility fronting Broad Causeway. A fishing pier formerly existed on the Broad Causeway Island but was removed due to storm damage. ~~The town has been discussing the possibility of creating a marina along the Broad Causeway. This will be further addressed in the Recreation and Open Space Element.~~

Biscayne Bay is Miami-Dade County's largest and most important coastal water body. It is also considered Outstanding Florida Water and Aquatic Preserve and a major estuarine system in the area. The Miami-Dade Department of Environmental Resources Management (DERM) monitors water quality in Biscayne Bay on a monthly basis. Water quality around Bay Harbor Islands has been determined to be good, overall. Additionally, Miami-Dade County departments regulate activities that may potentially affect estuarine water quality.

There are no rivers, lakes and harbors in the Town. There are no existing and planned water wells.

## 5. Flooding

The whole Town of Bay Harbor Islands is within the 100-year flood potential area as designated by the Federal Emergency Management Agency (FEMA). The entire western island and a majority of the eastern island of the Town are within FEMA Flood Zone AE-8. The eastern portion of the island adjacent to the Indian Creek is within FEMA Flood Zone AE-9 and AE-10, the latter being immediately adjacent to the seawall. A new Figure L-79 is included indicating the FEMA Flood Zone areas.

There is occasional flooding in the Town as of 2020, except during extreme rain storm events, and only at a few locations. In 2015 the legislature required local governments near the coasts to include provisions in their Comprehensive Plans addressing Flood Perils and sea level rise. As required this topic was included in the Coastal Management Element. In summary, in the last 100 years the sea level elevation near Miami has risen about 9.36 inches. If the sea rises over 3 feet there would begin to be minor impacts to the Town. Given past observations and assuming that sea levels will continue to rise, this could take 300+ years to occur, but no one knows if the trend will continue.

### **FIGURE L-7 TOPOGRAPHY DADE COUNTY**

**No change to existing Figure.**

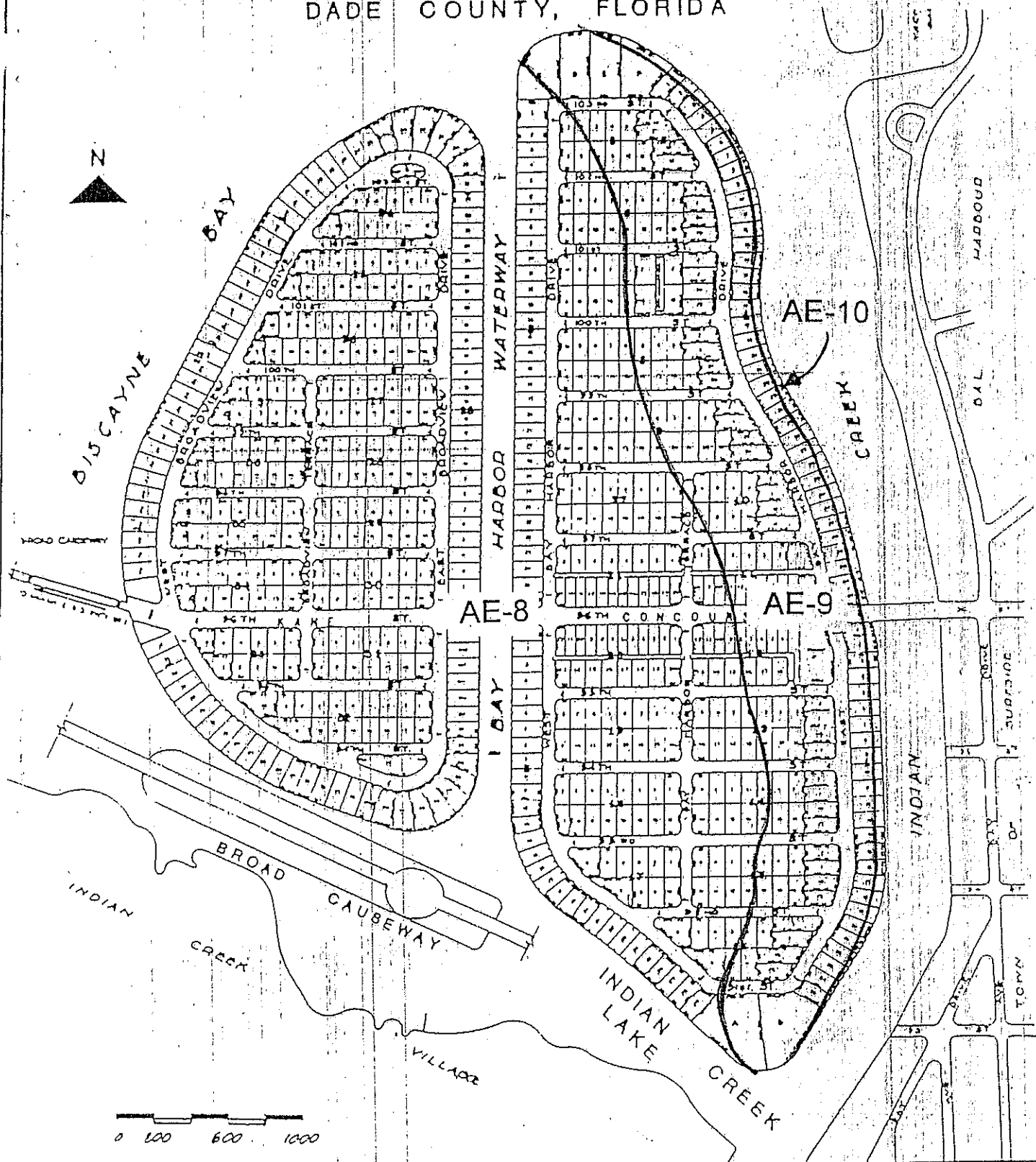
### **FIGURE L-8 AVERAGE CLIMATIC CONDITIONS**

**No change to existing Figure.**

**FIGURE L-9**  
**FEMA FLOOD ZONES FLOOD POTENTIAL MIAMI-DADE COUNTY**

# TOWN OF BAY HARBOR ISLANDS

## DADE COUNTY, FLORIDA



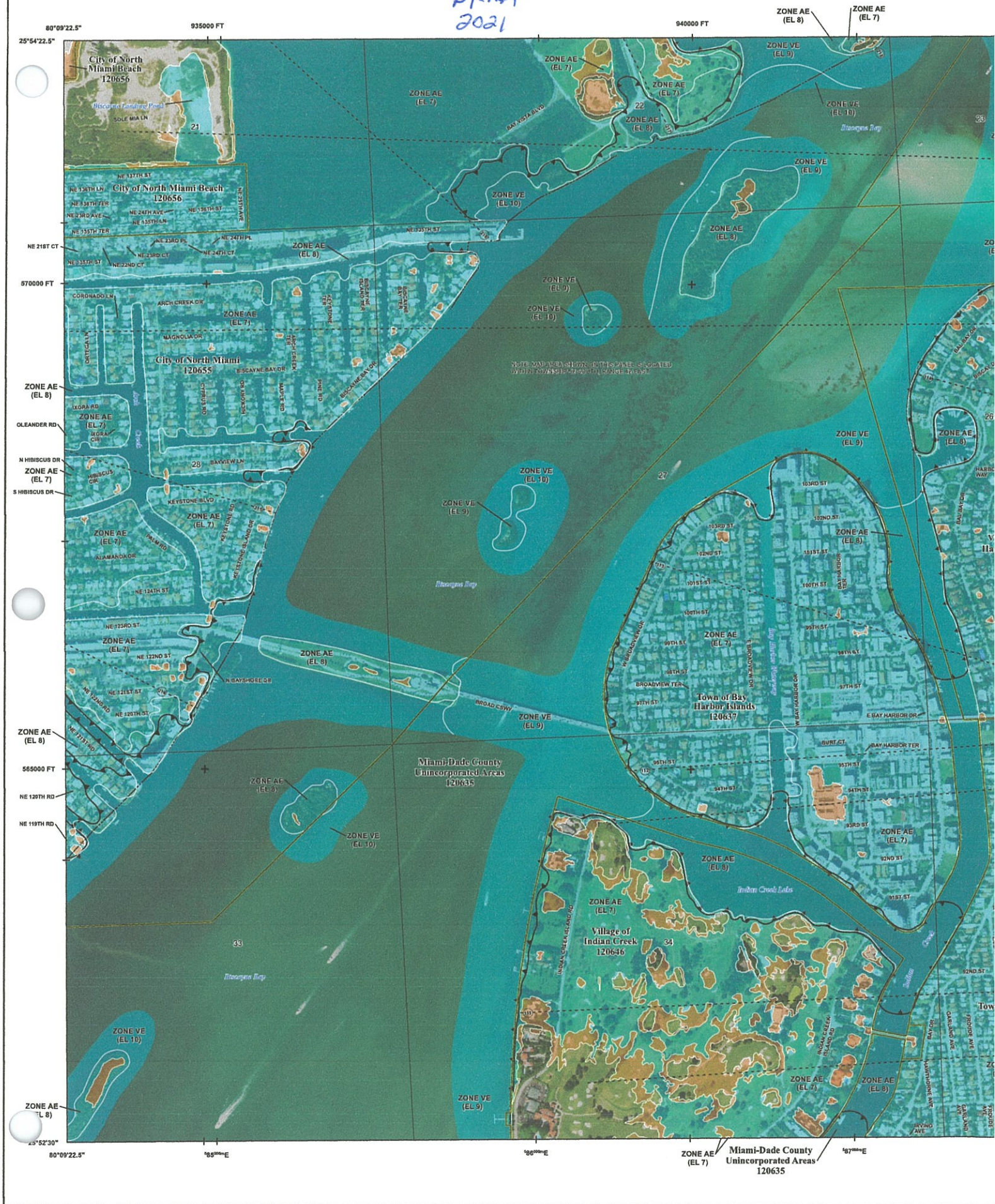
The boundaries of the FEMA Flood Zones depicted on this map are for illustration purposes only. For detailed information, contact the Town of Bay Harbor Islands Building Department.

### FEMA FLOOD ZONES

Figure L-9



DRAFT  
2021









## II. ANALYSIS

The Land Use Plan is the projection of future land requirements taking into consideration many factors which influence the development of a plan such as: existing and desired land uses, population projections, availability of urban services and the suitability of land for development. This section summarizes these factors as they pertain to the development of the Future Land Use Plan for the Town of Bay Harbor Islands. A summary of the distribution of existing land uses in Bay Harbor Islands was presented in the preceding section. It can be seen from Table L-2 that the Town is about totally developed with only a few vacant lots remaining.

### A. GROWTH TRENDS

#### 1. Population

A study of the population of Bay Harbor Islands provides assistance in making decisions regarding land use plans including residential space requirements, community facility needs and recreation requirements. Population data provide insight into several facets of the Town's population growth including details of the composition of the population as a basis for policy decisions.

The decade of the sixties brought a substantial increase in population in Bay Harbor Islands from 3,246 persons on 1960 to 4,619 in 1970, an increase of 42.7%. This was slightly greater than the growth rate of Miami-Dade County during the same period.

Growth trends during the 1970's showed a very small percentage growth rate for Bay Harbor Islands. The Town's population increased by only 250 persons to 4,869 between 1970 and 1980, a ten year growth rate of 5.49% or an average yearly rate of .5490%. During the same ten-year interval, Miami-Dade County experienced a growth rate of 28%, or a yearly growth rate of 2.89%. The population of Miami-Dade County in 1980 was estimated to be 1,625,781.

Growth trends during the 1980's showed a small decline in the population for Bay Harbor Islands. The Town's population decreased by 166 persons between 1980 and 1990 to 4,703, a ten year growth rate of (3.4%) or an average yearly rate of (.34%). During the same ten-year interval, Miami-Dade County experienced a growth rate of 16%, or a yearly growth rate of 1.6%. The population of Miami-Dade County in 1990 was estimated to be 1,937,094.

Growth trends during the 1990's, primarily in the late 1990s rebounded and showed an increase in the population for Bay Harbor Islands. The Town's population increased by 443 persons between 1990 and 2000 to 5,146, a ten-year growth rate of 8.46% or an average yearly rate of .86%. During the same ten-year interval, Miami-Dade County experienced a growth rate of 14%, or a yearly growth rate of 1.4%. The population of Miami-Dade County in 2000 was estimated to be 2,253,362.

The Town's population increased by 482 persons between 2000 and 2010 to 5,628, a ten-year growth rate of 8.6% or an average yearly rate of .86%. During this same ten-year interval, Miami Dade County experienced a growth rate of 9.7%, or a yearly growth rate of .97%. The permanent resident population of Miami-Dade County in 2010 was estimated to be 2,496,435. As of 2017 (per ACR data published in April 2018) the permanent resident population estimate in the Town was reported to be 6,006, a 6.3% increase.

**TABLE L-9  
HISTORICAL POPULATION GROWTH  
BAY HARBOR ISLANDS  
1960 to 2000-2020**

| Year        | Population   | Increase/Decrease (No.) | Increase/Decrease (%) |
|-------------|--------------|-------------------------|-----------------------|
| 1960        | 3,246        | *                       | *                     |
| 1970        | 4,619        | 1,373                   | 42.3                  |
| 1980        | 4,869        | 250                     | 5.4                   |
| 1990        | 4,703        | (166)                   | (3.4)                 |
| 2000        | 5,146        | 443                     | 8.46                  |
| <u>2010</u> | <u>5,628</u> | <u>482</u>              | <u>8.6</u>            |
| <u>2017</u> | <u>6,006</u> | <u>387</u>              | <u>6.3</u>            |
| <u>2020</u> | <u>5,793</u> | <u>(213)</u>            | <u>(3.5)</u>          |

Source: United States Census Bureau and American Community Survey, 1960 to 2000-2020

**TABLE L-10  
HISTORICAL POPULATION GROWTH  
MIAMI-DADE COUNTY 1960 TO 2000-2017**

| Year        | Population       | Increase/Decrease (No.) | Increase/Decrease (%) |
|-------------|------------------|-------------------------|-----------------------|
| 1960        | 935,047          | 439,963                 | 88.9                  |
| 1970        | 1,267,792        | 332,746                 | 35.6                  |
| 1980        | 1,625,781        | 357,989                 | 28.2                  |
| 1985        | 1,759,251        | 133,470                 | 8.21                  |
| 1990        | 1,937,094        | 177,843                 | 9.2                   |
| 2000        | 2,253,362        | 316,268                 | 14.0                  |
| <u>2010</u> | <u>2,496,435</u> | <u>243,073</u>          | <u>9.7</u>            |
| <u>2020</u> | <u>2,721,110</u> | <u>224,675</u>          | <u>8.3</u>            |

Source: United States Census Bureau and American Community Survey, 1960 to 2000-2020

The reduced growth rate in Bay Harbor Islands is a direct reflection of the fact that most of the land has been developed. Population estimates obtained from the Florida Bureau of Economic and Business Research (BEBR) for Bay Harbor Islands clearly show this declining growth rate.

#### Populations Projections

Population projections provide a measure for guiding town officials in developing future land use plans including future housing needs, recreation facilities, community services, and a myriad of other aspects of community life. Population projections are presented in Tables L-11, L-12, L-13 and L-14.

The resident population, as estimated for 2000 2017 by the US Census Bureau Florida Housing Data Clearinghouse (FHDC) and projected for 2005 2020, 2010 2025, 2030, 2035 and the year 2015 2040 is provided in Table 11 (see appendix for methodology). Table 12 provides estimates of the peak non-resident population in Bay Harbor Islands in 2000 as a well as projections for 2005, 2010 and the year 2015. When peak non-resident population figures are added to projected resident population figures (see Table 13), the total or "functional" population is derived. This functional population should be used to determine the future demand for infrastructure and urban services.

**TABLE L-11  
PROJECTED RESIDENT POPULATION  
FOR BAY HARBOR ISLANDS**

| YEAR              | POPULATION         | INCREMENT*    |
|-------------------|--------------------|---------------|
| 1987              | 4,892              | 4             |
| 1990              | 4,703              | 4 (189)       |
| 1995              | 4,774              | 35            |
| 2000              | 5,146              | 372           |
| 2005              | 5,203              | 57            |
| 2010 (actual)     | 5,248 <u>5,628</u> | 45            |
| 2015 <sup>7</sup> | 5,343 <u>6,006</u> | 95 <u>378</u> |
| 2020              | 5,793*             | (213)         |
| 2025              | 6,362*             | 260           |
| 2030              | 6,550**            | 188           |
| 2035              | 6,614*             | 64            |
| 2040              | 6,614*             | 64            |

Sources: Joseph Middlebrooks & Associates, Inc., Architects & Planners, 1987

— 1995 Evaluation and Appraisal Report (EAR) / Metro-Dade DPDR Estimate 1996

2003 EAR-Based Amendments prepared by Michael Miller Planning Associates, Inc.

\* Refer to Appendix for methodology \*Florida Housing Data Clearinghouse, 2017

\*\*Michael Miller Planning Associates 2020

**Note:** As the above noted permanent resident population was noted to be 6,006 in 2017, which already exceeds the above FHDC future estimates, the Town includes the above data as per state recommended practice but feel the FHDC future estimates are about 10% low. Based on historical 10-12% seasonal / vacant DU, and assuming about 3,500 DU might be built, the probable maximum population estimate is about 6,600 persons (about 9% increase).

**TABLE L-12  
PEAK SEASONAL NON-RESIDENT POPULATION  
FOR BAY HARBOR ISLANDS**

|                      | 1990       | 2000       | 2005       | 2010       | 2015       | <u>2020</u>       |
|----------------------|------------|------------|------------|------------|------------|-------------------|
| Persons              | (est.)     | (est.)     | (est.)     | (est.)     | (est.)     | <u>(est.)</u>     |
| Residing at:         |            |            |            |            |            |                   |
| Hotel or motel Units | 110        | 110        | 110        | 110        | 110        | <u>357</u>        |
| Other Residential    | 359        | 449        | 454        | 458        | 466        | <u>450</u>        |
| <b>TOTAL</b>         | <b>469</b> | <b>559</b> | <b>564</b> | <b>568</b> | <b>576</b> | <b><u>807</u></b> |

Notes: See appendix for methodology and assumptions. As of 2020 238 hotel rooms exist.

Sources: Joseph Middlebrooks & Associates, Inc., Architects & Planners, 1987  
Michael Miller Planning Associates, Inc. 2004-2020

**TABLE L-13  
PEAK RESIDENT AND NON-RESIDENT POPULATION  
FOR BAY HARBOR ISLANDS**

| Population Group            | 1980<br>(actual) | 1986<br>(actual) | 1990<br>(actual) | 2000<br>(actual) | 2005<br>(actual) | 2010<br>(actual) | 2020<br>(actual) |
|-----------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Resident Population         | 4,869            | 4,889            | 4,703            | 5,146*           | 5,203*           | 5,248            | <u>5,793</u>     |
| Peak Non-Resident           | N/A              | 0 N/A            | 469              | 559              | 564              | 568              | <u>807</u>       |
| Total Functional Population | N/A              | 4,889            | 5,172            | 5,705            | 5,767            | 5,816            | <u>6,600</u>     |

Source: Joseph Middlebrooks & Associates, Inc., Architects & Planners, 1987  
1995 Evaluation and Appraisal Report (EAR) adjusted (\*) as numbers were lower than 2000 actual population.  
Michael Miller Planning Associates, Inc. 2020

**TABLE L-14**  
**SEASONAL HOUSING UNITS FOR BAY HARBOR ISLANDS BY TYPE BY YEAR**

| Type of Unit        | 1980<br>(actual) | 1990<br>(actual) | 2000<br>(actual) | 2005<br>(actual) | 2010<br>(actual)          | 2015<br>(actual)          | <u>2020<br/>(actual)</u> |
|---------------------|------------------|------------------|------------------|------------------|---------------------------|---------------------------|--------------------------|
| Hotel & Motel Units | N/A              | 55               | 55               | 55               | 55                        | 55                        | <u>238</u>               |
| Other Residential   | N/A              | 182              | 228              | 230              | <del>232</del> <u>278</u> | <del>232</del> <u>288</u> | <u>297</u>               |
| <b>TOTAL</b>        | <b>0</b>         | <b>237</b>       | <b>283</b>       | <b>285</b>       | <del>287</del> <u>333</u> | <del>294</del> <u>343</u> | <u>535</u>               |

Sources: Dade County Development Department, December 1987.  
US Census 1990, and 2000, 2010, 2016  
Michael Miller Planning Associates, Inc. 2020

Notes: 1) In 2018 two boutique hotels opened (Grand Beach / Monarch @ 96 rooms each = 192 rooms total). One of the new hotels replaced a former 55 room hotel (Bay Harbor Inn). The other hotel replaced 19 former multifamily units. Another small hotel exists with 26 suites / 46 max. rooms.  
2) In 2000 the Town's estimated seasonal housing was about 7.7%. By 2010 the estimated seasonal housing had increased to about 8.9%. The 2020 seasonal housing projection is based on 9%, as the trend has been toward slightly more seasonal housing since 2000.

## 2. Economy

The income levels of residents in the Town of Bay Harbor Islands are as shown in Table L-15.

**TABLE L-15**  
**INCOME LEVELS**  
**BAY HARBOR ISLANDS**

|                            | 1980     | 1990     | 2000     | <u>2016</u>     |
|----------------------------|----------|----------|----------|-----------------|
| -Per Capita Income         | \$17,303 | \$25,678 | \$29,261 | <u>\$42,409</u> |
| -Median Income             |          |          |          |                 |
| Households                 | \$18,203 | \$30,112 | \$38,514 | <u>\$61,225</u> |
| Families                   | \$25,611 | \$39,940 | \$43,939 | <u>\$74,808</u> |
| -Persons in Poverty Status |          |          |          |                 |
| Total                      | 325      | 473      | 672      | <u>1,288</u>    |
| Percent                    | 6.7%     | 10.1%    | 13.1%    | <u>21.9%</u>    |
| 65 yrs. and over           | 164      | 175      | 84       | <u>413</u>      |
| Percent                    | 3.4%     | 3.7%     | 6.8%     | <u>7%</u>       |

Source: US Census 1980, 1990, and 2000, and 2012-2020 American Community Survey

## **B. AN ANALYSIS OF CONDITIONS AFFECTING DEVELOPMENT**

### **1. Character and Magnitude of Existing Vacant Land**

As shown in Figure L-3, there are very few parcels of vacant land remaining in Bay Harbor Islands. They amount to only ~~9~~ 3.6% (~~2-39~~ 9.90 acres) of the total land area of the town. The following sections discuss vacant lands.

There is a lack of a variety of natural resources (i.e., wetlands, woodlands, streams, etc.) on the islands. Consequently, there are no real constraints to the development of vacant land due to presence of natural resources that need to be protected and conserved.

#### **a. Soil Suitability for Development**

Soil type in Bay Harbor Islands is classified as man-made and this type is considered suitable for building and site development. All developments in the Islands are connected to a central sewer system and therefore problems regarding septic tank usage are minimal if non-existent.

#### **b. Topography and Slope: Runoff and Drainage Constraints**

The topography of Bay Harbor Islands is flat and the area is almost of constant elevation. Due to the absence of sloping areas, the islands are generally well-drained posing little constraint to development of vacant land. Each developed site must contain its water and allow ground water absorption and provide an acceptable water disposal system.

#### **c. Developmental Constraints Due to Flooding & Hurricanes**

The main constraint to development in the area, however, comes from flooding and hurricane hazards. The whole area is within the 100-year flood zone and the Coastal High Hazard Area. Being a coastal area, the Town is subject to coastal flooding and velocity hazards, and evacuation is required for all hurricanes. Development of high density and intensity of use must be addressed carefully and structures must be designed in such a manner to minimize structural damage and flooding. Development and redevelopment of proposed areas are discussed under this section on Future Land Use Plan.

### **2. Availability of Urban Services**

Bay Harbor Islands is located in an urbanized area; therefore, the availability of urban services is not considered to be a major problem with regard to development in the municipality. An analysis of the capacity of existing urban service to provide for future growth is important in that the service may be available but not necessarily adequate.

a. Central Sewage – the Town has a central sewage collection/disposal system and coordinates its efforts with the Miami-Dade Water & Sewer Authority Department.

b. Central Water – The Town is one hundred percent connected to a central water distribution system and therefore does not depend on groundwater resources for potable water. The Town obtains potable water from the Miami-Dade Water & Sewer Authority Department.

c. Other Services – Solid waste collection services and emergency services (police, fire, and rescue) are provided by the Town or Miami-Dade County.

### 3. Access/Transportation

Broad Causeway is the major roadway providing access to the Town of Bay Harbor Islands from the Miami-Dade mainland area connecting to 123<sup>rd</sup> Street in the City of North Miami. Kane Concourse (96<sup>th</sup> Street) connects the Town to Bal Harbor Village and the Town of Surfside to the east and connects to SR A-1-A at Collins Avenue (NB) and Harding Avenue (SB). All local streets within the Town connect at some point to Kane Concourse (96<sup>th</sup> Street). These roadway connections allow easy pedestrian and vehicular access to the commercial area along the Concourse and easterly to the beach areas and commercial areas in adjoining communities. There are no restrictions on development posed by access problems.

### 4. Historic Resources

~~There are no known historic resources present in the Town of Bay Harbor Islands. However, it is possible that some of the houses and other buildings constructed in the 1940s and 1950s may be considered historically significant and will be inventoried in the future. The Florida Bureau of Historic Preservation is beginning to study architectural styles from the 1940-1950 period as of 2002 to identify specific architectural design elements and determine any historical significance and will advise local governments in the future of actions to be taken related to development activities. There are none in the Town of Bay Harbor Islands. In 2005-06, assisted by a state grant, the Town completed a residential Historical Structure Survey which identified potential historic structures that exceeded 50-years of age. The study surveyed 312 structures and identified those resources potentially eligible for recognition as historic structures, identified areas for a potential local historic district, and made recommendations to the Town on historic resources. Five sites were identified for further study. 73% of the structures surveyed were identified as "Masonry Vernacular" architecture, while 14% were identified as so-called Mid-Century Modern. Due mostly to broad public opposition no individual structures or areas have been designated as of 2018. In 2015 one multifamily site (Continental) was designated by the County's Historic Preservation Board, but was reversed by the County Commission, as the land owner objected. In recent years the County inventoried the Town's structures. As of late 2018 none have been designated. No structure remains as was originally built due to maintenance / modernization.~~

### 5. Contaminated Areas

~~There are two (2) four (4) known contaminated sites in Bay Harbor Islands. One is at the The gas station site on the Broad Causeway and the other is at the Town Hall Public Works complex are - Both both related to active underground fuel storage tanks. There are also abandoned in place fuel storage tanks at Bayview Cadillac at 1000 Kane Concourse, and there was a spill at the Ruth K. Broad Bay Harbor Elementary School site that was cleaned up. All Both sites are currently being monitored.~~

### 6. An Analysis of Land Use Problems and Potential Land Use Problems

The Town of Bay Harbor Islands provides a well-structured grouping of compatible land uses. Both the distribution and relationship of uses to one another are well defined. The only areas of some concern are the lack of more recreation and open area space areas and the condition of some of the older structures. However, recognizing the fact that the Town has large single-family homes and lot sizes, many with private swimming pools, waterfront access, the desire for recreational facilities can be accommodated through the use of recreational facilities in higher density residential developments, single-family homes and the use of nearby county facilities.



The Town residents also have limited use of the recreational facilities at the Bay Harbor Elementary School Ruth K. Broad Bay Harbor K-8 Center. The western island of the Town has several open space / recreation parcels, one of which has a Tot Lot that is frequently utilized. The eastern island, with the most population, has very limited open space / recreational lands opportunity. The Town has identified a need to acquire and provide additional land for parks / recreational facilities on the eastern island. However, since 2003 the Town has acquired additional land for parks and recreational facilities including three (3) lots on 98<sup>th</sup> Street which have been developed as a park. In 2016 the Town developed the 8,746 square foot Morris N. Broad Community Center at the Town Parking Garage on 95<sup>th</sup> Street. The facility provides numerous programs for youths and seniors and is open seven (7) days a week. While very few of the original multifamily complexes provided any recreational amenities, almost all new redevelopment projects include some form of recreational amenities (pools / spas / fitness).

Therefore, no potential land use problems are expected except for the fact that the whole area is flood-prone if sea levels continue to rise or storm surges damage the Town, which may pose development and redevelopment concerns.

There are no blighted areas in the Town of Bay Harbor Islands — there are some housing units, however, which need repairs and maintenance. A large number of the dwelling units are more than 30 40 years old and are still occupied by the elderly and are subject to 40-Year inspections that are meant to identify structural and safety deficiencies in older buildings. Nearly 97% 85 percent of the dwelling units in the Town were built before 19759. Between 1980 2000 and 2000 2010, despite the construction of 4 new dwelling units population increase, the number of dwelling units actually decreased in the Town from 3,108 3,147 to 3,103 2,554 as noted in the 2000 US Census by 2017 mostly due to the demolition of older complexes in anticipation of redevelopment. The Town, as has most of the coastal areas in South Florida, has experienced dramatic shifts in the age, lifestyle needs and housing desires of its residents during the 1990 last few decades. More importantly, the Town experienced a decline and/or stagnation in the assessed value of properties within the community from 1984 through 1993 2010. Only since the recognition of the problem and subsequent actions to stimulate re-development in the mid-1990s has The Town experienced some increases in the assessed values of properties within the community, although property values have increased in recent years due to the general housing market. A number of younger residents, primarily professional people seeking residences near the coast and business centers in Miami-Dade County, have purchased both single-family homes and multiple-family homes and significantly remodeled or re-built the dwelling units. Based upon those initial visioning exercises, the Town created land development regulation incentives for the Eastern Island area, predominated by multiple-family dwellings, to encourage the re-development of properties. The Town's 1995 Evaluation and Appraisal Reports (EAR) identified the changing trends and recommended modifications to the density limits to accommodate the desired re-development activities

An incentive program was implemented in the late 1990's and had been successful in stimulating plans for several re-development projects. Two (2) developments were granted building permits and several others were in varying stages of review when it was discovered that the residential densities of the re-development projects exceeded the adopted Comprehensive Plan density limit (34 DUA). Also, the height of the new re-development projects (150 feet) caused negative reactions from some community residents and a referendum vote "capped" building heights at 75 feet. The Town subsequently undertook a formal Community Visioning process that was concluded in early 2003. Analysis and implementation of those recommendations are being considered by the Town.

The Town desires to continue with re-development programs and is studying the creation of incentives for the Town, primarily on the eastern island residential areas and commercial areas of Town. Many dwelling units need regular repainting and refurbishing. Some dwelling units can be defined as substandard in condition because of the lack of heating, air conditioning, and the type and building features of dwelling units such as jalousie windows, no hurricane protection for openings and wall air conditioner units.

In 2015 the Town created a Sustainable Building Program with incentives that established goals, programs and procedures to help the Town become more sustainable. The program establishes new environmental goals for the Town, defines a certification-based sustainable building program with incentives, and defines new measurement parameters and reporting criteria to track the Town's performance toward its environmental goals. This program promotes economic and environmental health in the Town, through the design, construction, operation, and deconstruction of its own facilities and provides leadership to both the private and public sectors in the arena of sustainable building and development practices and resource efficiency.

The program is flexible and allows buildings to be designed and constructed in accordance with the criteria and standards of USGBC LEED, Florida Green Building Coalition Green Building certification, Energy Star, or similar state or nationally recognized program certification standards. The program is voluntary for the private sector and all development is eligible to participate. Participation is required on all new Town projects per state law and when renovations occur to at least 50 percent of the square footage of an existing building unless the costs associated with participation significantly outweigh the benefits of participation. Incentives include rebates on building permit and plan review fees ranging from 10 to as much as 30 percent depending on the level of certification received. Additionally, recognition is given through an annual green building award through a Town proclamation and allows a builder an additional temporary construction sign that notes that development is a green certified project.

A survey performed by the Town in the mid-1990s revealed that a primary impediment to the re-development of older multiple-family properties was the allowable height limitations and the density limits established in the 1989 Comprehensive Plan. While adjacent coastal municipalities typically have multiple-family densities between 35 and 125 dwelling units per acre in the Medium-High and High Land Use categories, Bay Harbor Islands' 1989 Comprehensive Plan listed a maximum density of 34 dwelling units per acre. This supposedly reflected the actual built densities of the multiple-family developments at that time. However, it was discovered in 2001 that significant math errors were made in calculating and analyzing the existing residential density at that time (34 DUA was actually Block averages). Approximately one-third of existing multiple-family developments have net densities exceeding 34 DUA. Based upon new detailed development density calculations prepared in 2001-02, the highest net residential density of existing multiple-family developments (not including PRD projects) is approximately 70 DUA and the average net density is about 40 DUA. To create economical incentives to encourage re-development, the Town's 1995 EAR identified the need to increase the density limits and proposed a "density averaging" system to allow the clustering of available dwelling units that may exceed the typical net density lot-by-lot limitations but maintains the overall Town dwelling unit limitations.

The Miami-Dade County Comprehensive Plan designates the residential areas on the Town's western island as Low Density 2.5 - 6 dwelling units per acre and the eastern island as Medium-High Density 25 - 60 dwelling units per acre maximum. The County's Emergency Management analysis and concurrency analysis is based on 60 dwelling units per acre.

Between 1995 and 1999, in accordance with directives in the 1995 EAR, the Town created Land Development Regulations to implement a re-development incentive technique referred to as Planned Residential Developments (PRD). Even with the "density averaging" technique, the Town's 1995 EAR had previously determined that the maximum allowable density limits listed in the 1989 Comprehensive Plan needed to be increased to allow a sufficient economic incentive and dwelling unit "bank account" for future re-development projects. Many of the existing multiple-family residential developments will undoubtedly remain as originally constructed; however, some are in the process of being re-developed and more can be expected to seek re-development approvals as the useful life of the buildings pass.

In 2002, in accordance with Chapter 163 F.S., the Town prepared In 2002, in accordance with Chapter 163 F.S., the Town prepared EAR-Based amendments to the Comprehensive Plan to implement the findings and recommendations of the Town's to the Comprehensive Plan to implement the findings and recommendations of the Town's 1995 EAR. The draft EAR-Based amendments were submitted to the DCA and the required review agencies for EAR. The draft EAR-Based amendments were submitted to DCA and required review agencies for comment. The proposed amendments contained new language to address the various development issues facing the Town including (1) requesting that the base densities be language to address the various development issues facing the Town including (1) requesting that base densities be modified to address the errors in the 1989 plan (from 34 – 40) to better reflect the existing development and generally follow similar density allowances in adjacent municipalities, (2) establishing a "density averaging" system to establish a maximum dwelling unit pool to provide a mechanism to address the re-development of other properties, (3) the grand-fathering of the 70 existing developments on the eastern island that exceed 34 dwelling units per acre (DUA); and (4) the grand-fathering of the two PRD projects that have now been constructed (Carroll Walk and Le Nautique).

The State of Florida Department of Community Affairs (DCA) objected to the proposal increase in density from 34 DUA to 40DUA. The primary objection to any density increase is that any such increase would violate State policies that limit the exposure of concentrations of persons in the Coastal High Hazard Area (CHHA) and would set a precedent for many other communities seeking higher densities along the coastline. Therefore, DCA requested that the proposed increase in density be removed from the Town's proposed 2001 EAR-Based amendments to the Comprehensive plan. Although DCA has objected to any base density increase, they acknowledge that there were a large number of developments that exceeded the 34 DUA density limit that had to be addressed. DCA further mandated that all property owners have the ability to build to at least the base residential density limit and approved the formal creation and use of the "density averaging" technique to provide a mechanism for re-development.

It was agreed that the Town could utilize a "density averaging" technique; that is, the gross average of each land use category as depicted on the adopted Future Land Use Map (FLUM) of the Town is multiplied by the maximum allowable density limit. A density "pool" would be created. The Town would be allowed to distribute the available dwelling units on a site-by-site basis based on the established Comprehensive Plan Policies and Land Development Regulations (LDRs). In order to insure proper regulation and equity in the allocation of residential density within the Town, the Town adopted and utilized a Density Monitoring System (DMS) to insure that the overall maximum number of units is not exceeded and specific Transfer of Development Right (TDR) policies and LDRs to govern how, how much, and in what instances additional density could be allocated to certain specific developments.

During 2002, a citizen-initiated referendum was approved that restricts development within the Town's eastern island to a maximum of 75 feet in height. This height limit follows the existing Zoning District height limitation for a majority of the eastern island (except the north and south points – Tracts A through F). The Town's PRD regulations allowed a maximum building height of 150 feet. The new 75-foot building height limit restricts the intensity of any development project. This issue may be re-visited in the future. Therefore, although the Town will have greater flexibility to encourage redevelopment through "density averaging," the elimination of implementing zoning regulations (PDR) together with the imposition of the 75-foot height restriction are issues that will impact future development within the Town. There are a finite number of available dwelling units in the Town given the restraints discussed previously.

Some existing properties are under-developed, that is, not built to the maximum allowable density. Therefore, the under-developed properties have excess development rights (potential dwelling units). The Town "owns" the development rights on Town-owned parking lots and the public roadways. No other property owner is entitled to this density as a right. The Town can "bank" the development rights or allocate the density at its discretion. The 2003 Community Visioning summary suggested the Town consider mixed-use (commercial / residential) along the Kane Concourse. The allowable zoning district uses for the commercial areas has allowed residential use since the late 1950's, although none exists in 2004. The state recognizes these pre-existing development rights and will allow separate density to be allocated to the commercial areas. A separate dwelling unit allocation "pool" ~~will be~~ was established for the commercial areas.

It should be mentioned that the 1989 Comprehensive Plan identified numerous duplexes on the Existing Land Use Inventory Map and simply carried over a "duplex" Land Use category on the Future Land Use Map (FLUM). The FLUM appears to have "spot land use" designations of duplexes interspersed with the Multiple-family Residential Land Use designations on the Eastern Island. The 1995 EAR identified this error and recommended a correction. The entire Eastern Island, other than the commercial properties along the Kane Concourse and the school, should have been designated for some form of Multiple-family Residential with a sufficient density limit to allow all types of housing.

#### Density Averaging System

In order to address the concerns expressed by surrounding communities and DCA the Town proposed to utilize the Density Averaging System described in the preceding paragraphs to provide a mechanism to address the numerous existing developments that exceed the 34 DUA limit and allow for continued flexibility in re-development without exceeding the overall maximum density limits in the adopted Comprehensive plan.

Following is an inventory of the existing acreages and available dwelling units via the adopted Comprehensive Plan. The acreage for the eastern island has been adjusted to place all available duplex land acreage in a common land use category and reflecting the two (2) PRD developments that were constructed:

| Land Use Type | Acres  | Max. Density | Max DU |
|---------------|--------|--------------|--------|
| Low           | 100.24 | 6 DUA        | 601    |
| Medium-High   | 119.32 | 34 DUA       | 4,057  |
| Commercial    | 22.31  | 34 DUA       | 758    |
| Total         |        |              | 5,416  |

There were ~~279~~ 286 existing single-family dwelling units on the western island of the Town as of December 2003 ~~31, 2020~~. There were ~~2,868~~ 2,792 existing multi-family dwelling units (includes duplex) on the eastern island of the Town as of December 2003 ~~31, 2020~~. The two vested approved PRD densities range from 46 DUA to 81 DUA. Both Chapter 163 F.S. and the new DCA publication, "A Guide to Preparing an Evaluation and Appraisal Report (EAR)" published in August 2003, require local governments within the Coastal High Hazard Area (CHHA) to evaluate whether any past reduction in land use density negatively impaired private property rights and to identify strategies to address these negative impacts.

The Town has identified major negative impacts (over 70 residential developments on the eastern island exceed the 34 DUA density limit at the time of adoption). In order to comply with the directives of the Florida legislature and the provisions of Chapter 163 F.S., the Town will grandfather the existing 70+/- residential developments (478 dwelling units) built in excess of 34 DUA. This would leave a difference of 1,667 dwelling units available for distribution under the "Density Averaging" system for the eastern island. However, some properties are built at residential densities below the adopted limit. Additional density must be reserved to guarantee all "under-developed" properties (858 units required) can build to at least the base residential density. ~~As of December 2003, the~~ The Town owns the rights to 79 all dwelling units on the Town-owned parking lots, parks and other publicly owned lands and there are 35 dwelling units allocated to privately owned parking lots. The two (2) PRD projects were built in violation of the Town's density limits; therefore, DCA will not allow those to be grandfathered (27 DU). As of December 2004, there are 304 available "Flex Dwelling Units" (including the 79 units allotted to Town parking lots) for the residential areas. Based on the size of the properties and the right-of-way the Town owned in 2004 on the East Island when the program began, the Town owned 330 "Flex Dwelling Units" aka Transferrable Development Rights (TDRs). On the private side, there were originally 858 TDR units. The program has been met with great success in spurring redevelopment plans. There have been combined sales of 407 Town-owned and private TDRs as of December 31, 2017. As of December 2020, the Town owned 80 TDR units, and there were 1,009 privately owned TDR units. These numbers change often due to previously approved developments expiring that reserved TDR units and new development approvals. Due to the success of the TDR program many of the Town-owned TDR units were committed to new redevelopment projects; therefore, in 2015 the Town restricted their allocation to no more than 50% of the needed units, unless very unusual circumstances exist. Further, maximum density caps by location (RM-1 / RM-2 / RM-3) were also instituted in 2015 to help preserve the remaining Town-owned TDR units. In addition, there are 758 available dwelling units available in the commercial areas. Approximately 542 are allocated to private property while the remaining 216 units are in Town-owned roadways and properties. To date there has been one TDR transfers between commercial properties for mixed-used development plans (1177 KC).

As referenced in the preceding discussions, discrepancies were noted in the original plan between the actual built densities of numerous multiple-family residential developments, the data and analysis in the adopted plan and residential density limit policies contained within the 1989 adopted Comprehensive Plan. For example, the 1989 plan characterized the maximum existing multi-family development within the Town as having been developed at about 32 DUA; therefore, the Town Council at that time adopted a maximum density threshold of 34 DUA. In reality, these were apparently gross acreage block averages, but even those calculations have been determined to be incorrect (off by 13+/-%). A block average does properly indicate actual development characteristics. The actual built densities of many existing multi-family developments within the Town reveals that 72 multiple-family residential developments on the eastern island, approximately one-third of the total developments, were constructed at densities that exceeded 34 DUA. In fact, the highest net density of the existing development has been

calculated as high as 81 DUA. Therefore, in accordance with State law, the Town considers these previously built developments to be vested for the existing number of units. If these properties are voluntarily demolished, they will be required to be re-developed in accordance with the current density level allowances of the Comprehensive Plan. If a natural disaster occurs, property owners may re-build to the existing number of dwelling units.

Utilizing a density averaging system will, without increasing the base density, enable the Town to account for the higher density housing built in the Town over the years, to provide a mechanism to implement the 2003 Community Visioning recommendations and to provide a mechanism to regulate re-development activities. It is important to preserve the rights of property owners that have developed property at densities less than the average density or been granted approvals for development which exceed the original 34 DUA threshold adopted in error by the Town in 1989. As of December 2003 2017, ~~858~~ 1,009 dwelling units are required to guarantee all properties currently developed at less than 34 DUA to be re-developed in the future to at least density of 34 DUA. Therefore, in order to preserve development rights in the case of a natural disaster or other act of God which may result in the destruction of these properties or should a property owner seek to re-develop their property from, for example a duplex to a 8 unit multi-family complex, the Town will include policies granting limited exceptions to the density regulations to address the following types of properties;

- Structures within the Town that were in existence prior to the adoption of the density limits contained within the Town's 1989 Comprehensive Plan and which exceed 34 DUA;
- Projects which have received development approvals subsequent to adoption the 1989 Comprehensive Plan which have been issued building permits and were under construction as of January 1, 2002 and exceed 34 DUA. These projects include:
  - 1) "Carroll Walk" Planned Residential Development (PRD) located at 9741 East Bay Harbor Drive – (42 DU)
  - 2) "Le Nautique" Planned Residential Development (PRD) located at 10261 East Bay Harbor Drive – (12 DU)
- To implement the 2003 Community Visioning recommendations including the granting of additional density allocation to individual developments if excess density is available in accordance with the applicable Complan policies and Land Development Regulations (LDRs) adopted by the Town.

The commercial areas of the Town are generally well maintained; however, many of the buildings were constructed in the 1950-1960 period and many developments are under-developed. For example, the current land development regulations allow a maximum building height of ~~six-stories~~ 65' to 75' but most buildings are only one and two-stories in height. Some of the architecture is dated in a number of instances. A business committee was formed to evaluate techniques to encourage the upkeep and redevelopment of the properties and market the area, but it has been inactive for some time. In addition, in 2003 the Town prepared a Town Center Master Plan for the Kane Concourse properties and ~~will seek to implement~~ regulatory as well as economic incentives to encourage redevelopment.

At the edges of the Kane Concourse on the Eastern Island between the waterways and Bay Harbor Drive are properties appearing as "Gateways" into the Town. Currently, three of the parcels are residential and one parcel is commercial. One residential parcel ~~has been~~ was

developed in the 1950s as transient housing (Bay Harbor Inn) under the Town's PUD provisions. Over a 12+/- year period beginning in about 2005 redevelopment plans were reviewed for that site, resulting in the construction of a new 96-room boutique hotel in 2018 (Grand Beach Hotel). Another Gateway residential parcel has had a two-story apartment complex (Monarch); however, this complex was demolished, and another new 96-room boutique hotel also opened in 2018 (Wyndham TRYP). The last of the residential parcels has an open parking lot serving that previously served an office building. A redevelopment plan that includes this site was approved by the Town in 2019 (1177 KC) and the Town acquired the last gateway site. The commercial parcel was used in the past as a restaurant but is has been converted to an office use. The Town approved a redevelopment plan for a multi-story commercial / office building on this site (One Kane Concourse). The Town is was concerned that some of the current land development guidelines could allow a very substantial re-development proposal that could be out of scale from a height and setback perspective, commissioned a study to consider special land development regulations for those parcels and has now adopted them.

### III. FUTURE LAND USE PLAN

#### A. METHODOLOGY FOR DETERMINING THE FUTURE LAND USE PLAN

Since the Town of Bay Harbor Islands is almost totally developed, no drastic changes in the type of land uses are anticipated, however, as mentioned, the intensity of some land uses may be higher to create incentives for re-development. The resident and seasonal population, according to population projections previously mentioned, is expected to increase. by 57 persons between 2000 and 2005, 45 persons by 2010 and 95 persons by 2015. This would require an additional 28 dwelling units by 2005, 22 dwelling units by 2010 and 95 dwelling units by 2015. The current 2020 permanent resident population of 5,793 is slightly less than previously forecasted estimates. Since the end of the Great Recession in 2010-11 a resurgence in new development approvals has occurred, although only about half of the approved multifamily projects have moved forward with construction. In anticipation of those new developments over 300 units were demolished; therefore, the number of units in the Town declined since 2010. The price of land and construction has increased significantly which affects the real estate market. It is estimated that about 350 new units will be built in the next 10-year period, but the real estate market (prices / interest rates) will control the timing.

Based upon a study of infrastructure needs for this projected additional population, all roadways, potable water and wastewater facilities will operate at acceptable LOS. Some additional educational / recreational facilities may be needed to serve the additional population.

Based in the analysis in the previous section, no land use problems in terms of the grouping of incompatible uses currently exist. The present land use pattern has served the Town quite well and the Town has expressed its desire for the continuation of the existing land use relationships.

From the analysis on conditions affecting development, no restrictions on the suitability of land for development were identified (development and redevelopment of the flood-prone area discussed in the next subsection). Location of proposed land uses were then based on the existing land uses, the Town's tax base, the desires future financial base, public participation and the desired relationships between proposed land uses. Additionally, existing and projected population was the basis for determining the future land use needed - no change in land use relationships are planned, only density adjustments for future re-development. The Town will



re-evaluate the density issue at least every ~~five (5)~~ ten (10) years to analyze community appearance and the success of the Town's re-development density allocation program.

## **B. DEVELOPMENT AND REDEVELOPMENT OF FLOOD-PRONE AREAS**

The whole Town is subject to coastal flooding and is within the hazard area requiring evacuation for all hurricanes. Hurricanes can be devastating, incurring damage to property and loss of life, and hence, is a major concern with regards to development and redevelopment of coastal areas. Although no severe flooding occurs (2018), the possibility of sea level rise or hurricane storm surges could affect the Town in the future. This is discussed in more detail in the Coastal Management Element. Analysis of the SLOSH models reveals if the surrounding waters rise more than 3 feet above current levels, effects will begin to occur to many older developments built at lower elevations. All new development must be constructed at much higher elevations. The Town's roadways and other infrastructure may need to be retrofitted or fortified.

The Town of Bay Harbor Islands is primarily a residential neighborhood with residential densities ranging from 3 to about 81 units per acre. The pattern of development in the islands has been in existence for more than fifty years. Mid-rise apartment buildings and condominium complexes have been located in the eastern island throughout this period, single-family homes have existed on the western island and the causeway land includes a gas station site, Town-owned toll facility and roadways / bridges.

As has been mentioned, maximum density of residential development in the Town has amounted to about 70 units per acre except for the new PRD re-development projects that have reached approximately 81 units per acre. The 1989 Comprehensive Plan contained significant errors in the calculation of existing multiple-family residential density and based upon that data and analysis, the Town Council established policies regulating the maximum allowable density for future multiple-family residential developments. The adopted 1989 plan noted maximum as-built densities of 32 units per acre when in fact the maximum as-built density was approximately 70 units per acre. The 1989 base density of 32 units per acre is considered medium-density compared to as much as 60 units per acre of development allowable under the Miami-Dade County FLUM, 109 units per acre under the Town of Surfside FLUM, 80 units per acre under the Sunny Isles Beach FLUM and 60 units per acre under the City of Aventura FLUM and in the Miami Beach Area. No change in the existing pattern of development is proposed. Instead, measures to ensure hurricane preparedness will be focused upon. ~~Very few structures have been constructed in the area since the State's coastal code requirements were revised in 1985.~~ All structures built in Town since 1985 have had to meet the State's coastal code requirements.

In 2001, and several times since, the State adopted a new / updated statewide Building Code with increased hurricane protection requirements. A large percentage of existing older buildings in the town, therefore, are assumed to be structurally inadequate to withstand the storm surges and wind forces that have now been established by the Florida Building Code as standards for development. Future developments and redevelopments will have to abide by the new standards for coastal area construction.

## **C. FUTURE LAND USES**

The following paragraphs describe the proposed land uses in the Town of Bay Harbor Islands. There will be no industrial, agricultural, ~~historic resources~~ and conservation uses.

## 1. Future Residential Use

With ~~82~~ 78.8% of its ~~267.6~~ 267.59 acres devoted to residential uses, Bay Harbor Islands is primarily a residential community. The number of acres devoted to residential uses is not expected to change, however, it is anticipated that some of the older duplex properties and/or lower density multi-family developments may seek re-development approval. While many of the single-family homes on the western island are being re-built and/or updated, the eastern island is anticipated to experience more re-development. Additionally, some residential development may occur in the commercial area as part of a mixed-use development.

In the near future, the western island will still remain a single family residential area while most of the eastern island will remain essentially multi-family housing.

The proposed base residential densities are as follows:

1. Low-density residential - up to 6 units per acre.
2. Medium-High density - from 6 to 34 units per acre.
3. Commercial - up to 34 units per acre.

"Density Averaging" for the allocation of additional multiple-family residential dwelling units on an individual development basis shall be permitted only on the Eastern Island. The allocation of available dwelling units will be distributed under the Town's Transfer of Development Rights Transfer of Development Rights (TDR) program after considering the impact on infrastructure and determining the distribution is compatible with existing or planned future development on adjacent properties. In order to insure the maximum density thresholds are not exceeded order to insure the maximum density thresholds are not exceeded, the Town has implemented a Density Monitoring System (DMS).

The expected Future Land Use is based upon the fact that there are only ~~2.39~~ 9.90 acres of undeveloped land remaining in Bay Harbor Islands, otherwise, the only growth will be through re-development of existing properties. This includes ~~two (2) single-family lots and five (5) commercial lots~~ about eight (8) vacant lots on the West Island which are all zoned for low density residential (single-family) several vacant parcels on the East Island which are zoned for either medium – high residential use or zoned for commercial use on the East Island.

As indicated earlier, the additional individuals expected in Bay Harbor Islands in the next decade or so can be accommodated only if the "Density Averaging" technique can be utilized. The amount of the remaining land to be used for residential purposes will depend on the density of the new development.

## 2. Cluster Development

The Town of Bay Harbor Islands adopted a Planned Unit Development (PUD) Overlay Zoning District in 1987 to encourage innovative designs and provide flexibility to the designers and Town. The Town approved a PUD for Lots 35, 36, and 37 in Block 4. This project is was known as the Bay Harbor Inn. This site was redeveloped in the last few years into a new 96-room hotel (Grand Beach). In addition, another 96-room hotel (Wyndham TRYP) was built on the East Island utilizing the PUD procedures. Also, the Town created a Planned Residential Development (PRD) Zoning District in 1996. The PRD regulations were repealed in 2003. The PUD regulations will be updated in the future have been updated as needed.

### 3. Future Commercial Land Use

The ~~city-Town~~ blocks facing Kane Concourse in the eastern island will still be the commercial district of the Town. It is not anticipated that any significant amendments would be sought or obtained to change residential property to commercial except possibly for the so-called "gateway properties". The 2003 Community Visioning summary suggested the commercial areas along Kane Concourse continue to allow mixed-use development. Any dwelling units used in those projects would need to come out of the "Commercial Density Pool."

The need for more commercial space in the area is compensated by the Town's proximity to shopping districts in Bal Harbour Village, the Town of Surfside, and easy access to shopping districts on the mainland and Miami Beach.

### 4. Future Recreation and Open Space Land Use

The lack of parks and open space is somewhat of a concern. Future needs can be assisted with the requirement of private developers providing recreational activities in those areas with higher densities, the use of Miami-Dade County Parks, intergovernmental use agreements with the Miami-Dade School Board at the elementary school recreational facilities, the acquisition and construction of additional Town-owned parks, particularly on the eastern island and access to beaches.

While parks and open space are essential to upgrading the lifestyles of Town residents, limited opportunities exist to achieve any substantial additions. ~~It is proposed, as shown in the future Land Use Map, to utilize~~ Some of Broad Causeway's right-of-way is being used for open space uses. However, those lands cannot be used for active recreation. New residential developments ~~may be required to frequently~~ provide recreational amenities for their residents and the Town requires park impact fees for all residential development.

### 5. Public Facilities Land Use

The East Island will still continue to provide for most of the community's institutional uses. The elementary school Ruth K. Broad Bay Harbor K-8 Center was completely rebuilt and significantly enlarged in 1994-95 and again in 2006-07. The Town's Administrative Complex has been deemed inadequate for certain functions; therefore, the Town ~~is~~ has been studying options to expand and/or relocate the complex. The Town may consider a re-develop of the municipal complex at the current location or an alternate location in the future. The Town can keep it or "sell" the development rights.

Since the Town is essentially fully developed, there are no expected changes in the provision of transportation facilities.

The main arterial roadway traversing the Town, Broad Causeway / Kane Concourse / 96<sup>th</sup> Street is a four-lane divided (4LD) roadway operating at an acceptable Level of Service (LOS) in 2004 2020. The recent transportation improvements on Broad Causeway will not affect land use patterns in the Town.

**TABLE L-16  
ACREAGE OF PROPOSED FUTURE LAND USES**

| USE                  | ACRES  | PERCENT OF<br>TOTAL LAND | ACREAGE<br>DIFFERENCE |
|----------------------|--------|--------------------------|-----------------------|
| RESIDENTIAL          | 219.56 | 82.0 %                   | —+0.46                |
| Low Density          | 100.24 | 38.0 %                   | —+0.46                |
| Medium-High Density  | 119.32 | 44.6 %                   | +1.04                 |
| COMMERCIAL           | 23.21  | 8.0%                     | +0.89                 |
| COMMUNITY            | 8.59   | 3.0 %                    | —————0.00             |
| PARKS/<br>OPEN SPACE | 16.24  | .6 %                     | —0.00                 |
| VACANT               | 0      | 0                        | —2.39                 |
| TOTAL                | 267.6  | 100%                     |                       |

Source: Michael Miller Planning Associates, Inc. 2003 2018.

**FIGURE L-10  
FUTURE LAND USE MAP (FLUM)**



LOW DENSITY RESIDENTIAL (0-6 DU/A)

MEDIUM-HIGH DENSITY RESIDENTIAL (6-34 DU/A)

COMMERCIAL

COMMUNITY FACILITIES

PARKS & RECREATION

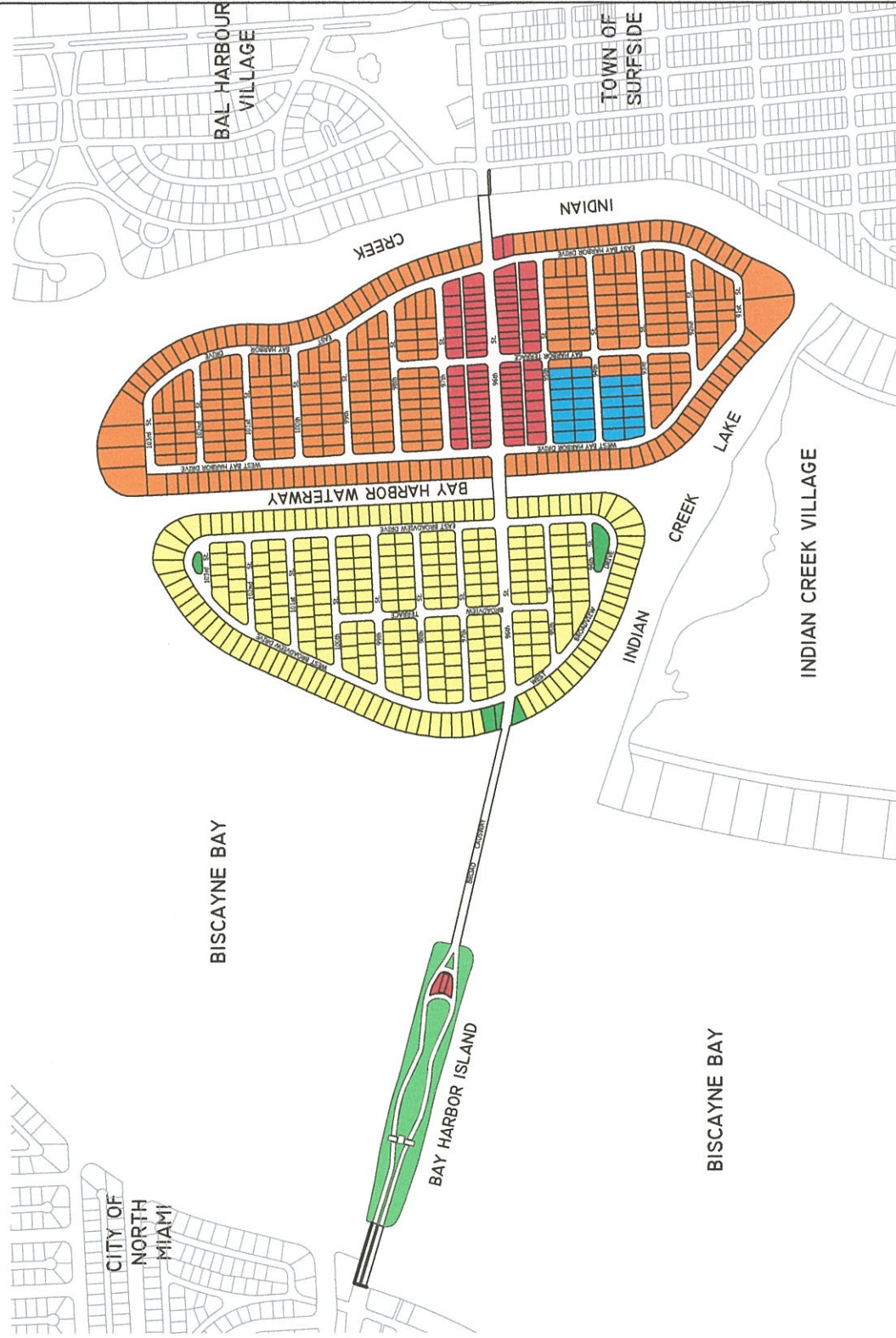
Open Space

NOTE: THE TOWN MAY AUTHORIZE INDIVIDUAL PROJECT DENSITIES IN THE MEDIUM-HIGH DENSITY AT HIGHER DENSITY THROUGH THE TDR PROCESS. NO INDIVIDUAL PROJECT MAY EXCEED 120 DU/AC.

IMPORTANT NOTICE

THIS LAND USE MAP REPRESENTS THE EFFECTIVE LAND USE APPROVED BY THE TOWN OF BAY HARBOR ISLANDS. ANY INQUIRIES REGARDING MORE UP-TO-DATE INFORMATION SHOULD BE REFERRED TO THE TOWN MANAGER OF THE TOWN OF BAY HARBOR ISLANDS. LAND USE REFLECTED FOR SURROUNDING MUNICIPALITIES SHOULD BE VERIFIED WITH EACH RESPECTIVE CITY. RESIDENTIAL DENSITIES DEPICTED ON THIS MAP ARE FURTHER LIMITED AS FOLLOWS:

- BY THE TERMS AND CONDITIONS IN THE BAY HARBOR ISLANDS COMPREHENSIVE ZONING ORDINANCE  
- BY THE DENSITY OF EXISTING LAND  
- DEVELOPMENT REGULATIONS



| NO. | DATE | REVISION | BY |
|-----|------|----------|----|
|     |      |          |    |
|     |      |          |    |
|     |      |          |    |
|     |      |          |    |

Designed: MM  
Drawn: SDM  
Checked: MM

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PREPARED FOR  
TOWN OF BAY HARBOR ISLANDS

FUTURE LAND USE MAP  
FIGURE L-10  
2018-2030

SEPTEMBER 2018  
SCALE  
PROJECT  
00

SHEET NO.  
1  
1

#### IV.GOALS, OBJECTIVES, AND POLICIES

**GOAL FLUE-1:** MAINTAIN AND ENHANCE THE EXISTING LOCATION AND DISTRIBUTION OF LAND USES IN A MANNER THAT WILL PRESERVE OR IMPROVE THE QUALITY OF THE NATURAL AND MAN-MADE ENVIRONMENT AND AT THE SAME TIME MINIMIZE THE THREATS POSED BY HEALTH AND SAFETY HAZARDS, AND ENVIRONMENTAL DEGRADATION.

**OBJECTIVE FLUE-1:**The Town of Bay Harbor Islands shall continue to enforce its land development regulations to ensure that the future growth and development of the Town is consistent with the provisions of this Comprehensive Plan.

**Policy FLUE-1.1:** Continue to enforce regulations which govern the use and development of land and which as a minimum:

- 1) Regulate the use of land and water as to be consistent with this Element.
- 2) Regulate the subdivision of land.
- 3) Regulate signage.
- 4) Provide for drainage and stormwater management.
- 5) Regulate on-site traffic flow to ensure safety and convenience; and provide for adequate parking facilities.

**Policy FLUE-1.2:** Adopted land development regulations shall be consistent with the standards established in the Element for allowable land uses and densities and intensities of use for each land category as identified in the adopted Future Land Use Map and explained in the textual material in Section III, under the heading "Future Land Uses."

**Policy FLUE-1.3:** Adopted land development regulations shall contain standards for defining and ensuring the compatibility of adjacent uses and which address buffering and open space requirements.

**Policy FLUE-1.4:** Development regulations and the Town's approval of any development application shall ensure that no development orders or permits will be issued unless it can be shown that there will be no reduction in the level of services for the affected public facilities below the minimum standards as adopted in this Comprehensive Plan or that new and/or upgraded facilities or other improvements and/or actions are completed concurrently with the impacts of the development or scheduled in to be improved via a Capital Improvement project.

**Objective FLUE- 2:** Innovative land use regulations shall be reviewed for adoption and development and redevelopment in the Town of Bay Harbor Islands shall be consistent with the goals, objectives, and policies of this element; future uses shall be as indicated in the adopted Future Land Use Plan Map, and shall be consistent with the desired community character, i.e., generally low density residential development on the west island, and in the east island, a variety of multiple-family residential development with commercial land uses along Kane Concourse.

**Policy FLUE-2.1:** Land uses which are inconsistent with the Future Land Use Plan shall be prohibited. Proper design solutions can and will be implemented to integrate compatible elements and buffer potentially incompatible elements.



**Policy FLUE-2.2:** The Town's zoning regulations shall continue to be reviewed to determine consistency with the adopted Future Land Use Plan Map, and necessary rezoning actions shall be initiated to remedy inconsistencies.

**Policy FLUE-2.3:** The Town shall review other innovative land use development techniques for inclusion into the land development regulations.

**Policy FLUE-2.4:** Require that commercial developments include adequate ingress/egress drives, off-street parking, landscaping, signage and loading facilities.

**Policy FLUE-2.5:** The Town shall continue to create incentives to encourage maintenance efforts in upgrading apartment units and residential complexes that are in need of repainting and refurbishing.

**Policy FLUE-2.6** The Town assigns the following base residential densities as follows:

|                     |                         |             |
|---------------------|-------------------------|-------------|
| Low-Density         | Up to 6 units per acre  | West Island |
| Medium-High Density | Up to 34 units per acre | East Island |
| Commercial          | Up to 34 units per acre | East Island |

"Density Averaging" for the allocation of additional multiple-family residential dwelling units on an individual development basis shall be permitted only on the Eastern Island. The allocation of available dwelling units will be distributed under the Town's Transfer of Development Right (TDR) program to be established by Policy 2.11.9 after considering the impact on infrastructure and determining the distribution is compatible with existing or planned future development on adjacent properties.

**Policy FLUE-2.6.1** The Town of Bay Harbor Islands recognizes that there are a large number of multiple-family residential developments on the eastern island of the Town that were in existence prior to the adoption of the density limits contained within the Town's 1989 Comprehensive Plan that exceed the adopted density limit of 34 DUA. The Town is also aware that the density limit in the 1989 plan (34 DUA) does not reflect the actual densities of many of the individual developments within the Town. Therefore, any existing residential building developed at a density exceeding 34 DUA on or before January 11, 1989 shall be considered vested for the number of units existing on the property prior to January 11, 1989. In the event of a natural disaster or other act of God resulting in the destruction of said buildings, these properties would be permitted to be re-constructed with up to the same number of units as of January 11, 1989 provided that all other applicable development regulations in effect at that time are complied with unless approved otherwise by the Town or other regulatory agencies. If the properties are voluntarily demolished and proposed for redevelopment, the proposed redevelopment must comply with the density regulations contained within Policy 2.6.

**Policy FLUE-2.6.2** The Town of Bay Harbor Islands recognizes that there are two (2) Planned Residential Development (PRD) projects that have been built subsequent to adoption of the 1989 Comprehensive Plan that exceed the density limits established in the 1989 plan. The Town's adopted 1995 EAR contained recommendations to allow increased development densities to encourage re-development activities. Based upon those recommendations, the Town granted approvals for the aforementioned PRD projects. The Town recognizes that certain development rights have vested for those properties as the Town has been provided with legal advice that because the Town granted zoning approvals and building permits and was so far along with construction when the density issue was discovered that it would be unlikely a court would terminate construction. The Town shall not grandfather the overbuilt dwelling units (27) in those two PRD developments and they shall be deducted from the Density Averaging availability account. The PRD developments listed below, having previously received development permits from the Town of Bay Harbor Islands including building permits on or before January 1, 2002 shall be considered vested for the number of units approved by the Town prior to January 1, 2002. In the event of a natural disaster or other act of God which results in the destruction of the developments, up to the same number of units approved by the Town would be permitted to be reconstructed on these properties provided the proposed development complies with all applicable development regulations in effect at that time. If the properties are voluntarily demolished and proposed for redevelopment, the proposed redevelopment must comply with the density regulations contained within Policy 2.6.

The following developments having previously received approval from the Town of Bay Harbor Islands and building permits have been issued on or before January 1, 2002:

- "Carroll Walk" Planned Residential Development (PRD) located at 9741 East Bay Harbor Drive – (42 DU)
- "Le Nautique" Planned Residential Development (PRD) located at 10261 East Bay Harbor Drive – (12 DU)

All projects proposed for development and/or redevelopment, with the exception of those listed above subsequent to January 1, 2002 or as may be otherwise permitted through legal action shall be required to conform to the density regulations stated in Policy 2.6 of the Future Land Use Element.

**Policy FLUE-2.7** The Town assigns the following density for hotels and motels:

70 Rooms per acre

**Policy FLUE-2.8** The Town shall continue to permit residential uses within the Commercial FLUM areas on the eastern island, provided the residential uses are designed as part of a mixed-use (commercial / residential) development, subject to the density provisions listed in Policy 2.6.

**Policy FLUE-2.9** The allowable number of dwelling units within the Commercial FLUM area on the eastern island shall be confined to the Commercial FLUM area and may not be transferred to residential areas without the prior written approval of the Department of Community Affairs (DCA) or their successors in name and function.

~~Policy 2.10 The Town shall continue to allow limited accessory commercial uses within multi-family residential developments as defined within the Town's land development regulations.~~

**Policy FLUE-2.10** The Town encourages architects, developers and property owners to utilize the Town's adopted Sustainability Code provisions to achieve "greener" buildings.

**Policy FLUE-2.11** The Town will consider mixed-use projects as part of its strategy to encourage re-development within the eastern island areas.

**Policy FLUE-2.12** In conjunction with the preparation of the next EAR, the Town shall identify any structure that may have reached or will soon reach the age that would be deemed significant by the Department of State. A report shall be prepared identifying the building, its current status and suggestions, if any.

**Policy FLUE-2.13** To establish an equitable land development density / intensity mechanism and monitoring system, the Town shall create and enforce a Density Monitoring System (DMS), adopt the following policies and adopt specific Land Development Regulations (LDRs) to govern the allowable density of all development in the Town.

**Policy FLUE-2.14.1** All properties within the Town shall be guaranteed the minimum residential density limit as specified in the applicable Comprehensive Plan Future Land Use Map category and / or as may be further restricted by the applicable Land Development Regulations.

**Policy FLUE-2.14.2** In addition to the density allowances as specified in Policy 2.11.1, the Town reserves the right, but does not have any obligation, to award additional Flexibility (TDR) Units to individual properties to encourage new development and / or re-development as desired by the Town.

**Policy FLUE-2.14.3** The Town reserves the right to seek financial consideration, equivalent improvements and/or any combination thereof, as set by Resolution from time to time for any additional Flexibility (TDR) Units.

**Policy FLUE-2.14.4** Available Flexibility Units may only be awarded to multiple-family residential development on the Eastern Island and/or as part of a mixed-use (commercial and residential) development within the Kane Concourse commercial area. No Flexibility Units may be awarded within the single-family area on the West Island.

**Policy FLUE-2.14.5** Upon the effective date of these policies, the Town shall immediately adopt a Density Monitoring System (DMS) to monitor the total number of existing dwelling units, available dwelling units and the distribution of residential density per development.

**Policy FLUE-2.14.6** The Town controls all development rights on publicly owned lands including public rights-of-way and Town-owned properties.

**Policy FLUE-2.14.7** Private property owners are entitled to the base residential density, determined on a net acreage basis, as specified by the Town's Future Land Use Map (FLUM) and in addition, shall have the right to acquire additional Flexibility Units from the Town or from other private property owners. The Town Council must approve any Transfer of Development Rights (TDR) by Resolution. The Town shall not be entitled to any compensation for private development rights transferred between parties but may require compensation for any administrative costs associated with the Town's review, processing and approval of the request.

**Policy FLUE-2.14.8** Prior to or as part of the Town's approval of a TDR request, the Town shall inspect both the "sender" property and "receiving" property and make a determination if the TDR is appropriate. The Town shall require that properties involved in a TDR process be either rehabilitated, rebuilt and/or modified to comply with current Town Code requirements as part of a TDR approval.

**Policy FLUE-2.14.9** Upon the effective date of these policies, the Town shall immediately adopt specific Land Development Regulations (LDRs) to implement, at a minimum, the guidelines contained in these policies but may provide more detailed criteria.

**Policy FLUE-2.14.10** The Town designates all properties on the eastern island as "sender" and "receiving" properties, however, dwelling units in the Commercial area may not be transferred to residential areas without prior written consent of DCA or their designees.

**OBJECTIVE FLUE-3:** New developments shall protect natural resources by recognizing the constraints imposed by soil conditions, topography, vegetation and wildlife habitat, and hurricane and other flood hazards. Land development regulations pertaining to these measures will continue to be applied to new development.

**Policy FLUE-3.1:** The Town shall require all development applications to provide evidence that Miami-Dade County DERM has at least preliminarily reviewed the development proposal related to stormwater retention and runoff and evaluated the potential degradation or contamination of water or soil.

**Policy FLUE-3.2:** On-site management of stormwater runoff shall be required for all future development and redevelopment, and shall be in such a manner that post-development runoff rates, volumes and pollutant loads do not exceed pre-development conditions.

**OBJECTIVE FLUE-4:** Public facilities must meet or exceed the minimum level of service standards adopted in the Capital Improvement Element of this plan before any development orders and permits shall be issued for future development and redevelopment that impact in the adequacy of facilities and services.

**Policy FLUE-4.1:** Higher densities and intensities of development shall be located in areas where public facilities are available to adequately handle impacts (e.g., increased water and sewage flows) from development. If adequate facilities are not available, the development shall be required to provide at least a fair share of the needed facilities necessary to serve the development.

**Policy FLUE-4.2:** The location, design and management of public facilities shall maximize the efficiency of services provided, minimize cost and minimize impacts on the natural environment.

**Policy FLUE-4.3** The Town of Bay Harbor Islands shall encourage the continued collocation of public facilities, where appropriate, with existing school facilities. Collocation of public schools shall be considered when:

- Improvements to the Bay Harbor Elementary School are funded in the School Board's Capital Budget; or
- Improvements to existing facilities located adjacent to the Bay Harbor Elementary School are funded in the Town's Capital Improvement Plan; or

- Joint-use projects / agreements are created and implemented.

In considering the potential collocation of public facilities with existing public schools, the Town Council shall base a determination of appropriateness upon the following factors:

- Impacts on adjacent properties and existing and future development patterns of the Town of Bay Harbor Islands.
- Location of existing public facilities.
- Adequacy of resources (staff, resource materials, amenities, facilities, etc.) to serve the needs of patrons/visitors/residents to the proposed facility as well as of the students.
- Existing traffic levels on the regional and local roadway network.
- Availability of public utilities.
- Availability of mass transit facilities within ¼ mile of the site.
- Access to the site is convenient for patrons/visitors/residents while insuring safety for students utilizing the facilities. Ingress and egress shall not create detrimental impacts on roads and/or adjacent properties.
- Approaches to the site shall be safe for pedestrians, bicycles, motor vehicles and buses.

**Policy FLUE-4.4:** Prior to approving a building permit the Town shall consult with the Miami-Dade County Water and Sewer Department (WASD) to determine whether adequate water supplies will be available to serve the new development no later than the anticipated date of issuance of a certificate of occupancy or its functional equivalent.

**OBJECTIVE FLUE-5:** New development and redevelopment shall be coordinated with the appropriate resource planning and management plan as prepared by Miami-Dade County and/or other affected agencies pursuant to Chapter 380, F.S. and approved by the Governor and the Cabinet.

**Policy FLUE-5.1:** Requests for development and redevelopment orders or permits shall be reviewed for plan consistency and coordinated, as appropriate, with Miami-Dade County, the South Florida Regional Planning Council, and the South Florida Water Management District, and state and federal agencies.

**Policy FLUE-5.2:** Future developments and redevelopments of residential complexes, hotels, motels, and other transient housing facilities having population densities exceeding 60 persons per acre will be reviewed for plan consistency and must have an evacuation plan detailing transportation measures and host facilities and which shall be consistent with regional hurricane preparedness and evacuation procedures, and shall be coordinated with County, Regional, State and Federal agencies.

**Policy FLUE-5.3:** Cooperate with Miami-Dade County's DERM, the Florida DEP and the US Corps of Engineers in enforcing rules and regulations controlling activities in wetlands, estuarine and coastal areas.

**OBJECTIVE FLUE-6:** The Town will continue to cooperate with the commercial landowners along the Kane Concourse to require a high level of maintenance of the properties and to encourage the re-development of the properties.

**Policy FLUE-6.1:** The Town may consider economic development incentives to encourage re-development activities.

**Policy FLUE-6.2:** The Town will insist on the maintenance and improvement of the pedestrian walkway corridors and on-street parking bays along the Kane Concourse.

**Policy FLUE-6.3:** The Town will require the owners of the so-called "Gateway" properties to continue the pedestrian walkway corridor design theme across the frontage of the lands abutting the Kane Concourse to the bridges (waterway edges) to the extent possible with any re-use or redevelopment of the properties.

**OBJECTIVE FLUE-7:** By December 2004 the Town will commission a study to be prepared on the Kane Concourse corridor, City-Center area and so-called "Gateway" properties to obtain recommendations to address the potential development impacts and community visual impacts of the properties.

**Policy FLUE-7.1:** The Town may institute temporary restraints on the consideration of development proposals pending completion of the study and adoption of any land development regulation.

**OBJECTIVE FLUE- 8:** The Town Council shall annually review the County's and the South Florida Regional Planning Council's recommendations relating to the Hurricane Evacuation Report, and all land uses shall be reviewed for consistency with the recommendations as deemed appropriate by the Town Council.

**Policy FLUE-8.1:** The Town shall determine the appropriateness of recommendations of the SFRPC and County based on parameters including but not limited to the following:

- Consistency with the Town's adopted Future Land Use Plan.
- Consistency with the Town's existing and planned development patterns.

**Policy FLUE-8.2:** Recommendations that suggest the implementation of policies or actions that would be inconsistent with the above-mentioned parameters shall be determined to be inappropriate.

**Policy FLUE-8.3:** The Town shall review all future proposed Land Use Amendments in concert with recommendations of the SFRPC and County relating to the Hurricane Evacuation Report as deemed appropriate by the Town Council.

**OBJECTIVE FLUE-9:** Monitor Miami-Dade County's activities on the dredge spoil sites within Biscayne Bay by annual inspection and through Intergovernmental Coordination.

**Policy FLUE-9.1:** Coordinate with Miami-Dade County to identify and protect those sites deemed appropriate and mapped for such purposes.

**Policy FLUE-9.2:** Object to spoil sites being poorly maintained and/or utilized for activities not conducive to the aesthetics of Biscayne Bay or residents of the Town.

**Policy FLUE-9.3:** Request in writing that Miami-Dade County alert the Town of any current or future improvements/construction activities on the spoil islands.

**Policy FLUE-9.4** Maximize unpaved landscaped areas to allow for more stormwater infiltration. Encourage planting of vegetation that is highly water absorbent, can withstand the marine environment, and the impacts of tropical storm winds. Encourage development measures that include innovative climate adaption and mitigation designs with creative co-benefits where possible, through the Land Development Regulations and regulations related to the "Minimum Landscape Standards" within the Town Code of Ordinances.



## APPENDIX

Median age in 1980 was 67.7 with white persons having a slightly older median than Black persons (65.0). Hispanics have a much lower median age of 40.0. During the 1990s, the Town experienced a major shift in the age of residents similar to other communities along the coastal areas of southeast Florida. The 2000 US Census noted the median age of all residents has dropped to 41.7 years of age.

Racial composition remains predominantly white. The 1980 US Census noted that the white population was 96.3% while Black persons accounted for only 0.08%. People of Hispanic or Latino origin comprised 3.6% of the population. The 2000 US Census noted that the white population had decreased to 91.2% while the Black population increased slightly to 1.8%. People of Hispanic or Latino origin have increased dramatically to 35.3%.

In 1980, women comprised 58.4% of all residents in Bay Harbor Islands. By 2000, the percentage of women has decreased slightly to 55.5% of all residents. In the 65 and over age category, the data reveals that women outnumber men 747 (14.5%) to 451 (8.8%). This is to be expected since nationally women have a longer life-span than men.

The 1980 Census identified that the Town of Bay Harbor Islands had a very mature population. Approximately 57.3 percent were 65 years and older. Career age population (18-64) represented 36.6% of the Town's population. The 2000 Census identified that the percentage of residents over 65 years of age has declined significantly to only 23.3%. The career age population, as may be expected, has increased significantly to 58.8%. The percentage of residents under 18 has increased from 6.0% in 1980 to 18% in 2000.

**TABLE A-1  
POPULATION BY AGE GROUPS  
TOWN OF BAY HARBOR ISLANDS, 2000**

| AGE<br>GROUP | NUMBER | PERCENT |
|--------------|--------|---------|
| 0-5          | 257    | 5.0     |
| 5-9          | 318    | 6.2     |
| 10-14        | 265    | 5.1     |
| 15-19        | 127    | 2.5     |
| 20-24        | 215    | 4.2     |
| 25-34        | 791    | 15.4    |
| 35-44        | 859    | 16.7    |
| 45-54        | 634    | 12.3    |
| 55-59        | 239    | 4.6     |
| 60-64        | 243    | 4.7     |
| 65-74        | 505    | 9.8     |
| 75-84        | 455    | 8.8     |
| 85+          | 238    | 4.6     |
| TOTAL        | 5,146  | 100.0   |
| Male         | 2,288  | 44.5    |
| Female       | 2,858  | 55.5    |

Source: U.S. Census Bureau, 2000

## ~~B. Peak Non-Resident Population~~

~~Non-residents have been grouped on the following categories: those residents at hotel or motel units, at rental condominium units, at transient apartments units, at roominghouse units; and those campers in tents and recreational vehicles. Statistics from the Greater Miami Tourism Board indicate that the average party of tourists consists of 1.6 persons if traveling by air and 2.4 persons if traveling by automobile. Assuming that 50% of the tourists arrive by automobile gives an overall average of 2.0 persons per party.~~

~~If all tourists' facilities were occupied at one time, there would be approximately  $(2.0 \times 55 = 110)$  visitors in the town. Also, the 2000 US Census identified that 228 dwelling units in the Town are occupied on a seasonal basis. This would result in approximately 449 seasonal residents  $(228 \times 1.97 \text{ people per DU})$ . The total potential seasonal would be 559 persons. At the peak tourist season, this could be the saturation level if facilities were occupied at 100% occupancy. Additional visitors can be accommodated in campgrounds as well as private residences where family or friends might stay.~~

~~Table L-12 shows projections of seasonal population for the years 2000 – 2015.~~

## ~~C. Functional Population~~

~~Peak non-resident population figures when added to projected resident population figures give the functional population for the Town of Bay Harbor Islands. This functional population is used to determine the future demand for infrastructure and urban services. Projected functional population for the years 2000 – 2015 are shown in Table L-13.~~

## APPENDIX B

### Minimum Criteria Requirements Chapter 9J-5

#### ~~9J-5.006 (1). EXISTING LAND USE DATA REQUIREMENTS~~

- ~~9J-5.006 (1) (a). Found in Figure L-3.  
There are no industrial, agricultural, conservation and historic resource uses in the Town.~~
- ~~9J-5.006 (1) (b) (1). There are no existing or planned water wells and cones of influence in the Town.~~
- ~~9J-5.006 (1) (b) (2). There are no beaches and shores in the Town.  
The Town is surrounded by the Biscayne Bay estuarine system which is an outstanding water and aquatic preserve in Florida.~~
- ~~9J-5.006 (1) (b) (3). There are no rivers or harbors in Bay Harbor Islands as shown in Figure L-2. The whole Town is within the floodplain area as explained in the text.~~
- ~~9J-5.006 (1) (b) (4). There are no wetlands in the Town.~~
- ~~9J-5.006 (1) (b) (5). There are no mineral resources in the Town.  
Soil for the whole area is man-made.~~
- ~~9J-5.006 (1) (c). Found in Table L-2, p.8.~~
- ~~9J-5.006 (1) (d). See Figure L-3, p.10.~~
- ~~9J-5.006 (1) (e). Not applicable.~~
- ~~9J-5.006 (1) (f) (1). Found in Figure L-1, p.4~~
- ~~9J-5.006 (1) (f) (2). Not applicable.~~
- ~~9J-5.006 (1) (g). Found in pp. 21-27 and Appendix A.~~

#### ~~9J-5.006 (2). LAND USE ANALYSIS REQUIREMENTS~~

- ~~9J-5.006 (2) (a). Found in pp. 27-39.~~
- ~~9J-5.006 (2) (b) (1). Found in Figure L-3, p.10.~~
- ~~9J-5.006 (2) (b) (2). Found in p. 27.~~
- ~~9J-5.006 (2) (b) (3). Found in p. 27.~~
- ~~9J-5.006 (2) (b) (4). Found in p. 27.~~
- ~~9J-5.006 (2) (b) (5). There are no historic resources in the Town.~~
- ~~9J-5.006 (2) (c) (1). Found in pp. 30-31.~~
- ~~9J-5.006 (2) (c) (2). Found in Table L-16, p.39.~~
- ~~9J-5.006 (2) (c) (3). Found in p. 34.~~
- ~~9J-5.006 (2) (d) (1). There are no blighted areas in Bay Harbor Islands.~~
- ~~9J-5.006 (2) (d) (2). There are no land use problems in terms of the grouping of incompatible uses in the Town of Bay Harbor Islands.~~
- ~~9J-5.006 (2) (e). Found in pp. 34-35.~~

#### ~~9J-5.006 (3). REQUIREMENTS FOR FUTURE LAND USE GOALS, OBJECTIVES, AND POLICIES.~~

- ~~9J-5.006 (3) (a). Found p. 40.~~
- ~~9J-5.006 (3) (b) (1). Objectives 3 and 4.~~
- ~~9J-5.006 (3) (b) (2). Not applicable. There are no blighted areas in the Town.~~
- ~~9J-5.006 (3) (b) (3). Objective 2. There are no current uses which are inconsistent with the proposed Future Land Use Plan.~~
- ~~9J-5.006 (3) (b) (4). Objective 3. There are no historic resources in Bay Harbor Islands.~~

- ~~9J-5.006 (3) (b) (5). Objective 5 and Policy 5.2.~~  
~~9J-5.006 (3) (b) (6). Objective 5.~~  
~~9J-5.006 (3) (b) (7). Not applicable. The whole Town is within the urbanized area of Dade County.~~  
~~9J-5.006 (3) (b) (8). The Town is almost totally developed. Expansion of utility facilities are not proposed and not expected within the time frame of this Comprehensive Plan and in the foreseeable future.~~  
~~9J-5.006 (3) (b) (9). Objective 1.~~  
~~9J-5.006 (3) (c) (1). Policies 1.1, 1.2, 5.2.~~  
~~9J-5.006 (3) (c) (2). Policy 1.3~~  
~~9J-5.006 (3) (c) (3). Policies 1.4, 4.1.~~  
~~9J-5.006 (3) (c) (4). Policies 1.1, 1.3, 2.4, 3.2.~~  
~~9J-5.006 (3) (c) (5). Policy 2.3~~  
~~9J-5.006 (3) (c) (6). Policies 3.1, 3.2, 5.1~~  
~~9J-5.006 (3) (c) (7). Policy 1.2~~  
~~9J-5.006 (3) (c) (8). Not applicable. The Town does not have any existing historic resources.~~

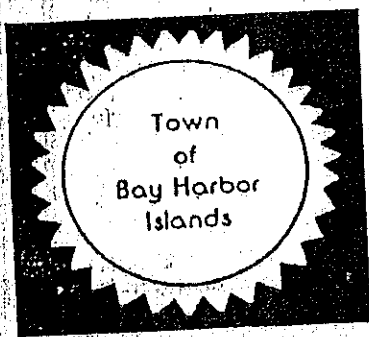
Note: Chapter 9J-5 was repealed by the Florida Legislature – does not apply.



## **2 – TRANSPORTATION ELEMENT**

**EXISTING**





## TRAFFIC CIRCULATION ELEMENT

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## TRAFFIC CIRCULATION ELEMENT

### TABLE OF CONTENTS

| <u>Section</u>                                 | <u>Page</u> |
|------------------------------------------------|-------------|
| I. PURPOSE                                     | 1           |
| II. INTRODUCTION                               | 1           |
| III. INVENTORY OF THE EXISTING SYSTEM          | 1           |
| IV. ANALYSIS OF EXISTING CONDITIONS            | 8           |
| V. ANALYSIS OF PROJECTED NEEDS                 | 11          |
| VI. GOALS, OBJECTIVES, AND POLICIES            | 14          |
| VII. FUTURE TRAFFIC CIRCULATION MAP            | 16          |
| APPENDIX A: Broad Causeway Improvement Program | 17          |
| APPENDIX B: Minimum Criteria Requirements      | 18          |

# TRAFFIC CIRCULATION ELEMENT

## LIST OF FIGURES

| <u>Figure</u> | <u>Title</u>                     | <u>Page</u> |
|---------------|----------------------------------|-------------|
| T-1           | Existing Traffic Circulation Map | 3           |
| T-2           | Parking Lots                     | 6           |
| T-3           | Public Bus System                | 8           |
| T-4           | Future Traffic Circulation Map   | 16          |

# TRAFFIC CIRCULATION ELEMENT

## LIST OF TABLES

| <u>Table</u> | <u>Title</u>                                                       | <u>Page</u> |
|--------------|--------------------------------------------------------------------|-------------|
| T-1          | Roadway Design Capacities for Planning Level of Service "C"        | 4           |
| T-2          | Capacity Analysis of Existing Roadway System (1986 Traffic Volume) | 5           |
| T-3          | Capacity Analysis of Roadway System (1993 Traffic Volumes)         | 11          |
| T-4          | Capacity Analysis of Roadway System (2000 Traffic Volumes)         | 11          |

## I. PURPOSE

The purpose of the Traffic Circulation Element is to plan for future motorized and non-motorized traffic circulation systems, pursuant to Chapter 163, Florida Statutes, and Chapter 9J-5, Florida Administrative Code (F.A.C.). Since Bay Harbor Islands is almost totally developed, construction of any new roadway facilities is not expected. The focus of this Element then is to determine the adequacy of the present system and how the existing system can be improved to meet present and future needs.

## II. INTRODUCTION

Bay Harbor Islands is a small community and has only one major access road serving the Town. The traffic circulation system is composed of the main access street and local streets.

The main access street serving the Town is Kane Concourse (NE 96th Street). Northeast Ninety-sixth Street (State Road 922) begins at the Atlantic Ocean (Biscayne Bay) and forms the south boundary of Bal Harbour and the north boundary of the City of Surfside, continues past the Indian Creek Bridge and through Bay Harbor Islands as Kane Concourse. In turn, Kane Concourse connects with Broad Causeway which serves to link the Town to North Miami and the mainland. The route then continues via 125th Street to I-95 and the rest of Dade County. The need for access to the adjacent communities of Bal Harbour and Surfside concentrates through traffic on Kane Concourse. Any restrictions on traffic flow along this arterial street would affect traffic flow into the adjacent communities. Kane Concourse presently provides two lanes of traffic in each direction with turning lanes at intersections where turns are permitted.

Broad Causeway plays an important role in providing access to the Islands. It was authorized by the Legislature in 1947, the same year the Town was originally incorporated. Bonds were issued in 1950 and the Causeway was completed in 1951. Since then, no major improvements have been undertaken on the Causeway. Plans for replacement of structures are still pending. Changes in the appearance of the toll plaza could enhance the visual image of the Town.

## III. INVENTORY OF EXISTING SYSTEM

This inventory of the existing traffic circulation system was prepared as a basis for examining the existing roadway deficiencies and projected roadway needs of the Town's traffic circulation system. Roads located within the Town include those which are the responsibility of the Florida Department of Transportation (state highway system), and the Town itself (all roads not privately owned).

The Florida Department of Transportation (FDOT), and the Town of Bay Harbor Islands, provided data necessary for the inventory of the existing system. This data included existing roadway functional classifications, the most recently available traffic volume counts of average daily traffic (ADT), and accident frequency data.

The Town's roadways were identified as per the FDOT Roadway Functional Classification System; the Town has one arterial roadway. The number of lanes is noted for the arterial roadway type, and is utilized later in the capacity analysis for determining the existing levels of service. All other streets are local streets.

Roadway type is based on the following classification categories as presented in Chapter 334, Florida Statutes:

"Arterial road" -- A route providing service which is relatively high in traffic volume, long average trip length, high operating speed, and high mobility importance.

"Collector road" -- A route providing service which is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Such a route also collects and distributes traffic between local roads or arterial roads and serves a linkage between land access and mobility needs.

"Local road" -- A route providing service which is of relatively low average traffic volume, short average trip length or minimal through traffic movements, and high land access for abutting property.

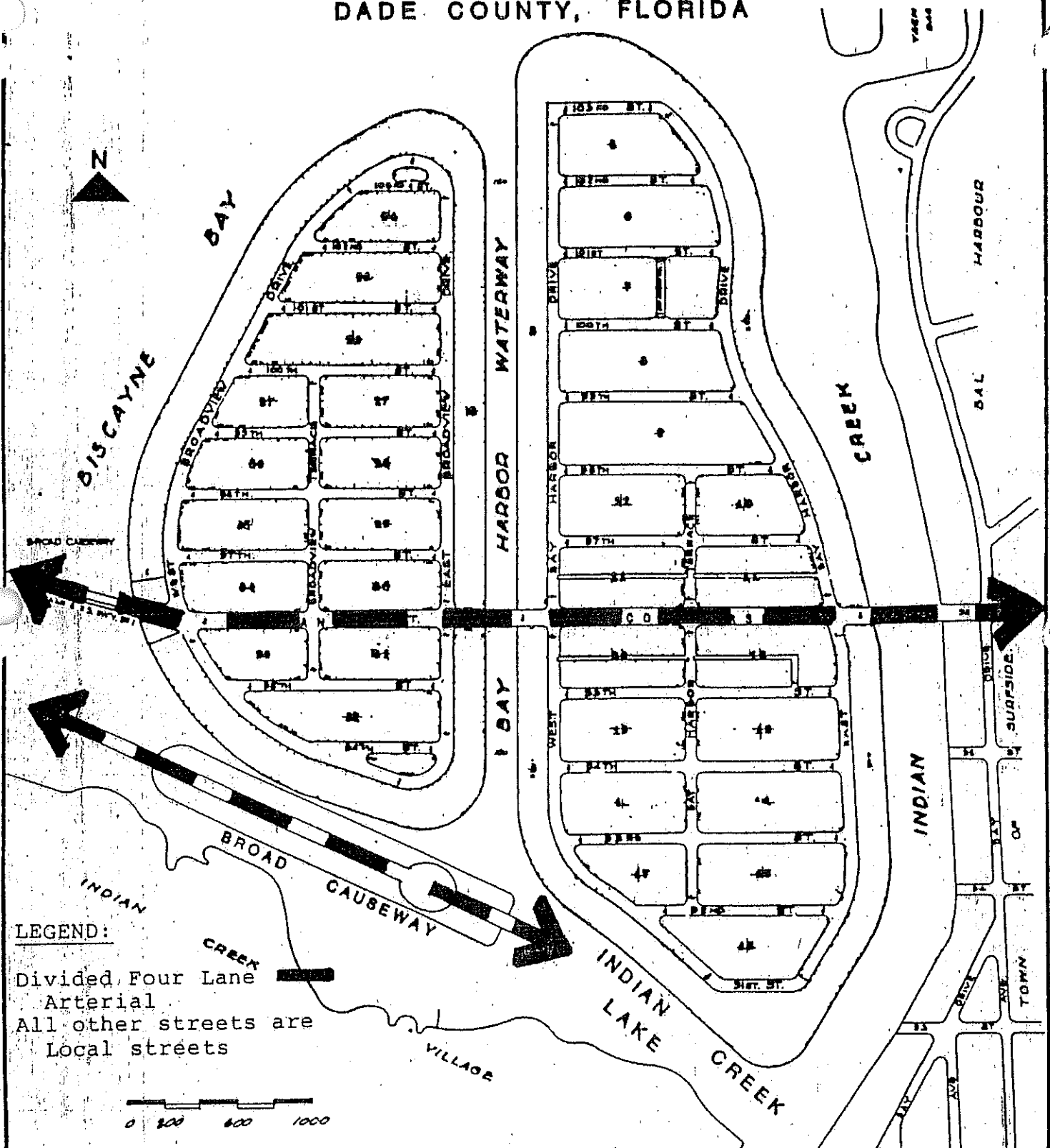
Maps were prepared to identify the locations of the existing roadway functional types and the number of lanes (Figure T-1).

#### A. Roadways Levels of Service

Levels of service are a good summary of facility conditions. The LOS of a roadway is often defined as the ability of a maximum number of vehicles to pass over a given section of roadway or through an intersection during a specified time period, while maintaining a given operating condition. In order to establish a basis for adopting LOS standards, pursuant to Chapter 9J-5, FAC, the existing LOS for roadways was calculated using the ratio of "annual daily traffic volume" to "daily capacities."

# TOWN OF BAY HARBOR ISLANDS

## DADE COUNTY, FLORIDA



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### EXISTING TRAFFIC CIRCULATION MAP

Figure T-1

**JOSEPH MIDDLEBROOKS AND ASSOCIATES, P.A.**  
 ARCHITECTS URBAN PLANNERS  
 INTERIOR DESIGNERS CONSTRUCTION ADMINISTRATORS

6400 S.W. 87TH AVENUE, SOUTH MIAMI, FLORIDA 33143 (305) 351-7904



The standardized descriptions of service levels used in transportation planning are as follows:

1. LOS A: Free flow; speed controlled by driver's desires, speed limits or physical roadway conditions.
2. LOS B: Stable flow; operating speeds beginning to be restricted; little or no restrictions on maneuverability from other vehicles.
3. LOS C: Stable flow; speeds and maneuverability more closely restricted.
4. LOS D: Approaches unstable flow; tolerable speeds can be maintained but temporary restrictions to flow cause substantial drops in speed. Little freedom to maneuver; comfort and convenience low.
5. LOS E: Volumes near capacity; flow unstable; stoppages of momentary duration. Ability to maneuver severely limited.
6. LOS F: Forced flow; low operating speeds; volume above capacity; queues formed.

The annual daily traffic volume count was obtained from the Department of Transportation (FDOT) District Office Six and is shown in Table 2.

The capacity of a roadway is often defined as the maximum number of vehicles which have a reasonable expectation of passing over a given roadway section or through a given intersection under prevailing road and traffic conditions during a specified period of time. For Level of Service "C" daily two-way design capacities utilized are illustrated in Table T-1.

TABLE T-1  
ROADWAY DESIGN CAPACITIES FOR PLANNING  
LEVEL OF SERVICE "C"

|                                               | Vehicles per Day |
|-----------------------------------------------|------------------|
| <u>Arterials and Collectors</u>               |                  |
| Two-Lane (2-way)                              | 10,000           |
| Two-Lane (1-way)                              | 11,000           |
| Three-Lane (1-way)                            | 16,000           |
| Four-Lane (2-way)                             | 20,000           |
| Four-Lane Divided (2-way)                     | 24,000           |
| Six-Lane Divided (2-way)                      | 30,000           |
| <u>Arterials with Fully Controlled Access</u> |                  |
| Four-Lane                                     | 48,000           |
| Six-Lane                                      | 72,000           |
| Eight-Lane                                    | 96,000           |

Source: Comprehensive Master Development Plan for Dade County,  
1980, p. 210.

The results of the capacity analysis for determining the existing LOS of the arterial roadway by segment is illustrated in the "Capacity Analysis of Existing Roadway System" Table T-2.

TABLE T-2  
CAPACITY ANALYSIS OF EXISTING ROADWAY SYSTEM  
(1986 TRAFFIC VOLUME)

| STREET         | SEGMENT                                     | CLASS    | NO. OF LANES | 1986 ADT VOL. (V) | DAILY CAPACITY (C) | V/C RATIO | EXIST LO |
|----------------|---------------------------------------------|----------|--------------|-------------------|--------------------|-----------|----------|
| Kane Concourse | West Broadview to East Bay Harbor Drive     | Arterial | 2            | 12,306            | 12,000             | 1.03      | >"       |
|                | East Bay Harbor Dr. to West Broadview Drive | Arterial | 2            | 12,366            | 12,000             | 1.03      | >"       |

Source: Joseph Middlebrooks & Associates, Inc., Architects & Planners & Florida Dept. of Transportation

#### B. Parking

Off-street parking has been required for many years. The major businesses, i.e., the hotels, shops and banks all have off-street parking facilities. There is a prohibition on the use of parking structures as a means of satisfying code parking requirements.

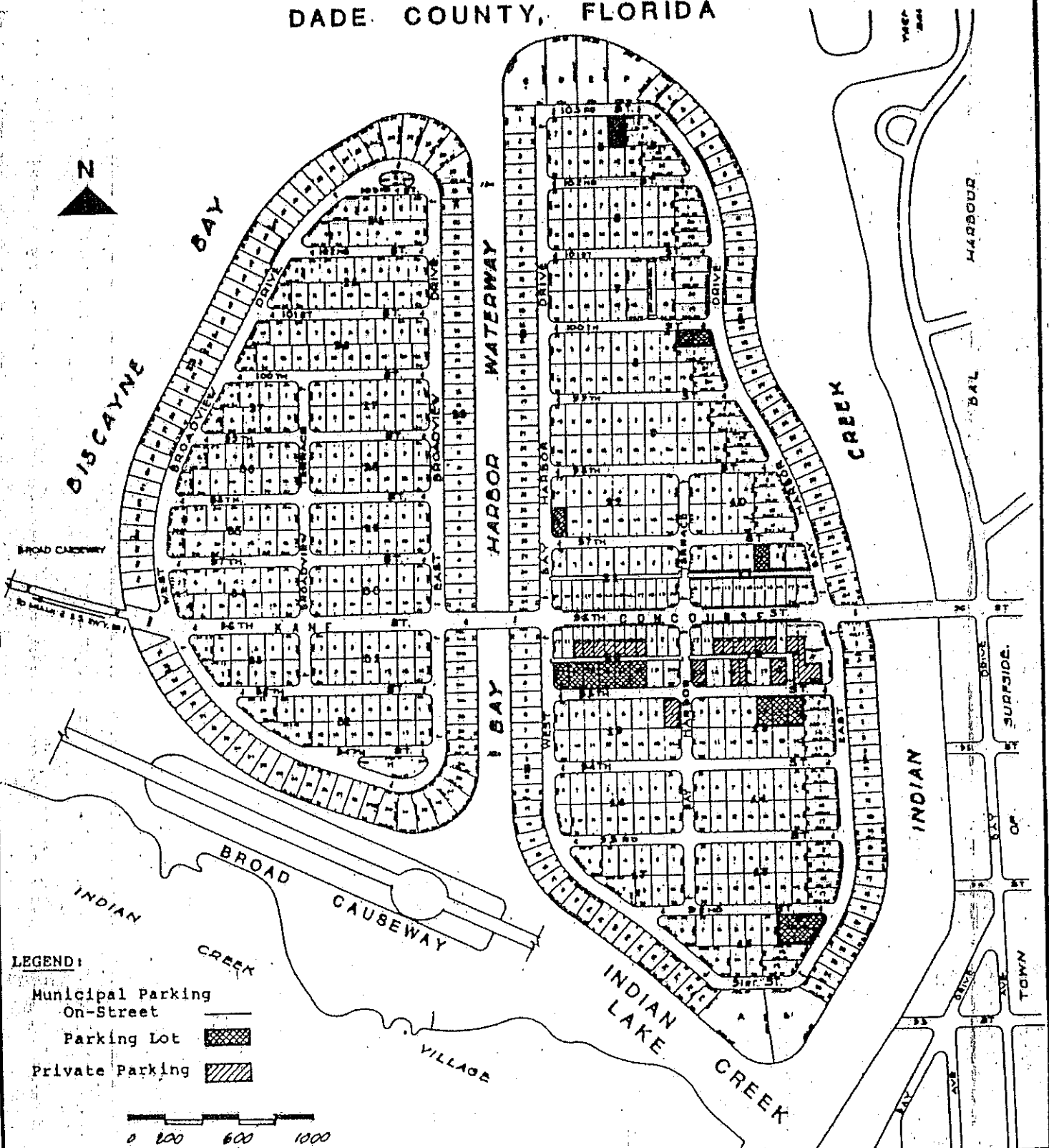
The municipality has a total of 672 metered parking spaces -- on-street parking amounts to 162 spaces while 11 parking lots provide for 510 spaces. Figure T-2 shows the location of Town-administered parking facilities.

#### C. Bicycle and Pedestrian Circulation

Bicycle paths and pedestrian facilities are adequately provided in the Town of Bay Harbor Islands. Pedestrian walkways are available in and around the commercial district and along the elementary school block. Street crossing markings are provided at some intersections along Kane Concourse. These facilities are

# TOWN OF BAY HARBOR ISLANDS

## DADE COUNTY, FLORIDA



### LEGEND:

Municipal Parking  
On-Street

Parking Lot

Private Parking

### PARKING LOTS

Figure T-2

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**JOSEPH MIDDLEBROOKS  
AND ASSOCIATES, P.A.**  
ARCHITECTS - URBAN PLANNERS  
INTERIOR DESIGNERS - CONSTRUCTION ADMINISTRATORS

8400 S.W. 32ND AVENUE, SOUTH MIAMI, FLORIDA 33143 DYN 861 7344

provided in part due to the residential nature of the municipality. Few automobiles travel through the residential streets, and therefore, separation of bicycle and pedestrian traffic is not designated but could supply an added degree of safety if provided. It may be noted, though, that residential parking is mostly located on-site fronting on the streets, and does not impede pedestrian walkway safety or bicycle circulation.

#### D. Mass Transit

The Metro-Dade Transit Authority (MDTA) provides service to the area through 2 bus routes passing along Kane Concourse (NE 96th Street). The frequency of the bus routes is 15-20 minutes during peak hours and 30 minutes during off-peak hours. A continuation of at least the present routes is necessary to provide service to the Town's two islands and provide mobility.

The Town has a "mini-bus" convenience service for use by residents on the East Island. The bus operates on a one-hour headway and serves 200 persons per day. The route is as shown on Figure T-3 and extends into parts of Surfside and Bal Harbour, and connects with the County-wide mass transportation system.

### IV. ANALYSIS OF EXISTING CONDITIONS

#### A. Existing Problems

Based on FDOT standards, for urbanized areas, Level of Service D is acceptable but LOS C is desirable. Therefore, if LOS D is considered by the city to be the acceptable LOS standard for the arterial roadway within its jurisdiction, then all road segments are found to be operating at acceptable peak hour levels of service. Problems regarding roadway capacity deficiencies do not exist at the present time.

An analysis of the roadway networks is required in order to establish a basis for adopting Level of Service (LOS) standards at peak hour pursuant to Chapter 9J-5, FAC. Bay Harbor Islands is governed by Dade County's analysis. To determine current LOS, peak hourly demand volumes for various roadways in Dade County were calculated using 1986 average daily traffic (ADT) volume counts. These counts were obtained from the Dade County Public Works Development (Highway Division) and include counts supplied by the Florida Department of Transportation (FDOT).

#### (1) Local Streets

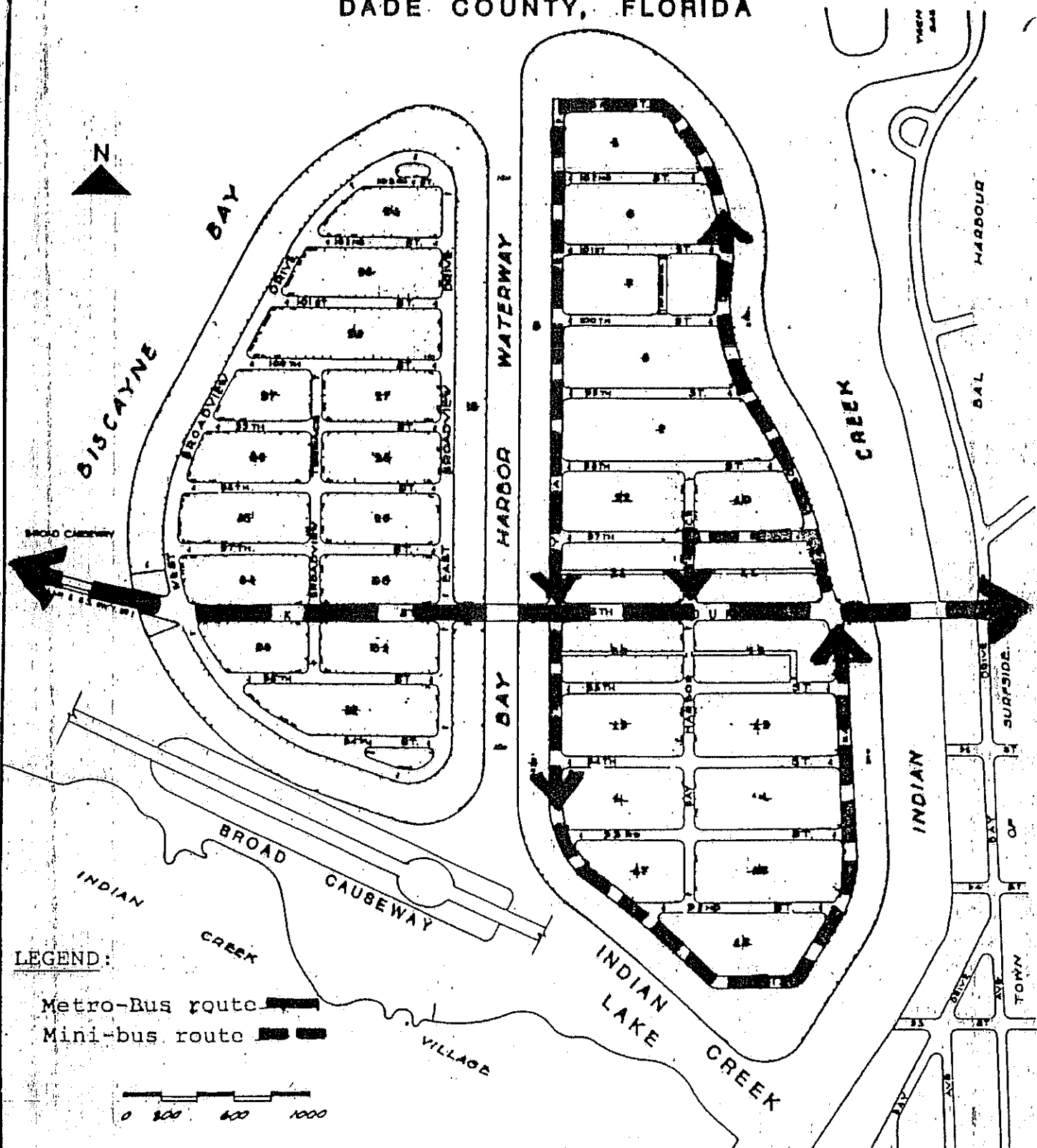
According to the Town's Public Works Supervisor, with regard to traffic all local streets are below their capacity levels and are projected to accommodate future increases in traffic flow.

The only problem regarding local streets is the occasional unsightly maintenance utility cuts caused by various

underpavement improvements. In some areas, pavement has settled around manholes leaving them protruding into the streets. The condition of the pavement surface is more a matter of aesthetics than structural failure.

# TOWN OF BAY HARBOR ISLANDS

## DADE COUNTY, FLORIDA



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### PUBLIC BUS SYSTEM

Figure T-3

**JOSEPH MIDDLEBROOKS AND ASSOCIATES, P.A.**  
ARCHITECTS URBAN PLANNERS  
INTERIOR DESIGNERS CONSTRUCTION ADMINISTRATORS

5460 E W 57TH AVENUE, SOUTH MIAMI, FLORIDA 33143 (305) 661-7344

## 2. Kane Concourse

Kane Concourse (N.E. 96th Street) is designated as a state arterial highway and is therefore under the jurisdiction of the State of Florida. Nevertheless, the Town has decided to coordinate with the State and share the responsibility for the maintenance and upkeep of this arterial. Recent improvements include landscaping, beautification and the installation of traffic signals along the streets in the commercial district.

## 3. Broad Causeway

There are some concerns with reference to the structural condition of the causeway bridge; i.e., the existing bridge structure has a limited future usable life. Some deterioration of the main bridge continues, but there is a vigorous program of maintenance. In the near future, annual operating and maintenance costs may exceed income, and replacement costs of the bascule span substantially exceed the Town's capability to provide financing out of toll revenues. Dade County has indicated that it will interpose no objections to the issuance of new bonds to finance the proposed causeway improvements. (See attached Appendix A.) The Town of Bay Harbor Islands is currently preparing an improvement plan for Broad Causeway.

As for the toll plaza, maintenance area, and service station, the Town Council has already approved a feasibility report which proposes an improvement to the plaza. Changes in the toll plaza's appearance are therefore expected in the near future.

## 4. Parking, Mass Transit, and Pedestrian Circulation

The mass transit, bicycle and pedestrian circulation systems provide adequate levels of service to Town inhabitants. No complaints regarding the services have been filed by residents.

Parking is quite sufficient. Although there have been complaints that parking lots at the Town Hall and adjacent commercial areas are inadequate especially during peak hours, parking lots a block away are available.

## 5. Accident Frequency

Additionally, Chapter 9J-5, FAC, requires the examination of accident frequency data, where available. Accident frequency data were obtained for roadway segments and intersections from the Police Department of the Town of Bay Harbor Islands for the year 1986. Based upon these data, the following road segments and intersections were identified as high accident frequency areas:



- 1) 96th St. from 1000 blk. to 1600 blk; 27 accidents.
- 2) Intersection of 96th St. and Bay Harbor Terrace; 11 accidents.

Recent improvements along Kane Concourse (NE 96th St.) have been aimed at reducing accident rates. Traffic signals have been installed and left turning lanes added to provide safer and more convenient passage.

#### V. ANALYSIS OF PROJECTED NEEDS

As required by Chapter 9J-5, F.A.C., projections of future traffic circulation levels were prepared. These projections are based upon the future land uses shown on the future land use map of this comprehensive plan. The projections serve as a basis for determining the need for expansions to the existing facility to support planned development and to maintain adopted LOS standards.

Future traffic circulation levels are not expected to increase considerably since the future land use plan will remain essentially the same as that of the existing land use. Residential capacity at buildout only amounts to an increase of 31 dwelling units based on existing zoning. This increase will not greatly affect current traffic circulation levels. Increases in traffic volumes on Kane Concourse are primarily due to through traffic using Broad Causeway to reach the beaches from the mainland. According to the Consulting Engineer's annual report on the Broad Causeway, total traffic volume passing through the Causeway was approximately 7.2 million vehicles in 1985.

Based on historical data, growth is expected to continue on a positive trend but on a very modest scale. No conditions greatly affecting causeway traffic are foreseeable in the future and projections are for a continuing slow growth on the order of 1% per year. The 1% annual growth is then applied to the existing peak hour volumes to project peak hour traffic volumes for the years 1993 and 2000. These projections are shown in Tables T-3 and T-4.

TABLE T-3  
CAPACITY ANALYSIS OF ROADWAY SYSTEM  
(1993 TRAFFIC VOLUMES)

| STREET                 | SEGMENT                                                      | CLASS    | NO.OF<br>LANES | ADT<br>VOL. | DAILY<br>CAPACITY | V/C<br>RATIO |
|------------------------|--------------------------------------------------------------|----------|----------------|-------------|-------------------|--------------|
| Kane<br>Con-<br>course | West<br>Broadview<br>Drive to<br>East Bay<br>Harbor<br>Drive | Arterial | 2              | 13,174      | 12,000            | 1.10         |
|                        | East<br>Bay Harbor<br>Drive to<br>West<br>Broadview<br>Drive | Arterial | 2              | 13,240      | 12,000            | 1.10         |

Source: Joseph Middlebrooks & Associates, Inc.,  
Architects & Planners.

TABLE T-4  
CAPACITY ANALYSIS OF ROADWAY SYSTEM  
(2000 TRAFFIC VOLUMES)

| STREET                 | SEGMENT                                                      | CLASS    | NO.OF<br>LANES | ADT<br>VOL. | DAILY<br>CAPACITY | V/C<br>RATIO |
|------------------------|--------------------------------------------------------------|----------|----------------|-------------|-------------------|--------------|
| Kane<br>Con-<br>course | West<br>Broadview<br>Drive to<br>East Bay<br>Harbor<br>Drive | Arterial | 2              | 14,087      | 12,000            | 1.17         |
|                        | East<br>Bay Harbor<br>Drive to<br>West<br>Broadview<br>Drive | Arterial | 2              | 14,157      | 12,000            | 1.18         |

Source: Joseph Middlebrooks & Associates, Inc.,  
Architects & Planners.

For a desired level of service of LOS C, the present roadway system is deficient to meet the expected increase in traffic flow within the planning time frame. However, the present roadway system capacity is quite adequate to meet any increase in traffic flow within the planning timeframe with the adopted level of service "D" as suggested by FDOT standards.

As for pedestrian and bicycle circulation systems, pedestrian paths are adequately located and designed.

The existing street designs and pedestrian pathways are sufficient to accommodate bicycling, therefore, there is presently no demand from citizens for designated or new bicycle paths.

## VI. GOALS, OBJECTIVES, AND POLICIES

GOAL: DEVELOP AND MAINTAIN A SAFE, EFFICIENT AND ECONOMICAL TRANSPORTATION SYSTEM IN THE TOWN OF BAY HARBOR ISLANDS.

OBJECTIVE 1: By 1994, State and County agencies will be requested to assist in correcting existing and projected traffic flow deficiencies on the following arterials or areas:

- 1) Broad Causeway
- 2) Kane Concourse/NE 96th Street (S. R. 922)

Policy 1.1: The Town shall coordinate with the State. The Town adopted a peak hour LOS standard of "C" for the above segments of State Road 922.

Policy 1.2: The Town shall coordinate with the Florida Department of Transportation (FDOT) with regard to the maintenance of Kane Concourse.

Policy 1.3: The County shall be requested to maintain and improve, if necessary, traffic signals and traffic control devices under its jurisdiction, to provide for a safe and convenient on-site traffic flow within the Town.

OBJECTIVE 2: Provide for a safe, convenient and efficient movement of pedestrians, non-motorized vehicles and motorized vehicles on roads, facilities and other areas within the Town by 1993.

Policy 2.1: All necessary improvements upgrading the existing condition of Broad Causeway shall be completed by 1993.

Policy 2.2: By 1990, a maintenance and improvement plan for all local streets shall be prepared by the Public Works Supervisor.

Policy 2.3: The Town hereby adopts peak hours LOS standards of "B" for all local streets within the Town's jurisdiction.

Policy 2.4: The Town's Police Department shall prepare an annual report on traffic-related accident frequency.

Policy 2.5: The Town shall control vehicular accessibility to major thoroughfares through adopted design standards and procedures, which, at a minimum, address:

- a) Direct access from driveways and local roads
- b) Adequate storage and turning areas

Policy 2.6: The Town shall review all proposed development for its accommodation of adequate motorized and non-motorized vehicle parking which shall not in any way interfere with the safe and convenient movement of on-site traffic flow.

Policy 2.7: The Town shall establish guidelines for the provision of bicycle storage racks in multi-family residences, shopping areas and recreational centers.

Policy 2.8: The Town shall designate bicycle and pedestrian-ways for connecting residential areas to recreational areas, schools and shopping areas; and provide adequate pedestrian-ways for access to bus and mini-bus terminals.

Policy 2.9: The Town shall require marked at-grade pedestrian-ways or provide pedestrian displays at signal installations on the major arterial.

OBJECTIVE 3: By 1993, the Town's transportation system shall better promote community aesthetic values.

Policy 3.1: The Town shall adopt design criteria for landscaping and signs along roadways and will maintain or improve existing landscaping on median strips and rights-of-way.

Policy 3.2: The Town shall utilize landscaping as a buffer between arterial roadways, residential areas, and off-street parking, and landscaping to improve the visual appearance of transportation elements within the Town.

OBJECTIVE 4: The Traffic Circulation Element will be coordinated with the future land uses as shown on the future land use map; with the FDOT - 5 year Transportation Plan; with the plans of the Metropolitan Planning Organization (MPO) of Dade County; and with the plans of other state, regional, and local jurisdictions by 1994.

Policy 4.1: The traffic circulation shall be maintained and upgraded so as to be consistent with the goals, objectives, and policies of the Future Land Use Element of this Comprehensive Plan and with the future land uses as depicted in the Land Use Plan Map.

Policy 4.2: The Town shall modify or update this element, if necessary, in order to be consistent with the FDOT 5-Year Transportation Plan.

Policy 4.3: The Town shall review the compatibility of the Traffic Circulation Element and coordinate it with the traffic circulation plans of the South Florida Regional Planning Council, Dade County and neighboring municipalities.

OBJECTIVE 5: By 1993, any new right-of-way needs in the Town shall be formally identified and a program for acquisition or reservation shall be established.

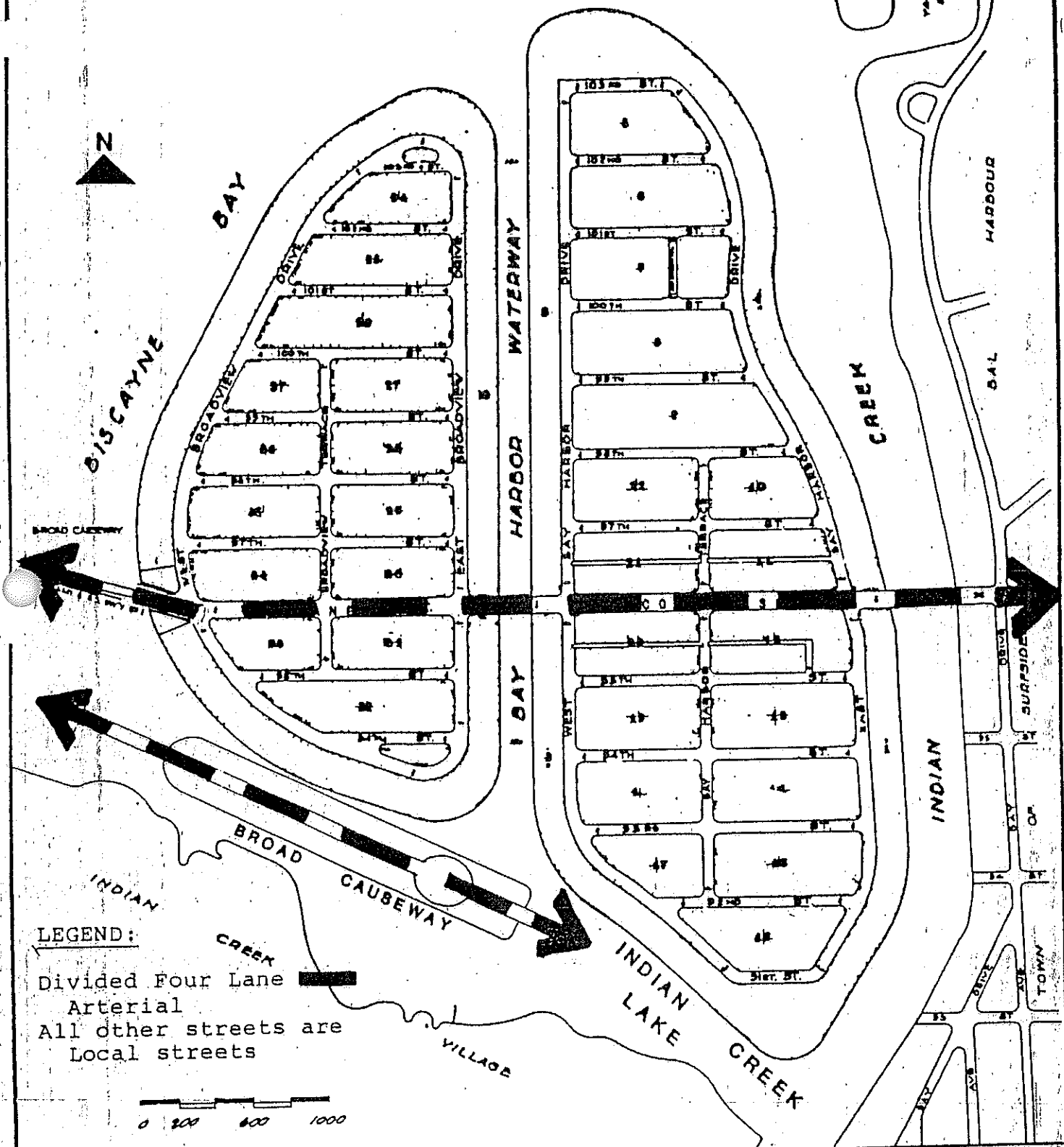
Policy 5.1: The Town shall adopt the following minimum right-of-way requirements for any new roadways:

- a) collector roadways -- 100' right-of-way;
- b) local roads -- 60' right-of-way (swale drainage); and 50' right-of-way (curb and gutter)

Policy 5.2: The Town shall require the dedication of rights-of-way as a condition of replatting or development approval.

# TOWN OF BAY HARBOR ISLANDS

## DADE COUNTY, FLORIDA



### LEGEND:

Divided Four Lane Arterial  
 All other streets are Local streets

0 200 400 600 800 1000

### FUTURE TRAFFIC CIRCULATION MAP

Figure T-4

JOSEPH MIDDLEBROOKS AND ASSOCIATES, P.A.  
 ARCHITECTS - URBAN PLANNERS  
 INTERIOR DESIGNERS - CONSTRUCTION ADMINISTRATORS

8480 E.W. 87th AVENUE, SOUTH MIAMI, FLORIDA 33143 (305) 441-7394

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APPENDIX A  
Excerpts from Broad Causeway Annual Report, 1987  
C.H. Peterson, Consulting Engineer

IMPROVEMENT PROGRAM

Work continues on the preparation of final plans for a new toll plaza while investment bankers and bond counsel are preparing a bond issue to cover the cost of this program when viable estimates of costs can be made. This work is scheduled to commence early next year.

This leaves the problem of replacement of the main bridge as the only item that needs major financing in the foreseeable future. This structure continues to deteriorate at a slow but steady rate and its ultimate replacement appears to be unavoidable. There is no reasonable anticipation of financing a new bridge out of surplus Causeway revenues. Such an action would require raising tolls to a level that would cause a major portion of the traffic to use alternate routes from the mainland to the beach. The only logical approach to resolve this problem is to investigate the possibility of federal and/or state participation from gasoline tax revenues. A case can be made for the fact that Causeway patrons consume gasoline in using the facility which generates fuel taxes that are used to support other parts of the highway system. The need to improve traffic flow and navigation by eliminating the bascule openings has been a long-term objective of the Federal government and could form a rational basis to make a participatory investment. Obtaining such participation is a time consuming process and initiation of it should not be further delayed.

APPENDIX B  
Minimum Criteria Requirements  
Chapter 9J-5

And Consistency with the State's Comprehensive Plan.

9J-5.007(1). EXISTING TRAFFIC CIRCULATION DATA REQUIREMENTS

- 9J-5.007(1)(a). See Figure T-1
- 9J-5.007(1)(b). See Figure T-1
- 9J-5.007(1)(c). See Figure T-1

9J-5.007(2). TRAFFIC CIRCULATION ANALYSIS REQUIREMENTS

9J-5.007(2)(a). See discussion on "Inventory of Existing System," pp. 1-7 including Table T-2; see also discussion on "Analysis of Existing Conditions," pp. 7-10

9J-5.007(2)(b). See discussion on "Analysis of Projected Needs," pp. 10-12. The Town of Bay Harbor Islands is almost built-out and all roads are already in place. No expansions and new facilities are being proposed. There is only one major thoroughfare within the Town. The appropriate FDOT and Dade County plans have been taken into consideration in the analysis of projected needs.

9J-5.007(3). REQUIREMENTS FOR TRAFFIC CIRCULATION GOALS, OBJECTIVES, AND POLICIES.

9J-5.007(3)(a). See Goal Statement.

- 9J-5.007(3)(b)(1). Objectives 1 and 2.
- 9J-5.007(3)(b)(2). Objective 4
- 9J-5.007(3)(b)(3). Objective 4
- 9J-5.007(3)(b)(4). Objective 5

- 9J-5.007(3)(c)(1). Policy 2.3
- 9J-5.007(3)(c)(2). Policy 2.5
- 9J-5.007(3)(c)(3). Policies 2.6 and 2.7
- 9J-5.007(3)(c)(4). Policies 5.1 and 5.2
- 9J-5.007(3)(c)(5). Policies 2.8 and 2.7

9J-5.007(4). FUTURE TRAFFIC CIRCULATION MAP

9J-5.007(4)(a-c). See Figure T-4

**PROPOSED**

## **2 – TRANSPORTATION ELEMENT**

**Draft April 2021**

# TABLE OF CONTENTS

|                                                                                                                          | <u>Page No.</u> |
|--------------------------------------------------------------------------------------------------------------------------|-----------------|
| <b>INTRODUCTION</b>                                                                                                      | T-1             |
| <b>COMMUNITY DESCRIPTION</b>                                                                                             | T-1             |
| <b>DESCRIPTION OF EXISTING TRANSPORTATION SYSTEM</b>                                                                     | T-2             |
| Roadway System                                                                                                           | T-3             |
| Significant Parking Facilities                                                                                           | T-5             |
| Public Transit System                                                                                                    | T-5             |
| Significant Bicycle and Pedestrian Ways                                                                                  | T-8             |
| Ports, Airport Facilities, Railways and Intermodal Facilities                                                            | T-10            |
| <b>EXISTING FUNCTIONAL CLASSIFICATION AND MAINTENANCE RESPONSIBILITIES</b>                                               | T-13            |
| <b>NUMBER OF THROUGH LANES FOR EACH ROADWAY MAJOR</b>                                                                    | T-14            |
| <b>PUBLIC TRANSIT GENERATORS AND ATTRACTORS</b>                                                                          | T-15            |
| <b>DESIGNATED LOCAL AND REGIONAL TRANSPORTATION FACILITIES CRITICAL TO THE EVACUATION OF THE COASTAL POPULATION</b>      | T-18            |
| <b>EXISTING PEAK HOUR, PEAK DIRECTION AND LEVEL OF SERVICE FOR ROADS, MASS TRANSIT FACILITIES &amp; CORRIDORS/ROUTES</b> | T-21            |
| <b>TRANSPORTATION ANALYSIS</b>                                                                                           | T-24            |
| Arterial Roads                                                                                                           |                 |
| a. 96 <sup>th</sup> Street / Kane Concourse / Broad Causeway                                                             | T-24            |
| b. Facility Description                                                                                                  |                 |
| c. Present Level of Service                                                                                              |                 |
| d. Future Level of Service                                                                                               |                 |
| e. Proposed Improvements                                                                                                 |                 |

|                                                                                                                                                                                       |      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| Collector Roadways                                                                                                                                                                    | T-26 |
| a. Road Descriptions                                                                                                                                                                  |      |
| b. Present Level of Service                                                                                                                                                           |      |
| c. Future Level of Service                                                                                                                                                            |      |
| d. Proposed Improvements                                                                                                                                                              | T-27 |
| Local Roadways                                                                                                                                                                        | T-27 |
| <b>ANALYSIS OF AVERAGE DAILY AND PEAK HOUR TRIPS</b>                                                                                                                                  |      |
| <b>ANALYSIS OF MODAL SPLIT AND VEHICLE OCCUPANCY RATES</b>                                                                                                                            | T-28 |
| <b>ANALYSIS OF EXISTING PUBLIC TRANSIT FACILITIES</b>                                                                                                                                 | T-28 |
| <b>POPULATION CHARACTERISTICS INCLUDING TRANSPORTATION DISADVANTAGED</b>                                                                                                              | T-28 |
| <b>CHARACTERISTICS OF MAJOR TRIP GENERATORS AND ATTRACTORS</b>                                                                                                                        | T-30 |
| <b>ANALYSIS OF THE AVAILABILITY OF TRANSPORTATION FACILITIES AND SERVICE TO SERVE EXISTING LAND USES</b>                                                                              | T-30 |
| <b>ANALYSIS OF THE ADEQUACY OF THE EXISTING AND PROPOSED TRANSPORTATION SYSTEM TO EVACUATE THE COASTAL POPULATION PRIOR TO AN IMPENDING NATURAL DISASTER</b>                          | T-31 |
| <b>ANALYSIS OF GROWTH TRENDS, TRAVEL PATTERNS, INTERACTIONS BETWEEN LAND USE AND TRANSPORTATION FACILITIES AND COMPATIBILITY BETWEEN FUTURE LAND USES AND TRANSPORTATION ELEMENTS</b> | T-31 |
| <b>ANALYSIS OF EXISTING AND PROJECTED INTERMODAL DEFICIENCIES AND NEEDS</b>                                                                                                           | T-31 |
| <b>ANALYSIS OF THE PROJECTED TRANSPORTATION LEVEL OF SERVICE AND SYSTEM NEEDS</b>                                                                                                     | T-31 |

ANALYSIS OF PROJECTS PLANNED BY THE FLORIDA  
DEPARTMENT OF TRANSPORTATION'S ADOPTED WORK  
PROGRAM, METROPOLITAN PLANNING ORGANIZATION  
AND LOCAL TRANSPORTATION AUTHORITY

T-32

ANALYSIS OF MAINTENANCE OF ADOPTED LEVEL OF  
SERVICE (LOS) STANDARDS

T-32

ANALYSIS OF INTERNAL CONSISTENCY BETWEEN  
ELEMENTS

T-33

ANALYSIS OF TRANSPORTATION MANAGEMENT  
PROGRAMS NECESSARY TO PROMOTE AND SUPPORT  
PUBLIC TRANSPORTATION SYSTEMS

T-33



## **LIST OF FIGURES**

|             |                                                                           |              |
|-------------|---------------------------------------------------------------------------|--------------|
| Figure 4-1  | Existing Roadway System                                                   | T-4          |
| Figure 4-2  | Existing Public Transit System                                            | T-6 &<br>T-7 |
| Figure 4-3  | Existing Bicycle and Pedestrian Ways                                      | T-9          |
| Figure 4-4  | Existing Ports, Airport Facilities, Railways<br>and Intermodal Facilities | T-11         |
| Figure 4-5  | Existing Functional Classification of<br>Roadways                         | T-12         |
| Figure 4-6  | Existing Number of Through Lanes                                          | T-16         |
| Figure 4-7  | Existing Major Public Transit Trip Generators<br>and Attractors           | T-17         |
| Figure 4-8  | Existing Evacuation Routes                                                | T-19         |
| Figure 4-9  | Existing Peak Hour, Peak Directional and<br>Level of Service              | T-20         |
| Figure 4-10 | Future Roadway System                                                     | T-34         |
| Figure 4-11 | Future Public Transit System                                              | T-35         |
| Figure 4-12 | Significant Bicycle and Pedestrian Ways                                   | T-36         |
| Figure 4-13 | Future Ports, Airport Facilities, Railways and<br>Intermodal Facilities   | T-37         |
| Figure 4-14 | Future Functional Classification of Roadways                              | T-38         |
| Figure 4-15 | Future Number of Through Lanes                                            | T-39         |
| Figure 4-16 | Future Major Public Transit Trip Generators<br>and Attractors             | T-40         |
| Figure 4-17 | Projected Peak Hour, Peak Directional and<br>Level of Service             | T-41         |
| Figure 4-18 | Future Evacuation Routes                                                  | T-42         |

### LIST OF TABLES

|           |                                                                        |      |
|-----------|------------------------------------------------------------------------|------|
| Table 4-1 | Existing Functional Classification of Roadways                         | T-14 |
| Table 4-2 | Number of Through Lanes                                                | T-14 |
| Table 4-3 | Capacity Analysis of Existing Roadway<br>System · 1995 Traffic Volumes | T-21 |
| Table 4-4 | Peak Hour and Peak Directional Analysis                                | T-22 |
| Table 4-5 | Analysis of Residents Ages                                             | T-29 |

## **Introduction**

The Town of Bay Harbor Islands adopted a Traffic Circulation Element in accordance with the requirements of then Chapter 163 Florida Statutes (F.S.) and Rule 9J-5.007 Florida Administrative Code (F.A.C.) requirements on January 11<sup>th</sup>, 1989 as a component of its first legally binding Comprehensive Plan. Because of the Town's size and population, it was not required to prepare either a Mass Transit or Ports, Aviation and Related Facilities Elements. In 1994, the Florida Legislature amended Chapter 163 to require each local government within a Metropolitan Planning Organization (MPO) to prepare a Transportation Element which was to replace the Traffic Circulation Element, Mass Transit Element and Ports, Aviation and Related Facilities Element. The purpose of the Transportation Element is to plan for a multi-modal transportation system that places more emphasis on ~~the use of~~ public transportation systems. The Town was completely master-planned and constructed in the late 1940s. The Town's roadway system has remained substantially the same since that time, with the Broad Causeway extension across Biscayne Bay to the mainland built by 1951. This Transportation Element replaces the former Traffic Circulation Element and addresses all of the current requirements of the Florida Statutes.

## **Community Description**

Bay Harbor Islands is a relatively small community located in northeast Miami-Dade County on the barrier island between the Indian Creek Waterway and Biscayne Bay. The community is located in the northeastern portion of Miami-Dade County – this area of the County is highly developed with few vacant lands remaining. It is common after almost 70 years for some land parcels to be significantly remodeled or completely redeveloped. Bay Harbor Islands' neighbors include the municipalities of North Miami Beach (northwest across Biscayne Bay), North Miami (west across Biscayne Bay), Indian Creek Village (south across the Indian Creek Lake), Bal Harbor Village (east across the Indian Creek north of 96<sup>th</sup> Street), and the Town of Surfside (east across the Indian Creek south of 96<sup>th</sup> Street). All are well-established, fully developed, mostly residential communities. Community shopping areas are within the Town along Kane Concourse and within short driving / walking / biking distances to the Town, including a Publix grocery store, pharmacies, restaurants and service business. The Bal Harbour Shops Regional Mall is located on 96<sup>th</sup> Street between the Indian Creek and SR A1A (aka Collins Avenue). The costal beach areas are within a short distance to the Town.

The Town consists primarily of two main islands bounded by Biscayne Bay to the north and west, by the Indian Creek Lake to the south and by the Indian Creek to the east. In 1951, a connecting roadway known as the Broad Causeway was constructed westerly across Biscayne Bay connecting the Town to NE 123<sup>rd</sup> Street in the City of North Miami. The roadway connection

is comprised, from east to west, of a bascule bridge over the Intracoastal Waterway that connects to so-called "Causeway Island" constructed of dredged spoil from the adjoining waters and then to another bridge (known as the West Relief Bridge) that connects to 123<sup>rd</sup> Street in the City of North Miami. Kane Concourse (96<sup>th</sup> Street) links the two main islands, which are separated by the 150-foot wide Bay Harbor Waterway. The roadway connects the Town with the mainland to the west via the Broad Causeway and to the east via 96<sup>th</sup> Street to the coastal beach areas near SR A1A (Collins Avenue). The Town is approximately 267.59 acres in size and is almost totally developed except for a few parcels of vacant land / occasional redevelopment activity.

### **Description of Existing Transportation System**

This portion of the Element examines the facilities that serve vehicular and non-vehicular traffic within the Bay Harbor Islands planning area. The transportation system is a critical component of society, playing a role in all facets of life, having economic implications, and of recreational value.

The transportation system has two basic components. One is the internal access and circulation of the residential neighborhood within the community. The other is the external component that serves as the link to other communities. The first, or internal component is maintained by the Town. The second, or external component forms part of the Miami-Dade County Traffic Circulation Network.

The Miami-Dade County transportation planning process is carried out by the Miami-Dade Transportation Planning Organization (TPO), whose charge is to master-plan and coordinate roadways, mass transit and other transportation systems on a countywide basis. The TPO's governing board is the Board of County Commissioners.

The Town's roadway system is comprised of one arterial roadway and numerous local streets. The arterial roadway is known as Kane Concourse / NE 96<sup>th</sup> Street (SR 922). The roadway segment extending from Collins Avenue (SR A1A) near the Atlantic Ocean westerly through the adjoining communities of Bal Harbour Village and Town of Surfside (centerline separates the cities) over the Indian Creek Bridge is known only as 96<sup>th</sup> Street. From the Indian Creek Bridge to the Broad Causeway (East / West Islands) the roadway is known as Kane Concourse. The Broad Causeway angles northwesterly across Biscayne Bay connecting to the mainland at NE 123<sup>rd</sup> Street in the City of North Miami on a western alignment to Biscayne Boulevard (US 1). The roadway angles to the north in North Miami west of Biscayne Boulevard (US 1) becoming NE 125<sup>th</sup> Street, extending westerly and terminating at SR 7 / US 441 as an arterial roadway. The roadway extends further west into suburban areas as a local street.

The need for access from lands within the three local municipalities concentrates through traffic onto Kane Concourse / 96<sup>th</sup> Street. Any restrictions on traffic flow along this arterial roadway would affect traffic flow into the adjacent communities and region. Kane Concourse / 96<sup>th</sup> Street is constructed as a 4-lane divided (4LD) roadway (two through traffic lanes in each direction) with turning lanes at intersections where turns are permitted. All of the local roads are 2-lanes (2L) with occasional turn lanes at most intersections with Kane Concourse.

Broad Causeway plays an important role in providing access to the islands and beach areas. It was authorized by the legislature in 1947, the same year the Town was originally incorporated. Bonds were issued in 1950 and the Causeway was completed in 1951. Over the years a number of repairs and modernization have occurred, including installation of an automated toll plaza, the last improvements occurring in 2017.

### **Roadway System**

Figure 4-1 graphically illustrates the existing transportation road system. Within Bay Harbor Islands, the following roadways are classified as follows:

#### **Minor Arterial Roads**

Kane Concourse / 96<sup>th</sup> Street (SR 922) / Broad Causeway

#### **Local Collector Roadways**

East and West Bay Harbor Drives (East Island)  
East and West Broadview Drives (West Island)

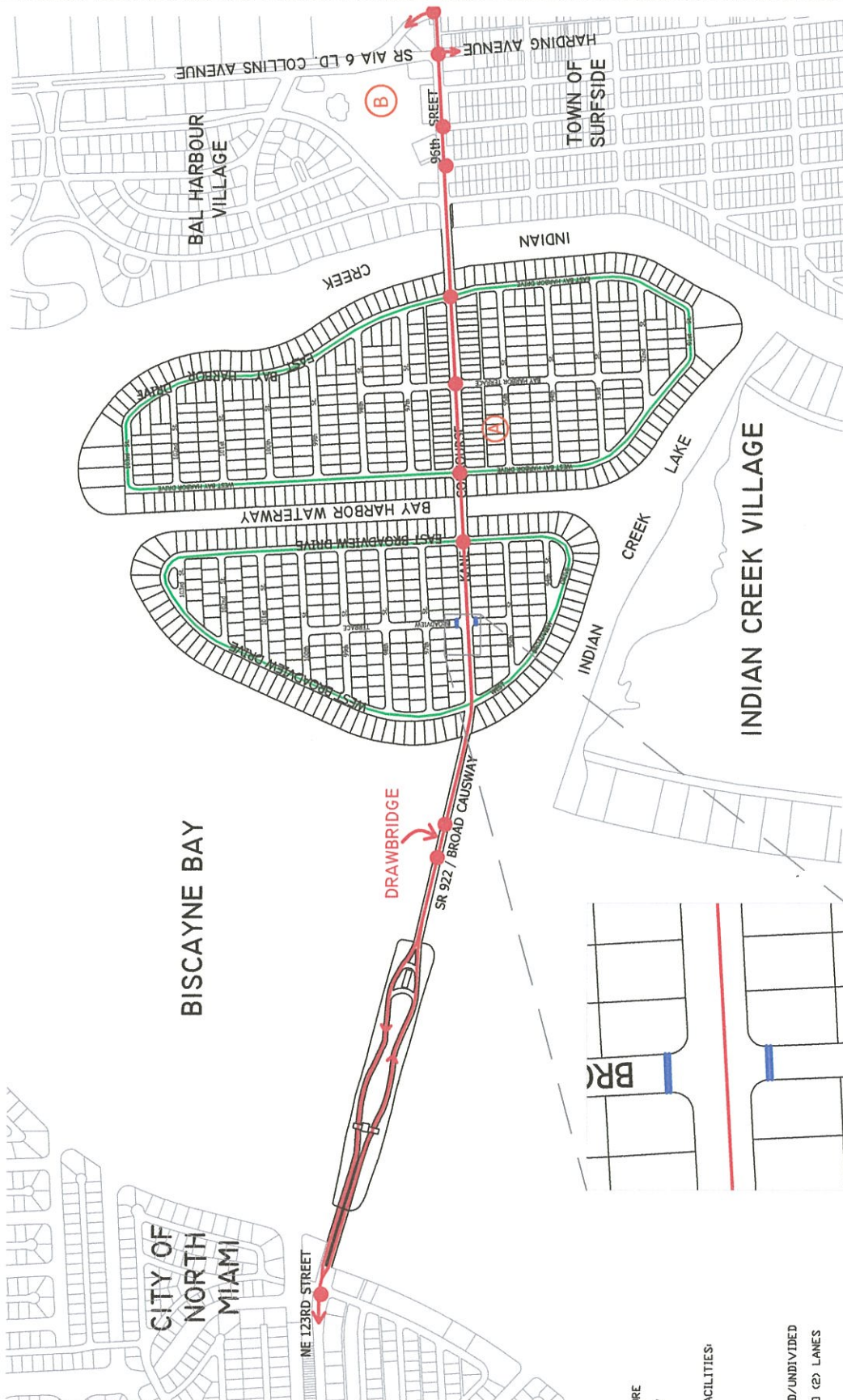
#### **Local Roads**

All other Town roads and alleys.

#### **Limited and Controlled Access Facilities**

None

Insert Figure T-1: Existing Roadway System



- ROADWAY ACCESS CLOSURE
- ONE-WAY TRAFFIC FLOW
- TRAFFIC SIGNAL
- SIGNIFICANT PARKING FACILITIES:
- TOWN PARKING GARAGE
- BAL HARBOUR SHOPS
- MINOR ARTERIAL
- FOUR (4) LANES DIVIDED/UNDIVIDED
- CITY COLLECTION - TWO (2) LANES UNDIVIDED
- LOCAL TWO(2) LANES UNDIVIDED



|                                                                                                                                                   |                                     |                                                       |  |                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------------------------|--|-----------------------|
|                                                                                                                                                   |                                     | <b>FIGURE T - 1</b><br><b>EXISTING ROADWAY SYSTEM</b> |  | SHEET NO.<br><b>1</b> |
| PREPARED FOR<br><b>TOWN OF BAY HARBOR ISLANDS</b>                                                                                                 |                                     | SCALE<br>PROJECT<br>00                                |  | 1                     |
| MICHAEL MILLER PLANNING ASSOCIATES, INC.<br>7522 Wilks Rd. Suite B-203<br>Coral Springs, Florida 33067<br>Tel: (954) 337-6808 Fax: (954) 337-7008 |                                     |                                                       |  |                       |
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### **Significant Parking Facilities**

The Town considers one area to warrant a description of having significant (500+) parking facilities.

- Kane Concourse / East Island Business Area – Municipal Parking Garage (438+/-) / Municipal Parking Lots / Private Parking Lots / Municipal Street Parking approximately 600 parking spaces (surface / garages).

In addition, within close proximity to the Town within the adjoining communities of Bal Harbour Village and Town of Surfside are two other areas considered to warrant a description of significant (500+) parking facilities.

- Bal Harbour Shops - approximately 1,700 existing parking spaces (surface/garage). A proposed expansion approved in May 2017 will result in approximately 2,580 parking spaces.
- Town of Surfside Harding Avenue Business Area - approximately 600 parking spaces (surface / garages).

### **Public Transit System**

Figure T-2 depicts the existing Public Transit System. Information was obtained from Miami-Dade's Transportation Administration. In addition, a shared tri-community shuttle bus system exists (Bal Harbour Village / Bay Harbor Islands / Town of Surfside).

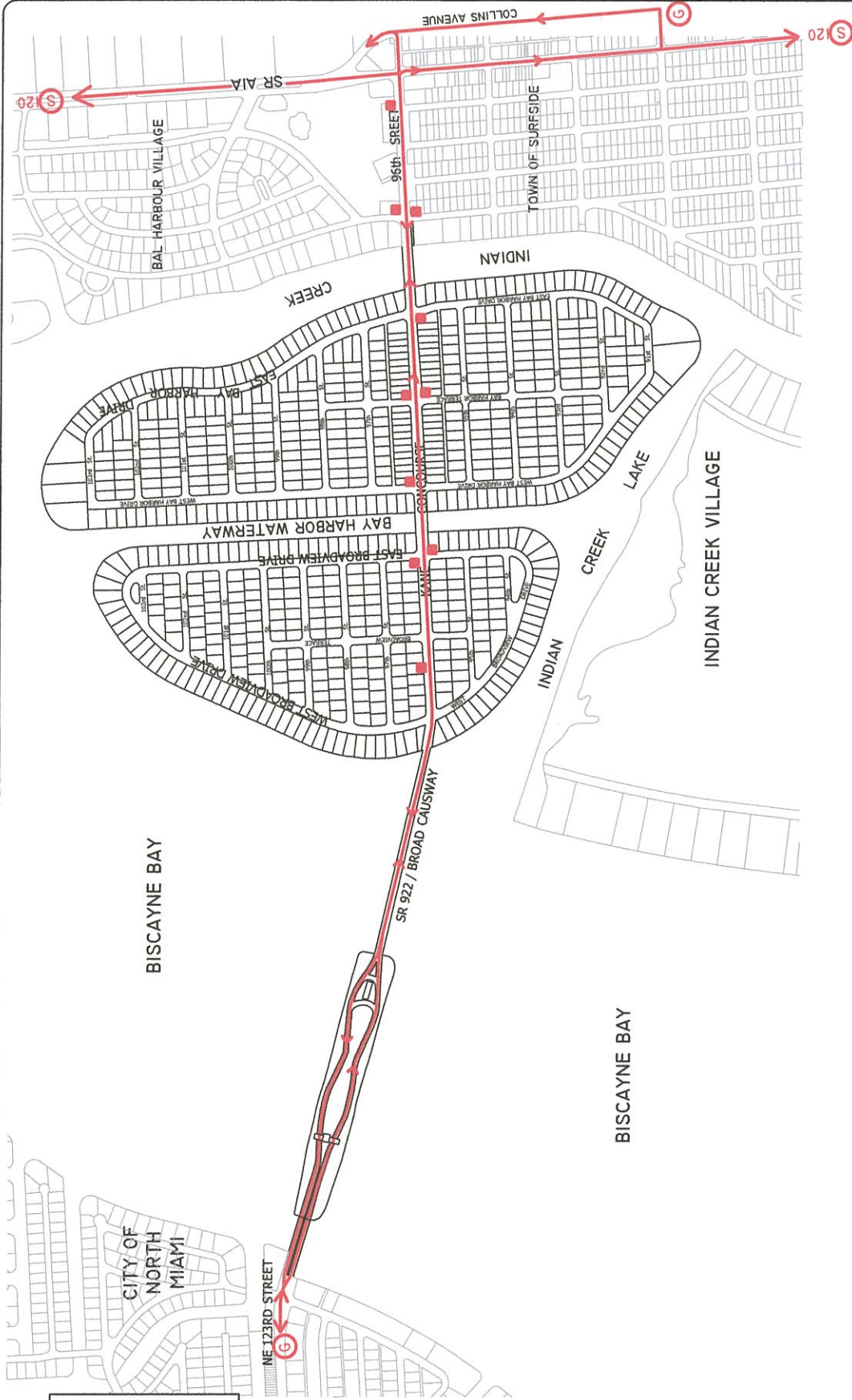
#### **Public Transit Terminals and Transfer Stations**

No public transit terminals or transfer stations exist within Bay Harbor Islands. However, periodic bus stops are located along Kane Concourse / 96th Street and several other locations.

#### **Public Transit Rights of Way and Exclusive Public Transit Corridors**

There are no public transit rights-of-way or exclusive public transit corridors located within the Town.

Insert Figure 4-2.1: Existing Public Transit System (Miami-Dade County)

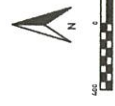


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| SHEET NO. 1                                                                                                                                                         |            | PROJECT 00   |    |
| FIGURE T - 2A<br>EXISTING PUBLIC SYSTEM MIAMI-DADE                                                                                                                  |            |              |    |
| TOWN OF BAY HARBOR ISLANDS                                                                                                                                          |            |              |    |
| PREPARED FOR<br>MICHAEL MILLER PLANNING ASSOCIATES, INC.<br>1522 N.W. 8th St., Suite 203<br>Coral Springs, Florida 33067<br>Tel: (954) 757-1800 Fax: (954) 757-1088 |            |              |    |
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| NO.                                                                                                                                                                 | DATE       | REVISION     |    |

Insert Figure 4-2.2: Existing Public Transit System (Shuttle Bus)



 BUS ROUTES  
 BUS STOPS



| NO. | DATE | REVISION | BY |
|-----|------|----------|----|
|     |      |          |    |
|     |      |          |    |
|     |      |          |    |

Designed MM  
 Drawn SDM  
 Checked MM

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PREPARED FOR  
 TOWN OF BAY HARBOR ISLANDS

FIGURE T - 2B  
 EXISTING PUBLIC TRANSPORTATION SYSTEM  
 TOWN COMMUNITY SHUTTLE

SCALE  
 PROJECT  
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SHEET NO.  
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### **Significant Bicycle and Pedestrian Ways**

Figure 4-3 depicts the existing bicycle and pedestrian ways within the Town.

a) Bicycle Traffic

There are no exclusive dedicated bicycling facilities in Town.

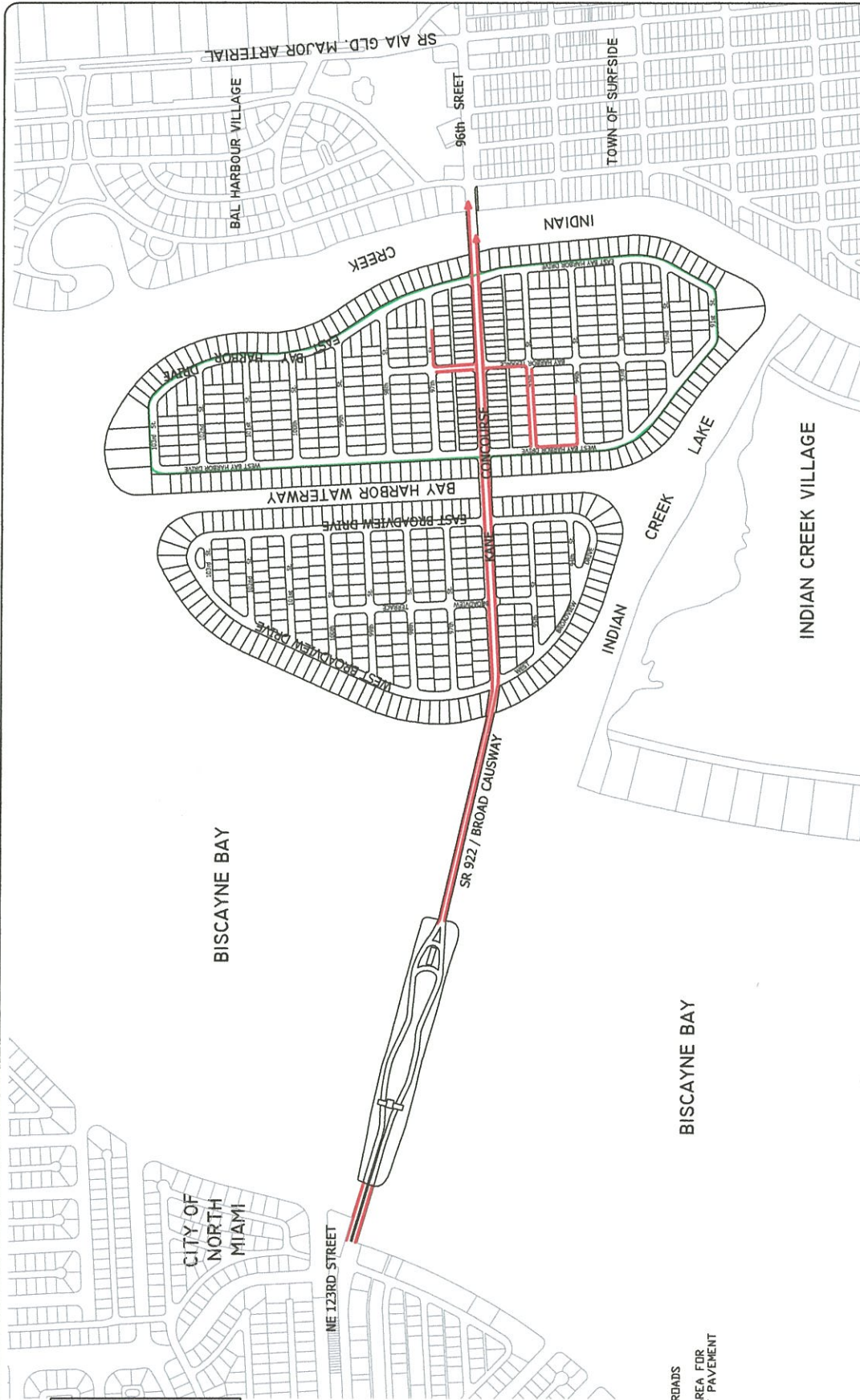
Bicycling within the Town's local street system is common, given the relatively low traffic volumes, and controlled traffic conditions encountered. Also bicycling is common within the nearby region including along Collins Avenue especially northward to the Haulover Beach Regional Park. The outermost travel lanes on Kane Concourse / 96<sup>th</sup> Street have been striped for dual vehicle / bicycle use. Adjoining the travel lanes of East / West Bay Harbor Drive on the East Island the Town has designated (painted asphalt surface / signs) a shared bikeway / pedestrian pathway. Due to the existence of direct backout on-street parking in front of many of the older multi-family complexes which were built with little or no on-site parking, the Town implemented this system for safety.

b) Pedestrian Traffic

Pedestrian traffic within the Town's local street system is very common, given the relatively low traffic volumes and lack on sidewalks. Also walking is common within the nearby region including to the Town's / other nearby shopping areas, the Bal Harbour Shops Mall, and coastal beach areas. Along Kane Concourse, near the Ruth K. Broad K-8 school and several other areas there are striped crosswalks and pedestrian signals. Along the length of Kane Concourse / 96<sup>th</sup> Street is a pedestrian walkway. Within the Town Center "downtown" area on the East Island the walkways are especially wide creating a pedestrian promenade between the on-street parallel parking and store fronts. Many restaurants have accessory outdoor seating within the pedestrian promenade, while maintaining a through pathway. Adjoining the travel lanes of East / West Bay Harbor Drive on the East Island the Town has designated (painted asphalt surface / signs) a shared bikeway / pedestrian pathway. Due to the existence of direct backout on-street parking in front of many of the older multi-family complexes which were built with little or no on-site parking, the Town implemented this system for safety. On the West Island (all single-family homes) people walk along the edge of the road.

Insert Figure 4-3: Existing Bicycle and Pedestrian Ways





|                         |                      |                                                                |                                                                                                                                                             |                                                   |                                                                    |                                  |                               |
|-------------------------|----------------------|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------------------------------------|----------------------------------|-------------------------------|
| NO. _____<br>DATE _____ | RETURNED<br>BY _____ | Designed: <u>MM</u><br>Drawn: <u>SDM</u><br>Checked: <u>MM</u> | <b>MICHAEL MILLER PLANNING ASSOCIATES, INC.</b><br>7122 White Rd. Suite B-203<br>Coral Springs, Florida 33067<br>Tel. (954) 757-8900    Fax. (954) 757-7099 | PREPARED FOR<br><b>TOWN OF BAY HARBOR ISLANDS</b> | <b>FIGURE T - 3</b><br><b>EXISTING BICYCLE AND PEDESTRIAN WAYS</b> | SCALE _____<br>PROJECT <u>00</u> | SHEET NO. <u>1</u> / <u>1</u> |
|-------------------------|----------------------|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------------------------------------|----------------------------------|-------------------------------|

## **Ports, Airport Facilities, Railways and Intermodal Facilities**

Figure 4-4 illustrates the proximity of the Town to Ports, Airports, Railways and Related Facilities.

### **Port Facilities**

There are no port facilities within or near Bay Harbor Islands. The nearest major seaport is the Port of Miami which is located approximately 10 miles south of the Town, east of the central business district of the City of Miami. To the north in Broward County about 14 miles from the Town is Port Everglades. Both have container / freight facilities and cruise facilities.

There is a large public marina in Haulover Park to the northeast of the Town, a private marina accessed from the Indian Creek in nearby Bal Harbour Village, and several other smaller marinas. Many of the waterfront sites in the Town have private boat docking facilities. The Town owns all of the waterways surrounding the islands via the Charter / legal opinions.

### **Airport Facilities Including Clear Zones and Obstructions**

There are no airport facilities within or in near proximity to the Town.

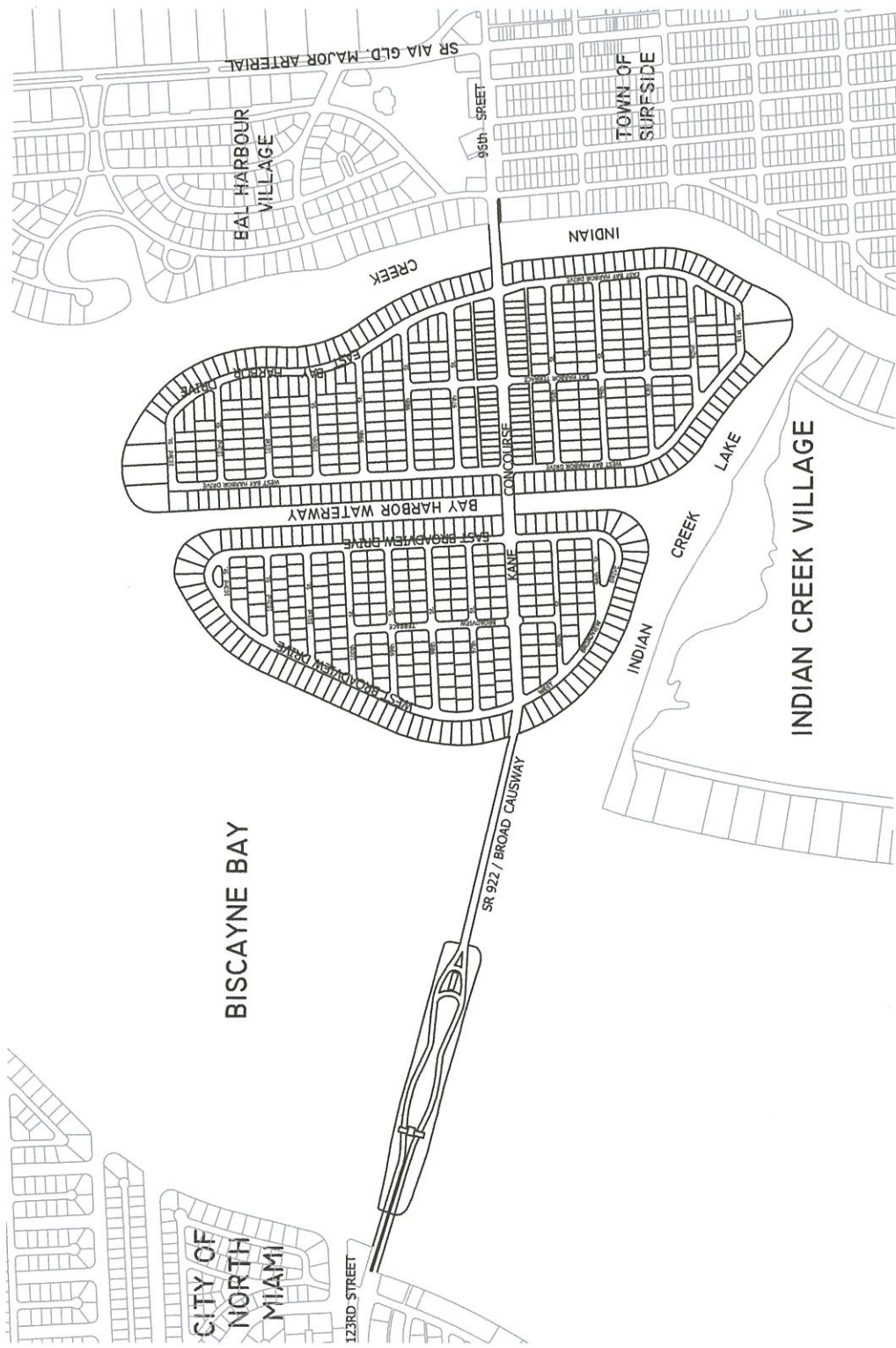
#### **Miami International Airport**

- Miami International Airport is located approximately 12 miles southwest of the Town. The runway alignments are generally east / west. Air traffic typically lands from the west and takes off eastward over the Atlantic Ocean before beginning turning movements. Therefore, there are no clear zones or obstruction issues affecting the Town. Recent flight path changes, that the Town has objected to, have increase flyover noise levels.

#### **Opa Locka Airport**

- Opa Locka Airport is a general aviation facility located approximately 9 miles northwest of the Town. Air traffic is generally restricted to non-commercial activities. The runway alignments are generally east / west. Air traffic typically makes turning movements within a few miles of the airport; therefore, no clear zone or obstruction issues affect the Town.

Insert Figure 4-4: Existing Ports, Airport Facilities, Railways, and Intermodal Facilities



SHEET NO.  
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SCALE  
PROJECT  
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FIGURE T - 4  
EXISTING PORTS, AIRPORT FACILITIES,  
RAILWAYS AND INTERMODAL FACILITIES

PREPARED FOR  
TOWN OF BAY HARBOR ISLANDS

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Checked: MM

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|     |      |          |    |
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Insert Figure 4-5: Existing Functional Classification of Roadways





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FIGURE T -5  
EXISTING FUNCTIONAL CLASSIFICATION OF  
ROADWAYS

TOWN OF BAY HARBOR ISLANDS

PREPARED FOR  
MICHAEL MILLER PLANNING ASSOCIATES, INC.

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Checked: MM

| NO. | DATE | REVISION | BY |
|-----|------|----------|----|
|     |      |          |    |
|     |      |          |    |
|     |      |          |    |

### **Other Facilities**

- There are no heliports or similar facilities within or near the Town. It is noted that considerable helicopter and small planes travel north / south east of the Town over the Atlantic Ocean. Some visual and/or noise issues affect the Town on occasion.

### **Freight and Passenger Rail Lines and Terminals**

There are no freight or passenger railroad lines or terminals either within or in near proximity to the Town. The nearest railroad line runs north / south west of US 1 on the mainland approximately 3 miles west of the Town. This railroad corridor is used mostly for freight (FEC); however, expedited passenger service was added in 2018 (Brightline). Approximately 8 miles west of the Town (west of I-95 / 27<sup>th</sup> Ave.) is another railroad corridor used primarily for passenger services by Amtrack / Tri-Rail.

### **Intermodal Terminals and Access to Intermodal Facilities**

There are no intermodal terminals within the Town. Access to such facilities involves driving to a terminal or facility such as a park-and-ride lot or metro rail station, to cite a few examples.

### **Existing Functional Classification & Maintenance Responsibilities**

The Functional Classification of roadways is utilized to create a hierarchical system to establish the responsibility for roadway maintenance and operation by either the State, the County or the local jurisdiction. The following broad guidelines are used to define roadway types:

- Principal Arterials - Major highways serving heavy volumes of traffic through the urban area.
- Minor Arterials - Roadways carrying moderately heavy volumes of traffic which channel traffic to community activity centers.
- Collectors - Roadways carrying low volumes of traffic to the arterial network.
- Local Roadways - Neighborhood roadways carrying low volumes of traffic to collector or arterial roadways.

The existing functional classification of roadways in the Town are provided in the following Table 4-1 and illustrated in Figure 4-5. Both the Federal Government and State of Florida have utilized functional classification systems to assign roadway jurisdictions. In May of 1996 the Florida



Department of Transportation District Six issued a letter stating that applicable State laws pertaining to functional classifications had been repealed. Therefore, the information provided is from the Federal classification system and/or previous State classification system.

**Table 4-1**

| <u>Roadway</u>                                                | <u>From</u>              | <u>To</u>                 | <u>Classification</u> | <u>Length</u> |
|---------------------------------------------------------------|--------------------------|---------------------------|-----------------------|---------------|
| 96 <sup>th</sup> Street (aka Kane Concourse / Broad Causeway) | Indian Creek             | West Side of Biscayne Bay | Minor Arterial        | 7,650'+/-     |
| East Bay Harbor Drive                                         | 103 <sup>rd</sup> Street | 91 <sup>st</sup> Street   | City Collector        | 4,500'+/-     |
| West Bay Harbor Drive                                         | 103 <sup>rd</sup> Street | 91 <sup>st</sup> Street   | City Collector        | 4,500'+/-     |
| All Other Roadways                                            | N/A                      | N/A                       | Local                 | N/A           |

Despite the Biscayne Bay Causeway / Kane Concourse / 96<sup>th</sup> Street being a state arterial roadway (SR 922) virtually all maintenance responsibilities, including the bridges, are performed by the Town. The Town also maintains all local streets. The Town has made significant landscaping and hardscape improvements in the roadway medians and along its edges. The Town constructed and maintains an un-manned toll plaza on the Causeway Island, the proceeds of which are used for bridge / roadway improvements. The Town has an interlocal agreement with FDOT for maintenance of landscaping, sidewalks, lighting, bus shelters, etc.

#### **Number of Through Lanes for Each Roadway**

The number of through lanes is described in Table 4-2 and illustrated in Figure 4-6.

**Table 4-2**

| <u>Roadway</u>          | <u>No. Of Through Lanes</u> |
|-------------------------|-----------------------------|
| 96 <sup>th</sup> Street | 4 (2 each direction)        |
| All Other Roadways      | 2 (1 each direction)        |

### **Major Public Transit Generators and Attractors**

The Town has numerous small land developments (single-family homes on West Island / multi-family complexes on East Island) with a linear commercial “downtown” corridor along Kane Concourse on the East Island. No area individually can be defined as a major transit generator or attractor. Regardless, a Miami-Dade Transit route exists along Kane Concourse / 96<sup>th</sup> Street and a tri-city shuttle bus system exists to serve the Town and neighboring communities affording easy access to mass transit. Figure 4-7 depicts these areas.

Insert Figure 4-6: Existing Number of Through Lanes



BISCAYNE BAY

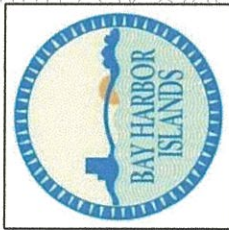
BISCAYNE BAY

Four Lanes (2 each way)  
Two Lanes (1 each way)



|                                                                                                                                                    |            |               |    |
|----------------------------------------------------------------------------------------------------------------------------------------------------|------------|---------------|----|
| SHEET NO.<br>1                                                                                                                                     |            | PROJECT<br>00 |    |
| FIGURE T -6<br>Existing Number of Through Lanes                                                                                                    |            |               |    |
| PREPARED FOR<br>TOWN OF BAY HARBOR ISLANDS                                                                                                         |            |               |    |
| MICHAEL MILLER PLANNING ASSOCIATES, INC.<br>7522 Wilks Rd., Suite B-203<br>Coral Springs, Florida, 33067<br>Tel. (954) 351-5808 Fax (954) 351-1088 |            |               |    |
| Designed: MAM                                                                                                                                      | Drawn: SZM | Checked: MAM  | BY |
| DATE                                                                                                                                               | DATE       | REVISION      | BY |

Insert Figure 4-7: Existing Major Public Transit Trip Generations and Attractions

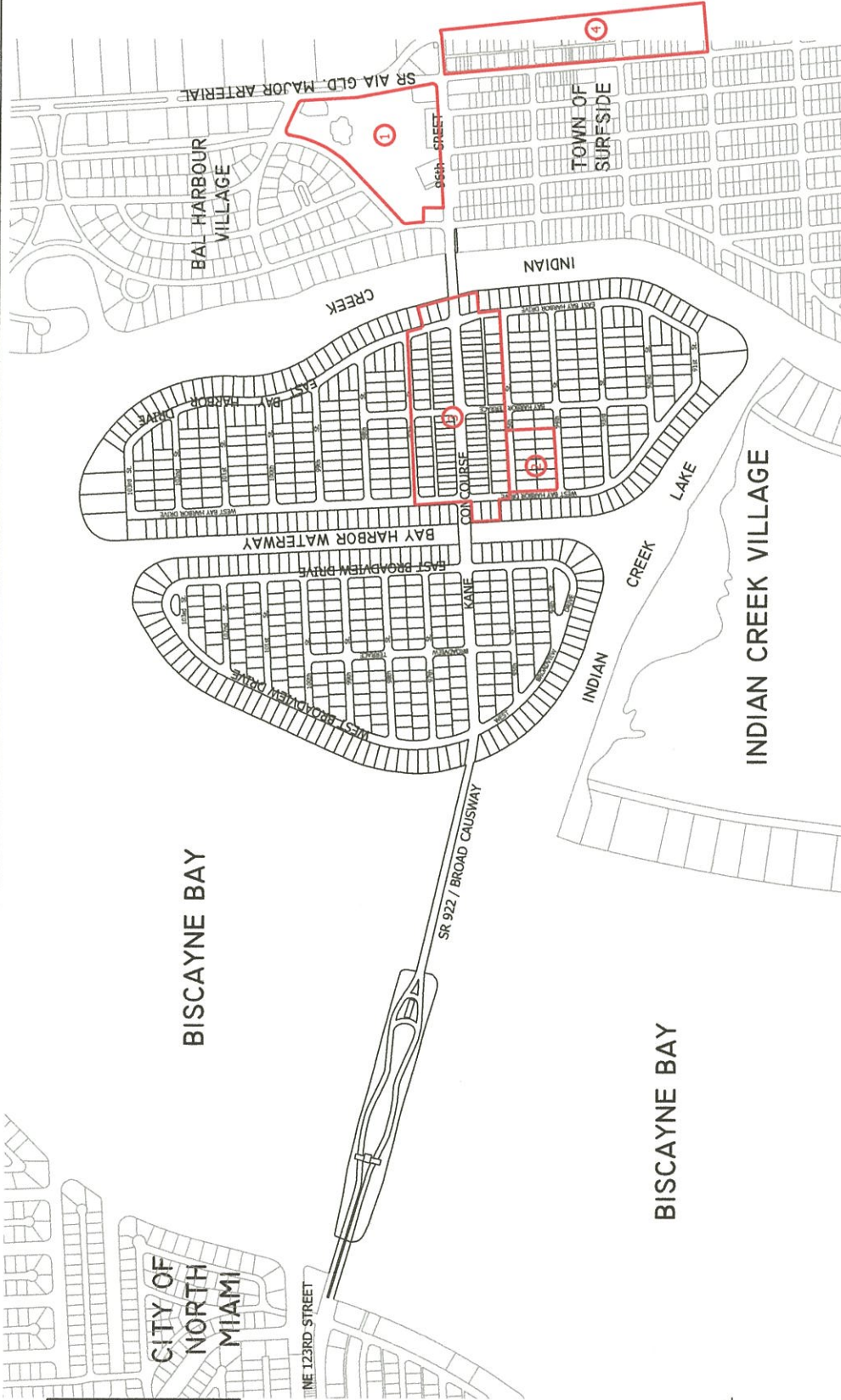


CITY OF  
NORTH  
MIAMI

BISCAYNE BAY

BISCAYNE BAY

- 1 BAL HARBOR SHOPS
- 2 RUTH K BROAD K-8
- 3 TOWN CENTER COMMERCIAL
- 4 SURFSIDE COMMERCIAL



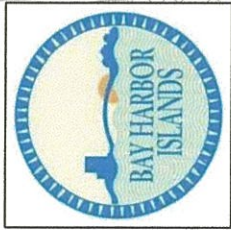
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| SHEET NO.                                                                                                                                          |    | 1        |  |
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| SCALE                                                                                                                                              |    |          |  |
| FIGURE T - 7<br>EXISTING MAJOR TRIP<br>GENERATIONS AND ATTRACTIONS                                                                                 |    |          |  |
| PREPARED FOR<br>TOWN OF BAY HARBOR ISLANDS                                                                                                         |    |          |  |
| MICHAEL MILLER PLANNING ASSOCIATES, INC.<br>7522 Wilco Rd., Suite B-203<br>Coral Springs, Florida 33067<br>Tel: (954) 731-8608 Fax: (954) 731-7469 |    |          |  |
| DESIGNED:                                                                                                                                          | MM | DATE:    |  |
| DRAWN:                                                                                                                                             | MM | CHECKED: |  |
| REVISION                                                                                                                                           |    | BY       |  |

**Designated Local and Regional Transportation Facilities Critical to the  
Evacuation of the Coastal Population.**

According to the "Metropolitan Dade County Emergency Operations Plan - Section 1 - Hurricane Procedures" both Collins Avenue (SR A1A) and 96th Street (SR 922) are designated as major evacuation routes for Town residents. All residents of the Town are required to evacuate during hurricanes due to the coastal location (wave action / flooding / winds). The Town attempts to maintain a current list of residents that may need assistance during evacuation periods. 96th Street is the primary evacuation route while Collins Avenue must be traveled upon for considerable distance north and south to other roadways crossing Biscayne Bay to the mainland. Figure 4-8 depicts the routes.



Insert Figure 4-8: Existing Evacuation Routes



PRIMARY  
SECONDARY



| NO. | DATE | REVISION |
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Checked: MM

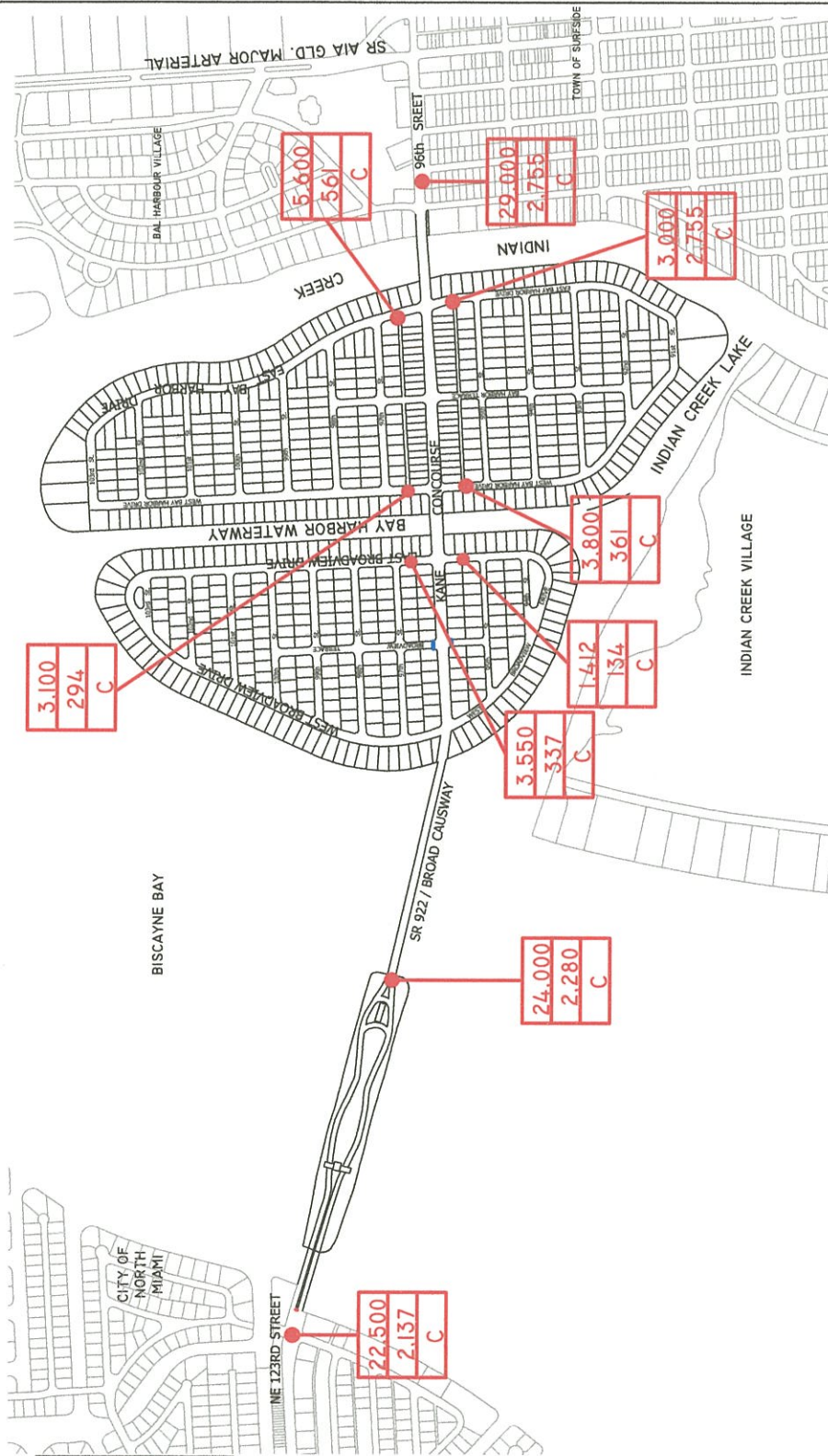
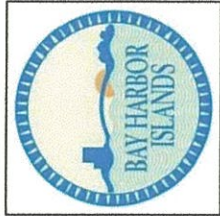
PREPARED FOR  
**TOWN OF BAY HARBOR ISLANDS**  
  
MICHAEL MILLER PLANNING ASSOCIATES, INC.  
7522 White Rd., Suite B-203  
Coral Springs, Florida 33067  
Tel: (954) 751-5608 Fax: (954) 751-7068

FIGURE T - 8  
EXISTING EVACUATION ROUTES

SCALE  
PROJECT  
00

SHEET NO.  
1  
1

Insert Figure 4-9: Existing Peak Hour & Peak Directional and Level of Service



|                                                            |  |                                                            |  |
|------------------------------------------------------------|--|------------------------------------------------------------|--|
| DESIGNED: M.M.                                             |  | CHECKED: M.M.                                              |  |
| DRAWN: S.M.                                                |  | CHECKED: M.M.                                              |  |
| DATE: _____                                                |  | DATE: _____                                                |  |
| PROJECT: _____                                             |  | PROJECT: _____                                             |  |
| SCALE: _____                                               |  | SCALE: _____                                               |  |
| FIGURE T -9                                                |  | FIGURE T -9                                                |  |
| EXISTING PEAK HOUR & PEAK DIRECTIONAL AND LEVEL OF SERVICE |  | EXISTING PEAK HOUR & PEAK DIRECTIONAL AND LEVEL OF SERVICE |  |
| TOWN OF BAY HARBOR ISLANDS                                 |  | TOWN OF BAY HARBOR ISLANDS                                 |  |
| PREPARED FOR                                               |  | PREPARED FOR                                               |  |
| MICHAEL MILLER PLANNING ASSOCIATES, INC.                   |  | MICHAEL MILLER PLANNING ASSOCIATES, INC.                   |  |
| 7522 West Rd. Suite B-203                                  |  | 7522 West Rd. Suite B-203                                  |  |
| Coral Springs, Florida 33067                               |  | Coral Springs, Florida 33067                               |  |
| Tel: (954) 752-2030 Fax: (954) 752-7098                    |  | Tel: (954) 752-2030 Fax: (954) 752-7098                    |  |

**Existing Average Annual Daily Traffic (AADT, Peak Hour and Levels of Service (LOS) for Roads, Mass Transit Facilities and Corridors/Routes**

The existing average annual daily traffic, peak hour, and levels of service for roads, transit facilities and corridors/routes are described in Tables 4-3 and Table 4-4 and illustrated on Figure 4-9.

**A. Roadways**

**Table 4-3  
Level of Service Analysis  
Annual Average Daily Traffic (AADT)**

| Location                                   | 2019 AADT |              | Lanes | Adopted LOS Capacity | 2019 LOS |             |
|--------------------------------------------|-----------|--------------|-------|----------------------|----------|-------------|
|                                            | AADT      | Peak Season* |       |                      | AADT     | Peak Season |
| 96th Street East of ICW Bridge (FDOT #125) | 33,000    | 36,300       | 4     | 33,800 @ LOS E       | E        | E           |
| Broad Causeway @ Gas Station (FDOT #8608)  | 21,000    | 23,100       | 4     | 33,800 @ LOS E       | C+       | C+          |
| Broad Causeway @ North Miami (FDOT #1023)  | 23,500    | 25,850       | 4     | 33,800 @ LOS E       | C+       | C+          |
| EBHD N. of Kane Con.                       | 5,600     | 6,272        | 2     | 13,320 @ LOS D       | C+       | C+          |
| EBHD S. of Kane Con.                       | 3,000     | 3,360        | 2     | 13,320 @ LOS D       | C+       | C+          |
| WBHD N. of Kane Con.                       | 3,100     | 3,472        | 2     | 13,320 @ LOS D       | C+       | C+          |
| WBHD S. of Kane Con.                       | 3,800     | 4,256        | 2     | 13,320 @ LOS D       | C+       | C+          |
| EBVD N. of Kane Con.                       | 3,550     | 3,976        | 2     | 13,320 @ LOS D       | C+       | C+          |
| EBVD S. of Kane Con.                       | 1,412     | 1,581        | 2     | 13,320 @ LOS D       | C+       | C+          |

**Sources:** FDOT 2019 Actual Traffic Volumes published April 2020; Michael Miller Planning Associates, Inc. Data Calculations 2021.

**Note:** Adopted Level of Service (LOS) by Miami-Dade County for this arterial roadway (SR 922 / Kane Concourse / 96<sup>th</sup> Street) is LOS E, as the mass transit headways are 30-minute intervals.

\*Peak hour calculations are estimated to generally follow historical patterns. For purposes of this analysis, however, an 10% factor is utilized to examine a worst-case scenario.

**Table 4-4**  
**Level of Service Analysis**  
**PM Peak Hour Analysis**

| Location                                        | 2019 Peak Hour |                 | Lanes | Adopted<br>LOS<br>Capacity | 2019 LOS       |                |
|-------------------------------------------------|----------------|-----------------|-------|----------------------------|----------------|----------------|
|                                                 | PM<br>Peak Hr. | Peak<br>Season* |       |                            | PM<br>Peak Hr. | Peak<br>Season |
| 96th Street East<br>of IC Bridge<br>(FDOT #125) | 2,970          | 3,267           | 4     | 3,040 @<br>LOS E           | E              | E              |
| Broad Causeway<br>@ Gas Station<br>(FDOT #8608) | 1,890          | 2,079           | 4     | 3,040 @<br>LOS E           | C+             | C+             |
| Broad Causeway<br>@ North Miami<br>(FDOT #1023) | 2,115          | 2,326           | 4     | 3,040 @<br>LOS E           | C+             | C+             |
| EBHD N. of<br>Kane Con.                         | 532            | 596             | 2     | 1,268 @<br>LOS D           | C+             | C+             |
| EBHD S. of<br>Kane Con.                         | 285            | 319             | 2     | 1,268 @<br>LOS D           | C+             | C+             |
| WBHD N. of<br>Kane Con.                         | 294            | 329             | 2     | 1,268 @<br>LOS D           | C+             | C+             |
| WBHD S. of<br>Kane Con.                         | 361            | 404             | 2     | 1,268 @<br>LOS D           | C+             | C+             |
| EBVD N. of<br>Kane Con.                         | 337            | 377             | 2     | 1,268 @<br>LOS D           | C+             | C+             |
| EBVD S. of<br>Kane Con.                         | 134            | 150             | 2     | 1,268 @<br>LOS D           | C+             | C+             |

**Sources:** FDOT 2019 Actual Traffic Volumes published April 2020; Michael Miller Planning Associates, Inc. Data Calculations 2021.

**Note:** Adopted Level of Service (LOS) by Miami-Dade County for this arterial roadway (SR 922 / Kane Concourse / 96<sup>th</sup> Street) is LOS E, as the mass transit headways are 30-minute intervals.

\*Peak hour calculations are estimated to generally follow historical patterns. For purposes of this analysis, however, an 10% factor is utilized to examine a worst-case scenario.



**HISTORICAL TRAFFIC VOLUMES**  
**Average Annual Daily Traffic (AADT)**

**East Town Limits (Site #132)**

|      |        |
|------|--------|
| 2019 | 33,000 |
| 2018 | 31,500 |
| 2017 | 29,000 |
| 2016 | 29,500 |
| 2015 | 25,500 |
| 2014 | 22,100 |
| 2013 | 26,000 |
| 2012 | 25,500 |
| 2011 | 28,500 |
| 2010 | 25,500 |

**West Town Limits (Site #1023)**

|      |        |
|------|--------|
| 2019 | 21,000 |
| 2018 | 21,000 |
| 2017 | 24,000 |
| 2016 | 24,000 |
| 2015 | 19,300 |
| 2014 | 23,000 |
| 2013 | 24,000 |
| 2012 | 24,000 |
| 2011 | 20,100 |
| 2010 | 18,000 |

**B. Mass Transit Facilities/Routes**

**Bus Service**

Inter-County bus service is provided by Miami-Dade's Transit Division. Route G is an east / west route that currently extends from the Miami-Dade College North Campus near NW 27<sup>th</sup> Avenue and 113<sup>th</sup> Street in unincorporated Miami-Dade County to the adjoining Town of Surfside commercial "downtown" area located between Collins Avenue and Harding Avenue and extending from 96<sup>th</sup> Street to 93<sup>rd</sup> Street. This area within Surfside includes a Publix supermarket, a number of restaurants, numerous small boutique shops and offices. The Bal Harbour Shops Regional Mall is located at 96<sup>th</sup> Street and Collins Avenue. Route G traverses through the Town of Bay Harbor Islands along the 96<sup>th</sup> Street / Kane Concourse / Broad Causeway corridor. The bus headways are 30-minutes part. Route S (Miami-Dade Governmental Center to Aventura Mall) and Route 120 (Same as Route G - Beach Express) that run north / south along Collins Avenue / Harding Avenue provide transfer service to Metro-Mover and Metro-Rail.

Local service for special needs is provided on an as-needed basis to residents who may be transportation disadvantaged or unable to ride on the regular buses.

Inter-City bus service within the communities of Bal Harbour Village, Bay Harbor Islands and the Town of Surfside is provided by a shared shuttle bus system. There are three (3) routes that intersect around the shopping district near 96<sup>th</sup> Street and Collins Avenue / Harding Avenue (Bal Harbor Shops / Publix / restaurant / retail shops areas). One route extends across Biscayne Bay into the City of North Miami to the Biscayne Boulevard / US 1 commercial areas.

Conversations with the Miami-Dade yielded a conclusion that no capacity problems existed, in fact, methods to increase ridership are being sought.

Bay Harbor Islands has installed and maintains bus bench / shelters at all of the bus stops that fall within its jurisdiction in an effort to increase ridership.



## **Transportation Analysis**

### **Analysis of Existing Transportation System**

#### **Arterial Roads.**

Only one (1) minor arterial roadway traverses Bay Harbor Islands. The roadway is part of the State's roadway system (Florida Department of Transportation / FDOT).

1. 96<sup>th</sup> Street / Kane Concourse / Broad Causeway (SR 922)

a) Facility Description

The roadway extends from the beach at the Atlantic Ocean through the Town of Bay Harbor Islands westerly across Biscayne Bay onto the mainland in the City of North Miami becoming 123<sup>rd</sup> Street and extends to the western suburbs of the county's urbanized area as 125<sup>th</sup> Street. The centerline of the roadway serves as the boundary between Bal Harbour Village and the neighboring Town of Surfside. However, from the Indian Creek waterway, which separates Bay Harbor Islands from the above beachfront communities, to the western coastline of Biscayne Bay in the City of North Miami, the roadway is entirely within the Town's limits. Having four (4) lanes of through traffic, the road has a raised divided landscape median on the main East and West Islands. An elevated drawbridge extends from the western edge of the West Island across the Intracoastal Waterway portion of Biscayne Bay to the so-called Causeway Island. The roadway pavement bifurcates (east/west lanes) at the eastern end of the Causeway Island near the edges of the island and converges back together at the western end of the island and then extends across the so-called West Relief Bridge to the North Miami mainland at 123<sup>rd</sup> Street. There is a gas station at the eastern end of the Causeway Island and a Town operated toll plaza (un-manned) near the western end of the island. Along the edges of the roadway on the East Island's "downtown" are Town-owned / metered parallel parking spaces and a wide landscaped pedestrian plaza. Continuous concrete sidewalks exist along the roadway's entire length within the Town, except on the Causeway Island, connecting to sidewalks in adjoining communities. Curbs and gutters flank the roadway on both sides. Traffic signalization is provided by the Miami-Dade County Public Works Department.

The roadway is generally well-maintained / well-marked with adequate signage and pavement striping. The TPO 5-Year plan includes a maintenance repaving project in 2019. Signed speed limit is 30 mph. There are four (4) signalized intersections including E. Broadview Drive, W. Bay Harbor Drive, Bay Harbor Terrace and E. Bay Harbor Drive. The Intracoastal Waterway drawbridge is also signalized.

The roadway is classified as a State Minor Arterial Road from Collins Avenue terminating west of Interstate 95 at U.S. 441 (N.W. 7th Avenue). At that point it continues as a local collector road.

Bay Harbor Islands via an agreement with FDOT maintains the roadway, medians, sidewalks, landscaping, the drainage system, and provides for the street and pedestrian lighting as well.

b) Present Level of Service

The Miami-Dade County TPO has determined that most roadway segments currently operate at LOS "C" during most of the year and during peak season. The only exception is east of the Indian Creek waterway in Bal Harbour Village where the LOS drops to "D" for most of the year and LOS "E" during the tourist season. Miami-Dade has established LOS E for this roadway, as there are existing mass transit routes with 30-minute headways. The Village is within the county's Urban Infill Area (UIA) / Transportation Concurrency Exception Area (TCEA). It is believed that a majority of the roadway's traffic is "cut-through" traffic between the mainland and beachfront communities.

c) Future Level of Service

The Miami-Dade TPO estimates that the roadway's traffic volumes / LOS will remain almost the same in the future, with a 10-12% possible increase in traffic by 2030, as the collective communities are generally built-out, except for limited redevelopment activities. The proposed Bal Harbour Shops expansion will add stores, but the traffic volumes are not expected to significantly increase, and a number of roadway improvements are required. With the advent of autonomous vehicles and increasing ride-sharing services expected to affect traffic volumes, frequent monitoring of future traffic volumes will occur. The future LOS is based on future land uses in and around the Town.

d) Proposed Improvements

There is only one roadway improvement proposed by FDOT / Miami-Dade TPO for the roadway, and none are planned that would change its capacity. A roadway repaving project for the entire length of the roadway within the Town is scheduled for FY 2019-20.

Miami-Dade County, whose responsibility is to maintain / operate traffic signals, should periodically investigate the need for signalization timing modifications at key intersections, due to the RKB School impacts and new land redevelopment projects.

## Local Collector Roadways

Portions of the internal Town roads, while part of the local roadway system, serve as local “collector” roads. These are known as East / West Bay Harbor Drive on the East Island, and East / West Broadview Drive on the West Island, which form looped roadways around the perimeter of the East / West Islands. These roadway segments serve to collect / distribute traffic from the Town’s only arterial roadway (96<sup>th</sup> Street / Kane Concourse) to the local neighborhood streets. These roadways have relatively free flow traffic characteristics within the Town. These roadways are 60-feet in width (local roads are 50-feet in width). On the East Island the roadway has many older multi-family developments flanking the road, most with direct back-out parking, which causes occasional vehicle maneuvering conflicts and it is unsightly. Many of the original multi-family developments (1950s-1960s) on the East Island had little or no on-site parking. As vehicles became more prevalent and parking needs increased, the Town allowed for the construction of backout parking adjoining individual development sites. In addition, the Town acquired several sites and constructed municipal surface parking lots scattered around the East Island. In 2008-09 a municipal parking garage with 438+/- parking spaces was built on 95<sup>th</sup> Street between West Bay Harbor Drive and Bay Harbor Terrace across from the Ruth K. Broad K-8 School. All new multi-family redevelopment must remove the back-out parking and construct parking on-site. On the West Island all land uses are single-family homes, except for a few passive parks. Traffic volumes are very low on the West Island and all homes must provide on-site parking for at least two vehicles. In addition, most roadway swales are paved for overflow parking, and landscape / tree islands exist. These roadways share signalized intersections with 96<sup>th</sup> Street / Kane Concourse. Turn lanes and queueing lanes are provided at those intersections.

The local collector roads are maintained by Town’s Public Works Department.

### 1. Road Descriptions

The roadways are well paved and provided with valley gutters and positive drainage. All roadways are two-lane undivided roads, with directional turn lanes at intersections with 96<sup>th</sup> Street / Kane Concourse. Recently the Town striped / colorized a dual 5-foot wide bikeway / walkway at the outer edge of the travel lanes. While not entirely desirable, given the existing situation of numerous backout parking spaces built partially in the roadway swales and partially on lots on the East Island, this location was the best option. There are several stop-sign controlled intersections on each roadway, which helps to slow motorists, as well as signalized intersections at 96<sup>th</sup> Street / Kane Concourse.

### 2. Present Level of Service

The Town occasionally takes traffic counts at key locations. As part of some new redevelopment project reviews traffic studies were required for large-scale projects. As may be observed in Table 4-3 and Table 4-4, traffic volumes have historically been and are anticipated to remain similar, even

with new redevelopment (older sites demolished / replaced by modern complexes). While LOS "D" is the adopted criteria, even at LOS "C" the traffic volumes are acceptable for all of the collector roadways.

### 3. Future Level of Service

The Town has been essentially built-out for many years, with occasional redevelopment projects occurring in the last 10-15 years. While the new multifamily projects have typically higher densities, the Town's Charter building height limit, density restrictions, and Comprehensive Plan dwelling unit cap control development intensities. Future traffic volumes are based on projected populations and future land uses. The resulting LOS will continue to remain above "C", even though LOS "D" is adopted.

### 4. Proposed Improvements

The roads are generally in good condition and improvements, except for normal maintenance, are not necessary. It is believed that the major cause of pavement failures has been poor subsurface conditions, not directly associated with the roads' construction, but with the underlying soils beneath the road foundations. The same cause has affected the drainage patterns. It is possible that subsidence of underlying muck or poor deposits (some natural, others manmade) will continue, and that additional resurfacing of roads may again be required in the future.

The Town will continue to monitor for dips in roads, pavement cracks or openings where none existed before, and other similar defects.

### **Local Streets**

All local streets are two-lane, undivided, with curb and gutter. The entire West Island (only single-family homes) and East Island, other than the roadway discussed above, are served by the local street system. No improvements are known to be necessary, other than normal maintenance. The staff of the Public Works Department, who maintains the street network should, as with the case of the collector roads, monitor for pavement failures.

### **Analysis of Average Daily and Peak Hour Trips**

From the data provided previously, all roadways are operating at or above adopted Level of Service (LOS) standards. As the community is nearly completely developed, the Town's impact on the roadway system should remain fairly constant. Development occurring external to the Town will be the main cause of traffic count increases / decreases. State law grants exclusive authority to Miami-Dade County and FDOT to set LOS for their roadways.

Bay Harbor Islands is located within the Beach / Central Business District (CBD) Transportation Planning Area defined by the Miami-Dade Transportation Planning Organization (TPO). The Beach / CBD Transportation Planning Area has unique characteristics due to the presence of various coastal islands and causeways. The Town falls under Miami-Dade County's designated Transportation Concurrency Exception Area (TCEA). A TCEA is a compact geographic area designated to support the urban infill and redevelopment to circumvent the adverse impacts of concurrency requirements. Bay Harbor Islands recognizes it is a small component of a larger coastal planning area with dense urban development and elects to be designated a part of the TCEA. While the Town is essentially built-out, communities around it are still growing and adding impacts to the roadway system and other infrastructure. If the Town could establish a higher LOS, this would harm local landowners, while landowners in surrounding communities could keep building.

### **Analysis of Modal Split and Vehicle Occupancy Rates**

Data sources with reliable estimates are difficult to obtain. Further, because of the unique demographics of the Town (higher income) countywide data would not present an accurate portrait of modal splits or vehicle occupancy rates. According to the US Census / America Factfinder data, it is estimated 78.3% of the resident population utilizes automobiles (62.5% drive alone / 15.8% carpools). The balance utilizes public transportation (2.7%) or private for-hire services. About 6.1% walk to work and 8.7% work at home. Hotel guests and patrons of the Town's commercial enterprises vary as to access. An estimate would be that 80% utilize automobiles with the balance using public transit or private for-hire services.

Occupancy rates for vehicles are estimated to be about 1.34 persons per vehicle according to the 2000 Southeast Florida Regional Travel Characteristics Study.

### **Analysis of Existing Public Transit Facilities**

The Town is well served by inter-county bus service as one (1) route traverse the community along 96<sup>th</sup> Street / Kane Concourse. Access to other Miami-Dade bus routes along Collins Avenue are within a short walking distance. As mentioned previously, a community shuttle bus system has been established for the Bal Harbour Village / Bay Harbor Islands / Town of Surfside area. A description of the routes is provided earlier in this element with a map denoting the routes. Miami-Dade Transit maintains records on ridership by route, peak hour capacities, and headway's. Observation of buses reveals that no visual capacity problems exist as buses appear approximately 50% occupied at most.

### **Population Characteristics Including Transportation Disadvantaged**

The population of Bay Harbor Islands can best be described as about the same average age as 20 years ago (2000) and with substantially higher median and household incomes than the Miami-Dade County average. The average age of a Town resident in 2020 is 41.1 years old (was 41.7 in 2000). A more detailed breakdown is as follows:

**Table 4-5**

| <b>Age Group</b> | <b>No.</b> | <b>Percent</b> |
|------------------|------------|----------------|
| Under 18         | 1,616      | 27.9%          |
| 18-64            | 3,250      | 56.1%          |
| 65 and Older     | 927        | 16.0%          |
| Total            | 5,793      | 100%           |

Source: 2020 US Census / American Factfinder

Median income in the Town was \$78,169 according to the 2020 US Census estimate, while the average in Miami-Dade County was \$59,100. Using the same source, annual household income is estimated at \$121,598 per year in the Town, while the average in Miami-Dade County was \$51,347. This is about 58% higher than the Miami-Dade County average.

The occupancy of residences is now estimated at 2.42 people per dwelling unit (2020). Out of a total of 2,418 estimated households, about 972 or 37.4% are one-person households. 25.7% of the one-person households were occupied solely by a female. According to a recent US Census estimate 1,054 households (17.9%) had households with a least one person over 65 years of age.

An exact number of persons needing transportation assistance is difficult to determine. The vast majority of residents are mobile and can either walk or drive for services. Miami-Dade Transit provides special public services and there are, in addition, private providers. It is estimated that approximately 50 persons require some assistance. A list is kept for hurricane evacuation purposes which supports the findings.

## **Characteristics of Major Trip Generation and Attractors**

As described in previous sections, the Town has numerous small land developments (single-family homes on West Island / multi-family complexes on East Island) with a linear commercial “downtown” corridor along Kane Concourse on the East Island. The Ruth K. Broad K-8 School located south of Kane Concourse and east of West Bay Harbor Drive also contributes to traffic congestion during school hours. No area individually can be defined as a major transit generator or attractor. Regardless, a Miami-Dade Transit route exists along Kane Concourse / 96<sup>th</sup> Street and a tri-city shuttle bus system exists to serve the Town and neighboring communities affording easy access to mass transit. Figure 4-7 depicts these areas.

In close proximity to the Town, in Bal Harbour Village and the Town of Surfside, are several land areas / uses that could be considered major trip generators and attractors. These include:

The Bal Harbour Shops Regional Mall (16.5 acres in size / approximately 464,000 square feet of leasable space and parking for approximately 1,680 vehicles. A proposed expansion approved in 2017 will result in approximately 806,000 square feet of leasable space and about 2,580 parking spaces.

Oceanfront Hotel Development – As of 2017 there are 3 hotels in Bal Harbour Village and at least 6 more in the Town of Surfside.

Oceanfront Residential Development – Along the oceanfront in both Bal Harbour Village and the Town of Surfside are numerous high-rise multifamily developments with thousands of dwelling units.

The Surfside Harding Avenue Linear Commercial “Downtown” area extends from 96<sup>th</sup> Street to 93<sup>rd</sup> Street and includes a wide range of retail uses, office uses, service businesses, bars and restaurants and other uses. A Publix grocery store located at 93<sup>rd</sup> Street anchors the area.

## **Analysis of the Availability of Transportation Facilities and Service to Serve Existing Land Uses.**

The Town is about 94.6% built-out as of 2020 (many vested sites). All roadways are built to their ultimate sections with 96<sup>th</sup> Street / Kane Concourse at 4 lanes divided (4LD) with a raised landscaped median and center turn lanes. All local and collector roadways are 2 lanes. All roadways are presently operating at acceptable levels of service. Adequate public transportation is available for Town residents should they choose to use those services. At complete community buildout, all facilities and services will remain at acceptable LOS, unless significant changes occur to the allowable density / building height limits. It has been recommended by several traffic engineers that the traffic signal timings along Kane Concourse should be adjusted.



## **Analysis of the Adequacy of the Existing and Proposed Transportation System to Evacuate the Coastal Population Prior to an Impending Natural Disaster.**

The Coastal Management Element describes in detail hurricane evacuation procedures. In general, within 12 hours of an anticipated storms landfall or coastal impact, evacuation notice will be given to residents. The primary evacuation route is west on the Broad Causeway (96<sup>th</sup> Street / NW 125<sup>th</sup> Street) to the mainland. Analysis estimates that this roadway can accommodate approximately 3,420 vehicles per hour. Public safety officers are recommended to assist in traffic control at key intersections. Town residents and other barrier island community residents should have ample time to evacuate even with the limited capacity of the Broad Causeway. Alternate routes are also available north or south on Collins Avenue to other roadways crossing to the mainland.

## **Analysis of Growth Trends, Travel Patterns, Interactions Between Land Use and Transportation Facilities and Compatibility Between Future Land Uses and Transportation Elements.**

The Town is nearly 94.6% developed as of 2020. Travel patterns, interactions between land uses and transportation facilities and compatibility issues are well established. No changes are identified for the future buildout of the Town.

## **Analysis of Existing and Projected Intermodal Deficiencies and Needs**

There are no identifiable deficiencies noted within the Town. Town residents are anticipated to continue the use of automobiles for their primary travel purposes. In addition, several Miami-Dade Transit bus routes provide service within and in close proximity to the Town. There is an established tri-city community shuttle bus system as well that is frequently used, and expansions are being studied. Many residents walk or bicycle for recreation and for obtaining goods/services.

## **Analysis of the Projected Transportation Level of Service and System Needs**

The Town is approximately 94.6% built-out as of 2020. All levels of service (LOS) for roadways in the Town are operating at or above LOS C, with only the segment of 96<sup>th</sup> Street east of the Town between Bal Harbour Village and Town of Surfside operating at LOS E. With the buildout of the remaining parcels (5-year est.), the following is an estimate of additional vehicular traffic that might be added.

|                                                         |                        |
|---------------------------------------------------------|------------------------|
| 500 multifamily residences @ 6 TPD                      | = 3,000 TPD / 285 PMPH |
| 8 single family residences @ 10 TPD                     | = 76 TPD / 7 PMPH      |
| Kane Concourse Commercial<br>(1177 MXD / CBTS / Tauber) | = 2,810 TPD / 336 PMPH |
|                                                         | 5,886 TPD / 628 PMPH   |

**Note:** 5-year estimate assumes all SFR lots to be built / 100 MFR DU per year to be built / listed commercial / mixed-use sites to be built. Although doubtful if all MFR sites are redeveloped at maximum density with TDR a total of 1,500+/- new DU could be built.

Sufficient capacity exists on all roadways to accommodate the additional vehicular traffic and maintain adopted LOS standards. The Town's traffic generation is estimated to comprise approximately 30% of total traffic generation on 96<sup>th</sup> Street. Traffic generation in adjacent communities and/or through traffic comprise most of the roadway traffic. Traffic projections for 96<sup>th</sup> Street forecasted by FDOT and Miami-Dade County estimate that it will operate at acceptable LOS within the Town, with possibly LOS D during future peak hours. It should be mentioned that LOS analysis is predicted on either FDOT roadway capacity data presented in their Quality / Level of Service Handbook which is updated from time to time (2020 latest), the TPO or Miami-Dade County (used for this analysis). It is observed that over time the theoretical roadway capacities have risen in the tables and the acceptable LOS has been lowered. While FDOT "strives" for a statewide LOS of "D" this does not apply in "dense urban land areas" (DULAs) such as Miami-Dade County.

As mentioned previously, no rail, airport or seaport facilities are located within or in near proximity to the Town; therefore, integration and coordination analysis is not applicable. No new facilities and/or expansions of alternate transportation modes are needed or desired by the Town to provide a safe and efficient transportation network or enhance mobility. The Town is within the Miami-Dade County Transportation Concurrency Exception Area (TCEA) but the effect is not applicable since roadways are operating or are projected to operate above acceptable LOS standards. The Town realizes that 96<sup>th</sup> Street / Kane Concourse (SR 922) is a state arterial roadway, and the Town is prohibited from adopting a stricter LOS than the state / county. While the Town remains concerned with roadway congestion in general the primary cause is not from Town developments.

#### **Analysis of Projects Planned by the Florida Department of Transportation's Adopted Work Program. Metropolitan Planning Organization and Local Transportation Authority**

The 2017-2035 Miami-Dade County Southeast Regional Long-Range Transportation Plan (LRTP) Cost Feasible Improvement Plan list only any roadway improvements in the Town or nearby communities. In 2019 the LRTP shows the entire length of 96<sup>th</sup> Street / Kane Concourse / Broad Causeway in the Town planned to be repaved at a cost of about \$1.2 million. There are no known compatibility issues with policies or guidelines of such plans.

#### **Analysis of Maintenance of Adopted Level of Service (LOS) Standards**

FDOT and/or Miami-Dade County has established LOS E for 96<sup>th</sup> Street in the Town. Bay Harbor Islands is required to adopt the FDOT / County LOS for their roadways. All roadways within the Town are operating at acceptable LOS according to FDOT / County. Lower LOS is anticipated in the future only at peak hour periods. Therefore, the maintenance of LOS standards is anticipated to be achieved. Even with anticipated re-development of parcels of land within the Town, LOS standards are forecasted to be maintained at adopted LOS. The adopted LOS is compatible with all other Comprehensive Plan elements, future projections and their Goals, Objectives and Policies.

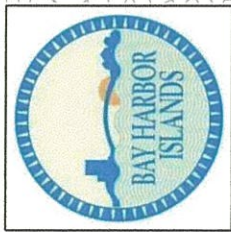
### **Analysis of Internal Consistency Between Elements**

Bay Harbor Islands is a fully master-planned community designed to function internally at high levels of service for its residents. All roadways and other infrastructure have been sized to accommodate all Town growth. Periodic upgrades are needed from time to time. Coordination with Miami-Dade County and the Florida Department of Transportation (FDOT) insure that all services and facilities are provided for Town residents as well as in a regional participant context. Transportation facilities are currently sized and constructed to serve the Town at buildout. No inconsistencies are known to exist between elements of the plan.

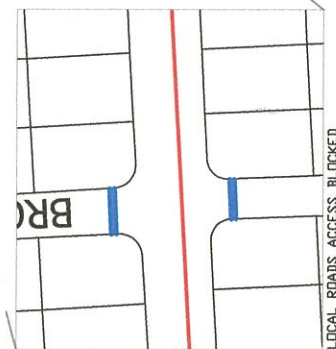
### **Analysis of Transportation Management Programs Necessary to Promote and Support Public Transportation Systems**

The Town promotes and supports the use of Public Mass Transportation Programs. As an example, the Town has funded the construction of bus shelters at most bus stops in attempts to increase ridership. Bus route notices are posted and available at Town Hall and on the County's / Town's website. A community shuttle bus system has been established for the tri-city area (Bal Harbour Village / Bay Harbor Islands / Surfside). All land uses have access to pedestrian walkways linking to public transportation access points. The Town attempts to participate with Miami-Dade County and FDOT on programs to the best of their ability given the size and built-out condition of the community.

Insert Figure 4-10: Future Roadways System



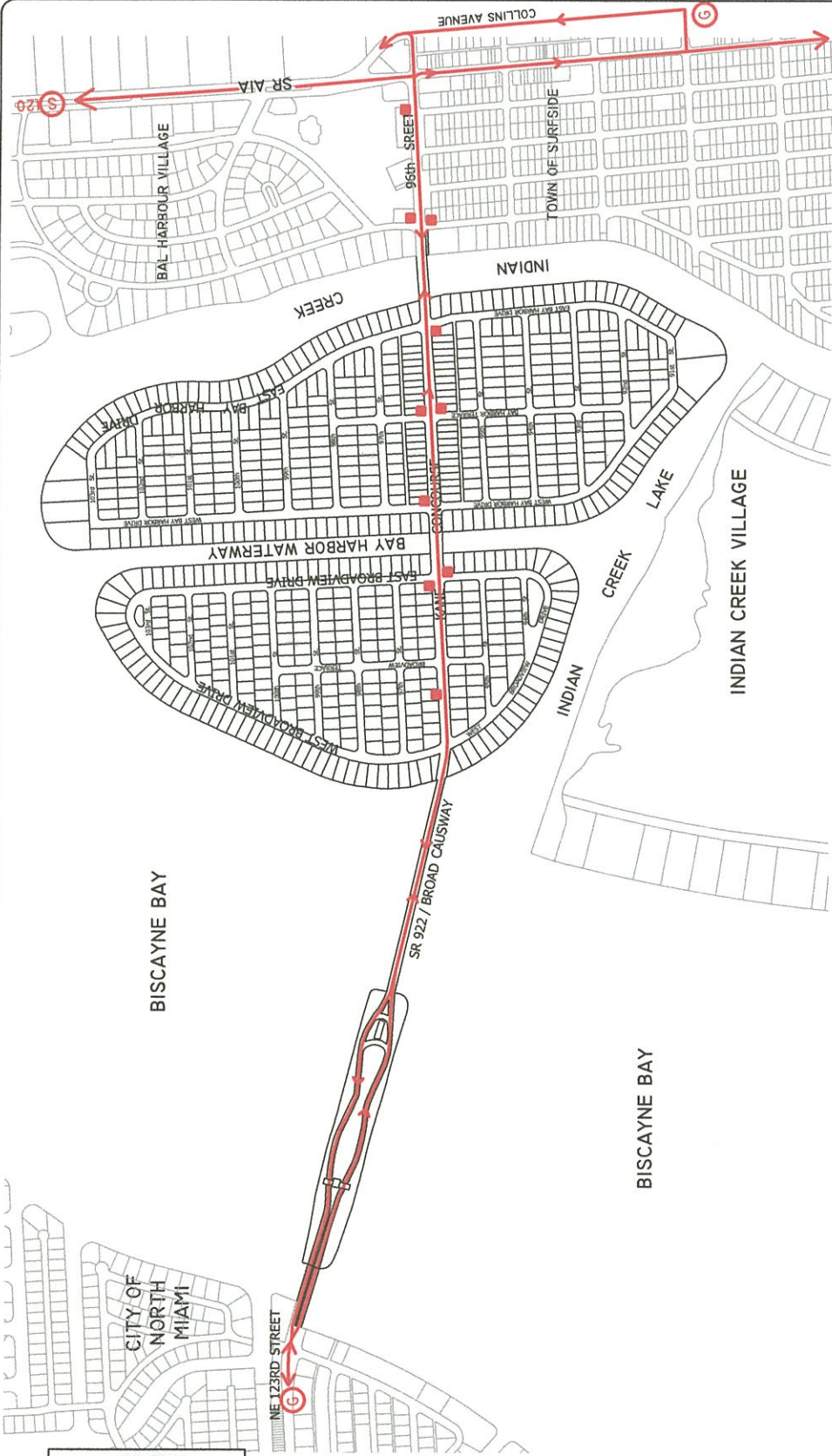
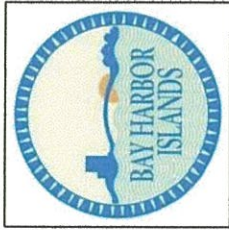
- ROADWAY ACCESS CLOSURE
- ONE-WAY TRAFFIC FLOW
- TRAFFIC SIGNAL
- SIGNIFICANT PARKING FACILITIES
- TOWN PARKING GARAGE
- BAL HARBOR SHOPS
- MINOR ARTERIAL -
- FOUR (4) LANES DIVIDED/UNDIVIDED
- CITY COLLECTION - TWO (2) LANES
- UNDIVIDED
- LOCAL TWO(2) LANES UNDIVIDED



|                                                                                                                                                    |          |        |          |
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| PROJECT                                                                                                                                            |          | 00     |          |
| SCALE                                                                                                                                              |          |        |          |
| FIGURE T - 10<br>FUTURE ROADWAY SYSTEM                                                                                                             |          |        |          |
| PREPARED FOR<br>TOWN OF BAY HARBOR ISLANDS                                                                                                         |          |        |          |
| MICHAEL MILLER PLANNING ASSOCIATES, INC.<br>7522 White Rd., Suite B-203<br>Coral Springs, Florida 33067<br>Tel: (954) 751-9800 Fax: (954) 751-7082 |          |        |          |
| DESIGNED:                                                                                                                                          | MM       | DRWN:  | MM       |
| CHECKED:                                                                                                                                           | MM       | CRKED: | MM       |
| DATE                                                                                                                                               | REVISION | DATE   | REVISION |

Insert Figure 4-11: Future Public Transit System





 BUS ROUTES  
 BUS STOPS

| NO. | DATE | REVISION | BY |
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|     |      |          |    |
|     |      |          |    |
|     |      |          |    |

Designed: MM  
 Drawn: SM  
 Checker: MM

MICHAEL MILLER PLANNING ASSOCIATES, INC.  
 7522 Wiles Rd., Suite B-203  
 Coral Springs, Florida 33067  
 Tel: (954) 751-9600 Fax: (954) 751-7068

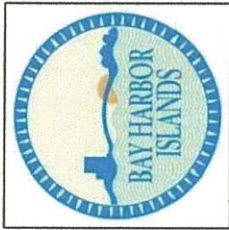
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 TOWN OF BAY HARBOR ISLANDS

FIGURE T - 11A  
 FUTURE PUBLIC SYSTEM MIAMI-DADE

SCALE  
 PROJECT  
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SHEET NO.  
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Designed: MM  
 Drawn: SDM  
 Checked: MM

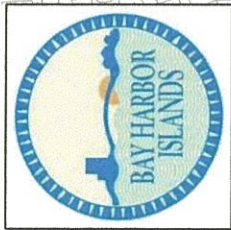
MICHAEL MILLER PLANNING ASSOCIATES, INC.  
 7522 Mills Rd., Suite B-203  
 Coral Springs, Florida 33067  
 Tel: (954) 757-6600 Fax: (954) 757-7008

PREPARED FOR  
 TOWN OF BAY HARBOR ISLANDS

FIGURE T - 11B  
 FUTURE PUBLIC TRANSPORTATION SYSTEM  
 TOWN COMMUNITY SHUTTLE

SHEET NO.  
 1  
 PROJECT  
 00  
 SCALE  
 1" = 1/4"

Insert Figure 4-12: Significant Bicycle and Pedestrian Ways



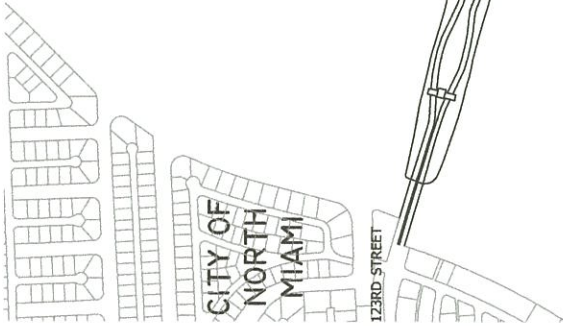
█ SIDEWALKS ADJOINING ROADS  
█ PAINTED ROAD AS AN AREA FOR PEDESTRIANS/ PART OF PAVEMENT



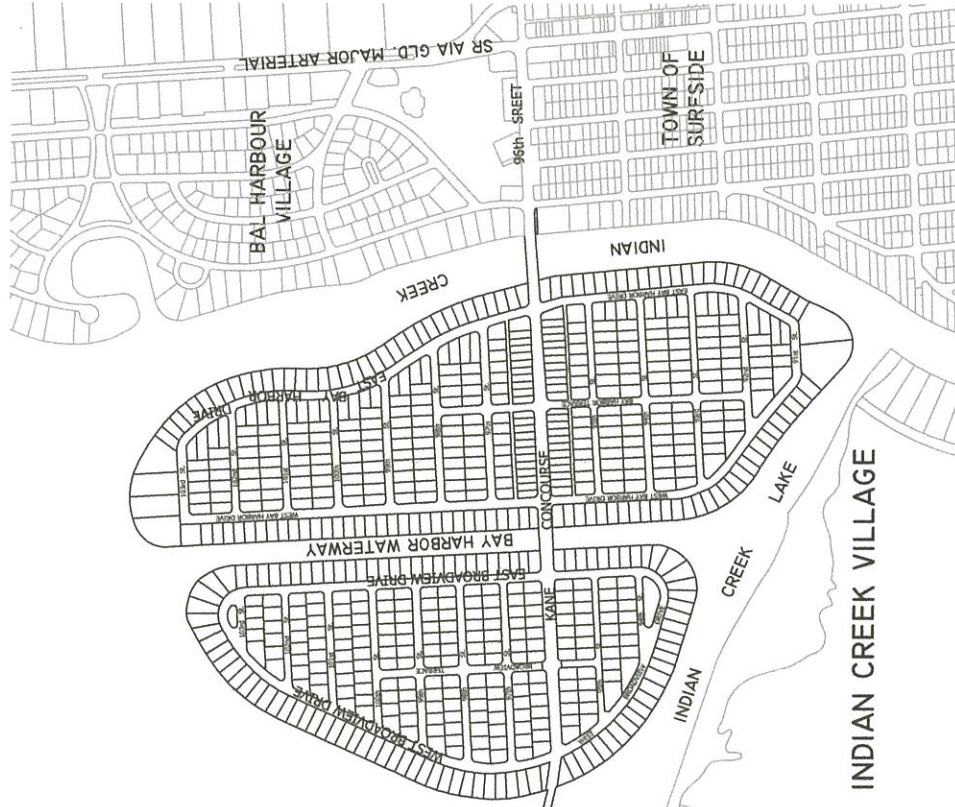
|                                                                                                                                                    |                  |
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| PROJECT<br>00                                                                                                                                      | SCALE<br>        |
| PREPARED FOR<br><b>TOWN OF BAY HARBOR ISLANDS</b>                                                                                                  |                  |
| FIGURE T -12<br><b>FUTURE BICYCLE AND PEDESTRIAN WAYS</b>                                                                                          |                  |
| MICHAEL MILLER PLANNING ASSOCIATES, INC.<br>7522 White Rd., Suite B-203<br>Coral Springs, Florida 33067<br>Tel: (954) 751-8628 Fax: (954) 751-7069 |                  |
| DESIGNED: <u>MM</u><br>DRAWN: <u>SM</u><br>CHECKED: <u>MM</u>                                                                                      | DATE<br>REVISION |

Insert Figure 4-13: Future Ports, Airport Facilities, Railways, and Intermodal Facilities





BISCAYNE BAY



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 Drawn: SM  
 Checked: MM

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 7522 Miles Rd. Suite 9-303  
 Fort Lauderdale, FL 33309  
 Tel. (954) 757-6009 Fax (954) 757-7009

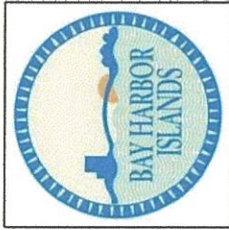
PREPARED FOR  
 TOWN OF BAY HARBOR ISLANDS

FIGURE T - 13  
 FUTURE PORTS, AIRPORT FACILITIES,  
 RAILWAYS AND INTERMODAL FACILITIES

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| NO. | DATE | REVISION |
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Insert Figure 4-14: Future Functional Classification of Roadways



BISCAYNE BAY



- Major Arterial - FDOT
- Minor Arterial - FDOT
- Town Collection - Town (60-foot Right of Way)
- Local Roadway - Town (50-foot Right of Way)

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 7522 West Rd. Suite 9-203  
 Fort Lauderdale, FL 33309  
 Tel. (954) 757-6008 Fax (954) 757-7009

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**TOWN OF BAY HARBOR ISLANDS**

**FIGURE T -14  
 FUTURE FUNCTIONAL CLASSIFICATION OF  
 ROADWAYS**

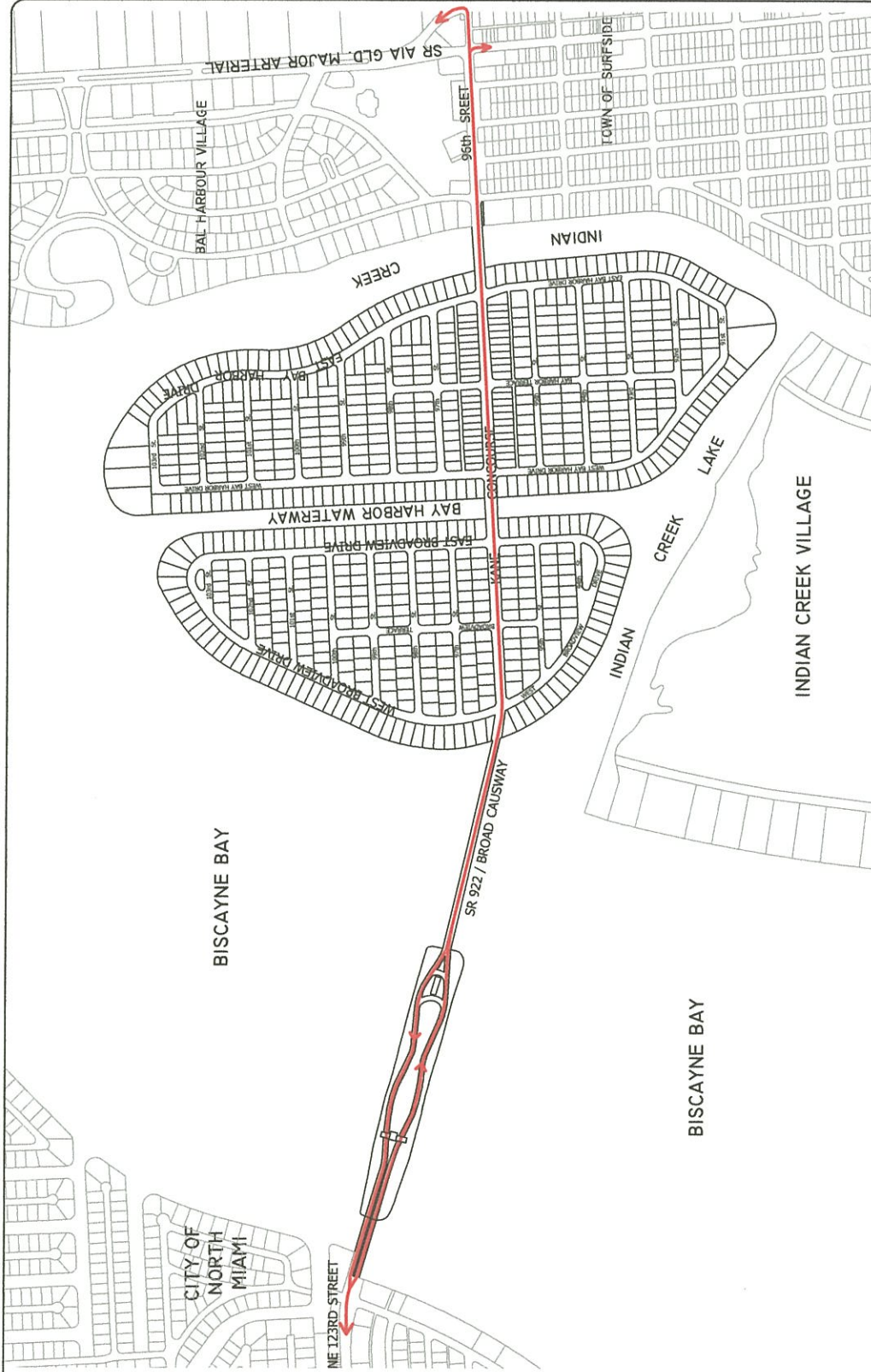
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 PROJECT **00**  
 SCALE



Insert Figure 4-15: Future Number of Through Lanes



- Four Lanes (2 each way)
- Two Lanes (1 each way)



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 Drawn: MM  
 Checked: MM

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**TOWN OF BAY HARBOR ISLANDS**  
 MICHAEL MILLER PLANNING ASSOCIATES, INC.  
 7502 Wilco Rd. Suite B-203  
 Coral Springs, Florida 33067  
 Tel: (954) 751-2662 Fax: (954) 751-7068

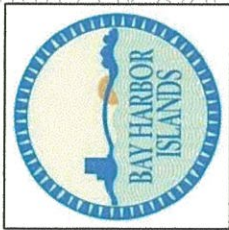
FIGURE T -15  
 FUTURE NUMBER OF THROUGH LANES

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Insert Figure 4-16: Future Major Public Transit Trip Generations and Attractions

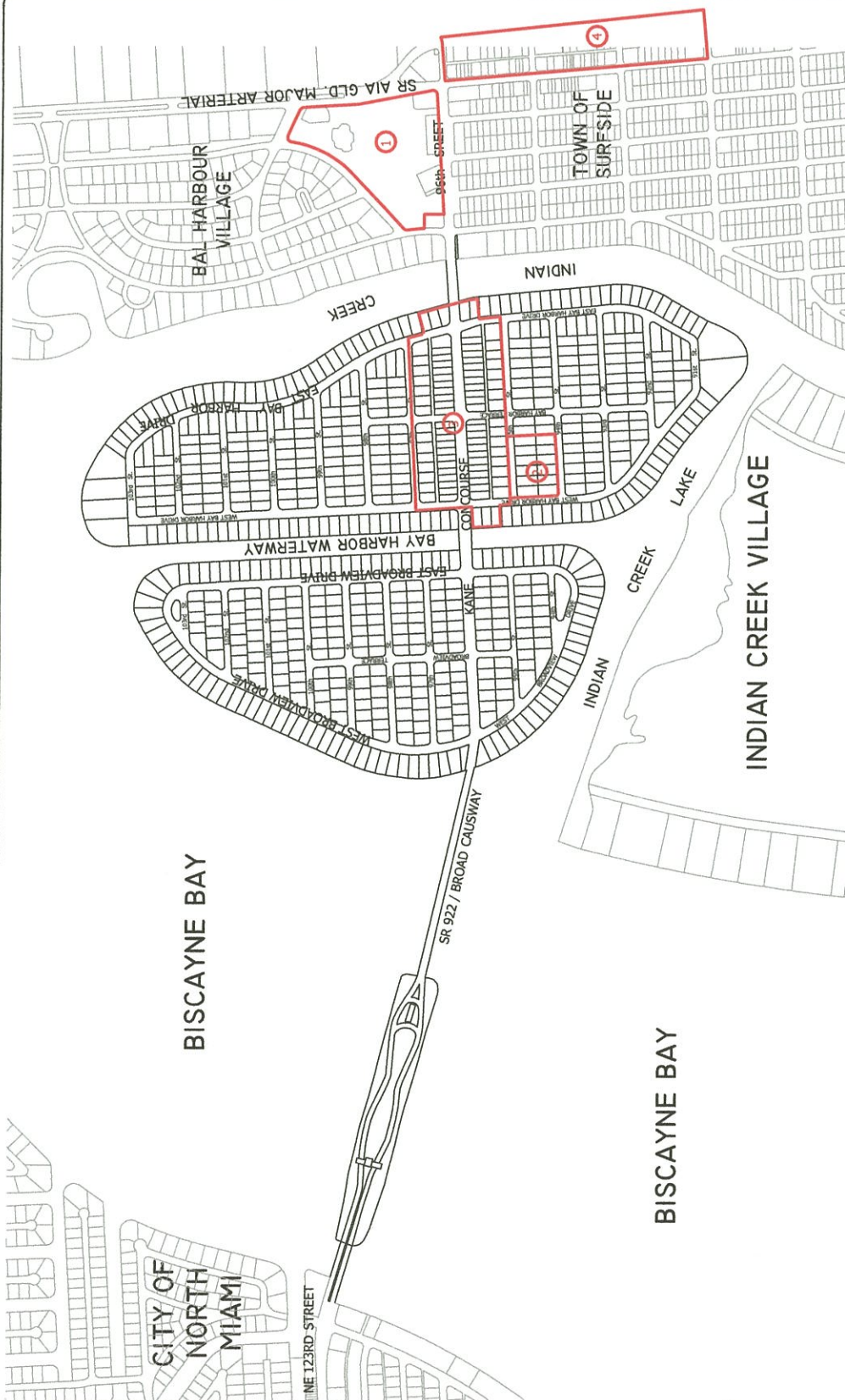


CITY OF  
NORTH  
MIAMI

BISCAYNE BAY

BISCAYNE BAY

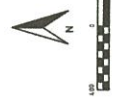
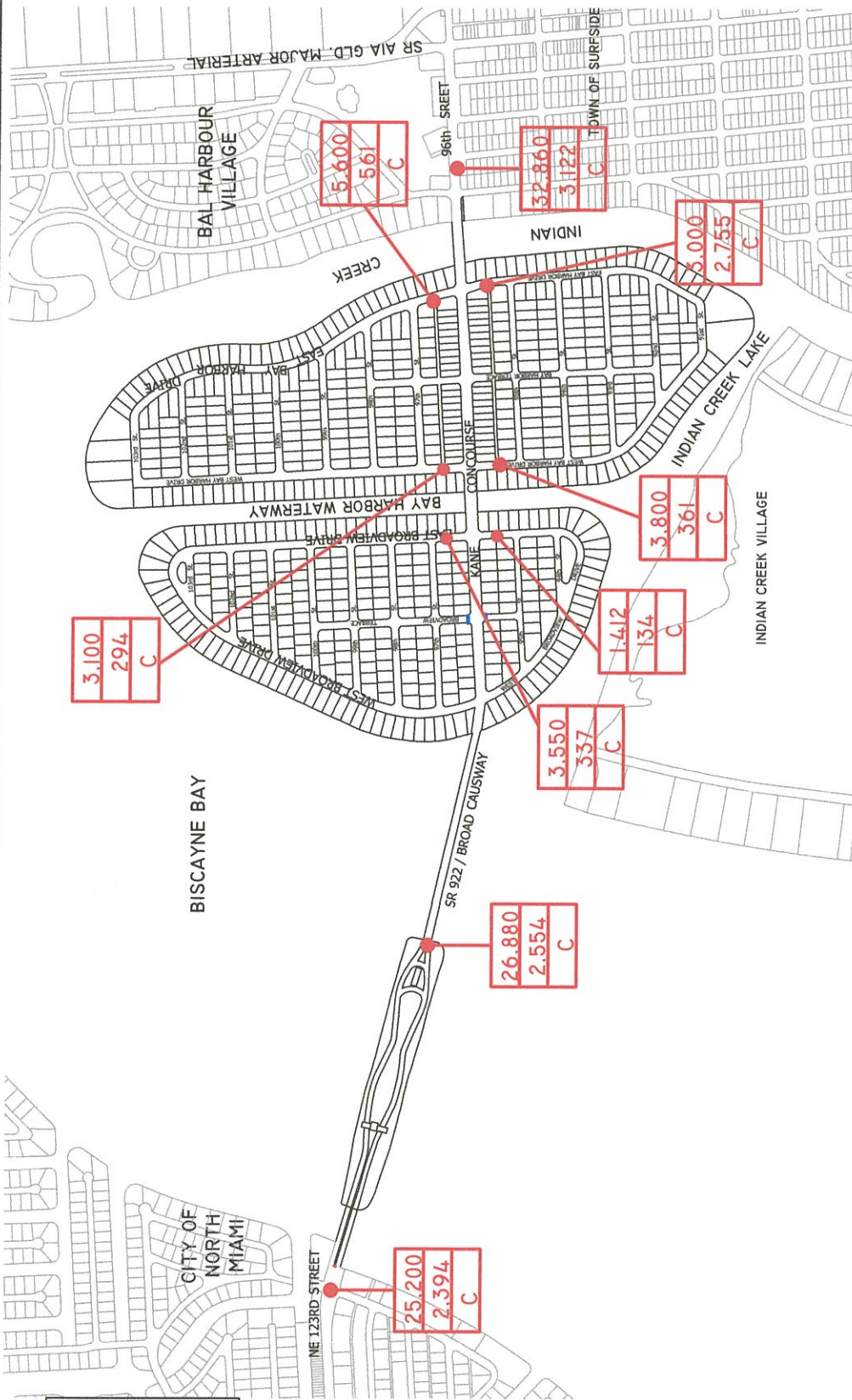
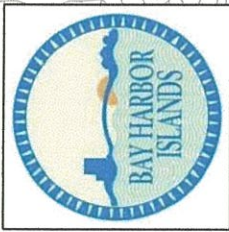
- 1 BAL HARBOR SHOPS
- 2 RUTH K BROAD K-8
- 3 TOWN CENTER COMMERCIAL
- 4 SURFSIDE COMMERCIAL



|                                                                                                                                                   |           |             |    |
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| FIGURE T -16<br>FUTURE MAJOR TRIP<br>GENERATIONS AND ATTRACTIONS                                                                                  |           |             |    |
| PREPARED FOR<br>TOWN OF BAY HARBOR ISLANDS                                                                                                        |           |             |    |
| MICHAEL MILLER PLANNING ASSOCIATES, INC.<br>7522 Miles Rd. Suite B-203<br>Coral Springs, Florida 33067<br>Tel: (954) 731-7600 Fax: (954) 731-7608 |           |             |    |
| Designed: MM                                                                                                                                      | Drawn: SM | Checked: MM |    |
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Insert Figure 4-17: Projected Peak Hour & Peak Directional and Level of Service

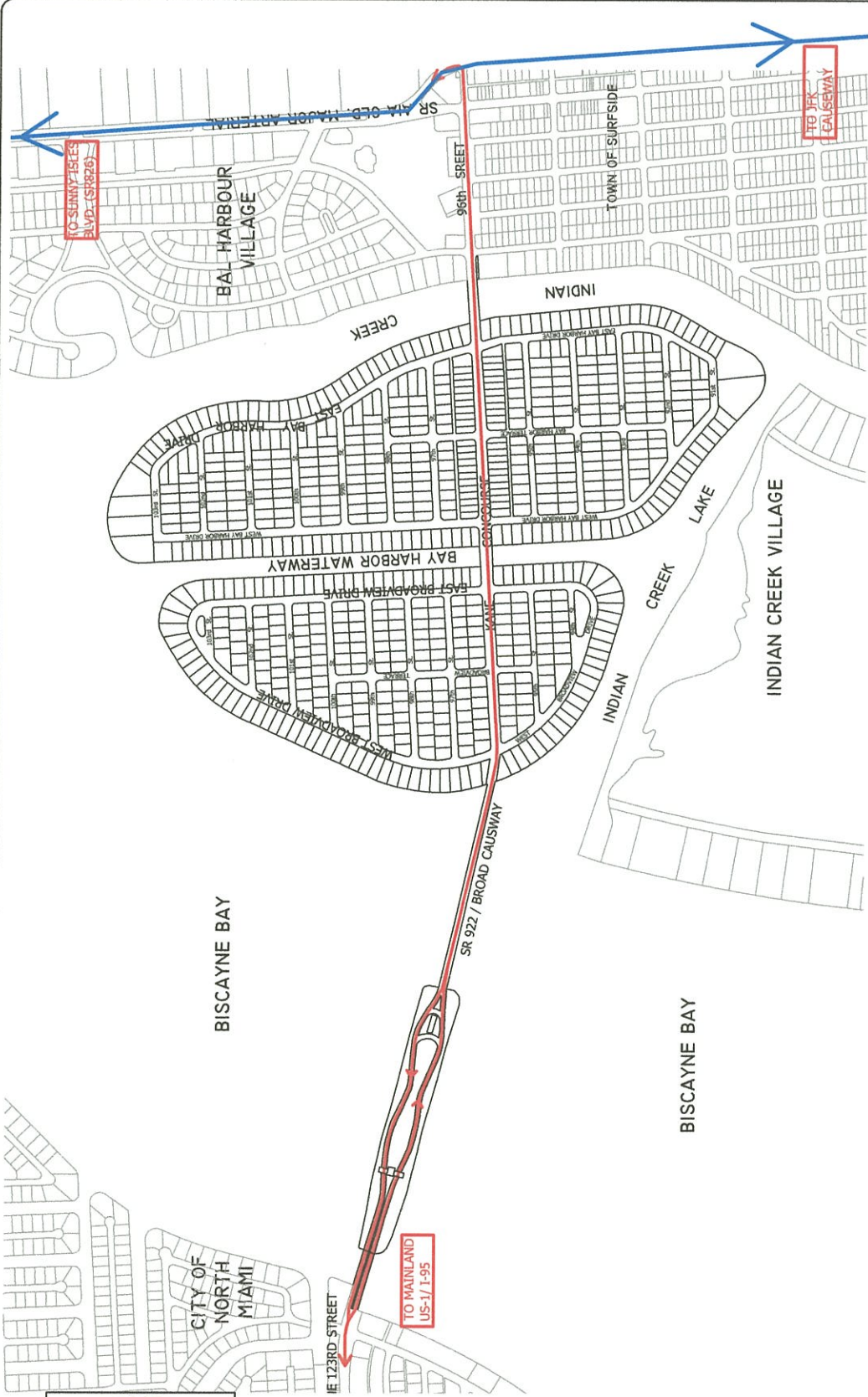
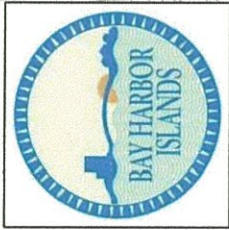




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| PROJECT: <u>00</u><br>SCALE: <u>1" = 100'</u><br>SHEET NO.: <u>1</u> OF <u>1</u>                                                                 |  |                        |  |
| PREPARED FOR: <u>TOWN OF BAY HARBOR ISLANDS</u><br>PROJECT: <u>00</u><br>SCALE: <u>1" = 100'</u><br>SHEET NO.: <u>1</u> OF <u>1</u>              |  |                        |  |
| FIGURE T - 17<br>FUTURE (2030) PEAK HOUR & PEAK HOUR AND<br>LEVEL OF SERVICE                                                                     |  |                        |  |
| MICHAEL MILLER PLANNING ASSOCIATES, INC.<br>7522 West Rd. Suite B-203<br>Coral Springs, Florida 33067<br>Tel: (954) 751-9600 Fax: (954) 751-7068 |  |                        |  |

Insert Figure 4-18: Future Evacuation Routes





PRIMARY  
SECONDARY



|                                                                                                                                                   |                        |
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| PREPARED FOR<br><b>TOWN OF BAY HARBOR ISLANDS</b>                                                                                                 |                        |
| FIGURE T -18<br>FUTURE EVACUATION ROUTES                                                                                                          |                        |
| MICHAEL MILLER PLANNING ASSOCIATES, INC.<br>7522 Miles Rd. Suite B-203<br>Coral Springs, Florida 33067<br>Tel: (954) 751-9600 Fax: (954) 751-7008 |                        |
| Designer: <u>MM</u><br>Drafter: <u>SDM</u><br>Checker: <u>MM</u>                                                                                  | BY<br>DATE<br>REVISION |

## GOALS, OBJECTIVES AND POLICIES

**Goal:** To develop, preserve and maintain a safe, efficient and economical transportation system including arterial, collector and local residential streets and their appurtenant lighting, signing and marking, mass transit services, and non-motorized facilities (bike / pedestrian).

**Objective T-1:** Provide for a safe and efficient motorized and non-motorized transportation system.

**Policy T-1.1:** Cooperate and coordinate with FDOT's maintenance of 96<sup>th</sup> Street (SR 922), the single east / west minor arterial road within the Town.

**Policy T-1.2:** Continue to perform routine maintenance via the Town's Public Works Department on local streets and the landscaped areas of 96<sup>th</sup> Street.

**Policy T-1.3:** Execute prompt responses to random hazards.

**Policy T-1.4:** Maintain on-duty police staffing levels adequate enforcement of traffic regulations and for episodes of signal malfunction and convention traffic control special duty assignments.

**Policy T-1.5:** Monitor traffic signal timing and phasing on 96<sup>th</sup> Street / Kane Concourse (SR 922) as controlled by Miami-Dade County.

**Policy T-1.6:** Monitor public bus transportation schedules and load factor to make recommendations to Miami-Dade as needed and make schedules available to the public.

**Policy T-1.7:** Coordinate with state, regional and metropolitan transportation agencies to provide access and throughways of arterial roadways including 96<sup>th</sup> Street with the necessary infrastructure to permit:

State Roadways - A Peak Hour Level of Service (LOS) of E shall be established (where mass transit service having headways of 30 minutes is provided within ½ mile distance, and roadways shall operate at no greater than 120 percent of their capacity).

**Policy T-1.8:** The established Level of Service (LOS) Standard for local roadways and collectors shall be LOS "D" or better.

**Policy T-1.9:** Parking within the traffic lanes of 96<sup>th</sup> Street, except on emergency basis, shall be prohibited to ensure maximum operational flows of traffic.

**Policy T-1.10:** Require the submittal of FDOT access management permits for any driveway connection to state roadways (SR 922).

**Policy T-1.11:** Enforce ordinances limiting the number, location and size of driveways connecting to roadways. This includes adequate storage and turning areas.

**Policy T-1.12:** Pedestrian and bicycle usage shall be encouraged by maintaining all walkways in a high level of maintenance.

**Policy T-1.13:** Development applications shall be required to demonstrate locations for bicycle storage and pathway connections shall be made between buildings and the public walkway system.

**Policy T-1.14:** Develop strategies to promote the increased use of intermodal services to transport residents and/or tourists between residences and hotels to the airports, seaports and rail facilities.

**Policy T-1.15:** The Town shall adopt design criteria for landscaping and signs along roadways and will maintain or improve existing landscaping on median strips and rights-of-way.

**Policy T-1.16:** The Town shall utilize landscaping as a buffer between roadways, residential areas, and off-street parking, and utilize landscaping to improve the visual appearance of transportation elements in the Town.

**Policy T-1.17:** The Town shall require that upon the redevelopment of older multifamily sites on the East Island with direct back-out parking in the Town's roadway swales, all new required parking shall be placed on-site, unless contributions are made to the Town's Parking Trust, if approved by the Town. All existing asphalt pavement / parking spaces shall be removed upon redevelopment of the site – the total cost of which is by the developers.

**Objective T-2:** Coordinate the traffic circulation system with future land uses.

**Policy T-2.1:** Revise future transportation map or map series as may be necessary to conform with modifications to the Future Land Use Map (FLUM) during each Evaluation and Appraisal Report (EAR) period.

**Objective T-3:** Coordinate with the Miami-Dade County Transportation Planning Organization (TPO), public transportation agencies, Florida DOT, and any regional resource management plan.

**Policy T-3.1:** Revise future transportation map or map series as may be necessary to conform with mandated regional, state, metropolitan or area-wide transportation plan.

**Policy T-3.2:** Continue to coordinate with Miami-Dade County, FDOT, TPO and adjacent communities on transportation planning and designs.

-

## **APPENDIX A**

### **METHOD FOR DETERMINING LEVELS OF SERVICE**

The following is a description of how Level of Service (LOS) Standards are defined and utilized to determine acceptable operating levels. The Village utilizes LOS definitions common to Miami-Dade County. The Florida Department of Transportation (FDOT) establishes LOS for roadways under their jurisdiction which include 96<sup>th</sup> Street (SR 922).

#### **ANALYSIS OF EXISTING SYSTEM**

The existing roadway network has been analyzed to determine average daily volumes, peak hour volumes, capacities, peak hour volume to capacity ratios and resulting levels of service. Such an analysis is required in order to establish a basis for adopting Level of Service (LOS) standards at peak hour pursuant to Chapter 163, F.S. Traffic counts were provided by the Florida Department of Transportation, Miami-Dade County TPO, local traffic studies, and baseline data obtained by the Town.

#### **LEVEL OF SERVICE**

To determine current LOS on the roadway network, peak hourly demand volumes for various roadways were calculated using 2019 Average Daily Traffic (ADT) volume counts. These counts were obtained from the Miami-Dade County Transportation Planning Organization (TPO), and include counts supplied by the Florida Department of Transportation (FDOT) for the arterial roadways on the State system.

Establishing a roadway's LOS is the most common index of traffic congestion. Level of Service may denote any number of differing operating conditions that may occur on a given lane or roadway when it is accommodating various traffic volumes. The LOS of a roadway is often defined as ratio of the traffic volumes (V) to the actual capacity (C) of the roadway (V/C ratio).

The following table illustrates the peak hour two-way direction roadway capacities used to calculate the V/C ratios for this analysis of existing roadway conditions in Bay Harbor Islands. Listed below are the V/C ratios used to determine LOS. Both the peak hour capacities and the V/C ratios are consistent with those used by the SFRPC, FDOT and the TPO. Some specific peak hour volumes were not available for this analysis, therefore, a peak hour factor of 10% was applied to the ADT counts.

The descriptions of service levels used are as follows:

| <b>V/C</b> | <b>LOS</b> | <b>Description</b>                                                               |
|------------|------------|----------------------------------------------------------------------------------|
| 0 - .65    | LOS A      | Free flow traffic at average travel speeds.                                      |
| .66 - .77  | LOS B      | Stable flow with the presence of other users in traffic stream being noticeable. |
| .78 - .85  | LOS C      | Uncongested with other users in traffic stream causing significant interactions. |
| .86 - .95  | LOS D      | Congested stable flow with major delays.                                         |
| .96 - 1.15 | LOS E      | Very congested with breakdown.                                                   |
| 1.16 +     | LOS F      | Extremely congested with breakdown flow (major delays occurring frequently).     |

The Florida Department of Transportation adopted a Quality / Level of Service (LOS) Handbook in 1995. Periodic updates have been made years, the last being in 2020. This handbook sets forth minimum accepted LOS Standards for State roadways. Table 1 entitled "Generalized Annual Average Daily Volumes for Florida's Urbanized Areas", and Table 4 entitled "Generalized Peak Hour Two-Way Volumes for Florida's Urbanized Areas" set forth the theoretical numeric roadway capacities for various types of roadways in the state, including roadways such as 96<sup>th</sup> Street (SR 922) which are within urbanized areas. As stated previously, FDOT and Miami-Dade County have adopted LOS E for this roadway. A local government cannot establish a higher level of service for state roadways. The Town has adopted a LOS Standard of "D" for all local roadways.

The following roadway capacity volumes were utilized in the analysis. 96<sup>th</sup> Street has a posted speed limit of 30 mph which place the roadways in Class II of State Signalized Arterials (below 35 mph).

| <b>Roadway</b> | <b>Lanes<sup>A</sup></b> | <b><u>Capacity</u><br/>AADT "E"</b> | <b><u>Capacity</u><br/>PM Peak Hour</b> |
|----------------|--------------------------|-------------------------------------|-----------------------------------------|
|                | 3                        |                                     |                                         |
| 96th Street    | 4 LD                     | 33,800                              | 3,040                                   |

**Sources:** FDOT 2020 Quality / Level of Service Handbook / Miami-Dade County TPO

TABLE 1

Generalized **Annual Average Daily** Volumes for Florida's  
Urbanized Areas

January 2020

| INTERRUPTED FLOW FACILITIES                                                                                                 |           |                      |                       |                    |        | UNINTERRUPTED FLOW FACILITIES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |           |                      |                    |         |         |
|-----------------------------------------------------------------------------------------------------------------------------|-----------|----------------------|-----------------------|--------------------|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------------------|--------------------|---------|---------|
| <b>STATE SIGNALIZED ARTERIALS</b>                                                                                           |           |                      |                       |                    |        | <b>FREEWAYS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |           |                      |                    |         |         |
| <b>Class I (40 mph or higher posted speed limit)</b>                                                                        |           |                      |                       |                    |        | <b>Core Urbanized</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |           |                      |                    |         |         |
| Lanes                                                                                                                       | Median    | B                    | C                     | D                  | E      | Lanes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | B         | C                    | D                  | E       |         |
| 2                                                                                                                           | Undivided | *                    | 16,800                | 17,700             | **     | 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 47,600    | 66,400               | 83,200             | 87,300  |         |
| 4                                                                                                                           | Divided   | *                    | 37,900                | 39,800             | **     | 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 70,100    | 97,800               | 123,600            | 131,200 |         |
| 6                                                                                                                           | Divided   | *                    | 58,400                | 59,900             | **     | 8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 92,200    | 128,900              | 164,200            | 174,700 |         |
| 8                                                                                                                           | Divided   | *                    | 78,800                | 80,100             | **     | 10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 115,300   | 158,900              | 203,600            | 218,600 |         |
|                                                                                                                             |           |                      |                       |                    |        | 12                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 136,500   | 192,400              | 246,200            | 272,900 |         |
| <b>Class II (35 mph or slower posted speed limit)</b>                                                                       |           |                      |                       |                    |        | <b>Urbanized</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |           |                      |                    |         |         |
| Lanes                                                                                                                       | Median    | B                    | C                     | D                  | E      | Lanes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | B         | C                    | D                  | E       |         |
| 2                                                                                                                           | Undivided | *                    | 7,300                 | 14,800             | 15,600 | 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 45,900    | 62,700               | 75,600             | 85,400  |         |
| 4                                                                                                                           | Divided   | *                    | 14,500                | 32,400             | 33,800 | 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 68,900    | 93,900               | 113,600            | 128,100 |         |
| 6                                                                                                                           | Divided   | *                    | 23,300                | 50,000             | 50,900 | 8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 91,900    | 125,200              | 151,300            | 170,900 |         |
| 8                                                                                                                           | Divided   | *                    | 32,000                | 67,300             | 68,100 | 10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 115,000   | 156,800              | 189,300            | 213,600 |         |
| <b>Non-State Signalized Roadway Adjustments</b>                                                                             |           |                      |                       |                    |        | <b>Freeway Adjustments</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |           |                      |                    |         |         |
| (Alter corresponding state volumes by the indicated percent.)                                                               |           |                      |                       |                    |        | Auxiliary Lanes Ramp                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |           |                      |                    |         |         |
| Non-State Signalized Roadways - 10%                                                                                         |           |                      |                       |                    |        | Present in Both Directions Metering                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |           |                      |                    |         |         |
|                                                                                                                             |           |                      |                       |                    |        | + 20,000 + 5%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |           |                      |                    |         |         |
| <b>Median &amp; Turn Lane Adjustments</b>                                                                                   |           |                      |                       |                    |        | <b>UNINTERRUPTED FLOW HIGHWAYS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |           |                      |                    |         |         |
| Lanes                                                                                                                       | Median    | Exclusive Left Lanes | Exclusive Right Lanes | Adjustment Factors |        | Lanes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Median    | B                    | C                  | D       | E       |
| 2                                                                                                                           | Divided   | Yes                  | No                    | +5%                |        | 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Undivided | 11,700               | 18,000             | 24,200  | 32,600  |
| 2                                                                                                                           | Undivided | No                   | No                    | -20%               |        | 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Divided   | 36,300               | 52,600             | 66,200  | 75,300  |
| Multi                                                                                                                       | Undivided | Yes                  | No                    | -5%                |        | 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Divided   | 54,600               | 78,800             | 99,400  | 113,100 |
| Multi                                                                                                                       | Undivided | No                   | No                    | -25%               |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |           |                      |                    |         |         |
| -                                                                                                                           | -         | -                    | Yes                   | + 5%               |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |           |                      |                    |         |         |
| <b>One-Way Facility Adjustment</b>                                                                                          |           |                      |                       |                    |        | <b>Uninterrupted Flow Highway Adjustments</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |           |                      |                    |         |         |
| Multiply the corresponding two-directional volumes in this table by 0.6                                                     |           |                      |                       |                    |        | Lanes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Median    | Exclusive left lanes | Adjustment factors |         |         |
|                                                                                                                             |           |                      |                       |                    |        | 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Divided   | Yes                  | +5%                |         |         |
|                                                                                                                             |           |                      |                       |                    |        | Multi                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Undivided | Yes                  | -5%                |         |         |
|                                                                                                                             |           |                      |                       |                    |        | Multi                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Undivided | No                   | -25%               |         |         |
| <b>BICYCLE MODE<sup>2</sup></b>                                                                                             |           |                      |                       |                    |        | <sup>1</sup> Values shown are presented as two-way annual average daily volumes for levels of service and are for the automobile/truck modes unless specifically stated. This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications. The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Calculations are based on planning applications of the HCM and the Transit Capacity and Quality of Service Manual. |           |                      |                    |         |         |
| (Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.) |           |                      |                       |                    |        | <sup>2</sup> Level of service for the bicycle and pedestrian modes in this table is based on number of vehicles, not number of bicyclists or pedestrians using the facility.                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |           |                      |                    |         |         |
| Paved Shoulder/Bicycle Lane Coverage                                                                                        | B         | C                    | D                     | E                  |        | <sup>3</sup> Buses per hour shown are only for the peak hour in the single direction of the higher traffic flow.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |           |                      |                    |         |         |
| 0-49%                                                                                                                       | *         | 2,900                | 7,600                 | 19,700             |        | * Cannot be achieved using table input value defaults.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |           |                      |                    |         |         |
| 50-84%                                                                                                                      | 2,100     | 6,700                | 19,700                | >19,700            |        | ** Not applicable for that level of service letter grade. For the automobile mode, volumes greater than level of service D become F because intersection capacities have been reached. For the bicycle mode, the level of service letter grade (including F) is not achievable because there is no maximum vehicle volume threshold using table input value defaults.                                                                                                                                                                                                                                                                             |           |                      |                    |         |         |
| 85-100%                                                                                                                     | 9,300     | 19,700               | >19,700               | **                 |        | <b>Source:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |           |                      |                    |         |         |
| <b>PEDESTRIAN MODE<sup>2</sup></b>                                                                                          |           |                      |                       |                    |        | Florida Department of Transportation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |           |                      |                    |         |         |
| (Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.) |           |                      |                       |                    |        | Systems Implementation Office                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |           |                      |                    |         |         |
| Sidewalk Coverage                                                                                                           | B         | C                    | D                     | E                  |        | <a href="https://www.fltdot.gov/planning/systems/">https://www.fltdot.gov/planning/systems/</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |           |                      |                    |         |         |
| 0-49%                                                                                                                       | *         | *                    | 2,800                 | 9,500              |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |           |                      |                    |         |         |
| 50-84%                                                                                                                      | *         | 1,600                | 8,700                 | 15,800             |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |           |                      |                    |         |         |
| 85-100%                                                                                                                     | 3,800     | 10,700               | 17,400                | >19,700            |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |           |                      |                    |         |         |
| <b>BUS MODE (Scheduled Fixed Route)<sup>3</sup></b>                                                                         |           |                      |                       |                    |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |           |                      |                    |         |         |
| (Buses in peak hour in peak direction)                                                                                      |           |                      |                       |                    |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |           |                      |                    |         |         |
| Sidewalk Coverage                                                                                                           | B         | C                    | D                     | E                  |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |           |                      |                    |         |         |
| 0-84%                                                                                                                       | > 5       | ≥ 4                  | ≥ 3                   | ≥ 2                |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |           |                      |                    |         |         |
| 85-100%                                                                                                                     | > 4       | ≥ 3                  | ≥ 2                   | ≥ 1                |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |           |                      |                    |         |         |



**TABLE 1**  
(continued)

Generalized **Annual Average Daily** Volumes for Florida's  
Urbanized Areas

January 2020

| INPUT VALUE<br>ASSUMPTIONS             | Uninterrupted Flow Facilities |                  |           |           | Interrupted Flow Facilities |         |          |           |           |            |
|----------------------------------------|-------------------------------|------------------|-----------|-----------|-----------------------------|---------|----------|-----------|-----------|------------|
|                                        |                               |                  |           |           | State Arterials             |         |          |           | Class I   |            |
|                                        | Freeways                      | Core<br>Freeways | Highways  |           | Class I                     |         | Class II |           | Bicycle   | Pedestrian |
| ROADWAY CHARACTERISTICS                |                               |                  |           |           |                             |         |          |           |           |            |
| Area type (urban, rural)               | urban                         | urban            |           |           |                             |         |          |           |           |            |
| Number of through lanes (both dir.)    | 4-10                          | 4-12             | 2         | 4-6       | 2                           | 4-8     | 2        | 4-8       | 4         | 4          |
| Posted speed (mph)                     | 70                            | 65               | 50        | 50        | 45                          | 50      | 30       | 30        | 45        | 45         |
| Free flow speed (mph)                  | 75                            | 70               | 55        | 55        | 50                          | 55      | 35       | 35        | 50        | 50         |
| Auxiliary Lanes (n,y)                  | n                             | n                |           |           |                             |         |          |           |           |            |
| Median (d, twlt, n, nr, r)             |                               |                  |           | d         | n                           | r       | n        | r         | r         | r          |
| Terrain (l,r)                          | l                             | l                | l         | l         | l                           | l       | l        | l         | l         | l          |
| % no passing zone                      |                               |                  | 80        |           |                             |         |          |           |           |            |
| Exclusive left turn lane impact (n, y) |                               |                  | [n]       | y         | y                           | y       | y        | y         | y         | y          |
| Exclusive right turn lanes (n, y)      |                               |                  |           |           | n                           | n       | n        | n         | n         | n          |
| Facility length (mi)                   | 3                             | 3                | 5         | 5         | 2                           | 2       | 1.9      | 1.8       | 2         | 2          |
| TRAFFIC CHARACTERISTICS                |                               |                  |           |           |                             |         |          |           |           |            |
| Planning analysis hour factor (K)      | 0.090                         | 0.085            | 0.090     | 0.090     | 0.090                       | 0.090   | 0.090    | 0.090     | 0.090     | 0.090      |
| Directional distribution factor (D)    | 0.55                          | 0.55             | 0.55      | 0.55      | 0.550                       | 0.560   | 0.565    | 0.560     | 0.565     | 0.565      |
| Peak hour factor (PHF)                 | 0.95                          | 0.95             | 0.95      | 0.95      | 1.000                       | 1.000   | 1.000    | 1.000     | 1.000     | 1.000      |
| Base saturation flow rate (pcphpl)     | 2,400                         | 2,400            | 1,700     | 2,200     | 1,950                       | 1,950   | 1,950    | 1,950     | 1,950     | 1,950      |
| Heavy vehicle percent                  | 4.0                           | 4.0              | 2.0       | 2.0       | 1.0                         | 1.0     | 1.0      | 1.0       | 2.5       | 2.0        |
| Speed Adjustment Factor (SAF)          | 0.975                         | 0.975            |           | 0.975     |                             |         |          |           |           |            |
| Capacity Adjustment Factor (CAF)       | 0.968                         | 0.968            |           | 0.968     |                             |         |          |           |           |            |
| % left turns                           |                               |                  |           |           | 12                          | 12      | 12       | 12        | 12        | 12         |
| % right turns                          |                               |                  |           |           | 12                          | 12      | 12       | 12        | 12        | 12         |
| CONTROL CHARACTERISTICS                |                               |                  |           |           |                             |         |          |           |           |            |
| Number of signals                      |                               |                  |           |           | 4                           | 4       | 10       | 10        | 4         | 6          |
| Arrival type (1-6)                     |                               |                  |           |           | 3                           | 3       | 4        | 4         | 4         | 4          |
| Signal type (a, c, p)                  |                               |                  |           |           | c                           | c       | c        | c         | c         | c          |
| Cycle length (C)                       |                               |                  |           |           | 120                         | 150     | 120      | 120       | 120       | 120        |
| Effective green ratio (g/C)            |                               |                  |           |           | 0.44                        | 0.45    | 0.44     | 0.44      | 0.44      | 0.44       |
| MULTIMODAL CHARACTERISTICS             |                               |                  |           |           |                             |         |          |           |           |            |
| Paved shoulder/bicycle lane (n, y)     |                               |                  |           |           |                             |         |          |           | n, 50%, y | n          |
| Outside lane width (n, t, w)           |                               |                  |           |           |                             |         |          |           | t         | t          |
| Pavement condition (d, t, u)           |                               |                  |           |           |                             |         |          |           | t         |            |
| On-street parking (n, y)               |                               |                  |           |           |                             |         |          |           |           |            |
| Sidewalk (n, y)                        |                               |                  |           |           |                             |         |          |           |           | n, 50%, y  |
| Sidewalk/roadway separation(a, t, w)   |                               |                  |           |           |                             |         |          |           |           | t          |
| Sidewalk protective barrier (n, y)     |                               |                  |           |           |                             |         |          |           |           | n          |
| LEVEL OF SERVICE THRESHOLDS            |                               |                  |           |           |                             |         |          |           |           |            |
| Level of<br>Service                    | Freeways                      | Highways         |           | Arterials |                             | Bicycle | Ped      | Bus       |           |            |
|                                        | Density                       | Two-Lane         | Multilane | Class I   | Class II                    | Score   | Score    | Buses/hr. |           |            |
|                                        |                               | %ffs             | Density   | ats       | ats                         |         |          |           |           |            |
| B                                      | ≤ 17                          | > 83.3           | ≤ 17      | > 31 mph  | > 22 mph                    | ≤ 2.75  | ≤ 2.75   | ≤ 6       |           |            |
| C                                      | ≤ 24                          | > 75.0           | ≤ 24      | > 23 mph  | > 17 mph                    | ≤ 3.50  | ≤ 3.50   | ≤ 4       |           |            |
| D                                      | ≤ 31                          | > 66.7           | ≤ 31      | > 18 mph  | > 13 mph                    | ≤ 4.25  | ≤ 4.25   | < 3       |           |            |
| E                                      | ≤ 39                          | > 58.3           | ≤ 35      | > 15 mph  | > 10 mph                    | ≤ 5.00  | ≤ 5.00   | < 2       |           |            |

% ffs = Percent free flow speed ats = Average travel speed

TABLE 4

Generalized **Peak Hour Two-Way** Volumes for Florida's  
Urbanized Areas<sup>1</sup>

January 2020

January 2021

| INTERRUPTED FLOW FACILITIES                                                                                                 |           |                      |                       |                    |       | UNINTERRUPTED FLOW FACILITIES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |           |                      |                    |        |        |
|-----------------------------------------------------------------------------------------------------------------------------|-----------|----------------------|-----------------------|--------------------|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------------------|--------------------|--------|--------|
| STATE SIGNALIZED ARTERIALS                                                                                                  |           |                      |                       |                    |       | FREEWAYS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |           |                      |                    |        |        |
| Class I (40 mph or higher posted speed limit)                                                                               |           |                      |                       |                    |       | Core Urbanized                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |           |                      |                    |        |        |
| Lanes                                                                                                                       | Median    | B                    | C                     | D                  | E     | Lanes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | B         | C                    | D                  | E      |        |
| 2                                                                                                                           | Undivided | *                    | 1,510                 | 1,600              | **    | 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 4,050     | 5,640                | 6,800              | 7,420  |        |
| 4                                                                                                                           | Divided   | *                    | 3,420                 | 3,580              | **    | 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 5,960     | 8,310                | 10,220             | 11,150 |        |
| 6                                                                                                                           | Divided   | *                    | 5,250                 | 5,390              | **    | 8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 7,840     | 10,960               | 13,620             | 14,850 |        |
| 8                                                                                                                           | Divided   | *                    | 7,090                 | 7,210              | **    | 10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 9,800     | 13,510               | 17,040             | 18,580 |        |
|                                                                                                                             |           |                      |                       |                    |       | 12                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 11,600    | 16,350               | 20,930             | 23,200 |        |
| Class II (35 mph or slower posted speed limit)                                                                              |           |                      |                       |                    |       | Urbanized                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |           |                      |                    |        |        |
| Lanes                                                                                                                       | Median    | B                    | C                     | D                  | E     | Lanes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | B         | C                    | D                  | E      |        |
| 2                                                                                                                           | Undivided | *                    | 660                   | 1,330              | 1,410 | 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 4,130     | 5,640                | 7,070              | 7,690  |        |
| 4                                                                                                                           | Divided   | *                    | 1,310                 | 2,920              | 3,040 | 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 6,200     | 8,450                | 10,510             | 11,530 |        |
| 6                                                                                                                           | Divided   | *                    | 2,090                 | 4,500              | 4,590 | 8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 8,270     | 11,270               | 13,960             | 15,380 |        |
| 8                                                                                                                           | Divided   | *                    | 2,880                 | 6,060              | 6,130 | 10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 10,350    | 14,110               | 17,310             | 19,220 |        |
| Non-State Signalized Roadway Adjustments                                                                                    |           |                      |                       |                    |       | Freeway Adjustments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |           |                      |                    |        |        |
| (Alter corresponding state volumes by the indicated percent.)                                                               |           |                      |                       |                    |       | Auxiliary Lanes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |                      |                    |        |        |
| Non-State Signalized Roadways - 10%                                                                                         |           |                      |                       |                    |       | Present in Both Directions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |           |                      |                    |        |        |
|                                                                                                                             |           |                      |                       |                    |       | + 1,800                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |           |                      |                    |        |        |
|                                                                                                                             |           |                      |                       |                    |       | Ramp Metering                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |           |                      |                    |        |        |
|                                                                                                                             |           |                      |                       |                    |       | + 5%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |           |                      |                    |        |        |
| Median & Turn Lane Adjustments                                                                                              |           |                      |                       |                    |       | UNINTERRUPTED FLOW HIGHWAYS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |           |                      |                    |        |        |
| Lanes                                                                                                                       | Median    | Exclusive Left Lanes | Exclusive Right Lanes | Adjustment Factors |       | Lanes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Median    | B                    | C                  | D      | E      |
| 2                                                                                                                           | Divided   | Yes                  | No                    | +5%                |       | 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Undivided | 1,050                | 1,620              | 2,180  | 2,930  |
| 2                                                                                                                           | Undivided | No                   | No                    | -20%               |       | 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Divided   | 3,270                | 4,730              | 5,960  | 6,780  |
| Multi                                                                                                                       | Undivided | Yes                  | No                    | -5%                |       | 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Divided   | 4,910                | 7,090              | 8,950  | 10,180 |
| Multi                                                                                                                       | Undivided | No                   | No                    | -25%               |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |                      |                    |        |        |
| -                                                                                                                           | -         | -                    | Yes                   | + 5%               |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |                      |                    |        |        |
| One-Way Facility Adjustment                                                                                                 |           |                      |                       |                    |       | Uninterrupted Flow Highway Adjustments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |           |                      |                    |        |        |
| Multiply the corresponding two-directional volumes in this table by 0.6                                                     |           |                      |                       |                    |       | Lanes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Median    | Exclusive left lanes | Adjustment factors |        |        |
|                                                                                                                             |           |                      |                       |                    |       | 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Divided   | Yes                  | +5%                |        |        |
|                                                                                                                             |           |                      |                       |                    |       | Multi                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Undivided | Yes                  | -5%                |        |        |
|                                                                                                                             |           |                      |                       |                    |       | Multi                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Undivided | No                   | -25%               |        |        |
| BICYCLE MODE <sup>2</sup>                                                                                                   |           |                      |                       |                    |       | <div><p><sup>1</sup> Values shown are presented as peak hour directional volumes for levels of service and are for the automobile/truck modes unless specifically stated. This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications. The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Calculations are based on planning applications of the HCM and the Transit Capacity and Quality of Service Manual.</p><p><sup>2</sup> Level of service for the bicycle and pedestrian modes in this table is based on number of vehicles, not number of bicyclists or pedestrians using the facility.</p><p><sup>3</sup> Buses per hour shown are only for the peak hour in the single direction of the higher traffic flow.</p><p>* Cannot be achieved using table input value defaults.</p><p>** Not applicable for that level of service letter grade. For the automobile mode, volumes greater than level of service D become F because intersection capacities have been reached. For the bicycle mode, the level of service letter grade (including F) is not achievable because there is no maximum vehicle volume threshold using table input value defaults.</p><p>Source:<br/>Florida Department of Transportation<br/>Systems Implementation Office<br/><a href="https://www.fdot.gov/planning/systems/">https://www.fdot.gov/planning/systems/</a></p></div> |           |                      |                    |        |        |
| (Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.) |           |                      |                       |                    |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |                      |                    |        |        |
| Paved                                                                                                                       |           |                      |                       |                    |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |                      |                    |        |        |
| Shoulder/Bicycle                                                                                                            |           |                      |                       |                    |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |                      |                    |        |        |
| Lane Coverage                                                                                                               | B         | C                    | D                     | E                  |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |                      |                    |        |        |
| 0-49%                                                                                                                       | *         | 260                  | 680                   | 1,770              |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |                      |                    |        |        |
| 50-84%                                                                                                                      | 190       | 600                  | 1,770                 | >1,770             |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |                      |                    |        |        |
| 85-100%                                                                                                                     | 830       | 1,700                | >1,770                | **                 |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |                      |                    |        |        |
| PEDESTRIAN MODE <sup>2</sup>                                                                                                |           |                      |                       |                    |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |                      |                    |        |        |
| (Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.) |           |                      |                       |                    |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |                      |                    |        |        |
| Sidewalk Coverage                                                                                                           | B         | C                    | D                     | E                  |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |                      |                    |        |        |
| 0-49%                                                                                                                       | *         | *                    | 250                   | 850                |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |                      |                    |        |        |
| 50-84%                                                                                                                      | *         | 150                  | 780                   | 1,420              |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |                      |                    |        |        |
| 85-100%                                                                                                                     | 340       | 960                  | 1,560                 | >1,770             |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |                      |                    |        |        |
| BUS MODE (Scheduled Fixed Route) <sup>3</sup>                                                                               |           |                      |                       |                    |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |                      |                    |        |        |
| (Buses in peak hour in peak direction)                                                                                      |           |                      |                       |                    |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |                      |                    |        |        |
| Sidewalk Coverage                                                                                                           | B         | C                    | D                     | E                  |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |                      |                    |        |        |
| 0-84%                                                                                                                       | > 5       | ≥ 4                  | ≥ 3                   | ≥ 2                |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |                      |                    |        |        |
| 85-100%                                                                                                                     | > 4       | ≥ 3                  | ≥ 2                   | ≥ 1                |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |                      |                    |        |        |

**TABLE 4**  
(continued)

**Generalized Peak Hour Two-Way Volumes for Florida's  
Urbanized Areas**

January 2020

| INPUT VALUE<br>ASSUMPTIONS             | Uninterrupted Flow Facilities |               |           |           | Interrupted Flow Facilities |         |          |           |           |            |
|----------------------------------------|-------------------------------|---------------|-----------|-----------|-----------------------------|---------|----------|-----------|-----------|------------|
|                                        |                               |               |           |           | State Arterials             |         |          |           | Class I   |            |
|                                        | Freeways                      | Core Freeways | Highways  |           | Class I                     |         | Class II |           | Bicycle   | Pedestrian |
| ROADWAY CHARACTERISTICS                |                               |               |           |           |                             |         |          |           |           |            |
| Area type (urban, rural)               | urban                         | urban         |           |           |                             |         |          |           |           |            |
| Number of through lanes (both dir.)    | 4-10                          | 4-12          | 2         | 4-6       | 2                           | 4-8     | 2        | 4-8       | 4         | 4          |
| Posted speed (mph)                     | 70                            | 65            | 50        | 50        | 45                          | 50      | 30       | 30        | 45        | 45         |
| Free flow speed (mph)                  | 75                            | 70            | 55        | 55        | 50                          | 55      | 35       | 35        | 50        | 50         |
| Auxiliary Lanes (n,y)                  | n                             | n             |           |           |                             |         |          |           |           |            |
| Median (d, twlt, n, nr, r)             |                               |               |           | d         | n                           | r       | n        | r         | r         | r          |
| Terrain (l,r)                          | l                             | l             | l         | l         | l                           | l       | l        | l         | l         | l          |
| % no passing zone                      |                               |               | 80        |           |                             |         |          |           |           |            |
| Exclusive left turn lane impact (n, y) |                               |               | [n]       | y         | y                           | y       | y        | y         | y         | y          |
| Exclusive right turn lanes (n, y)      |                               |               |           |           | n                           | n       | n        | n         | n         | n          |
| Facility length (mi)                   | 3                             | 3             | 5         | 5         | 2                           | 2       | 1.9      | 1.8       | 2         | 2          |
| TRAFFIC CHARACTERISTICS                |                               |               |           |           |                             |         |          |           |           |            |
| Planning analysis hour factor (K)      | 0.090                         | 0.085         | 0.090     | 0.090     | 0.090                       | 0.090   | 0.090    | 0.090     | 0.090     | 0.090      |
| Directional distribution factor (D)    | 0.55                          | 0.55          | 0.55      | 0.55      | 0.550                       | 0.560   | 0.565    | 0.560     | 0.565     | 0.565      |
| Peak hour factor (PHF)                 | 0.95                          | 0.95          | 0.95      | 0.95      | 1.000                       | 1.000   | 1.000    | 1.000     | 1.000     | 1.000      |
| Base saturation flow rate (pcphpl)     | 2,400                         | 2,400         | 1,700     | 2,200     | 1,950                       | 1,950   | 1,950    | 1,950     | 1,950     | 1,950      |
| Heavy vehicle percent                  | 4.0                           | 4.0           | 2.0       | 2.0       | 1.0                         | 1.0     | 1.0      | 1.0       | 2.5       | 2.0        |
| Speed Adjustment Factor (SAF)          | 0.975                         | 0.975         |           | 0.975     |                             |         |          |           |           |            |
| Capacity Adjustment Factor (CAF)       | 0.968                         | 0.968         |           | 0.968     |                             |         |          |           |           |            |
| % left turns                           |                               |               |           |           | 12                          | 12      | 12       | 12        | 12        | 12         |
| % right turns                          |                               |               |           |           | 12                          | 12      | 12       | 12        | 12        | 12         |
| CONTROL CHARACTERISTICS                |                               |               |           |           |                             |         |          |           |           |            |
| Number of signals                      |                               |               |           |           | 4                           | 4       | 10       | 10        | 4         | 6          |
| Arrival type (1-6)                     |                               |               |           |           | 3                           | 3       | 4        | 4         | 4         | 4          |
| Signal type (a, c, p)                  |                               |               |           |           | c                           | c       | c        | c         | c         | c          |
| Cycle length (C)                       |                               |               |           |           | 120                         | 150     | 120      | 120       | 120       | 120        |
| Effective green ratio (g/C)            |                               |               |           |           | 0.44                        | 0.45    | 0.44     | 0.44      | 0.44      | 0.44       |
| MULTIMODAL CHARACTERISTICS             |                               |               |           |           |                             |         |          |           |           |            |
| Paved shoulder/bicycle lane (n, y)     |                               |               |           |           |                             |         |          |           | n, 50%, y | n          |
| Outside lane width (n, t, w)           |                               |               |           |           |                             |         |          |           | t         | t          |
| Pavement condition (d, t, u)           |                               |               |           |           |                             |         |          |           | t         |            |
| On-street parking (n, y)               |                               |               |           |           |                             |         |          |           |           |            |
| Sidewalk (n, y)                        |                               |               |           |           |                             |         |          |           |           | n, 50%, y  |
| Sidewalk/roadway separation(a, t, w)   |                               |               |           |           |                             |         |          |           |           | t          |
| Sidewalk protective barrier (n, y)     |                               |               |           |           |                             |         |          |           |           | n          |
| LEVEL OF SERVICE THRESHOLDS            |                               |               |           |           |                             |         |          |           |           |            |
| Level of Service                       | Freeways                      | Highways      |           | Arterials |                             | Bicycle | Ped      | Bus       |           |            |
|                                        | Density                       | Two-Lane      | Multilane | Class I   | Class II                    | Score   | Score    | Buses/hr. |           |            |
|                                        |                               | %ffs          | Density   | ats       | ats                         |         |          |           |           |            |
| B                                      | ≤ 17                          | > 83.3        | ≤ 17      | > 31 mph  | > 22 mph                    | ≤ 2.75  | ≤ 2.75   | ≤ 6       |           |            |
| C                                      | ≤ 24                          | > 75.0        | ≤ 24      | > 23 mph  | > 17 mph                    | ≤ 3.50  | ≤ 3.50   | ≤ 4       |           |            |
| D                                      | ≤ 31                          | > 66.7        | ≤ 31      | > 18 mph  | > 13 mph                    | ≤ 4.25  | ≤ 4.25   | < 3       |           |            |
| E                                      | ≤ 39                          | > 58.3        | ≤ 35      | > 15 mph  | > 10 mph                    | ≤ 5.00  | ≤ 5.00   | < 2       |           |            |

% ffs = Percent free flow speed ats = Average travel speed



### 3 – HOUSING ELEMENT

# HOUSING ELEMENT

## TABLE OF CONTENTS

|                                                                               | <u>Page</u>      |
|-------------------------------------------------------------------------------|------------------|
| I. INTRODUCTION                                                               |                  |
| A. ELEMENT PURPOSE                                                            | 1                |
| B. RESIDENTIAL GROWTH TRENDS                                                  | 1                |
| II. INVENTORY                                                                 |                  |
| A. CHARACTERISTICS OF EXISTING HOUSING STOCK                                  | 2                |
| 1. Age of the Housing Stock                                                   | 2                |
| 2. Type of Dwelling Units                                                     | <del>2</del> 3   |
| 3. Tenure Characteristics & Vacancy Status                                    | <del>3</del> 4   |
| 4. The Cost of Housing: Rent, Value & Monthly<br>Cost of Owner-Occupied Units | <del>4</del> 7   |
| a. Monthly Gross Rent                                                         | 4 7              |
| b. Value of Owner-Occupied Housing                                            | 5 8              |
| c. Monthly Cost of Owner-Occupied Housing                                     | 6 9              |
| d. Cost or Rent-to Income Ratio                                               | <del>7</del> 11  |
| B. CONDITION OF THE HOUSING STOCK                                             | 9 14             |
| C. SUBSIDIZED HOUSING DEVELOPMENTS                                            | <del>10</del> 15 |
| D. GROUP HOMES                                                                | <del>10</del> 15 |
| E. MOBILE HOME PARKS                                                          | <del>10</del> 15 |
| F. HISTORICALLY SIGNIFICANT HOUSING                                           | <del>10</del> 15 |
| III. ANALYSIS                                                                 | <del>10</del> 15 |
| A. POPULATION EXPECTED TO RESIDE IN TOWN                                      | <del>10</del> 16 |
| 1. Household Size                                                             | <del>10</del> 16 |
| 2. Age of Household Head                                                      | <del>11</del> 17 |
| 3. Projections of Households by Income Group                                  | <del>12</del> 19 |
| B. PROJECTED HOUSING NEEDS                                                    | <del>14</del> 19 |
| C. LAND REQUIREMENTS FOR ESTIMATED HOUSING NEEDS                              | <del>15</del> 24 |
| D. THE PRIVATE SECTOR & HOUSING SUPPLY                                        | <del>18</del> 24 |
| E. THE PRIVATE SECTOR & HOUSING DELIVERY SYSTEM                               | <del>19</del> 25 |

**TABLE OF CONTENTS**  
**(Continued)**

|                                    | <u>Page</u>             |
|------------------------------------|-------------------------|
| IV. GENERAL RECOMMENDATIONS        | <del>20</del> <u>27</u> |
| V. GOALS, OBJECTIVES, AND POLICIES | <del>23</del> <u>29</u> |



## HOUSING ELEMENT

### LIST OF TABLES

| <u>Table</u> | <u>Title</u>                                                                                             | <u>Page</u>      |
|--------------|----------------------------------------------------------------------------------------------------------|------------------|
| H-1          | Number of Dwelling Units by Age, 1980                                                                    | 2                |
| H-2          | Type of Units <del>1970, 1980 and 1987</del> <u>1970-2018</u>                                            | <del>3</del> 4   |
| H-3          | Tenure Characteristics of the Housing Stock, Town of BHI and <u>Miami-Dade County, 1980 2018</u>         | 4 <del>6</del>   |
| H-4          | Monthly Gross Rent of Renter-Occupied Units, Town of BHI and <u>Miami-Dade County 1980 2018</u>          | <del>5</del> 7   |
| H-5          | Value of Owner-Occupied Housing, <del>1980</del> <u>2018</u>                                             | <del>6</del> 8   |
| H-6          | Monthly Owner Costs of Owner-Occupied Housing Units, Town of BHI and <u>Miami-Dade County, 1980 2018</u> | <del>7</del> 10  |
| H-7          | Selected Monthly Owner Costs as % of Income                                                              | 8 <del>12</del>  |
| H-8          | Gross Rent as % of Income                                                                                | 8 <del>13</del>  |
| H-9          | Condition of Housing Stock, 1980                                                                         | 9 <del>14</del>  |
| H-10         | Population and Household Size, 1980- <del>2000</del> <u>2018</u>                                         | 11 <del>16</del> |
| H-11         | Population Trend by Age Group                                                                            | 11 <del>16</del> |
| H-12         | Age of Head of Household                                                                                 | 12 <del>17</del> |
| H-13         | Income Limits of Various Income Groups                                                                   | 13 <del>18</del> |
| H-14         | Projections of Households by Income Group <u>1993-2000 2010-2030</u>                                     | 13 <del>18</del> |
| H-15         | <del>Change in Number of Households by Income Group</del>                                                | <del>14</del>    |

**LIST OF TABLES**  
**(continued)**

| <u>Table</u>   | <u>Title</u>                                                                          | <u>Page</u> |
|----------------|---------------------------------------------------------------------------------------|-------------|
| H-16           | New Household Formations by Type,<br>Income Group and Tenure 1988-93<br>and 1994-2000 | 16          |
| H-17           | Housing Construction Needs 1980-94<br>and 1995-2000                                   | 17          |
| H-18 <u>15</u> | Vacant Lots & Units at Development<br>Based on Present Zoning                         | <u>24</u>   |
| H-19           | Housing Construction, Bay Harbor Islands,<br>1980-88                                  | <u>25</u>   |

# HOUSING ELEMENT

## I. INTRODUCTION

### A. ELEMENT PURPOSE

The quality and physical appearance of the housing in a town are inextricably involved in the social and psychological fabric of that town. Urban areas are often evaluated by the overall quality of the housing stock since a large percentage of land in most cities is used for housing. It should be one of the goals of every community to insure sound, uncrowded housing in attractive well-maintained neighborhoods. When the quality of housing in an area is less than adequate, it affects every other human condition in that area. The city's aesthetic appeal and civic pride diminish as housing units deteriorate. Poor living conditions contribute to social pride and economic growth.

The purpose of a housing element in the Comprehensive Plan is to present the number, type, occupancy, use, location, and condition of the existing housing. Evaluation of this information indicates existing problem areas and facilities recommending methods to improve the general housing policies and stock of the city.

### B. RESIDENTIAL GROWTH TRENDS

The Town of Bay Harbor Islands was established in the early 1950's. It grew slowly for the first several years and then accelerated. Housing in Bay Harbor Islands is private (single family dwellings, apartments consisting primarily of condominium and small unit cooperatives); and commercial units (rental apartments). Since the number of dwelling units (DU) is substantially fixed by the land use and zoning ordinance, no substantial future population growth need is anticipated. The modest size of the town precludes substantial additional housing since no major vacant land exists that could be used for this purpose.

The public services now available are adequate for the current and foreseeable resident population.

The part-time resident provides a transient population that may result in wintertime population being greater than summer. Nevertheless, current needs for public services are being met during each season. There is no intent to add or reconstruct existing housing structures in a fashion that would substantially increase population of the demand for services.

Most of the Town's original development occurred between 1950 - 1980 with about 2,600 units built. Very little construction occurred between 1980 - 2000 and the tax base declined. As a result of the above in the late 1980s the Town took actions to spur new development and redevelopment. In the early 2000s after a series of community design charrettes, citizen initiatives (bldg. height limits), comprehensive plan updates, and numerous LDR studies / updates, a noticeable increase in development activities began to occur. Several new multifamily developments were approved but the so-called "Great Recession" of 2006-2010 stopped all but a few new developments. Since 2010 some of the previously approved projects were built, as well as several other new projects. About 50% of the new redevelopment projects have been built or started construction – this is felt to be caused by sharply higher land costs and construction costs. Many projects were redesigned with less units, larger unit sizes, and more luxurious units.

## II. INVENTORY

### A. CHARACTERISTICS OF THE EXISTING HOUSING STOCK

#### 1. The Age of the Housing Stock

From the ~~1980 Census data~~ 2012-2016 American Community Survey 5-year estimates, approximately ~~eighty-five percent (85%)~~ ninety-seven percent (97%) of the existing housing stock was built from 1948 (when the first house was constructed) to ~~1969~~ 2016. The housing stock built before ~~1970~~ 2016 is generally in good structural condition and is interspersed with housing built after ~~1970~~ 2016. While the total number of housing units has not changed dramatically, there has been some redevelopment in the last 15 years.

The following table shows the distribution of units by year constructed and by tenure:

**TABLE H-1: NUMBER OF DWELLING UNITS BY AGE,  
TOWN OF BAY HARBOR ISLANDS: ~~1980~~ 2018**

| Year Structure Built          | Number of Units               |
|-------------------------------|-------------------------------|
| Year-round housing units      | <del>3108</del> <u>3,172</u>  |
| 2014 or later                 | 107                           |
| 2010 to 2013                  | 69                            |
| 2000 to 2009                  | 91                            |
| 1990 to 1999                  | 86                            |
| 1980 to 1989                  | 219                           |
| <del>1979 to March 1980</del> | 4                             |
| 1975 to 1978                  | 63                            |
| 1970 to <del>1974</del> 1979  | <del>345</del> <u>521</u>     |
| 1960 to 1969                  | <del>1,418</del> <u>923</u>   |
| 1950 to 1959                  | <del>1,250</del> <u>1,098</u> |
| 1940 to 1949                  | <del>1226</del> <u>129*</u>   |
| 1939 or earlier               | <del>52</del> <u>93*</u>      |
| Owner-occupied housing units  | <del>1,368</del> <u>1,110</u> |
| Renter-occupied housing units | <del>1,346</del> <u>1,352</u> |

Source: U.S. Bureau of the Census, 1980 2012-2018 American Community Survey 5-year Estimates.  
(\*The Town's history dates back only 1948 when the first house was constructed; the census may have included the Town as part of another tract/block).

## 2. Type of Dwelling Units

Units were distributed by type as shown in the "Type of Units, Town of Bay Harbor Island" Table. ~~Based on recent research of the Town's records, it was found that the number of housing units in the Town was 3,090 as of September 1987. This figure is less than the 1980 Census figure of 3,108, but the Town provides a more accurate data since records are kept for each property plat.~~ Based on the 2020 Town records, there are about 2,870 dwelling units in the Town of Bay Harbor Islands.

Approximately 9 10.4% of the Town's housing stock is in single-family, detached units. The proportion of single-family dwellings to multi-family dwellings is decreasing slowly, since there is an increasing share of new multi-family housing construction. The US Census data in Table H-2 appears to have discrepancies as to the total number of existing single-family housing units for the years 1970-2000, since the total number of single-family detached units for those years is greater than the total number of original platted lots, which is 302. As of December 31, 2020 the Town's records reveal there were 286 existing single-family homes – all located on the West Island. Some homes are built on more than one lot or portions of several lots.

**TABLE H-2: TYPE OF UNITS, TOWN OF BAY HARBOR ISLANDS,  
FOR 1970, 1980, AND 1987-1990, 2000, 2010 AND 2017**

| Type of Unit               | 1970  |       | 1980               |      | 1987-1990 |       | 2000 |       | 2010  |       | 2020 |        |      |
|----------------------------|-------|-------|--------------------|------|-----------|-------|------|-------|-------|-------|------|--------|------|
|                            | No.   | %     | No.                | %    | No.       | %     | No.  | %     | No.   | %     | No.  | %      |      |
| Single-Family,<br>Detached | 325_  | 12.15 | 341_*              | 10.9 | 277       | 325*  | 12.1 | 351*  | 11.30 | 262** | 8.4  | 286*** | 9.02 |
| Duplex                     | 24    | 0.90  | -                  | -    | 82        | 24    | 0.90 | 27    | 0.90  | 18    | .57  | 5      | 0.2  |
| Multi-Family               | 2,326 | 86.95 | 2,767 <sup>1</sup> | 89.0 | 2,734     | 2,326 | 87.0 | 2,717 | 87.50 | 2,825 | 90.9 | 2,579  | 91.3 |

<sup>1</sup> includes duplex

\* US Census information appears to have discrepancies; number is higher than the original number of platted lots on the West Island which is 302.

\*\* 2010 / 2020 US Census & American Community Survey

\*\*\* From the Town's 2019 Annual DU Monitoring Report

Source: U.S. Bureau of the Census for 1970, and 1980, 1990, 2000, 2010 and 2020: Michael Miller Planning Associates Inc., 2020 figures, Building Department, Town of Bay Harbor Islands. Research by Joseph Middlebrooks & Associates, Inc. Architects and Planners, 1987

### 3. Tenure Characteristics and Vacancy Status

The ~~1980~~ 2012-2018 Census American Community Survey reported that ~~1368~~ 1,110, or ~~51~~ 45.1 percent of the Town's housing stock is owner-occupied. No data is available on the breakdown of these owner-occupied units into single-family, duplex and multi-family units.

The ~~1980~~ 2012-2018 Census American Community Survey reported that ~~382~~ 710 housing units were vacant, a figure which represents ~~12.3~~ 22.4 percent of the total stock. Some ~~40~~ 56 units were for sale and ~~34~~ 149 units were for rent, which represents a ~~2.8~~ 1.8 percent owner vacancy rate, and a ~~2.2~~ 4.7 percent rental vacant rate. These rates are generally considered "tight" for owner-occupied and rental units.

An examination of tenure ~~race~~ reveals that homeownership remains strong among White and Spanish origin groups (no data is available for Black households). The "Tenure Characteristics of Housing Stock" Table shows this information regarding the Town's housing stock.



**TABLE H-3: TENURE CHARACTERISTICS OF THE HOUSING STOCK  
TOWN OF BAY HARBOR ISLANDS, MIAMI-DADE COUNTY AND THE SMSA: 1980-2019**

| Tenure                                                  | Miami-Dade<br>County               | Town of Bay<br>Harbor Islands |
|---------------------------------------------------------|------------------------------------|-------------------------------|
| <u>Tenure by Race and Spanish Origin in Householder</u> |                                    |                               |
| Occupied housing units                                  | 609,830 <u>853,624</u>             | 2714 <u>2,462</u>             |
| Owner-occupied                                          | 332,527 <u>449,174</u>             | 1368 <u>1,110</u>             |
| Percent owner-occupied                                  | 54.5 <u>52.6</u>                   | 51 <u>45.1</u>                |
| White                                                   | 285,181                            | 1364                          |
| Black                                                   | 37,331(not available in 2016 data) |                               |
| Spanish Origin <sup>1</sup>                             | 89,056                             | 31                            |
| Renter-occupied                                         | 277,303 <u>404,450</u>             | 1346 <u>1,352</u>             |
| Percent renter-occupied                                 | 45.5 <u>47.4</u>                   | 49 <u>54.9</u>                |
| White                                                   | 212,959                            | 1340                          |
| Black                                                   | 47,220(not available in 2016 data) |                               |
| Spanish Origin <sup>1</sup>                             | 32                                 | 28                            |

Vacancy Status

|                             |                                 |                          |
|-----------------------------|---------------------------------|--------------------------|
| Vacant housing units        | 52,124 <u>151,211</u>           | -282 <u>710</u>          |
| For sale only               | 8,593 <u>7,401</u>              | 40 <u>49</u>             |
| Homeowner vacancy rate      | 2.5 <u>2.1</u>                  | 2.8 <u>1.8</u>           |
| For rent                    | 15,943 <u>31,211</u>            | 31 <u>0</u> <sup>1</sup> |
| Rental vacancy rate         | 5.4 <u>6.4</u>                  | 2.2 <u>4.7</u>           |
| Rented/sold, to be occupied | 8,123 <u>6,706</u>              | 35                       |
| Held for occasional use     | 11,017 <u>73,031</u>            | 401                      |
| Other vacant                | -8,448 <u>26,042</u>            | 311 <u>187</u>           |
| Boarded-up                  | 970(not available in 2016 data) |                          |

<sup>1</sup>Persons of Spanish origin may be of any race.

<sup>1</sup>Margin of error +/- 19

Source: U.S. Bureau of the Census, 1980-2012-2018 American Community Survey

#### 4. The Cost of Housing: Rent, Value and Monthly Cost of Owner-occupied units

##### a. Monthly Gross Rent

The median monthly gross rent for renter-occupied housing units in Bay Harbor Islands was ~~\$357 in 1980~~ \$1,429 in 2018, as reported in the U.S. Census 2012-2018 American Community Survey. Of the ~~1,344~~ 1,239 rental units, ~~63.4~~ 42.1 percent ~~fall within the \$200-349~~ \$1,000 - \$1,499 / month range, while ~~34.4~~ 43.8 percent had gross rent from ~~\$350~~ \$1,500 and above. Only ~~2.8~~ 12.8 percent of the stock had rents below ~~\$200~~ \$1,000/month, and an additional ~~32 units~~ (2.4 percent) were without a cash rent. The small percentage of stock with rents below ~~\$200~~ \$1,000 / month indicates that in this area the town had higher-income persons wanting to rent units in ~~1980~~ 2016. For Miami-Dade County ~~36.4~~ 29.2 percent of the units had gross rent below ~~\$200~~ \$1,000/month. The "Monthly Gross Rent of Renter-Occupied Units" Table shows the rent ranges of the rental housing.

**TABLE H-4: MONTHLY GROSS RENT OF RENTER-OCCUPIED UNITS,  
TOWN OF BAY HARBOR ISLAND AND THE SMSA: 1980-2018**

| Gross Rent                           | Miami-Dade<br>County              |                            | Town of<br>Bay Harbor Islands   |                            |
|--------------------------------------|-----------------------------------|----------------------------|---------------------------------|----------------------------|
|                                      | No.                               | Percent                    | No.                             | Percent                    |
| Less than <del>\$50</del> <u>500</u> | <del>6,538</del> <u>32,308</u>    | <del>2.40</del> <u>8.3</u> | <u>15</u>                       | <u>1.2</u>                 |
| <del>\$ 50 - \$ 99</del>             | <del>13,756</del>                 | <del>5.06</del>            | <u>2</u>                        | <u>0.18</u>                |
| <del>\$100 - \$149</del>             | <del>28,388</del>                 | <del>10.44</del>           | <u>4</u>                        | <u>0.30</u>                |
| <del>\$150 - \$199</del>             | <del>51,196</del>                 | <del>18.82</del>           | <u>33</u>                       | <u>2.46</u>                |
| <del>\$200 - \$249</del>             | <del>52,172</del>                 | <del>19.18</del>           | <u>130</u>                      | <u>9.67</u>                |
| <del>\$250 - \$299</del>             | <del>45,453</del>                 | <del>16.71</del>           | <u>219</u>                      | <u>16.30</u>               |
| <del>\$300 - \$349</del>             | <del>29,111</del>                 | <del>10.70</del>           | <u>231</u>                      | <u>17.19</u>               |
| <del>\$350 - \$399</del>             | <del>16,238</del>                 | <del>5.97</del>            | <u>268</u>                      | <u>19.94</u>               |
| <del>\$400 - \$499</del>             | <del>12,687</del>                 | <del>4.66</del>            | <u>273</u>                      | <u>20.31</u>               |
| <del>\$500 - \$999</del>             | <del>114,065</del>                | <del>29.2</del>            | <u>159</u>                      | <u>12.8</u>                |
| <del>\$1,000 - \$1,499</del>         | <del>145,070</del>                | <del>37.2</del>            | <u>522</u>                      | <u>42.1</u>                |
| <del>\$1,500 - \$1,999</del>         | <del>64,653</del>                 | <del>16.6</del>            | <u>397</u>                      | <u>32</u>                  |
| <del>\$2,000 - \$2,499</del>         | <del>21,093</del>                 | <del>5.4</del>             | <u>14</u>                       | <u>1.1</u>                 |
| <del>\$2,500 - \$2,999</del>         | <del>7,183</del>                  | <del>1.8</del>             | <u>49</u>                       | <u>4.0</u>                 |
| <del>\$3,000 or more</del>           | <del>1,143</del>                  | <del>1.5</del>             | <u>83</u>                       | <u>6.7</u>                 |
| No cash rent                         | <del>5,782</del> <u>14,342</u>    | <del>2.14</del> <u>.44</u> | <del>32</del> <u>113</u>        | <del>2.38</del> <u>.91</u> |
| TOTAL                                | <del>271,962</del> <u>390,108</u> | <del>100.00</del>          | <del>1344</del> <u>1,239</u>    | <del>100.00</del>          |
| Median monthly rent                  | <del>\$231</del> <u>\$1,143</u>   |                            | <del>\$357</del> <u>\$1,429</u> |                            |

Source: U.S. Bureau of the Census, 1980-2012-2018 American Community Survey

b. Value of owner-Occupied Housing

The median value of owner-occupied housing units for the Town was ~~\$174,500~~ \$312,800 in 1980, as reported in the ~~1980 U.S. Census~~ 2018 American Community Survey, which is felt to be inaccurate. The current estimated mean value of all housing in the Town was \$958,317 according to numerous real estate sources. In addition, the ~~4046~~ condominium units attained a median value of ~~\$72,700~~ \$372,000 in 2018. With most of the single-family housing units having a specified value of ~~\$100,000~~ \$1,000,000 and above, single family residences in the town have some of the highest values in the greater Miami area. Current values range from ~~\$450,000~~ \$819,500 to \$15,000,000 and upward depending upon location (waterfront areas) and size.

**TABLE H-5: VALUE OF OWNER-OCCUPIED HOUSING  
TOWN OF BAY HARBOR ISLANDS: ~~1980~~ 2018**

| Value                                    | Dwelling Units                        |                   |
|------------------------------------------|---------------------------------------|-------------------|
|                                          | No.                                   | Percent           |
| Specified owner-occupied Housing units   | 258 <u>1,110</u>                      | 100.00            |
| Less than \$10,000                       |                                       |                   |
| <del>\$ 10,000 - \$ 19,999</del>         |                                       |                   |
| <del>\$ 20,000 - \$ 29,999</del>         |                                       |                   |
| <del>\$ 30,000 - \$ 49,999</del>         | 1                                     | .39               |
| Less than \$50,000                       | 16                                    | 1.4               |
| <del>\$ 50,000 - \$ 99,000</del>         | 44 <u>12</u>                          | 47.05 <u>1.1</u>  |
| <del>\$ 100,000 - \$ 149,999</del>       | 60 <u>105</u>                         | 23.25 <u>9.5</u>  |
| <del>\$ 150,000 - \$ 199,999</del>       | 49 <u>128</u>                         | 19.80 <u>11.5</u> |
| <del>\$ 200,000 or more - 299,999</del>  | 280                                   | 25.2              |
| <del>\$ 300,000 - \$ 499,000</del>       | 165                                   | 14.9              |
| <del>\$ 500,000 - \$ 999,999</del>       | 223                                   | 20.1              |
| <del>\$1,000,000 or more</del>           | 181                                   | 16.3              |
| Median                                   | <del>\$174,500</del> <u>\$312,800</u> |                   |
| Owner-occupied condominium Housing units | 1,016                                 | 100.00            |
| Less than \$ 10,000                      | 1                                     | 0.10              |
| <del>\$ 10,000 - \$ 19,999</del>         | 6                                     | 0.60              |
| <del>\$ 20,000 - \$ 29,999</del>         | 29                                    | 2.85              |
| <del>\$ 30,000 - \$ 49,999</del>         | 172                                   | 16.93             |
| <del>\$ 50,000 - \$ 99,999</del>         | 578                                   | 56.89             |
| <del>\$100,000 - \$149,999</del>         | 162                                   | 15.94             |
| <del>\$150,000 - \$199,999</del>         | 49                                    | 4.82              |
| <del>\$200,000 or more</del>             | 19                                    | 1.87              |
| Median                                   | <u>\$72,700</u>                       |                   |

Source: U.S. Bureau of the Census, ~~1980~~ 2018 American Community Survey

## Monthly Cost of Owner-Occupied Housing

The ~~1980 U.S. Census~~ 2018 American Community Survey reported that the median monthly costs of owner-occupied housing units in the Town is ~~\$759~~ \$3,000 when the home still has a mortgage, and only ~~\$295~~ \$913 per month if the unit is not mortgaged. The majority of owners had monthly owner costs of ~~\$600~~ \$3,000 or more per month if the home still had a mortgage. Only ~~4.6~~ 3.2 percent of the homeowners with mortgages paid less than ~~\$300~~ \$1,000 per month, while ~~34~~ 18.3 percent had monthly costs in the ~~\$300 to \$599~~ \$1,000 to \$1,999 range.

Of the City's ~~Town's 250~~ 1,110 owner-occupied housing units, some ~~67~~ 612 or ~~27~~ 55.1% are not presently mortgaged. This is significantly low high number but ~~is to be expected~~ in view of the fact that the City Town has some of the more expensive homes in the area and represents the fact that considerable investment has been made in the Town. This also appears to represent that many older multi-family complex units owners have owned their units for some extended periods of time and were acquired at much lower prices.

**TABLE H-6: MONTHLY OWNER COSTS OF OWNER-OCCUPIED HOUSING UNITS  
TOWN OF BAY HARBOR ISLANDS, MIAMI-DADE COUNTY AND THE SMSA: 1980-2018**

| Mortgage Status and <u>Selected</u><br>Monthly owner Costs | <u>Miami-Dade</u><br>County |         | Town of Bay<br>Harbor Islands |       |
|------------------------------------------------------------|-----------------------------|---------|-------------------------------|-------|
|                                                            | No.                         | %       | No.                           | %     |
| Owner-occupied housing units                               | 233,741                     | 449,174 | 250                           | 1,110 |
| With a mortgage                                            | 184,410                     | 286,496 | 183                           | 498   |
| Less than \$100                                            |                             | 1,537   |                               | 0     |
| \$100 to \$199                                             |                             | 19,594  |                               | 0     |
| \$200 to \$299                                             |                             | 39,829  |                               | 3     |
| \$300 to \$399                                             |                             | 42,468  |                               | 10    |
| \$400 to \$599                                             |                             | 51,157  |                               | 47    |
| \$600 or more                                              |                             | 29,825  |                               | 123   |
| Less than \$500                                            |                             | 2,664   |                               | 0     |
| \$500 to \$999                                             |                             | 34,769  |                               | 16    |
| \$1,000 to \$1,499                                         |                             | 75,837  |                               | 66    |
| \$1,500 to \$1,999                                         |                             | 72,510  |                               | 25    |
| \$2,000 to \$2,499                                         |                             | 42,311  |                               | 88    |
| \$2,500 to \$2,999                                         |                             | 21,156  |                               | 54    |
| \$3,000 or more                                            |                             | 36,899  |                               | 249   |
| Median                                                     | \$374                       | \$1,685 | \$759                         | 3,000 |
| Not mortgaged                                              | 49,334                      | 162,678 | 67                            | 612   |
| Less than \$50                                             |                             | 1,910   |                               |       |
| \$ 50 to \$ 74                                             |                             | 6,184   |                               |       |
| \$ 75 to \$ 99                                             |                             | 10,184  |                               |       |
| \$100 to \$149                                             |                             | 17,484  |                               |       |
| \$150 to \$199                                             |                             | 6,093   |                               |       |
| \$200 to \$249                                             |                             | 3,085   |                               |       |
| \$250 or more                                              |                             | 3,583   |                               |       |
| Less than \$250                                            |                             | 15,460  |                               | 40    |
| \$250 to \$399                                             |                             | 31,042  |                               | 0     |
| \$400 to \$599                                             |                             | 40,815  |                               | 116   |
| \$600 to \$799                                             |                             | 27,192  |                               | 109   |
| \$800 to \$999                                             |                             | 16,537  |                               | 102   |
| \$1,000 or more                                            |                             | 31,653  |                               | 245   |
| Median                                                     | \$94                        | \$568   | \$295                         | \$913 |

Source: U.S. Bureau of the Census, 1980-2012-2018 American Community Survey

c. Cost or Rent to Income of the Census Ratio

~~There is no data available from the 1980 Census on the cost or rent to income ratio for the Town of Bay Harbor Islands. There is data, however, for census tract no. 38 which includes Bay Harbor Islands. The data may not accurately reflect housing financial characteristics for the Town but is nevertheless included as part of the inventory.~~

The 2012-2016 American Community Survey 5-Year Estimates provides data for the cost or rent to income ratio for the Town of Bay Harbor Islands and is shown in Table H-7 and H-8.

~~According to the Department of Community Affairs Department of Economic Opportunity, housing is considered "affordable" if the cost or rent to income ratio does not exceed thirty percent (30%). From the Table H-7, the 1980 Census 2012-2018 American Community Survey indicates that for families and individuals with income range less than \$10,000 a mortgage, more than sixty-four (64.4) 34.7% has have a cost to income ratio of thirty percent (30%) or more. For families and individuals without a mortgage, more than 20.1% have a cost to income ratio of 30% or more. For rental housing, the Town has more than eighty-five percent (85.3%) 47% spending 35% or more of their income for rent.~~

**TABLE H-7  
SELECTED MONTHLY OWNER COSTS AS  
PERCENTAGE OF HOUSEHOLD INCOME: 1979-2018**

| Cost to<br>Income<br>Ratio | Income-Range                                    |              |                                                    |              |                     |              |
|----------------------------|-------------------------------------------------|--------------|----------------------------------------------------|--------------|---------------------|--------------|
|                            | less than<br>\$10,000                           |              | \$10,000 to<br>\$19,999                            |              | \$20,000<br>or more |              |
|                            | #                                               | %            | #                                                  | %            | #                   | %            |
| less than                  |                                                 |              |                                                    |              |                     |              |
| 15%                        | 11                                              | 54.0         | 88                                                 | 37.6         | 532                 | 67.4         |
| 15-24%                     | 19                                              | 9.3          | 62                                                 | 26.5         | 138                 | 17.5         |
| 25-29%                     | 38                                              | 18.5         | 23                                                 | 4.3          | 52                  | 6.6          |
| 30% or more                | 132                                             | 64.4         | 61                                                 | 31.6         | 61                  | 8.5          |
| Not computed               | 5                                               | 2.4          |                                                    |              |                     |              |
| <b>TOTAL</b>               | <b>205</b>                                      | <b>100.0</b> | <b>234</b>                                         | <b>100.0</b> | <b>783</b>          | <b>100.0</b> |
| <b>Median</b>              |                                                 | <b>39.6%</b> |                                                    | <b>20.3%</b> |                     | <b>9.0%</b>  |
|                            | <u>Cost to Income Ratio<br/>with a Mortgage</u> |              | <u>Cost to Income Ratio<br/>without a Mortgage</u> |              |                     |              |
|                            | #                                               | %            | #                                                  | %            |                     |              |
| Less than 10.0%            | -                                               | -            | 213                                                | 34.8         |                     |              |
| 10.0-14.9%                 | -                                               | -            | 70                                                 | 11.4         |                     |              |
| 15.0-19.9%                 | -                                               | -            | 95                                                 | 15.5         |                     |              |
| Less than 20.0%            | 246                                             | 49.4         | -                                                  | -            |                     |              |
| 20.0-24.9%                 | 44                                              | 8.8          | 60                                                 | 9.8          |                     |              |
| 25.0-29.9%                 | 35                                              | 7.0          | 51                                                 | 8.3          |                     |              |
| 30.0-34.9%                 | 15                                              | 3            | 39                                                 | 6.4          |                     |              |
| 35.0% or more              | 158                                             | 31.7         | 84                                                 | 13.7         |                     |              |
| Not Computed               | 0                                               | -            | 0                                                  | -            |                     |              |
| <b>TOTAL</b>               | <b>498</b>                                      | <b>100.0</b> | <b>612</b>                                         | <b>100.0</b> |                     |              |

Source: 2018 American Community Survey



**TABLE H-8**  
**GROSS RENT AS PERCENTAGE OF HOUSEHOLD INCOME: 1979-2012-2018**

|                 |       | Income Range |       |             |       |          |  |
|-----------------|-------|--------------|-------|-------------|-------|----------|--|
| Rent to         |       | less than    |       | \$10,000 to |       | \$20,000 |  |
| Income Ratio    |       | \$10,000     |       | \$19,999    |       | or more  |  |
|                 | #     | %            | #     | %           | #     | %        |  |
| Less than 15%   |       |              | 5     | 0.6         | 331   | 28.5     |  |
| 15-24%          |       |              | 97    | 11.8        | 541   |          |  |
| 25-34%          | 47    | 4.0          | 277   | 33.8        | 227   |          |  |
| 35% or more     | 990   | 85.3         | 398   | 48.5        | 21    |          |  |
| Not computed    | 124   | 10.7         | 43    | 5.3         | 42    | 24.9     |  |
| TOTAL           | 1,161 | 100.0        | 820   | 100.0       | 1,162 | 100.0    |  |
| Median          |       | 46.3%        |       | 24.0%       |       | 13.6%    |  |
|                 | #     |              | %     |             |       |          |  |
| Less than 15.0% | 89    |              | 7.3   |             |       |          |  |
| 15.0-19.9%      | 61    |              | 5.0   |             |       |          |  |
| 20.0-24.9%      | 127   |              | 10.4  |             |       |          |  |
| 25.0-29.9%      | 244   |              | 20.0  |             |       |          |  |
| 30.0-34.9%      | 125   |              | 10.3  |             |       |          |  |
| 35.0% or more   | 572   |              | 47.0  |             |       |          |  |
| Not Computed    | 134   |              | -     |             |       |          |  |
| TOTAL           | 1,218 |              | 100.0 |             |       |          |  |

Source: U.S. Bureau of Census, 1980-2018 American Community Survey

## B. CONDITION OF THE HOUSING STOCK

~~The 1980 U.S. Census provides~~ Certain measures of the interior conditions are considered to be substandard, and the target of home improvement / rehabilitation efforts. These are units: a) lacking complete plumbing for exclusive use; b) lacking complete kitchen facilities; and c) lacking central heating, and d) overcrowded. It must be recognized that more than one of these conditions may occur in the same housing unit. The findings for the Town are summarized in the "Conditions of Housing Stock" Table H-9.

According to the Census 2012-2018 American Community Survey, some units have some measures of substandardness – however, there are no housing units in Bay Harbor Islands which are structurally substandard. Some of the multi-family dwellings may need repainting and maintenance repairs, but they definitely have not outlived their useful life and are not substandard structurally. The Town of Bay Harbor Islands has adopted the South Florida Building Code as the Town's Building Code. Any violations of health codes on the other hand are referred to the Miami-Dade County Health Department. As for the outdoor appearance of dwelling units, the Town can require owners to update their buildings through the Town's zoning code.

~~"Substandard" housing is defined as housing which is structurally deficient or lacks plumbing facilities. Methodology used to estimate the condition of housing is by visual surveys and research of town (water and sewer) records.~~

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**TABLE H-9 CONDITION OF HOUSING STOCK  
TOWN OF BAY HARBOR ISLANDS, 1980 2018**

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| CONDITION                            | DWELLING UNITS |
|--------------------------------------|----------------|
| Lacking complete plumbing            | <u>47 0</u>    |
| Lacking complete kitchens            | <u>8-13</u>    |
| Lacking central heating              | <u>209</u>     |
| <del>Room heaters without flue</del> | <u>37</u>      |
| <del>Stoves, portable heaters</del>  | <u>79</u>      |
| None                                 | <u>28</u>      |
| <del>Overcrowded housing</del>       | <u>18</u>      |
| No telephone service available       | <u>89</u>      |

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Source: U.S. Bureau of the Census, 1980 2012-2018 American Community Survey.

### **C. SUBSIDIZED HOUSING DEVELOPMENTS**

There are none in the Town of Bay Harbor Islands.

### **D. GROUP HOMES**

There are none in the Town of Bay Harbor Islands.

### **E. MOBILE HOME PARKS**

There are none in the Town of Bay Harbor Islands.

### **F. HISTORICALLY SIGNIFICANT HOUSING**

~~There are none in the Town of Bay Harbor Islands. In 2005-06, assisted by a state grant, the Town completed a residential Historical Structure Survey which identified potential historic structures that exceeded 50-years of age. The study surveyed 312 structures and identified those resources potentially eligible for recognition as historic structures, identified areas for a potential local historic district, and made recommendations to the Town on historic resources. Five sites were identified for further study. 73% of the structures surveyed were identified as "Masonry Vernacular" architecture, while 14% were identified as so-called Mid-Century Modern. Due mostly to broad public opposition no individual structures or areas have been designated as of 2018. In 2015 one multifamily site (Continental) was designated by the County's Historic Preservation Board, but was reversed by the County Commission, as the landowner objected. In recent years the County inventoried the Town's structures. As of 2020 none have been designated. No structure remains as was originally built due to maintenance / modernization.~~

## **III. ANALYSIS**

### **A. POPULATION EXPECTED TO RESIDE IN THE TOWN**

The Future Land Use Element (along with Appendix A) of this Comprehensive Plan presents a detailed study of population characteristics and provides population projections for the years ~~1994 and 2000~~ 2015, 2020, 2025, and 2030 from various sources.

#### 1. Household Size

The Town is estimated to grow to ~~4,944~~ 5,932 residents by ~~1993~~ 2020, an increase of only ~~45~~ 304 persons over the ~~1980~~ 2010 U.S. Census count. ~~However, the estimated 2020 BEBR population was 5,793 persons. By the year 2000 2030, the population is expected to be 4,938 6,250 for an increase of 69 622 persons over the 1980 2010 count.~~

Based on the U.S. Census, household size in 1980 was 1.79 persons per household. Based on the latest 2019 US Census estimate, owner-occupied household size increased to 2.42 persons per household and renter-occupied household size increased to 2.47 persons per household. It is believed this is due to more families moving into the Town for its location, lifestyle, and local K-8 school reputation. According to population projections by the Dade County Planning Department, household size at capacity for the minor-statistical area which includes the Town of Bay Harbor Islands, will decrease to 1.715 persons per household. Estimates and projections of household size for 1987 and 1993 are linear interpolations of the 1980 and 2000 data. More than 50% of the Town's population has changed since 2000 based on tenure data.

The U.S. Census reported 2,714 households in the Town. The projection for 1993 is 2,824 for an increase of 110 households. By 2000, the Town is projected to be home to 2,879 households, an increase of 165 households over the 1980 Census count, or approximately 8 households per year.

The distribution of households to one-person, two-person, three-to four-person, and five or more persons per household was based on a shift-share method wherein one-person and two-person households increase as a percentage of the total households in the Town.

**TABLE H-10: POPULATION AND HOUSEHOLD SIZE  
TOWN OF BAY HARBOR ISLANDS: 1980-2000 2018**

| Population       | Y e a r          |                  |                |                  |                 |                 |                  |
|------------------|------------------|------------------|----------------|------------------|-----------------|-----------------|------------------|
|                  | 1970<br>(actual) | 1980<br>(actual) | 1987<br>(est.) | 1990<br>(actual) | 1993<br>(proj.) | 2000<br>(proj.) | 2018<br>(actual) |
| Total Households | 2187             | 2714             | 2780           | 2715             | 2824            | 2879            | 2,612 2,599      |
| 1 person         | 474              | 1030             | 4055           | 1254             | 1147            | 1207            | 1,129 966        |
| 2 persons        | 1293             | 1394             | 1428           | 1133             | 1416            | 1424            | 896 861          |
| 3-4 persons      | 346              | 254              | 260            | 286              | 233             | 224             | 467 629          |
| 5+ persons       | 74               | 36               | 37             | 42               | 28              | 24              | 120 143          |
| Average HH Size  | 2.11             | 1.79             | 1.76           | 1.59             | 1.74            | 1.97            | 2.38             |

Source: Joseph Middlebrook & Associates, Inc., Architects & Planners. U.S. Bureau of Census, 1970 & 1980, 1990, 2000, American Community Survey 2012-2018

**TABLE H-11: POPULATION TREND BY AGE GROUP  
TOWN OF BAY HARBOR ISLANDS**

| Population   | Y e a r          |                  |                |                 |                |                 |                  |
|--------------|------------------|------------------|----------------|-----------------|----------------|-----------------|------------------|
|              | 1970<br>(actual) | 1980<br>(actual) | 1987<br>(est.) | 1993<br>(proj.) | 1990<br>(est.) | 2000<br>(proj.) | 2018<br>(actual) |
| less than 20 | 556              | 338              | 347            | 341             | 460            | 967             | 1,627            |
| 20-34        | 310              | 303              | 304            | 306             | 670            | 1,006           | 716              |
| 35-64        | 1804             | 1440             | 1447           | 1453            | 1,485          | 1,975           | 2,488            |
| 65+          | 1949             | 2788             | 2801           | 2814            | 2,088          | 1,198           | 1,054            |
| TOTAL        |                  | 4619             | 4869           | 4892            | 4,706          | 5,146           | 5,885            |

Source: U.S. Bureau of Census, 1970-1990, 2000, 1980-2010, Joseph Middlebrooks & Associates, Inc. Architects & Planners, 1987, American Community Survey 2012-2018

## 2. Age of Household Head

The age of household head provides the planner with additional information beyond that yielded by household size. It is particularly useful in identifying elderly households, a group whose housing needs often form a distant sub-market of the total housing market.

The most significant figure in the "Age of Head of Household" Table is the increasing number of elderly households.

**TABLE H-12: AGE OF HEAD OF HOUSEHOLD  
TOWN OF BAY HARBOR ISLANDS**

| Age of Head of Household          | <del>1970</del> | <del>1980</del> | <del>1987</del> | <del>1993</del> | <u>1990</u> | <u>2000</u> | <u>2010</u> | <u>2018</u> |
|-----------------------------------|-----------------|-----------------|-----------------|-----------------|-------------|-------------|-------------|-------------|
| less than <del>18</del> <u>25</u> | <del>4</del>    | <del>1</del>    | <del>1</del>    | <del>1</del>    | 50          | 8           | 9           | 0           |
| <del>19-64</del> <u>25-64</u>     | <del>1245</del> | <del>1648</del> | <del>1687</del> | <del>1715</del> | 1,166       | 706         | 901         | 1,762       |
| 65+                               | 941             | 1065            | 1092            | 1108            | 1,499       | 665         | 535         | 670         |
| TOTAL                             | <del>2187</del> | <del>2714</del> | <del>2780</del> | <del>2824</del> | 2,715       | 1,379       | 1,445       | 2,462       |

Source: U.S. Bureau of Census. ~~1980~~ 1990, 2000, and 2010, American Community Survey 2012-2018

## 3. Projections of Households by Income Group

An analysis of the number of households by income group is necessary to determine the type, size, and cost of housing needed to accommodate the projected increase in population.

Income groups were delineated based on HUD Federal Assistance Limits for subsidized housing programs. Income limits of groups are shown in Table H-13. This table shows income limits for a family of four. In Bay Harbor Islands in 1980, most households are were only one or two-person households (due probably to the large percentage of elderly population). As of 2017 the average population of Town residents has decreased significantly, and incomes increased. According to the 1980 Census data, 89.3% of occupied units are one or two-person households. Only 4.7% of the occupied units has four or more persons. According to the 2010 Census data, 70.3% of occupied units were one or two-person households but 17.3% of the occupied units had four or more persons. For this reason, the classification presented in Table H-13 will be modified as follows:

| <u>Income Group</u>         | <u>Ratio to Median Income</u>                         |
|-----------------------------|-------------------------------------------------------|
| Very Low Income             | less than 30% of median                               |
| <u>Low Income</u>           | <u>less than 50% of median</u>                        |
| Moderate Income             | <del>between 30% to 60%</del> 80% of median           |
| <u>Middle Medium Income</u> | <del>between 100% to 140%</del> <u>120%</u> of median |
| Upper Middle – High Income  | over 140% of median                                   |

Table H-14 shows the projections of households by income group. The estimate for 1987 and the projections for 1993 and 2000 were determined by assuming the same distribution as in 1980. The change in the number of households for each income group was then calculated. From Table H-15, the projected total number of households for 1988 to 1993 is 44, and for 1994 to 2000, the figure is 55.

**TABLE H-13  
INCOME LIMITS OF VARIOUS INCOME GROUPS**

| Income Group        | Ratio to Median Income        | Income*<br>Limits of group |
|---------------------|-------------------------------|----------------------------|
| Very Low Income     | less than 50-30% of median    | \$14,850 \$18,376          |
| Low Income          | between 50% to 80% of median  | \$14,850 23,760 \$30,627   |
| Moderate Income     | between 80% to 120% of median | \$23,760 35,640 \$49,004   |
| Medium Income       | 120% of median                | \$73,506                   |
| Upper Middle – High | over 140% of median           | over \$85,757              |

\*Miami-Dade County median income of \$29,700 \$52,300 is used noted (2018). since no current data is available for Bay Harbor Islands and tThis is the median income used for subsidized housing programs. The most recent (ACS 2018) household income noted for the Town was \$61,225. The mean family income was noted to be \$98,643 (ACS 2018). The Town's 2018 median income will be used for this analysis.

Source: HUD Federal Assistance Limits for 1987, Section 8 Housing Programs for family of four, Miami-Dade County, 2018; American Community Survey 2016; MMPA 2018.

**TABLE H-14  
PROJECTIONS OF HOUSEHOLDS BY INCOME GROUP  
TOWN OF BAY HARBOR ISLANDS FOR 1993—2000 2010-2030**

| Income Group                 | Households    |             |             |             |
|------------------------------|---------------|-------------|-------------|-------------|
|                              | 1980<br>No. % | 1987<br>No. | 1993<br>No. | 2000<br>No. |
| Very Low Income              | 338 12.5      | 347         | 353         | 360         |
| Low Income                   | 401 14.8      | 411         | 418         | 426         |
| Moderate Income              | 455 16.8      | 467         | 474         | 484         |
| Middle Income                | 348 12.8      | 356         | 362         | 369         |
| Upper Middle-<br>High Income | 1169 43.1     | 1199        | 1217        | 1240        |
| Total                        | 2711 100.0    | 2780        | 2824        | 2879        |

| Households                    |       |       |       |       |       |       |
|-------------------------------|-------|-------|-------|-------|-------|-------|
| Income Group                  | 2010  |       | 2016  |       | 2020  | 2030  |
|                               | No.   | %     | No.   | %     | No.   | No.   |
| Very Low Income               | 145   | 5.8   | 258   | 10.5  | 276   | 301   |
| Low Income                    | 302   | 12.1  | 357   | 14.5  | 382   | 416   |
| Moderate Income               | 551   | 22.1  | 293   | 11.9  | 313   | 341   |
| Medium Income                 | 588   | 23.6  | 465   | 18.9  | 497   | 542   |
| Upper Middle -<br>High Income | 908   | 36.4  | 1088  | 44.2  | 1163  | 1267  |
| Total                         | 2,494 | 100.0 | 2,462 | 100.0 | 2,632 | 2,866 |

Source: Joseph Middlebrooks & Associates, Inc., Architects & Planners, 1988. Projections based on 1980 census

Sources: US Census 2010 & 2020; ACS 2016-18; MMPA 2018-20. Assume future projections on 2018 income data. Assume 156 new households (200 DU) by 2025. Assume 390 new households (500 DU) by 2030.

**TABLE H-15**  
**CHANGE IN NUMBER OF HOUSEHOLDS BY INCOME GROUP,**  
**TOWN OF BAY HARBOR ISLANDS**

| Income Group                    | '80 to '87 | '88 to '93 | '94 to 2000 |
|---------------------------------|------------|------------|-------------|
|                                 | (est.)     | (est.)     | (est.)      |
| Very Low Income                 | +9         | +6         | +7          |
| Low Income                      | +10        | +7         | +8          |
| Moderate Income                 | +12        | +7         | +10         |
| Middle Income                   | +8         | +6         | +7          |
| Upper Middle and<br>High Income | +30        | +18        | +23         |
| Total                           | +69        | +44        | +55         |
| HH per annum                    | 10         | 9          | 8           |

SOURCE: Joseph Middlebrooks & Associates, Inc. Architects and Planners, 1988.

Note: All figures are rounded.

## **B. PROJECTED HOUSING NEEDS**

### **1. New Household Formations**

The previous section presented an analysis on the anticipated number of households by size and income group. The increase in the number of households for each income group was also determined.

Data from the previous section was utilized in projecting new household formations by type, income group and tenure for the years ~~1988-1993~~ and ~~1994-2000~~ 2023 (5-year) and 2030 (10-



years +). The analysis was based on the following procedures and the results are summarized in Table H-16.

- a. The number of new households for each income group for the years ~~1988-1993 and 1994-2000~~ 2025 (5-year) and 2030 (10-years +) are as shown in Table H-16.

~~For each income group, households were grouped under size of dwelling unit. For this analysis, data on population and household size were used. Households with one (1) or two (2) persons were assigned to two (2) or fewer bedroom dwelling units. Households with 3 or 4 persons were assigned to three (3) bedroom units while households with 5 or more persons are assigned to four (4)+ bedroom units.~~

- c. Number of households under each income group, size of dwelling unit are further subdivided into owner- and renter-occupied housing based on the ~~1980~~ 2018 distribution of ~~51%~~ 55.6% owner-occupied and ~~43%~~ 44.6% renter-occupied.
- d. The number of households under ~~each income group, size, dwelling unit and type of tenure~~ is then distributed into single and multi-family units (includes duplex) based on the following assumptions on housing trends:
  - i) The ~~1980~~ 2017 distribution of ~~9%~~ 8.4% single family and ~~91%~~ 91.6% multi-family housing (see Table H-2) will apply through the year ~~2000-2030~~.
  - ii) For lower income groups, single family homes are more affordable to own than multi-family condominium units.
  - iii) Middle to high income groups would prefer to rent multi-family housing than single family home. It is assumed that if higher income groups can afford to rent single family homes, they would rather own them.

## 2. Replacement of substandard units

As older housing becomes substandard, it will need to be replaced or upgraded or be removed from the inventory of housing stock. Based on the locally adopted definition of substandard, no units were found to be in substandard condition. The Town is very strict in enforcing housing codes and there has been no history of any housing ever becoming less than standard in condition. Thus, no replacement of substandard units will be included in projecting housing construction needs. ~~According to the Town records, only 46 residences at the most, will be 50 years old by the year 2000. According to the 2018 US Census estimates over 2,000 units are now over 50-years of age. Age alone is not indicative of substandard housing conditions or historical significance. There is a 40-year inspection required for all structures in Miami-Dade County; therefore, any substandard conditions would be identified / corrected at that time. In the last 15+/- years the Town has experienced a trend to replace older multifamily complexes, often in poor condition, and replace them with new modern complexes. The Town believes this trend will continue.~~ Nevertheless, the occurrence of substandard housing cannot be discounted.

## 2. Maintenance of vacancy rates

Not all housing in the city will be occupied during the year. Some units will be vacant at some period of time. Based on the ~~1980~~ 2016 census, vacancy rates are ~~2-8~~ 4.1 percent for owner-occupied housing and ~~2-2 less than 1~~ percent for renter-occupied units. The 2016 US Census estimates that about 8.9% of all units are used for seasonal use. A vacancy of ~~3%~~ 4% for owner-occupied and ~~3-0~~ 2% for renter-occupied units will be used in future planning periods.

**TABLE H-16**  
**NEW HOUSEHOLD FORMATIONS BY TYPE, INCOME GROUP**  
**AND TENURE FOR 1988-1993 AND 1994-2000**

| Income Group                          | 1988-1993 |    |        |    | 1994-2000 |    |        |    |
|---------------------------------------|-----------|----|--------|----|-----------|----|--------|----|
|                                       | Owner     |    | Renter |    | Owner     |    | Renter |    |
|                                       | SF        | MX | SF     | MX | SF        | MX | SF     | MX |
| <b>Very Low Income</b>                |           |    |        |    |           |    |        |    |
| -2 bedrooms                           | 1         | 2  | 0      | 2  | 1         | 3  | 0      | 2  |
| -3 bedrooms                           | 0         | 1  | 0      | 0  | 0         | 1  | 0      | 0  |
| -4+ bedrooms                          | 0         | 0  | 0      | 0  | 0         | 0  |        |    |
| Subtotal                              | 1         | 3  | 0      | 2  | 1         | 4  | 0      | 2  |
| <b>Low Income</b>                     |           |    |        |    |           |    |        |    |
| -2 bedrooms                           | 1         | 3  | 0      | 2  | 1         | 3  | 0      | 3  |
| -3 bedrooms                           | 0         | 1  |        | 0  |           | 1  |        | 0  |
| -4+ bedrooms                          | 0         | 0  |        |    |           | 0  |        |    |
| Subtotal                              | 1         | 4  | 0      | 2  | 1         | 4  | 0      | 3  |
| <b>Moderate Income</b>                |           |    |        |    |           |    |        |    |
| -2 bedrooms                           | 1         | 3  | 0      | 2  | 1         | 4  | 0      | 4  |
| -3 bedrooms                           | 0         | 1  | 0      | 0  | 0         | 1  | 0      | 0  |
| -4+ bedrooms                          | 0         | 0  |        | 0  | 0         |    |        |    |
| Subtotal                              | 1         | 4  | 0      | 2  | 1         | 5  | 0      | 4  |
| <b>Middle Income</b>                  |           |    |        |    |           |    |        |    |
| -2 bedrooms                           | 1         | 3  | 0      | 2  | 1         | 4  | 0      | 4  |
| -3 bedrooms                           | 0         | 1  | 0      | 0  | 0         | 1  | 0      | 0  |
| -4+ bedrooms                          | 0         | 0  | 0      | 0  | 0         | 0  | 0      | 0  |
| Subtotal                              | 1         | 3  | 0      | 2  | 1         | 4  | 0      | 2  |
| <b>Upper Middle &amp; High Income</b> |           |    |        |    |           |    |        |    |
| -2 bedrooms                           | 1         | 7  | 1      | 7  | 1         | 9  | 1      | 9  |
| -3 bedrooms                           | 0         | 1  | 0      | 1  | 0         | 1  | 0      | 1  |
| -4+ bedrooms                          | 0         | 0  | 0      | 0  | 0         | 1  | 0      | 0  |
| Subtotal                              | 1         | 8  | 1      | 8  | 1         | 11 | 1      | 10 |
| TOTAL                                 | 5         | 22 | 1      | 16 | 5         | 28 | 1      | 21 |

Note: SF=Single Family, MX= Multi-Family

Source: Joseph Middlebrooks & Associates, Inc. Architects & Planners, 1988.

### **Residential Density History / Potential Development**

Prior to the adoption of state mandated Comprehensive Plans in the late 1980s local governments had considerable freedom to establish their own land development regulations, including residential density limits. The Town's developer master-planned / platted the Town and recorded Deed Restrictions that contained basic land use types, setbacks, etc., which was common at that time (prior to modern Zoning Codes). As the developer sold sites they agreed to the location, type and intensity of each development.

This practice continued well into the late 1950s and early 1960s. The Town's first zoning regulations were adopted in 1957 and were based to a great degree on the developer's masterplan and Deed Restrictions. During the 1970s - 1990s the Town was essentially built-out with little new construction. The State of Florida began to require growth management regulations in the 1970s - 1980s but were "voluntary" at that time. In the late 1980s all local governments in South Florida were required to adopt "legally binding" Comprehensive Plans. The Town adopted its first legal binding Comprehensive Plan in 1988. This requirement has continued to the present time with several adjustments to the plan content requirements.

In the mid-1990s the Town prepared an Evaluation and Appraisal Report (EAR) that recognized that a decline / stagnation in the Town's tax base and community vitality was occurring. The EAR recommended changes be made to encourage redevelopment. Although no formal Comprehensive Plan amendments were prepared / adopted as required, the Town embarked on efforts to stimulate redevelopment, including higher density allowances and creating specialized zoning (PRD / PUD). Several new redevelopment projects were approved in the early 2000s but only two were ever built – as the Town discovered the Complan prohibited what they wanted to achieve, and public opposition occurred. Lawsuits resulted in allowing the two PRD sites to be developed but all others were stopped, as no permits were issued.

During updates to the Town's Comprehensive Plan in 2002-04 it was discovered that errors in residential density calculations occurred in the original 1988 plan by determining block-by-block density averages, upon which "maximum" density limits were established (34 DUA). It is believed the intent was to determine the "average" density of existing development areas, but as adopted 34 DUA became the Town's density "cap", even though individual project densities ranged from about 7 DUA (duplexes) to about 70 DUA for the largest midrise multifamily developments at that time. Initially the Town attempted to simply increase densities to reflect the existing development densities and match what other similar community densities were, but objections arose about increasing densities in the CHHA and citizens concerned with overbuilding. Considerable study on how to correct this error and achieve a reasonable flexible density allocation system occurred. Based on the adopted Future Land Use Map (FLUM) a maximum number of dwelling units DU was determined by calculating gross acreage by land use areas. A Density Monitoring System (DMS) was created to monitor the number of existing units and potential units. A Transfer of Development Rights (TDR) system was instituted to provide a method for the Town and property owners to shift density to specific sites. Since implementation in 2004, this system has proven to be very successful in addressing pre-existing development rights, establishing "pools" of TDR units, creating a predictable method to transfer density to desired locations, and provides a source of revenue to the Town for needed infrastructure improvements, parking facilities and other desired community improvements.

**West Island** - On the West Island only single-family homes are allowed. There are 294 platted lots available for development. Some homes are built on portions of combined lots or multiple lots resulting in a current availability of 266 homesites. In 2020 there are eight (8) vacant lots.

**East Island Commercial** - On the East Island a separate FLUM area exists for commercial / mixed-uses (Blocks 11, 12, 20 and 21). While commercial uses are the primary uses, residential uses are also allowed as part of a mixed-use development. Up to 758 dwelling units could be built in this area. As of 2018 no mixed-use developments exist, although a mixed-use development is being reviewed that would include 104 dwelling units. The same base residential density limits applies (34 DUA) but the TDR program can be used. Due to the Town's building height limit, restrictive density limits, and small lot sizes the scale of development is constrained. The Town allows smaller dwelling unit sizes in this area.

**East Island Multifamily** - On the East Island a majority of the land area is devoted to various types of multifamily development. Up to 4,057 dwelling units could be built in this area, plus 478 grandfathered pre-existing units (4,535). At the end of 2018 there were 3,032 existing dwelling units (2,554 + 478). Up to 1,503 additional new dwelling units could be built. However, as of late 2018 there are only about 90 Town-owned TDR units remaining (67 as of April 2021) – all other development rights are privately owned. While a number of redevelopment projects have been approved since the plan / Code updates in the mid-2000s, less than one-half of the projects have moved forward with construction. Due to the high land costs, the Town's building height limits, restrictive density limits, and small lot sizes the scale of development is constrained. All new development has been luxury townhouses or mid-rises owned by individuals. The vast majority of the original housing stock on the East Island remains and they are in fairly good condition. In 2018 there are very low vacancy rates due to the abundance of established housing stock, the Town's desirable location, and seemingly affordable rents. The 2016 US Census reports that over 55% of owned units have no mortgage.

The Town cannot increase its overall density limits due to the state's Coastal High Hazard Area (CHHA) limitations related to the evacuation of high population densities on the barrier islands, so it must be creative and utilize the base density limit (34 DUA) and selectively allocate its limited supplies of TDR units. TDR units must stay within the separate FLUM areas and cannot be moved at this time, per the Town's FLUM Policy limitations and state oversight.

### 3. Housing Construction Needs

Housing construction needs are calculated by combining the requirements for new household formations, replacement of substandard units and adequate vacancy rates. Table H-17 summarizes projections on housing needs.

**TABLE H-17  
HOUSING CONSTRUCTION NEEDS: 1988-1994 AND 1995-2000**

| Factor                               | 1988-1994 |           | 1995-2000 |           |
|--------------------------------------|-----------|-----------|-----------|-----------|
|                                      | Annual    | Total     | Annual    | Total     |
| Units for new household formations   | 9         | 44        | 8         | 55        |
| Units becoming substandard 1988-2000 | -         | 2         | -         | 2         |
| Allowances for vacancies             | -         | 4         | -         | 2         |
| <b>TOTAL CONSTRUCTION NEEDS</b>      | <b>9</b>  | <b>47</b> | <b>8</b>  | <b>59</b> |

Source: Joseph Middlebrooks & Associates, Inc. Architects & Planners

In general, the real estate market demand drives the need for additional housing. The Town is essentially built-out. There is no vacant raw land that has never had development. New construction involves the acquisition / demolition of older often lower density housing complexes, at great expense, with replacement housing typically more costly and intensive. It is expected that all remaining vacant lands will be redeveloped. It is not envisioned that all older housing will be replaced – much of it is very high quality and maintained. While market demand indicates that additional rental housing would be successful, the Town's density limits and cost to build constraints would seem to force more luxurious / expensive housing.

### C. LAND REQUIREMENTS FOR ESTIMATED HOUSING NEEDS

Population growth in a certain area is dependent on that area's capacity to absorb increases in resident population. The capacity to absorb resident population is in turn dependent on the housing supply and the residential capacity at build out. Table H-18 shows the number of acres available for new construction on vacant lots and the number of dwelling units at maximum development based on present zoning.

**TABLE H-18-15  
VACANT LOTS & UNITS AT DEVELOPMENT  
BASED ON PRESENT ZONING**

| Vacant Lots               | Correct Density | Acres | Units at Development |
|---------------------------|-----------------|-------|----------------------|
| Single-Family<br>— 3 lots | 3-5 u/ac.       |       | 3                    |
| Lot 17, blk.6             | 18 u/ac.        | 0.241 | 5                    |
| Lot 7 & 8, blk.3          | 32 u/ac.        | 0.516 | 17                   |
| Lot 17 & 18, blk. 9       | 40 u/ac.        | 0.516 | 6                    |
| Total                     |                 |       | 31 units             |

Source: Joseph Middlebrooks & Associates, Inc. Architects and Planners

|               |        |          |               |
|---------------|--------|----------|---------------|
| Single-Family | 8 Lots | N/A      | 8 DU          |
| Multi-Family  | 34 DUA | 9.64 Ac. | 328 DU        |
|               |        |          | Total 336 DU* |

\*Note: Assumes development of vacant land at 34 DUA Base Density. TDR allocation could increase number of units.

Source: Michael Miller Planning Associates, Inc. - 2020.

According to the table, available vacant land can only accommodate a maximum of 31 ~~336~~ dwelling units by right. The Town has projected housing construction needs of +/- 24 units for the year 2000 for its projected population increase (see Household Size). Some of the additional housing needs will most likely be met through conversions or remodeling. The Town may well reach its population capacity if there is no more available vacant land for housing, and in such a case, with no increase in population, then there will not be new housing needs to be met. The Town's current zoning FLUM allows for a total of 601 DU on the West Island but only 294 platted lots exist, and a total of 4,057 DU on the East Island. There is a substantial amount of redevelopment that will need to take place, mostly of older out-dated multi-family sites on the east island, in order to reach the maximum allowable density.

### D. THE PRIVATE SECTOR AND HOUSING SUPPLY

Based on current market conditions in the Town of Bay Harbor Islands, it is projected that the private sector will be able to meet the proportion of the housing need generated by moderate, middle, upper middle, and high-income households. For very low and low income households,

the private sector is not likely to respond due to the high land values in the Town, which makes it economically unfeasible to develop very low – and low-income housing.

The Town of Bay Harbor Islands is a fairly affluent residential community that offers its residents a high quality of living. This makes the area very attractive for residential development. The private sector often acquires good returns on investments in housing construction serving moderate to high income households. However, the Town does not have much available vacant land for new housing construction, thus construction activity has been very limited.

**TABLE H-19  
HOUSING CONSTRUCTION  
BAY HARBOR ISLANDS, 1980-88 2010-2018**

| Year | Single family | Duplex | Multi-Family |
|------|---------------|--------|--------------|
| 1980 | -             | -      | -            |
| 1981 | -             | -      | -            |
| 1982 | 4             | -      | 4            |
| 1983 | -             | -      | -            |
| 1984 | -             | -      | -            |
| 1985 | 4             | -      | -            |
| 1986 | -             | -      | -            |
| 1987 | -             | -      | -            |
| 1988 | -             | -      | -            |

Source: Town of Bay Harbor Islands

|              |                                            |
|--------------|--------------------------------------------|
| <u>2010</u>  | <u>0 Demo / 0 New DU</u>                   |
| <u>2011</u>  | <u>0 Demo / 0 New DU</u>                   |
| <u>2012</u>  | <u>0 Demo / 0 New DU</u>                   |
| <u>2013</u>  | <u>7 Demo / 62 New DU</u>                  |
| <u>2014</u>  | <u>133 Demo / 0 New DU</u>                 |
| <u>2015</u>  | <u>156 Demo / 42 New DU</u>                |
| <u>2016</u>  | <u>29 Demo / 17 New DU</u>                 |
| <u>2017</u>  | <u>28 Demo / 48 New DU</u>                 |
| <u>Total</u> | <u>353 Demo / 169 New DU = 184 Less DU</u> |

#### **E. THE PRIVATE SECTOR HOUSING DELIVERY SYSTEM**

The housing delivery system is extremely complex, requiring the coordination of numerous professionals, firms, businesses and industries, including developers, contractors, and home manufacturers, ~~and mobile home producers~~. These interests however, cannot function without the support and assistance of numerous other participants: land owners, real estate brokers, title companies, architects, engineers, surveyors, lawyers, lending institutions, distributors, insurance companies, planners, consultants, and zoning and building code officials. These, and more, make up the housing delivery system.

A “glitch” in one part of the system can impact the entire system. For example, if mortgage money is not available, certain materials are in short supply, or lengthy delays occur at title companies, the entire system is affected and production is diminished. It is important for the Town to do what it can to keep the housing delivery system robust and functioning.

Some standard impediments to housing delivery are:

1. Land availability;
2. Qualifying purchasers and mortgage interest rates;
3. Zoning and subdivision regulations;
4. Environmental regulations;
5. Codes and inspections;

1. Land Availability: Land availability has already been discussed in Section III, C, of this element.

2. Qualifying Purchasers and Mortgage Interest Rates: The single most significant factor in determining housing costs, and that with the widest fluctuation, is the prevailing mortgage interest rate. ~~Since 1981, the rates have dropped steadily. The "Housing Cost" and Financing Trends: 1980-1986 Table shows prevailing mortgage interest rates, and monthly housing costs (principal and interest only) for a median-priced house. Interest rates have varied greatly over time. Since the end of the Great Recession in 2010+/- the interest rates have been quite low averaging between 3.5% and 4.5% for a 30-year mortgage. This has helped the economy to recover and allow many to purchase real estate. As of 2018 interest rates have inched slightly higher but remain at low levels, thus, this has not been an impediment to purchasing homes.~~

**TABLE H-20**  
**HOUSING COST AND FINANCING TRENDS: 1980-1986**

| Year | Median House Price | Fixed Rate Mortgage Interest | Avg. Mtg. Loan Amount | Monthly P&I Costs |
|------|--------------------|------------------------------|-----------------------|-------------------|
| 1980 | \$46.3             | 13.5%                        | \$41.6                | \$576             |
| 1981 | 55.1               | 16.4                         | 49.6                  | 683               |
| 1982 | 47.2               | 16.0                         | 42.5                  | 571               |
| 1983 | 60.3               | 13.0                         | 54.2                  | 599               |
| 1984 | 59.9               | 12.5                         | 53.9                  | 575               |
| 1985 | 71.7               | 11.7                         | 64.5                  | 648               |
| 1986 | 72.7               | 9.8                          | 64.9                  | 559               |

Source: U.S. Federal Home Loan Bank Board, 1986 \* In Thousands

3. Zoning and Subdivision Regulations: Much of the available land for residential use in the City Town is zoned R-1, R-2 (both single-family), R-3, and R-4 RM-1, RM-2 and RM-3 (all multifamily) with densities ranging from 0-18 about 3 units per acre for single-family and between 7-34 units per acre for multifamily development. With TDR allocations densities for multifamily development can reach 80+ units per acre in some areas. Therefore, density has not an impediment to housing development; in fact, some projects approved at higher densities have dropped units during construction. Zoning changes are more difficult to get since each zoning change could require a comprehensive plan amendment and that takes at least four months. Developers may find these delays frustrating. Overall density increases are prohibited via the CHHA.

4. Environmental Regulations: Environmental regulations, such as getting approval for every other single-family unit from a state administrative process, often frustrate developers. The tree ordinance of Miami-Dade County causes developers minor hardships. The inspection of trees and getting removal approval may cause about four weeks' delay and necessitates revising the design if approval is not given.



5. Codes & Inspections: Developers complain about new / revised codes such as the recently-enacted County Ordinance requiring additional handicapped accessibility requirements. Inspections are accepted as an element which yield short-term delays.

#### IV. General Recommendations

##### A. PROVISION OF HOUSING FOR EXISTING AND FUTURE POPULATIONS

###### 1. Adequate Housing

Based on the analysis presented in the provisions section, by the year ~~2000~~ 2020, ~~2,879~~ 2,632 households are expected to reside in the Town, an increase of ~~465~~ 138 households from the ~~1980~~ 2010 figure of ~~2,714~~ 2,494 (2,717 DU existed in 1980) and ~~approximately 9 households per year~~. By the year 2030, 2,866 households are expected in the Town, an increase of 372 households from the 2010 figure of 2,494. As has been mentioned before, due to the favorable housing market condition in the Town, the private sector can be expected to meet projected housing needs except for lower-income housing types. Vacant land for new construction, however, is not sufficient to meet the land requirements of the projected housing demand. The Town has no intentions of annexing any areas; therefore, the lack of available land for housing means the Town has may never reached its population capacity; any increases in capacity will depend on conversions of single-family and duplex housing and older lower-density multifamily housing to townhouses or midrise multi-family dwelling units, due to the Town Charter building height limits (75 feet w/o referendum), the high cost of land acquisition and construction costs.

###### 2. Affordability

The main housing problem in the Town is in the area of housing affordability. According to the analysis presented in the previous section, ~~forty-four percent (44%)~~ thirty-seven (37) of the households in the Town belong to very-low, low-and moderate-income groups. Based on the ~~1980~~ 2016 census-data, ~~eighty-five percent (85%)~~ fifty-three percent (53%) of renter-occupied units for households with an income less than \$10,000 spend 35% or more of their income on rent. It is only in the ~~\$20,000 or more range~~ forty-seven percent (47%) of medium to higher income ranges that affordability did not appear to be problem.

~~It is recommended that an Affordable Housing Task Force be established to examine and recommend programs which could help accomplish the affordable housing needs of the Town's present and future populations.~~

###### 3. Special Housing Needs: Housing for the Elderly and the Handicapped.

~~The~~ While the elderly comprises comprised 57.3% if the Town's resident population in 1980, in 2020 the percentage of elderly residents has dropped significantly to only 16.0%. Approximately 40% 29.1% of the total households in Bay Harbor Islands are elderly households. The elderly require special housing needs. For example, smaller units, (with one or two bedrooms) and more compact housing types (cluster, townhouses, apartment or condominiums) will be in demand. Most of the time, it is the elderly who live on pensions and retirement savings, that pay 35% or more of their income for the cost or rent of housing. Often, it is also the elderly who cannot maintain or provide funds for the maintenance of their residential units.

~~It is recommended that another special task force be established to examine and recommend programs which could help meet the special housing needs of the elderly.~~

## V. GOALS, OBJECTIVES, AND POLICIES

### **HOUSING GOAL: PROVIDE ADEQUATE HOUSING TO MEET THE NEEDS OF THE PRESENT AND FUTURE RESIDENTS OF THE CITY TOWN.**

**OBJECTIVE H-1.0:** ~~By 1989, Continue to assist~~ the private sector in providing adequate and affordable housing to meet the needs of existing and anticipated populations and households with special housing needs.

**Policy H-1.1:** A "Status of Housing in the Town" Report will be annually presented to the ~~commission~~ Council in the month of June, and may include recommendations to address overall housing conditions, affordability, special needs, trends and density supplies / allocations, and ~~designating Historic Bldgs.~~

**Policy H-1.2:** ~~An Affordable Housing Task Force and Special Housing Task Force shall be established to examine and recommend programs for accomplishing affordable and special housing needs.~~

**Policy H-1.3:** Develop local government partnerships with the private sector to improve the efficiency and expand the capacity of the housing delivery system.

**Policy H-1.4:** Provide information, technical assistance, and incentives to the private sector to maintain housing production sufficient to meet the indicated demand.

**Policy H-1.5:** Review ordinances, codes, regulations and the permitting process for the purpose of eliminating excessive requirements, and amending or adding other requirements in order to increase private sector participation in meeting the housing needs, while continuing to insure the health, welfare, and safety of the residents.

**OBJECTIVE H-2:** The useful life of existing housing stock will be ~~conserved and extended~~ analyzed, and actions taken to conserve and extend their useful life if financially feasible, and neighborhood quality will be maintained or enhanced ~~by 1993.~~

**Policy H-2.1:** Review and amend, where necessary, the Town's housing and health codes and standards relating to the maintenance and upkeep of residential and neighborhood facilities and environments.

**Policy H-2.2:** Provide information, technical assistance, financial awareness assistance, and incentives to encourage homeowner's to increase private reinvestment in housing.

**Policy H-2.3:** Conserve and protect the structural and aesthetic quality of residential areas through a continuing program of neighborhood monitoring and code enforcement.

**Policy H-2.4:** The Town will assist elderly and handicapped homeowners to paint and make minor repairs to their homes with community development funds or any applicable federal, state, and local subsidy programs, ~~or helping to facilitate volunteers or elderly services.~~

**OBJECTIVE H-3:** ~~Starting in 1989~~ Continue to assist county, regional, and state agencies in providing locating adequate sites, although not necessarily in the Town, for housing for low and moderate income families, mobile homes, group homes and foster care facilities. Due to the Town's coastal barrier island location (CHHA), building / density limitations and high land costs, mobile homes are not permitted.

**Policy H-3.1:** Participate in county, regional, and state efforts, although not necessarily in the Town, to provide adequate sites for housing for low and moderate income families, mobile homes, group homes, and foster care facilities.

**OBJECTIVE H-4:** ~~Starting in 1989~~ Continue to provide assistance in relocating families displaced by public projects by making available to them housing at which they currently possess.

**Policy H-4.1:** Households displaced by municipal government action shall be assumed of standard housing which is reasonably located and at affordable costs.

**Policy H-4.2:** Cooperate with state and local government in providing uniform and equitable housing for persons and businesses displaced by state and local government programs.

**OBJECTIVE H-5:** ~~By 1993, the Town shall~~ Continue to formulate housing implementation programs to ensure that housing needs and problems will be given proper attention.

**Policy H-5.1:** The City Town shall prepare a housing implementation program ~~by 1993 and~~ periodically (at least every 5 years) update the program.

**OBJECTIVE H-6:** Provide for the identification and conservation of designated historic structures, and for the rehabilitation or demolition of deteriorated housing.

**Policy H-6.1:** The Town will establish guidelines for evaluating housing for historic value.

**Policy H-6.2:** Refer to the Town's 2006 Historic Structure Survey, and any subsequent updates thereto, and Miami-Dade County Historic Surveys when reviewing redevelopment applications.

**Policy H-6.3:** No area, site or structure shall be designated historic or mandatorily preserved unless the then property owner(s) consent in writing. If another agency (county / state / federal) designates any such area, site or structure, mitigation should be provided.

**Policy H-6.4:** Require that the Town annually update guidelines for determining when a structure is in need of rehabilitation or demolition. When a designated historic resource is determined to be in need of rehabilitation or demolition, the proposed action should be evaluated by the Town as to the best solution for improvements or demolition and advise Miami-Dade County accordingly.

**Policy H-6.1:** The Town will periodically evaluate its desire, need and procedures to establish itself as a Certified Local Government for the purpose of evaluating housing for historic value.



**4 - SANITARY SEWER, SOLID WASTE, DRAINAGE,  
POTABLE WATER, AND NATURAL GROUNDWATER  
AQUIFER RECHARGE ELEMENT**

# SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER, AND NATURAL GROUNDWATER AQUIFER RECHARGE ELEMENT

## TABLE OF CONTENTS (update)

|                                                     | PAGE                    |
|-----------------------------------------------------|-------------------------|
| INTRODUCTION                                        | 1                       |
| I. Support Documents                                |                         |
| A. Sanitary Sewer Sub-Element                       | <del>3</del> <u>6</u>   |
| B. Solid Waste Sub-Element                          | <del>16</del> <u>17</u> |
| C. Drainage Sub-Element                             | <del>30</del> <u>27</u> |
| D. Potable Water Sub-Element                        | <del>39</del> <u>37</u> |
| E. Natural Groundwater Aquifer Recharge Sub-Element | <del>49</del> <u>45</u> |
| II. Goals, Objectives, and Policies                 |                         |



**Table D-1**  
**Design Storm Frequencies and Flood Limits**

| Type of Area                                        | Rainfall Frequency                                                            | Flood Limit                                                                                       |
|-----------------------------------------------------|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| 1. Residential and Commercial                       | <u>5-10 year per M-D CDMP</u>                                                 | To crown of street or to within 15' or a dwelling or other occupied building, whichever is lower. |
| 2. 2-Lane road in Residential and Commercial areas  | <del>5-year, except</del> 10 year for a bridge or culvert in the canal system | To crown of street                                                                                |
| 3. 4-Lane roads in high density, high traffic areas | 10-year                                                                       | To outer edge of traffic lanes                                                                    |
| 4. Private parking lots and similar paved areas     | <u>2-10-year</u>                                                              | <del>(See South Fla. Building Code Section 4611)</del> <u>N/A</u>                                 |

Source: ~~Dade County Public Works Dept. Manual 1987~~ Miami-Dade Comprehensive Development Master Plan (CDMP) 2018 Level of Service (LOS) Standard



## **SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER, AND NATURAL GROUNDWATER AQUIFER RECHARGE ELEMENT**

This element has been prepared to meet the requirements of the ~~Local Government Comprehensive Florida Community Planning and Land Development Regulation Act, Chapter 163, Florida Statutes (F.S.).~~ In relevant part, the Act requires Comprehensive Plans to describe: 1) sanitary sewer, solid waste, drainage, potable water and aquifer recharge protection problems and needs; 2) ways to provide for future requirements; and 3) general facilities that will be required for solution of the problems and needs. ~~In addition, the element was prepared in accordance with Chapter 9J-5, Florida Administrative Code (F.A.C.), "Minimum Criteria for Review of Local Government Comprehensive Plan and Determination of Compliance".~~

This element covers a planning period of ~~thirteen years overall, beginning with the year in which the plan is to be adopted, 1988, and projecting future conditions for the years 1993 and 2000~~ 2018 to 2030. Facility needs and implementation plans have been evaluated based on the most current demographic and land use data and projections, using appropriate methodologies.

**Map  
Figure S-1**

**No update to Figure S-1 is proposed.**

## A. Sanitary Sewer Sub-Element

|                             | Page |
|-----------------------------|------|
| 1. Background               | 6    |
| Terms and Concepts          |      |
| Regulatory Framework        |      |
| 2. Existing Conditions      | 8    |
| 3. Needs Assessment         | 11   |
| Capacity Assessment         |      |
| Performance Assessment      |      |
| Summary and Recommendations |      |

List of Figures  
(update at final completion)

| Figure         | Title                                                                        | Page          |
|----------------|------------------------------------------------------------------------------|---------------|
| S-1            | Geographic Service Area for all Utility Facilities and Predominant Land Uses | 2             |
| S-2            | Municipal Sanitary Sewer Facilities                                          | 9             |
| <del>S-3</del> | <del>Regional Facilities, Central District, Dade County</del>                | <del>10</del> |
| <del>S-4</del> | <del>Peak Flow Coefficients</del>                                            | <del>13</del> |

List of Tables  
(update)

| Table            | Title                                                   | Page          |
|------------------|---------------------------------------------------------|---------------|
| S-1              | Facilities Capacities                                   | 11            |
| S-2 <sub>1</sub> | Existing & Projected Population<br>And Flows, 1993-2000 | 12            |
| <del>S-3</del>   | <del>Capacity Assessment</del>                          | <del>14</del> |

## **Sanitary Sewer Sub-Element**

### **1. Background**

#### **Terms and Concepts**

Sanitary sewer facilities are composed of three components which perform the basic functions of collection, treatment and disposal of sewage.

The collection system consists of a network of sewer pipes which collect sewage (also called wastewater) from individual establishments and transport it to a central location for treatment and disposal. The collection network is designed to remove the sewage by "free" flow and is generally laid out in a branching pattern.

Flow in sewers and drains is continuously downhill except where the terrain is relatively level as in the municipality, where a pumping system is used in conjunction with the major components of the collection system. Pumping systems allow sewage to be conveyed under pressure against the force of gravity and for long distances at minimal slopes. The term "force main" is generally applied to pressurized sewers in conjunction with this type of system.

After collection, sewage is conveyed to a central location for treatment before disposal. The treatment plant is a sanitary sewer facility which functions to remove solid and organic materials from the sewage. There are a large number of processes which can accomplish this, but they are generally grouped into one of the following three categories depending on the proportion of materials removed: 1) primary treatment; 2) secondary treatment; and 3) tertiary treatment.

#### **Regulatory Framework**

##### **Federal**

The Federal Water Pollution Control Act (~~PL 92-500~~) (Clean Water Quality Act) is the controlling national legislation relating to the provision of sanitary sewer service. The goal of this Act is the restoration and/or maintenance of the chemical, physical and biological integrity of the nation's waters. The Act established the national policy of implementing area-wide waste treatment and management programs to ensure adequate control of sources of pollutants. ~~Under Section 201 of PL 92-500, grants are made available to local governments to construct facilities to treat "point sources" of pollution, which include effluent from sewage treatment processes. The U.S. Environmental Protection Agency is responsible for implementing the act. The most recent series of amendments (P.L. 100-4) includes provisions for a \$400 million program for States to develop and implement, on a watershed basis, nonpoint source management and control programs. The Environmental Protection Agency (EPA) is~~

responsible for grant administration, program approval, and periodic program evaluation.

## **State**

The Florida Department of Environmental Regulation Protection (DER) (FDEP) is responsible for ensuring that the State carries out responsibilities assigned to it under PL92-500 P.L.100-4. ~~FDER~~ FDEP has adopted rules for the regulation of wastewater facilities in Chapter 17-6 62-600, F.A.C. ~~These rules apply to facilities which treat flows exceeding 5,000 gallons per day for domestic establishments, 3,000 gallons per day for food service establishments, and where the sewage contains industrial or toxic or hazardous chemical wastes. This chapter provides minimum standards for the design of domestic wastewater facilities and establishes minimum treatment and disinfection requirements for the operation for domestic wastewater facilities. These rules apply to domestic wastewater treatment, reuse, and disposal facilities.~~

The Florida Department of Health and ~~Rehabilitation Services (DSHRS)~~ (FDOH) regulates septic tank and drain-field installation within the state. These requirements have been adopted by rule in Chapter 40D-6 64E-6, F.A.C.

## **Regional**

The primary water quality management agency for Miami-Dade County is the ~~Department of Environmental Resources Management (DERM)~~ Water and Sewer Department (WASD). ~~As presented in the 201 Facilities Plan, DERM's functional wastewater management responsibilities include: The county's wastewater plan is known as the Miami-Dade Wastewater Facilities Master Plan (2007). The primary objective of the plan is to eliminate deep sea outfalls for sewage disposal by 2025 per legislation, in addition to continuing to provide adequate facilities through 2035.~~

~~—Setting effluent, waste discharge, and water quality standards for Miami-Dade County.~~

~~—Establishing, operating and maintaining a continuous program for monitoring water pollution by means of a Countywide surveillance network.~~

~~—Approving all plans for the extension, installation, or altering of any sewage system or waste treatment facility or industrial waste facility.~~

~~—Inspecting during construction and subsequent approval prior to issuance of a Certificate of Occupancy.~~

~~—Stopping the operation of a facility if, in the judgment of a DERM officer, it is causing or will cause water pollution to such a degree as to be dangerous to the public health, safety, and welfare.~~



~~In addition, DERM and DER have reached an interagency agreement delegating permitting functions to the local agency (DERM).~~

As a result of the Florida Water Resources Act of 1972, South Florida Water Management District (SFWMD), ~~formerly the Central and Southern Florida Flood Control District,~~ is the water utilization management agency for South Florida. It has the right to issue or refuse all permits for wastewater treatment construction involving the introduction of wastewater into surface waters (this includes freshwater bodies and SFWMD waterways.) SFWMD also must review and approve all projects involving artificial recharge or the intentional introduction of water into any underground formation.

## **2. Existing Conditions**

The sanitary sewer collection system in Bay Harbor Islands is as depicted in Figure S-2. This municipal facility is owned and operated by the Town's Public Works Department. All establishments are connected to the municipal facility and, as far as the Town is aware, there are no existing private facilities such as septic tanks or package treatment plants.

After collection from individual establishments, sewage is pumped by force main to the City of Miami Beach and from Miami Beach it is transmitted to the Central Dade District County Sewage Wastewater Treatment Plant (CDWWTP) located at Virginia Key. The Central District Wastewater Treatment Plant has a total rated capacity of ~~124~~ 143 ~~mgd~~ MGD ~~and this capacity is expected to increase to 133 mgd after its proposed expansion in 1988~~ and the plant has been operating on average at about 120 MGD ~~(1980 2018).~~ The plant provides treatment by the activated sludge process. The treated effluent uses an outfall disposal method. The plant also processes all of the wastewater residuals produced by the North District Wastewater Treatment Plant. In addition, an emergency interconnect also exists to a secondary sanitary sewer force main (owned & operated by Bal Harbour Village) that extends southerly along SR A1A paralleling the primary sanitary sewer main through the Town of Surfside and Miami Beach to the County's Virginia Key Treatment Plant. Studies have occurred over the years for alternative shorter distant force main routes and nearer / not as overburdened treatment facilities, such as the County's North District Wastewater Treatment Plant (NDWWTP) located in the City of North Miami Beach at 2575 NE 151<sup>st</sup> Street for emergencies / backup (2018 capacity 120 MGD / operating at 90+/- MGD). However, due to the high cost and cumbersome / environmental routing issues across Biscayne Bay and through other communities neither this / other routes never moved forward (see Figure S-3). ~~and this capacity is expected to increase to 133 mgd after its proposed expansion in 1988. From the Dade County 201 Wastewater Facilities Plan Update, the Town of Bay Harbor Islands is under wastewater collection zone 601. According to the same plan, zone 601 has projected flows of 27.4 and 29.85 for the years 1995 and 2000 respectively. This, therefore is the proportional capacity of the Central Wastewater Treatment Plan that has been allocated to serve the area around Bay Harbor Islands.~~

The operational level of service standard for the Town is based on historical flow data for the service area and includes residential, commercial, and infiltration / inflow factors. According to data supplied by the Public Works Supervisor Department of Bay Harbor Islands, from October 1985 2016 to September 1986 2017, 278,432.4 252,747,000 mg of wastewater were pumped to Miami Beach. This value divided by the estimated population in 1986 2017 of 4,889 6,006 and converted to daily flow amounts to a flow of 456 42.08 gallons per capita per day (gpcd). The original 1998 Infrastructure Element included an estimated daily flow of 156 gpcd; however, that calculation is not correct. The Miami-Dade Water and Sewer Department (MDWASD) utilizes a 100 gpcd level of service. This Even though the Town's actual level of service is much lower, a corrected / updated unit contribution rate of 100 gpcd is used as the level of service standard for the municipality and is consistent with the Miami-Dade WASAD level of service, the Town's service provider. This allows a considerable buffer (55%) for pumping capacity.

In 1988 the sanitary sewer pumping system was comprised of two forty (40) horsepower pumps, one fifty (50) horsepower emergency pump, and a 16-inch force main which could pump a total of 4.62 million gallons per day. In 2018 there are two sixty (60) horsepower pumps, one seventy-five (75) horsepower emergency pump, and a 16-inch force main, for a total NAPOT (Nominal Average Pump Operating Time) of 6.45 hours per day in 2018.

The design capacities of the collection components are shown in Table S-1.

TABLE S-1

FACILITY CAPABILITIES

| TYPE                             | SIZE           | CAPACITY (MGD)   |
|----------------------------------|----------------|------------------|
| Master Pump Station              |                |                  |
| a. Two 40 <u>60</u> HP pumps     | 2.6 <u>5"</u>  | 2.6 <u>1.27</u>  |
| b. One 50 <u>75</u> HP emergency | 2.02 <u>6"</u> | 2.02             |
| Force Main to Miami Beach        | 16"            | 4.62 <u>3.29</u> |

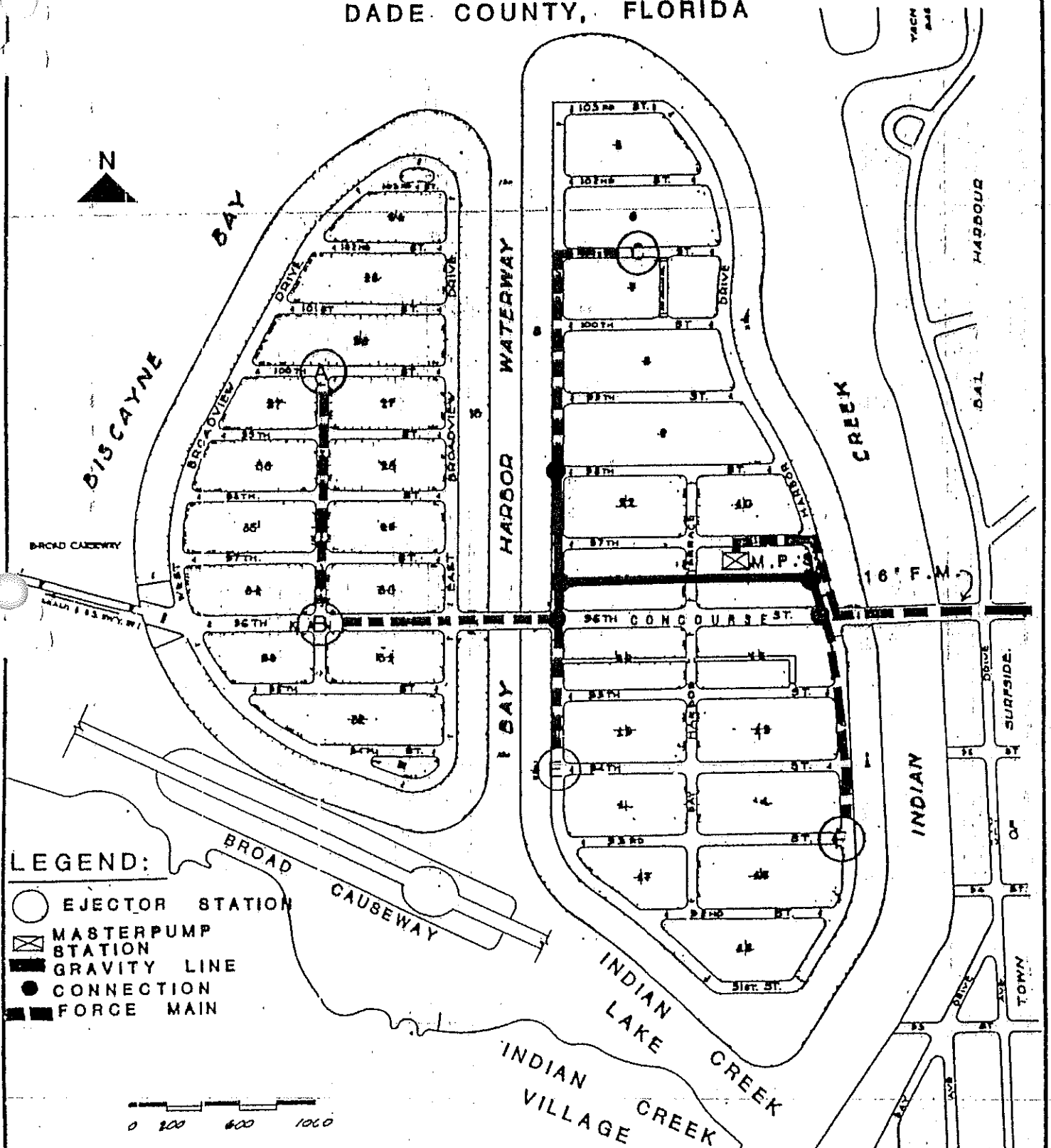
Notes: 1) Force main size is diameter in inches; Pump Station and Treatment Plant size is rated capacity in million gallons per day. Capacity: Capacity is in million gallons per day.

Source: Department of Public Works, Town of Bay Harbor Islands (Updated March 2019)

Map  
**Figure S-2**  
**Municipal Sanitary Sewer**  
(no changes needed)

# TOWN OF BAY HARBOR ISLAND

## DADE COUNTY, FLORIDA



Preparation of this Map or  
document was aided through  
financial assistance received  
from the State of Florida  
under the Local Government  
Comprehensive Planning Assis-  
tance Program authorized by  
Chapter 86-147, Laws of Florida  
and administered by the Florida  
Department of Community Affairs.

### MUNICIPAL SANITARY SEWER FACILITIES

Figure S-2

**JOSEPH MIDDLEBROOKS  
AND ASSOCIATES, P.A.**  
ARCHITECTS - URBAN PLANNERS  
INTERIOR DESIGNERS - CONSTRUCTION ADMINISTRATORS

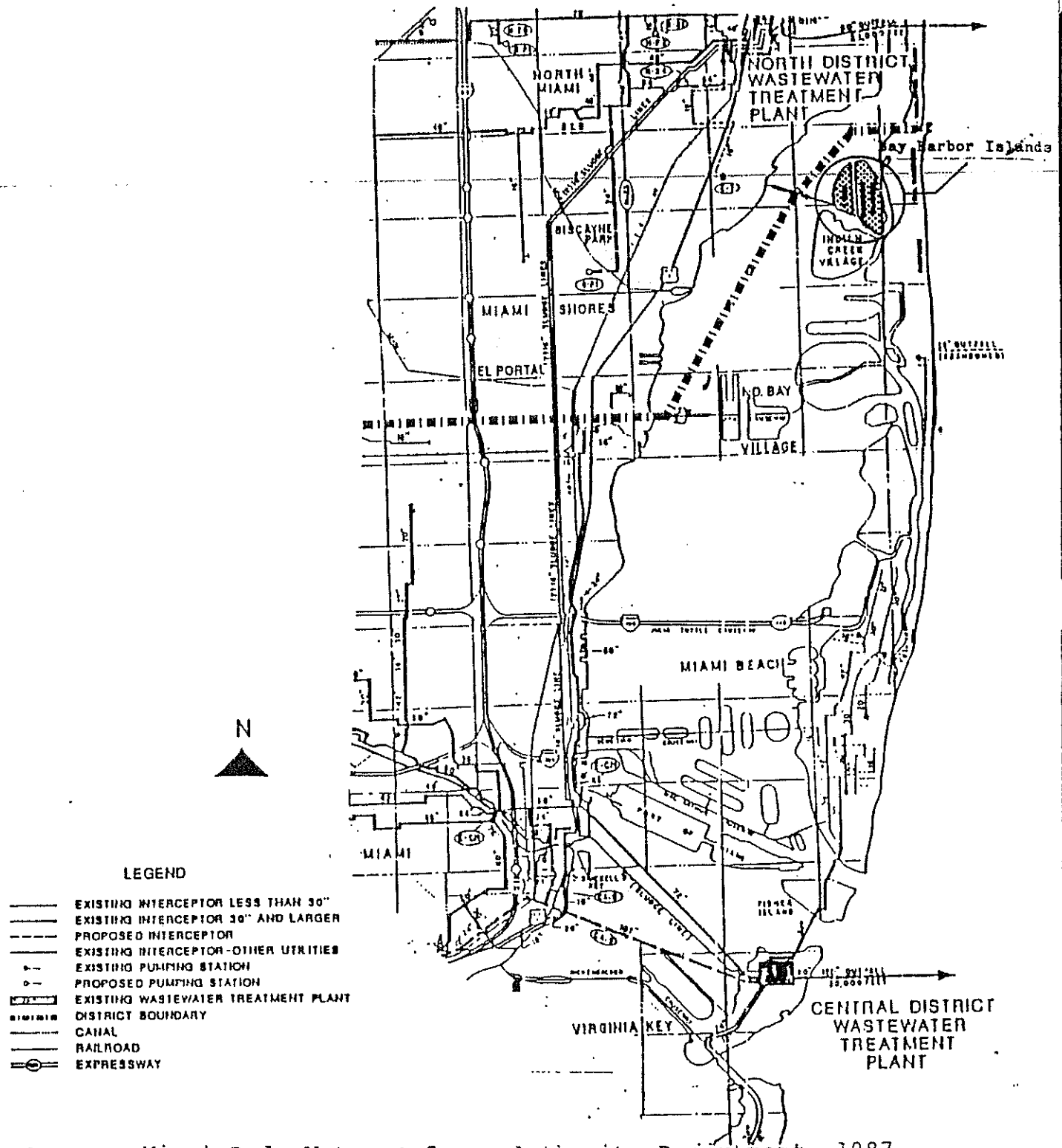
6400 S.W. 22ND AVENUE, SOUTH DAKOTA, FLORIDA 33143 (305) 861-7394

Map  
**Figure S-3**  
**Regional Facilities Central District Miami-Dade County**

**EXISTING**

# TOWN OF BAY HARBOR ISLANDS

## DADE COUNTY, FLORIDA



Source: Miami-Dade Water & Sewer Authority Department, 1987.

"Preparation of this Map or Document was aided through financial assistance received from the State of Florida under the Local Government Comprehensive Planning Assistance Program authorized by Chapter 86-167, Laws of Florida and administered by the Florida Department of Community Affairs."

REGIONAL FACILITIES  
CENTRAL DISTRICT  
DADE COUNTY

Figure S-3

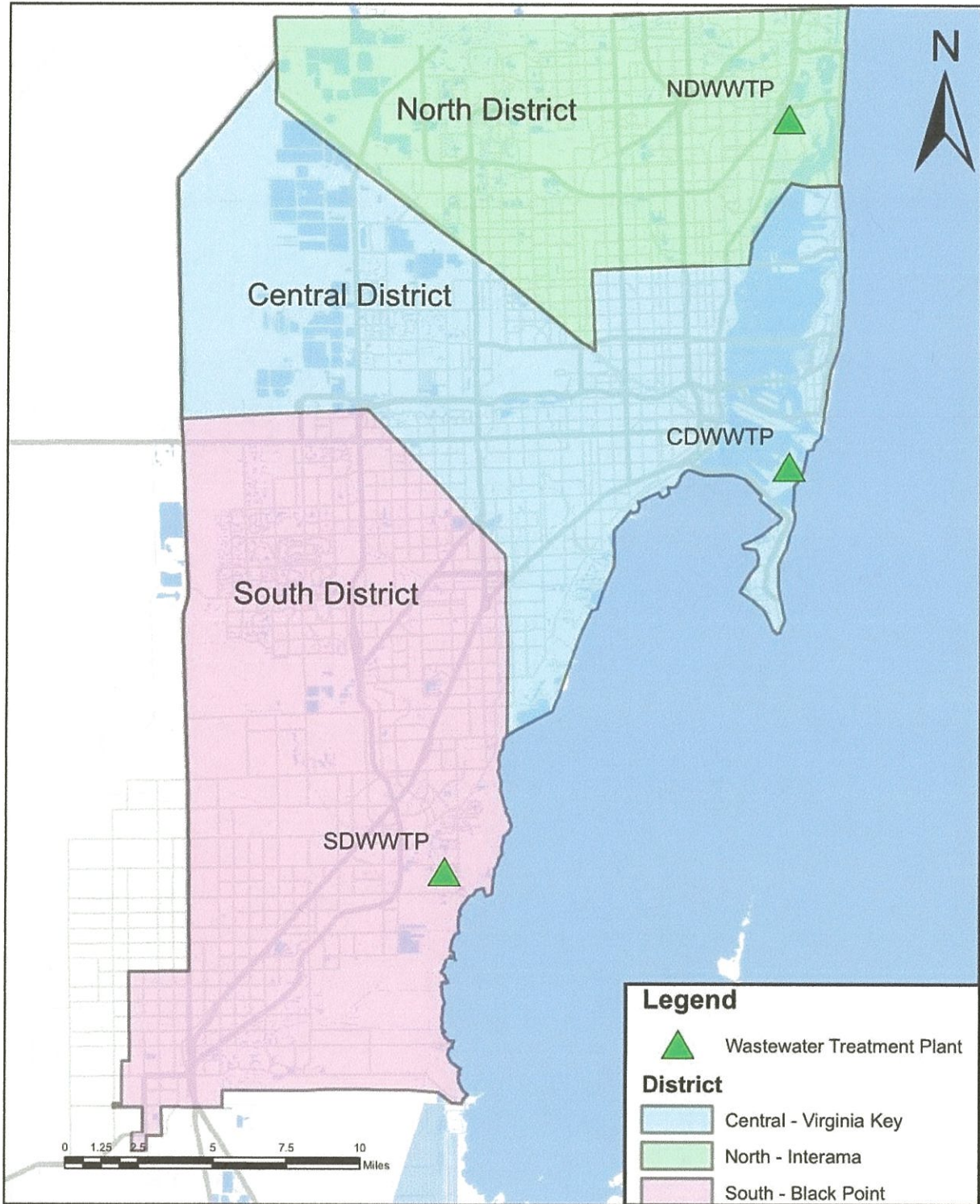
JOSEPH MIDDLEBROOKS  
AND  
ASSOCIATES, P.A.  
ARCHITECTS URBAN PLANNERS  
INTERIOR DESIGNERS CONSTRUCTION ADMINISTRATORS

6-10 8th Street, South Miami, Florida 33133 (305) 861-7504



**PROPOSED**

**Figure 01.1**  
**MDWASD's Wastewater Treatment Plant Service Areas**



**Table 01-1**  
**Plant Capacities and Actual Flows (MGD)**

| Treatment Plant | Annual Average Flow |                |                    | Peak Hour Flow               |                |
|-----------------|---------------------|----------------|--------------------|------------------------------|----------------|
|                 | Permitted Capacity  | Rated Capacity | 2015 Average Daily | Estimated Peak Hour Capacity | 2015 Peak Hour |
| NDWWTP          | 120                 | 120            | 89.3               | 250                          | 129.3          |
| CDWWTP          | 143                 | 143            | 120.2              | 320                          | 310.0          |
| SDWWTP          | 112.5               | 112.5          | 97.0               | 285                          | 259.0          |
| <b>Total</b>    | <b>375.5</b>        | <b>375.5</b>   | <b>306.5</b>       | <b>820</b>                   | <b>--</b>      |

## 01.02 Summary of the Wastewater Treatment Facilities

As noted in Subsection 01.01 above, MDWASD owns, operates, and maintains three wastewater treatment plants (WWTPs): the North District WWTP (NDWWTP), the Central District WWTP (CDWWTP), and the South District WWTP (SDWWTP). The process flow diagram for each of these plants is shown in Figure 01.2, Figure 01.3 and Figure 01.4, respectively.

The **North District Wastewater Treatment Plant (NDWWTP)** sometimes referred to as the Interama Plant by MDWASD staff provides treatment by the activated sludge process and is, operational 24 hours per day, seven days per week. The treated effluent uses both an outfall disposal method and underground injection wells.

The **Central District Wastewater Treatment Plant (CDWWTP)** sometimes referred to as the Virginia Key Plant provides treatment by the activated sludge process and is also staffed 24 hours per day, seven days per week. The treated effluent uses an outfall disposal method. Additionally, the CDWWTP processes all of the wastewater residuals produced by the NDWWTP.

The **South District Wastewater Treatment Plant, (SDWWTP)** sometimes referred to as the Black Point Plant provides treatment by the activated sludge process and is staffed 24 hours per day, seven days per week. The treated effluent is pumped down a series of wells to a depth of 3,000 feet as opposed to the outfall disposal method of the other two plants. The residuals of both this and the CDWWTP are used as soil amendments in Florida's agricultural community.

### 3. Need Assessment

This section examines the need for facility improvements during the planning period. Improvement needs are based on demand for capacity to serve existing and projected population and land capacity to serve existing and projected population and land uses, and on the adequacy of facility performance in meeting health and safety objectives.

#### Capacity Assessment

The preceding section identified the capacity of the municipal facilities serving the municipality and the level of service standards for the facilities. This assessment identifies facility improvement needs by estimating demands, assigning demand to the facilities and quantifying facility deficiencies.

Demand was estimated by applying the level of service standard of 456 100 gpcd to the projected population and land use within the service area in order to estimate average flows for the planning period. ~~The methodology used for calculating the peak daily flow is consistent with the Dade County 201 Wastewater Facilities Plan, and peak flow coefficients used are as shown in Figure S-3.~~

~~Facility capacity deficiencies were derived for years 1993 and 2000 as the difference between the facility design capacity and assigned demand and are called residual capacity. Negative residual capacity indicates a capacity deficit.~~

The "Existing and Projected Population and Flows" Table indicates the projected cumulative population and flows for the municipality. ~~Functional population is the sum of the resident and of the seasonal population.~~ Average daily flow is based on the level of service standard of 456 100 gpcd.



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TABLE S-1

EXISTING & PROJECTED POPULATION AND FLOWS, 2010-2030

|                                 | <u>2010</u>  | <u>2020</u>  | <u>2030</u>  | <u>2040</u>  |
|---------------------------------|--------------|--------------|--------------|--------------|
| <u>Level of Service (gpcd)</u>  | <u>100.0</u> | <u>100.0</u> | <u>100.0</u> | <u>100.0</u> |
| <u>Total Population</u>         | <u>5,628</u> | <u>6,100</u> | <u>6,250</u> | <u>6,448</u> |
| <u>Average Daily Flow (mgd)</u> | <u>0.562</u> | <u>0.743</u> | <u>0.760</u> | <u>0.783</u> |

---

Sources: MDWSD LOS; Florida Housing Data Clearinghouse, 2017. Michael Miller Planning Assoc. 2018

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TABLE S-2

EXISTING & PROJECTED POPULATION AND FLOWS, 1993-2000

|                                                                      | <u>1986</u>  | <u>1993</u>  | <u>2000</u>  |
|----------------------------------------------------------------------|--------------|--------------|--------------|
| <u>Level of Service (gpcd)</u>                                       | <u>156</u>   | <u>156</u>   | <u>156</u>   |
| <u>Resident Population</u>                                           | <u>4,889</u> | <u>4,914</u> | <u>4,938</u> |
| <u>Seasonal Populations</u>                                          | <u>--</u>    | <u>110</u>   | <u>110</u>   |
| <u>Functional Population</u>                                         | <u>4,889</u> | <u>5,024</u> | <u>5,048</u> |
| <u>Average Daily Flow (mgd)</u>                                      | <u>0.763</u> | <u>0.784</u> | <u>0.787</u> |
| <u>Peak coefficient (from Figure S-3)</u>                            | <u>3.3</u>   | <u>3.3</u>   | <u>3.3</u>   |
| <u>Peak Daily Flow (mgd) (average daily flow X peak coefficient)</u> | <u>2.518</u> | <u>2.587</u> | <u>2.597</u> |

---

Source: Joseph Middlebrooks & Associates, Inc., Architects & Planners

The "Capacity Assessment" Table shows the projected demand for the sewer collection system, and residual capacity of the main pump station and the force main.

**Note:** It is believed the above Table S-2 contains significant errors and is replaced.

**Note: Table S-3 is no longer relevant as capacity is now tracked with NAPOT times)**

TABLE S-3

CAPACITY ASSESSMENT, 1993-2000

| Facility             | Design<br>Capacity | 1986           | Residual<br>Capacity | 1993           | Residual<br>Capacity | 2000           | Residual<br>Capacity |
|----------------------|--------------------|----------------|----------------------|----------------|----------------------|----------------|----------------------|
|                      |                    | Peak<br>Demand |                      | Peak<br>Demand |                      | Peak<br>Demand |                      |
| Main Pumping Station | 4.62               | 2.518          | 2.102                | 2.587          | 2.033                | 2.597          | 2.023                |
| 16" Force Main       | 4.62               | 2.518          | 2.102                | 2.587          | 2.033                | 2.597          | 2.023                |

Source: Joseph Middlebrooks & Associates, Inc., Architects and Planners.

From the above capacity analysis, it can be seen that the in-house system is quite capable of handling future flows from the Town. A major concern here is the connection to Miami Beach and the Central District Sewage Treatment Plant. Since the sewage is delivered to MDWASD WASAD via Miami Beach, any incapacities on the part of the Miami Beach system will affect the service condition in the Town of Bay Harbor Islands. One recent experience of heavy rains flooded the Miami Beach system blocking outflow from the Bay Harbor Islands. Prior to the pumps being replaced, there were problems with back pressure. However, with the size increase of the pumps, sewage is now moved with more efficiency. Also, the emergency / backup connection piping to the North District Wastewater Treatment Plant (NDWWTP) system a safeguard is in place. Although the Town is now more efficient and up to date, it still relies mostly on the old Miami Beach / Miami-Dade system which has the potential for broken mains causing no outflow of sewage from the Town. Increases in population and wastewater flows from other cities like Bal Harbor and Surfside - both of which are also serviced by the Miami Beach system - including Miami Beach itself could affect service on the part of the Miami Beach system. However, WASAD MDWASD plans to incorporate expected population growth and service demands for the area.

## **Performance Assessment**

With regard to facility conditions, the municipal sewer system is considered to be in good condition due to the infrequency of blockages and the consistent yearly volumes. The existing gravity lines are vitreous clay pipe ~~which upon inspection show virtually no deterioration from the time they~~ which were installed in 1958. Since 1988, all clay pipes within the town have been lined with cured-in-place-pipe liners (CIPP). The Town also follows a rigorous prevention maintenance program on the lift stations and main pumping station.

## **Summary and Recommendations**

Based upon analysis of capacity to projected demand in the year 2000 2040 and taking into account the Town is completely developed, even with new redevelopment with higher densities / intensities, no new facilities will be needed ~~until at least the year 2000 for the foreseeable future~~. Rehabilitation of the Town's current facilities will be done on an as-needed basis.

As to the role of the City of Miami Beach system, continuous intergovernmental coordination with Miami Beach and ~~WASAD~~ MDWASD is encouraged to discuss concerns related to a high level of sewage delivery by the ~~WASAD~~ MDWASD system.



~~Figure S-4~~

~~Maximum Rate Factors for Wastewater Flow~~

~~(deleted, no data available)~~

## B. Solid Waste Sub-Element (update)

|                            | Page |
|----------------------------|------|
| 1. Background              | 19   |
| Terms and Concepts         |      |
| Regulatory Framework       |      |
| 2. Existing Conditions     | 23   |
| 3. Needs and Assessments   | 26   |
| Summary and Recommendation |      |

### List of Figures

| Figure | Title                                    | Page |
|--------|------------------------------------------|------|
| SW-1   | Regional Solid Waste Disposal Facilities | 24   |

### List of Tables

| Table           | Title                                                                      | Page          |
|-----------------|----------------------------------------------------------------------------|---------------|
| SW-1            | Typical Solid Waste Generating Facilities                                  | 20            |
| <del>SW-2</del> | <del>Proportional Capacity</del>                                           | <del>26</del> |
| SW- <u>23</u>   | Residential Projected Solid Waste Demand<br><del>1993-2000-2018-2025</del> | 26            |

## Solid Waste Sub-Element

### 1. Background

#### Terms and Concept

##### Solid Waste Definition and Classification

The materials dealt with in this element fall under the definition category of "solid waste" as defined in ~~Section 9J-5.003 (88), FAC 403.703(32) F.S.;~~

"SOLID WASTE" means sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

In addition, this element will also address "hazardous wastes" as defined in ~~Section 9J-5.003(34), FAC, 403.703(13) FS~~ which reads:

"HAZARDOUS WASTE" means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health of the environment, when improperly transported, disposed of, stored, treated, or otherwise managed.

The term "solid waste" includes the following classifications which indicate general characteristics of the materials and their sources of generation.

TABLE S-1

TYPICAL SOLIDWASTE GENERATING FACILITIES, ACTIVITIES, AND LOCATIONS  
ASSOCIATED WITH VARIOUS SOURCE CLASSIFICATIONS

| Source                | Typical facilities, activities, or locations where wastes are generated                                                                   | Types of solid wastes                                                                                   |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| Residential           | Single-family and multifamily Dwellings, lo-, medium-, and high-rise apartments, etc.                                                     | Food wastes, rubbish, special wastes                                                                    |
| Commercial            | Stores, restaurants, markets, office buildings, hotels, motels, print shops, auto repair shops, medical facilities and institutions, etc. | Food wastes, rubbish, demolition and construction wastes, special wastes, occasionally hazardous wastes |
| Municipal*            | As above*                                                                                                                                 | As above*                                                                                               |
| Industrial            | Construction, fabrication, light and heavy manufacturing, refineries, chemical plants, lumbering, mining, power plants, demolition, etc.  | Food wastes, rubbish, demolition and construction wastes, special wastes, hazardous wastes              |
| Open areas            | Streets, alleys, parks, vacant lots, playgrounds, beaches, highways, recreational areas, etc.                                             | Special wastes, rubbish                                                                                 |
| Treatment plant sites | Water, waste water, and industrial treatment processes, etc.                                                                              | Treatment plant wastes, principally composed of residual sludges.                                       |
| Agricultural          | Field and row crops, orchards, vineyards, dairies, feedlots, farms, etc.                                                                  | Spoiled food wastes, agricultural wastes, rubbish, hazardous wastes                                     |

\*The term municipal normally is assumed to include both the residential and commercial solid wastes generated in the community

Source: Tchobanoglous, et al. Solid Wastes: Engineering Principles and Management. New York; McGraw-Hill, Inc. 1977 p.52

## Solid Waste Facilities

Solid waste facilities are structures or systems designed for the collection, processing or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems. The primary focus of this element is to identify the facilities which the Town will need in order to manage and dispose of the solid waste generated in the town during the planning period.

Transfer stations, processing plants, and landfill operations not within the jurisdiction of the municipality. The Town owns and operates currently has a contract with World Waste Recycling for the garbage collection system and which disposes solid wastes through county facilities. The Town has entered into a renewable contract with Coastal Waste Recycling in March 2017. The current contract extends to March 31, 2022. The Town can extend the contract term for successive 2-year periods afterwards.

## Regulatory Framework

### Federal and State

~~Environmental decisions that were once the responsibility of the local community or of the individual owner have now been redefined to become broader social concerns and subject to federal and state legislation. The following agencies now provide regulatory review for the construction and operation of solid waste facilities.~~

| Agency |                                                | Review                                                                                |
|--------|------------------------------------------------|---------------------------------------------------------------------------------------|
| 1.     | U.S. Environmental Protection Agency           | Impact on air quality                                                                 |
| 2.     | Florida Department of Environmental Regulation | Impact on air and water quality; construction and operation of solid waste facilities |
| 3.     | Regional Water Management district             | Impact on water quality and quantity                                                  |
| 4.     | U.S. Corps of Engineers                        | Dredging and filling and possible effects on water quality                            |
| 5.     | Federal Aviation Administration                | Construction of tall emission stacks                                                  |

~~Prior to the enactment of the Resource Conservation and Recovery Act (RCRA) in September of 1976, solid waste management was primarily a local problem and few states had enacted any type of solid waste law.<sup>4</sup> Prior to RCRA there were several federal statutes concerning solid waste. In particular, the Solid Waste Disposal Act, P.L. 89-272 (1965) as amended by the Resource Recovery Act of 1970, P.L. 91-512 (1970) provided technical and financial assistance to state and local governments in~~

~~the planning and development of resource recovery and other solid waste disposal technologies.~~

~~<sup>1</sup>William I. Kovacs, "Legislation and Involved Agencies, The Solid Waste Handbook: A practical Guide, William D. Robinson, ed. New York: John Wiley and Sons, 1986.~~

~~The three main objectives that RCRA addresses are: 1) hazardous waste management; 2) solid waste management; and 3) the procurement of materials made from recovered wastes.~~

~~With regard to hazardous waste management, RCRA required the EPA to promulgate standards for persons who generate and transport hazardous wastes, as well as those who own and operate hazardous waste treatment, storage, or disposal facilities.~~

~~As to the RCRA provisions relating to municipal non-hazardous waste these were designed to assist and encourage environmentally sound methods of waste disposal, to maximize utilization of resources recovered from waste, and to encourage resource conservation. These goals were to be achieved through federal financial and technical assistance to state and local jurisdictions for the development of solid waste management plans.~~

~~In 1980, the State of Florida passed the Florida Resource Recovery and Management Act (Sec. 403.7, F.S.). The Act provided for: 1) the adoption of federal hazardous waste definitions; 2) a system to monitor hazardous waste from generation to disposal; 3) an annual inventory of large hazardous waste generators; 4) permit requirements regulating treatment, storage and disposal of hazardous waste; 5) funds for hazardous waste spill and site clean-up; 6) hazardous waste management facility site selection procedures; and, 7) fines and penalties for violators.~~

~~In 1983, amendments to the Florida Act provided directions and funds to establish a cooperative hazardous waste management program between the county, regional, and state levels of government.~~

## **County**

The Miami-Dade County Department of Environmental Resources Management (DERM) implements and enforces county, state and federal standards governing hazardous materials and solid wastes. DERM also manages permitting programs for industrial waste, liquid waste and underground tanks.

Management and regulation of hazardous waste is conducted by federal, state, and local authorities. The major producers of hazardous waste are regulated by federal law. However, enforcement of federal regulations are carried out by the Department of

Environmental Protection (DEP). The Environmental Protection Agency (EPA) is the federal regulator that classifies the type of hazardous waste generator by the following:

- Conditionally Exempt Small Quantity Generators (less than 100 kilograms/month hazardous waste)
- Small Quantity Generators (more than 100 kilograms but less than 1,000 kilograms/month of hazardous waste)
- Large Quantity Generators (over 1,000 kilograms/month of hazardous waste)

~~In 1985, the county implemented the Small Quantities Generator Program which regulates facilities that store, handle, and/or generate small quantities (up to 55 gallons per year) of hazardous materials, in addition to the already-regulated large generators of hazardous wastes.~~

## **II. Existing Conditions**

~~Solid waste is collected by the Town Coastal Waste Recycling and trucked to the "Northeast Transfer Station" located at 18701 N.E. 6<sup>th</sup> Avenue. This transfer station is situated on nine acres of land which was once the site of the now demolished northeast incinerator. The present station was constructed in two phases. Phase I was completed in June 1981 and allows for the processing of more than 700 tons of garbage daily. Phase II completed in March 1982 increased the capacity of the facility to 1,300 tons of garbage and trash per day. When the Northeast Transfer Station gets crowded, solid waste is disposed of at the "Central Transfer Station." The location of Metro Miami-Dade County Solid Waste Disposal Facilities are as shown in figure SW-1.~~

~~In Bay Harbor Islands, garbage (organic waste) is collected by side / front-end loader packer trucks 5 6 days a week, Monday-Saturday, with a few (less than 10) restaurant accounts that are also serviced on Sunday. three garbage trucks owned and operated by the town. Most accounts are serviced three times a week on Monday, Wednesday, and Friday for residences on the East Island and regular commercial accounts, while Tuesday, Thursday, and Saturday is the collection schedule for the West Island. Trash (non-organic waste such as paper, cardboard, dried leaves, etc.) Recycling is separately collected by trash side-load and/or front-end loader trucks 5-days twice a week. Recycling is delivered to WM Reuter Recycling at 20701 Pembroke Road in Broward County and Miami MRF at 3401 NW 110<sup>th</sup> Street in Miami-Dade County. Residents are responsible for separating garbage from trash recycling, and are required to place trash containers in front of their residences or establishments—trash containers placed Trash garbage and recycling is picked up either in back the rear or~~



side yards, are not collected. Bulk waste is picked up once a week on Thursday with crane trucks.

The level of service standard for the Town of Bay Harbor Islands is based on a unit contribution of ~~.0632~~ 0.596 tons/capita/year. From data on dumping charges from ~~Oct. 1985-Sept. 1986~~ 2017, total tonnage of solid waste disposed at the transfer station was calculated and this value divided by the ~~1986~~ 2017 population. The resultant figure gives the recommended level of service standard. ~~According to the Bay Harbor Island Town Manager, there is no way to separate data for residential and commercial establishments.~~ At this time, there are no generators of "hazardous waste" within the limits of Bay Harbor Islands ~~as determined by the office of the Town Manager.~~ The gas / service station on the Causeway Island does repairs and oil changes and is responsible to collect and dispose of those waste products. Additionally, physician offices are responsible for contracting for bio-waste pickup.

### **County Facilities**

Miami-Dade County has jurisdiction over all regional facilities. For any additional information on solid waste disposal practices by the County, the reader is referred to the Miami-Dade County Comprehensive Development Master Plan, Year 2000 and 2010 (1988).

No data is available on the proportional capacity of the ~~Northeast Transfer Station and the Central Transfer Station~~ allocated to the Town of Bay Harbor Islands. County facilities are operated on a system-wide basis and provide services not only to incorporated and unincorporated areas of Miami-Dade County, but also to commercial solid waste collectors, a number of which operate in the county.

The County historically projects solid waste disposal demand by applying level of service standard set at 7 pounds (lbs.) per capita per day. This is an average figure which includes residential, commercial, and industrial use. For cities with more commercial and industrial uses, this figure might be inadequate. Nevertheless, using the standard of 7 lbs. per capita per day, an estimate of the proportional capacity of the facilities serving Bay Harbor Islands can be derived as shown below.

Currently the County sets the adopted level of service standard for the Waste Management System as follows: to maintain sufficient waste disposal capacity to accommodate waste flows committed to the system through long-term contracts or interlocal agreements with municipalities and private waste haulers, and anticipated uncommitted waste flows, for a period of five years.

Table SW-2 Proportional Capacity

| YEAR | LOS           | FUNCTIONAL | DEMAND (LBS./DAY) |
|------|---------------|------------|-------------------|
| 1986 | 7lbs./cap/day | 4,889      | 34,223            |
| 1993 | 7lbs./cap/day | 5,023      | 35,161            |
| 2000 | 7lbs./cap/day | 5,047      | 35,329            |

Source: Joseph Middlebrooks & Associates, Inc., Architects & Planners, 1988.

### III. Needs Assessment

Since the Town of Bay Harbor islands disposes of its residential solid waste through a contract with Coastal Waste Recycling, there is no need to perform an assessment. regional/county facilities, the municipality need only to maintain its fleet of garbage trucks to ensure proper garbage collection and disposal. The Town currently has 5 trucks, 4 20-cubic yard compaction trucks and 1 open body dump truck. Three of the four 20-cubic yard trucks are used for garbage and one 20-cubic yard as well as the open body dump is used for trash.

An analysis of future solid waste disposal demand is illustrated in Table SW-3 2. Future demand can always be accommodated by an increase in the number of operational trucks or by an increase in the frequency of garbage collection and disposal.

**Table SW-2**

**Residential Projected Solid Waste Disposal Demand 2018-2030**

| <u>YEAR</u> | <u>POPULATION</u> | <u>DEMAND (tons/year)</u> |
|-------------|-------------------|---------------------------|
| <u>2018</u> | <u>6,006</u>      | <u>3,796</u>              |
| <u>2030</u> | <u>6,250</u>      | <u>3,950</u>              |

Source: BEBR 2018 / BHI Adopted LOS of .632 tons per capita per Year / Michael Miller Planning Associates, Inc. 2018

Table SW-3 Residential Projected Solid Waste Disposal Demand 1993-2000

| YEAR | FUNCTIONAL POPULATION | DEMAND (tons/year) |
|------|-----------------------|--------------------|
| 1993 | 5,023                 | 3175               |
| 2000 | 5,047                 | 3190               |

Source: Joseph Middlebrooks & Associates, Inc., Architects & Planners, 1988.

#### Summary and Recommendations

Transfer Stations are regional facilities and are under the jurisdiction of the County. The Town's main responsibility with respect to solid waste management is via long-term service contract. ~~the maintenance of its garbage collection trucks and equipment.~~ Acquisition of one garbage truck is planned for 1989.

Figure SW-1

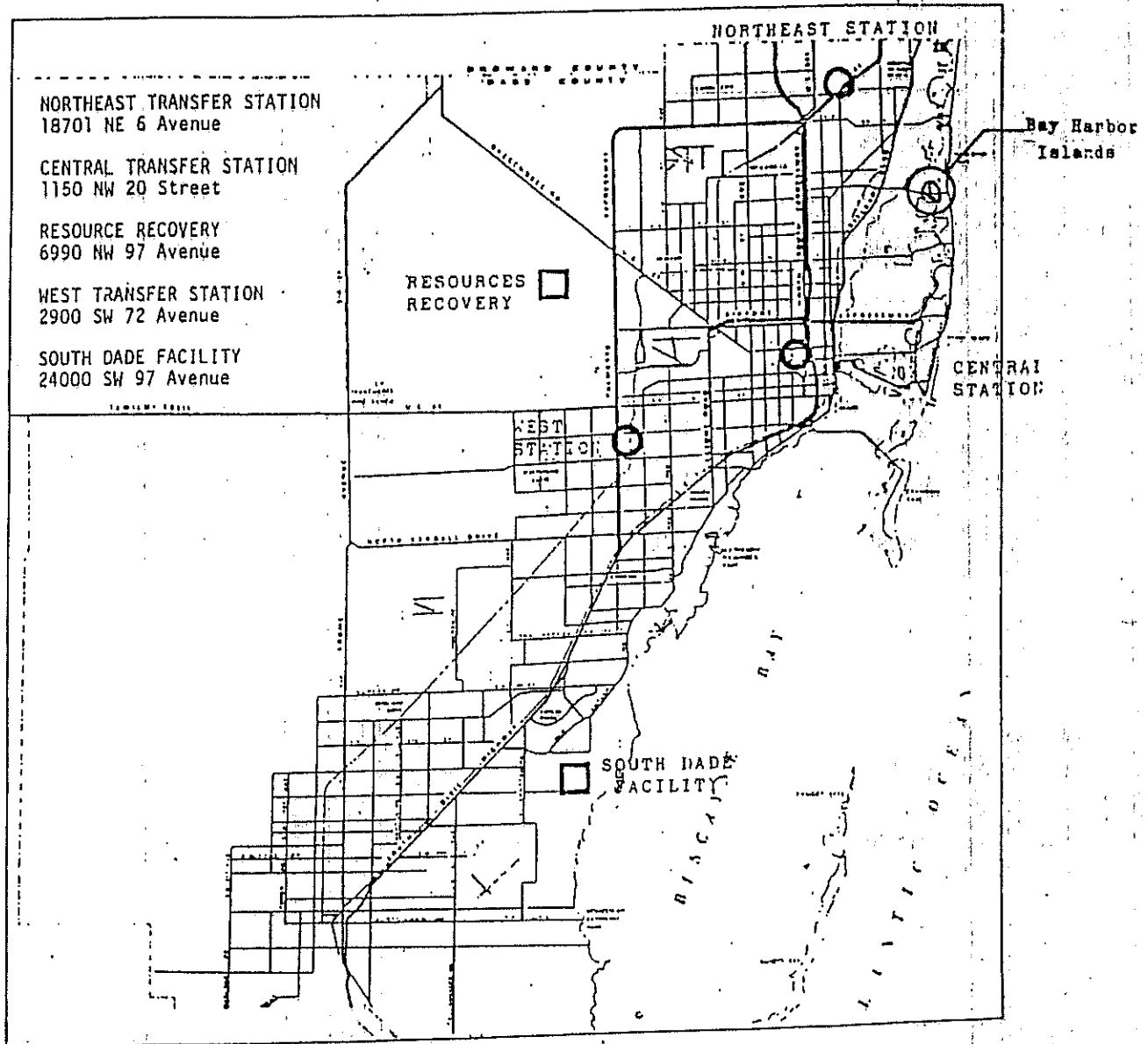
Regional Solid Waste Disposal Facilities

**EXISTING**

# TOWN OF BAY HARBOR ISLANDS

## DADE COUNTY, FLORIDA

METRO-DADE COUNTY SOLID WASTE DISPOSAL FACILITIES



Source: Public Works Department, Dade County, 1987.

"Preparation of this Map or Document was aided through financial assistance received from the State of Florida under the local Government Comprehensive Planning Assistance Program authorized by Chapter 86-167, Laws of Florida and administered by the Florida Department of Community Affairs."

**REGIONAL SOLID WASTE  
DISPOSAL FACILITIES**

Figure SW-1

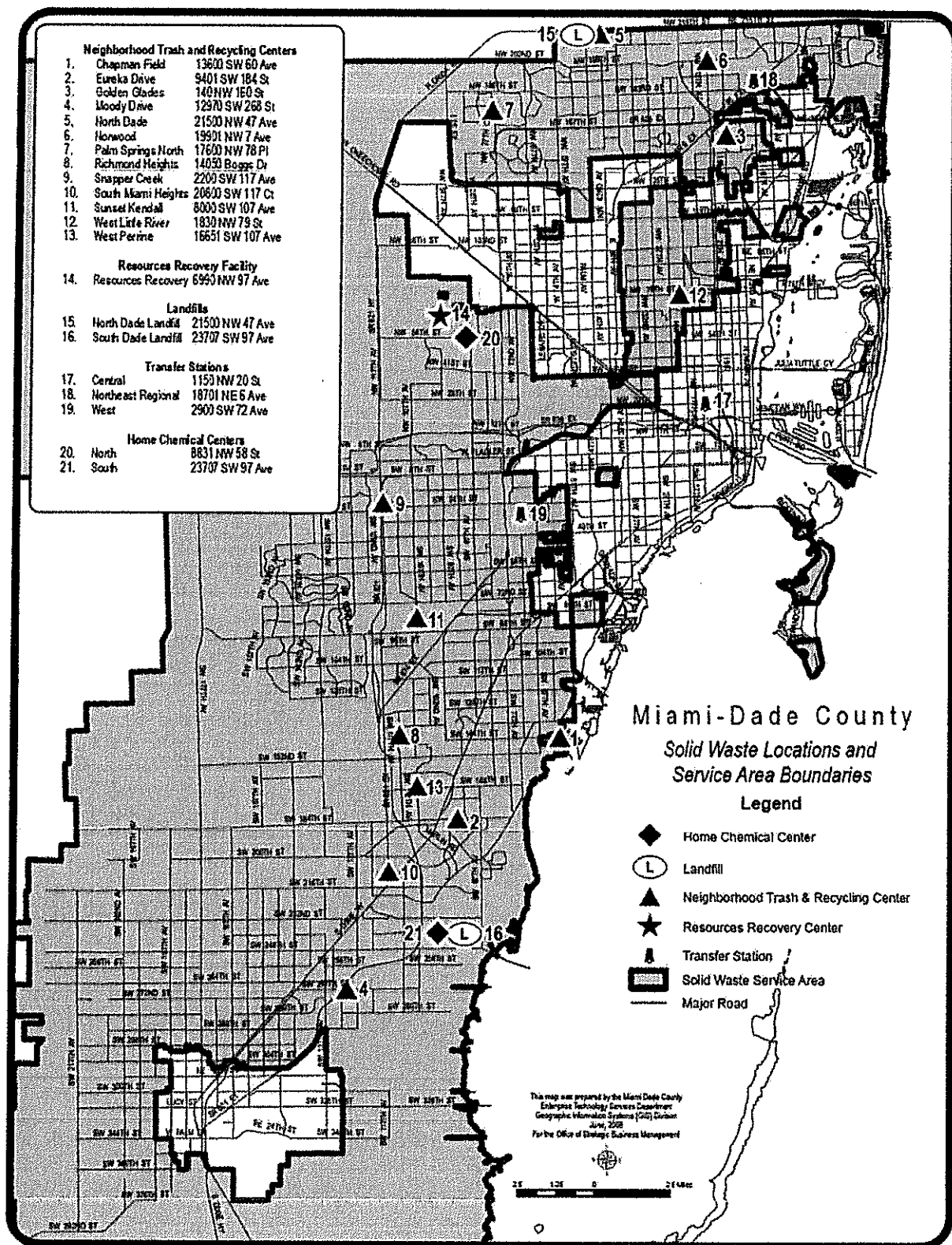
**JOSEPH MIDDLEBROOKS  
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INTERIOR DESIGNERS - CONSTRUCTION ADMINISTRATORS

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**PROPOSED**



Figure SW-1  
Regional Solid Waste Disposal Facilities



Source: Miami-Dade Comprehensive Development Masterplan Evaluation and Appraisal Report, 2012

## C. Drainage Sub-Element **(update)**

|                             | Page |
|-----------------------------|------|
| 1. Background               | 30   |
| Terms and Concepts          |      |
| Regulatory Framework        |      |
| 2. Existing Conditions      | 35   |
| 3. Needs Assessment         | 37   |
| Summary and Recommendations |      |

### List of Figures

| Figure         | Title                                      | Page          |
|----------------|--------------------------------------------|---------------|
| <del>D-1</del> | <del>Rainfall Intensity and Duration</del> | <del>32</del> |
| D-12           | Municipal Drainage Facilities              | 36            |

### List of Tables

| Table | Title                                       | Page |
|-------|---------------------------------------------|------|
| D-1   | Drainage Storm Frequencies and Flood Limits | 33   |

## **Drainage Sub-Element**

### **1. Background**

#### **Terms and Concepts**

##### **Drainage Systems**

Excess water, running off from the surface of a drainage area during and immediately after a period of rain, is called storm water or storm runoff. In general, drainage is the removal of surface water from a given area, either by gravity or by pumping. Under the force of gravity, drainage flows toward sea level through channels and depressions which comprise the drainage systems of an area. Drainage systems may consist of natural features, man-made features or a combination of both.

Natural drainage systems are defined by the topography of an area. Natural land elevation directs runoff from the catchment area or drainage area, toward a common major drainage feature; such a river, stream or bay. The drainage system consists of a major drainage feature and smaller features, or bodies of water, tributary to it.

Man-made drainage facilities, on the other hand, are systems of conduits and structures, used for effecting drainage. Swales, ditches, canals and storm sewers are typical conveyance structures, designed to collect storm runoff and direct it to downstream receiving waters.

##### **Drainage and Stormwater Management**

Drainage and flood control are closely related subjects, since drainage is the means by which flooding is prevented. As long as drainage channels are adequate, flooding can be controlled or prevented. Flooding occurs when runoff from rainfall reaches the drainage channels in greater volume than these channels can carry water away; - the excess causes floods.

The term "Stormwater Management" refers to comprehensive strategies, which aim to reduce the quantity and/or quality of water being discharged into a land or water area. This normally improves the quality of the receiving groundwaters and surface waters. Stormwater management has traditionally involved three basic methods: (1) the filling of land to elevate property above the anticipated floodwater elevation; (2) the construction of water channels to lower the water table by discharging excess water to the bay; and (3) the use of storm drains to expedite the movement of storm runoff off the land and into the desired water channel. These methods aim to maximize convenience at developed sites by quickly eliminating surface water rainfall by containment and rapid disposal, through positive outlets.

The three basic methods above are primarily concerned with water quantity and flood protection. In relation to water quality, stormwater runoff is one of the most notable contributing factors in Miami-Dade County's unresolved water pollution problems. With the incidence of any large storm, especially at the beginning of the rainy season, accumulated contaminants flow with the runoff water over land and through storm drains, into canals, lakes, and bays. Although positive drainage (the practice of using storm drains to convey runoff directly into surface waters) is no longer approved in most subdivision or road projects, countless numbers of outfall systems still function throughout the County.

The design standard, which is of primary importance in the design of drainage systems, is the design storm event. The standard specifies the intensity or rate of rainfall and the duration of the rainfall event to be used in the design of facilities. ~~Data on rainfall intensity and duration have been summarized by the Public Works Department of Miami-Dade County in a graph such as the one shown in Figure D-1. The curved lines on the graph represent the frequency of occurrence of rainfall events of various intensities and durations (at intervals of 2, 3, 5, 10, 25, 50 and 100 years) for this region. These graphs are used to specify design storm events.~~ The conventional method is to indicate the required frequency and duration of the event; which allows the intensity and total rainfall amount to be interpreted from the appropriate hydrograph for the region.

Ideally, the selection of a standard design storm balances the reduced flood damage and disruption of community activities. The design storm must also be consistent with facility design for pollution abatement goals.

Standard procedures for sizing and designing facilities should also be part of the stormwater management program. This will ensure that systems are structurally and functionally computable. The program should also provide for routine inspection and maintenance of facilities, to ensure proper performance during the facility life.

## **Regulatory Framework**

### **Federal**

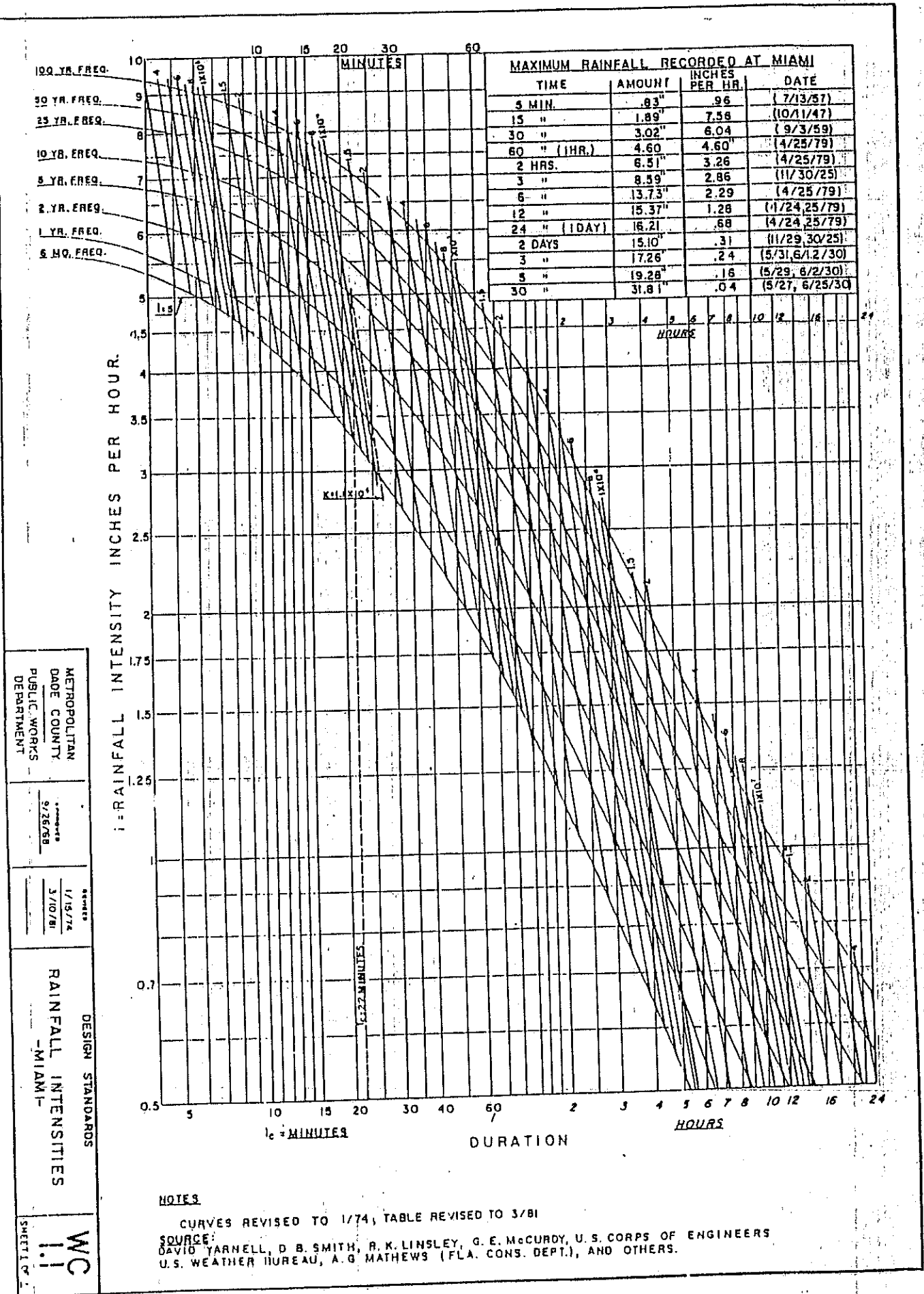
~~Section 208 of the Federal Water Pollution Control Act (P192-500,1972) is the directing federal law with respect to water pollution abatement. In implementing the Federal Water Pollution Control Act, the Environmental Protection Agency (EPA) identified pollutants carried in stormwater runoff, as a major source of water contamination. To achieve the pollution abatement goals of the Act, EPA provided assistance to state and local governments to develop Areawide Water Quality Management Plans or "208 Plans", as they are commonly known. These 208 Plans studied a broad range of potential water pollution sources, including stormwater, and focused on identifying pollutant sources and abatement needs, as well as development of regulatory programs to ensure implementation. At present, there are no federal regulations for stormwater~~

management concerning the quantity of stormwater runoff. This Act requires all municipal, industrial and commercial facilities that discharge wastewater or stormwater directly from a point source (a discrete conveyance such as a pipe, ditch or channel) into a water of the United States to obtain a National Pollutant Discharge Elimination System (NPDES) permit. The Town of Bay harbor Islands is a NPDES co-permittee with Miami-Dade County and other municipalities in the county. The Town is responsible for routinely maintaining the catch basins, and at least twice a year, conducts cleaning operations. The pipe culverts that drain into the public bodies of water are also routinely cleaned to ensure good hydraulic characteristics of the pipe material.

**Figure D-1**

**Note: Use Existing Rainfall Intensity & Duration**

FIGURE D-1  
RAINFALL INTENSITY AND DURATION



## State

The Florida Department of Environmental Protection Regulation (FDEPR) has adopted a Stormwater Rule (Ch. ~~17-25~~ 62-600, F.A.C.) to fulfill part of the state's responsibilities under Section ~~208~~ 319 of the Federal Water Pollution Control Act. The rule's basic objective is to achieve ~~85-90~~ 80-95 percent removal of stormwater pollutants before discharge to receiving waters. ~~This rule requires the treatment of the first inch of runoff for sites 100 acres or greater in size.~~ Treatment is generally accomplished through retention or through detention with filtration. Retention requires the diversion of the required volume of runoff to an impoundment area, with no subsequent direct discharge to surface waters. Pollutant removal, by settling and by percolation of the stormwater through the soil, is almost total. Detention facilities are typically within the line of flow of the drainage system. Stormwater from a site passes through the detention facility and is filtered prior to discharge to remove pollutants.

Implementation of the stormwater rule is achieved through a permitting process. FDEPR has delegated permitting responsibility to the regional water management district with jurisdiction over the Miami-Dade County area. Exemptions to the permit requirements are provided for:

1. Facilities designed to accommodate only one single family dwelling unit, duplex, triplex or quadruplex, provided the single unit, duplex, triplex or quadruplex is not part of a larger common plan of development or sale;
  2. Facilities which are designed to serve single family residential projects, including duplexes, triplexes and quadruplexes, of less than 10 acres total land area and which have less than 2 acres impervious surface (special regulations apply);
  3. Stormwater discharge facilities whose functioning treatment components consist entirely of swales (special regulations apply);
  4. Facilities which discharge into a regional stormwater discharge facility (special regulations apply);
  5. Facilities for agricultural lands (special regulations apply); and
  6. Facilities for silvicultural lands (special regulations apply).
- ~~1. Facilities serving individual sites for single family, duplex, triplex or quadruplex units;~~
- ~~2. Facilities serving dwelling unit site which are less than ten acres in total land area, have less than two acres of impervious area and which comply with local stormwater management regulations or discharge to a permitted regional facility; and,~~



~~3. Facilities for agricultural or silva-cultural lands, which have approved management plans.~~

## **Regional**

The South Florida Water Management District is in charge of implementing programs related to water control in the South Florida region. Currently, emphasis is placed on balancing the need for urban and agricultural flood control against the necessity for water conservation and environmental protection.

## **County**

In Miami-Dade County, secondary canals which feed into primary canals of the South Florida Water Management District, constitute a County-wide drainage district, under the jurisdiction of the County. The Environmental Resources Management Department (DERM) controls their design and construction, maintains them and controls discharges into them.

The Miami-Dade County Public Works Department is responsible for implementing adopted stormwater management regulations as a part of the subdivision review process. The Public Works Department is also responsible for planning construction and operation, and maintenance of drainage facilities developed by the County.

Miami-Dade has adopted a countywide Level of Service (LOS) criteria for stormwater design, that being a one day (24-Hour) / 10-Year storm event. In addition, all structures must meet the current FEMA Base Flood Elevation (BFE) illustrated on the FIRM Map series for the lowest habitable floor. In Bay Harbor Islands this currently ranges from 8.0 on the West Island to 9.0 - 10.0 on the East Island, depending on the location. The Florida Building Code also dictates certain minimum flood elevations.

## **Local**

All stormwater drainage facilities are under the immediate jurisdiction of the Town of Bay Harbor Islands. The Public Works Department of the Town is responsible for implementing adopted regulations, as part of its planning and zoning codes. The Department is also responsible for construction, operation and maintenance of municipal drainage facilities.

## **2. Existing Conditions**

### **Municipal Drainage Facilities**

The Town's location in Miami-Dade County is referred to as "Area A" in Miami-Dade County's stormwater management policies. Physiographically, Area A covers the County's coastal areas, which include Bay Harbor Islands. This is, traditionally, a well-

drained area. The existing level of service for drainage in Miami-Dade County ranges from flood protection against a one in 25 to a one in 10-year storm event. The one in 10-year event is more applicable for the coastal ridge.

In order to manage drainage problems, canals, on site retention and positive drainage systems are utilized in Miami-Dade County; the latter two measures are more relevant for Bay Harbor Islands. Additionally, since the 1960's, the road and bridge maintenance division of the County's Public Works Department has had a drainage improvement program for County roads, street right-of-way and bridges. ~~Municipal efforts are underway to coordinate with this program. The local drainage improvements program responds to identified needs, which are annually prioritized.~~

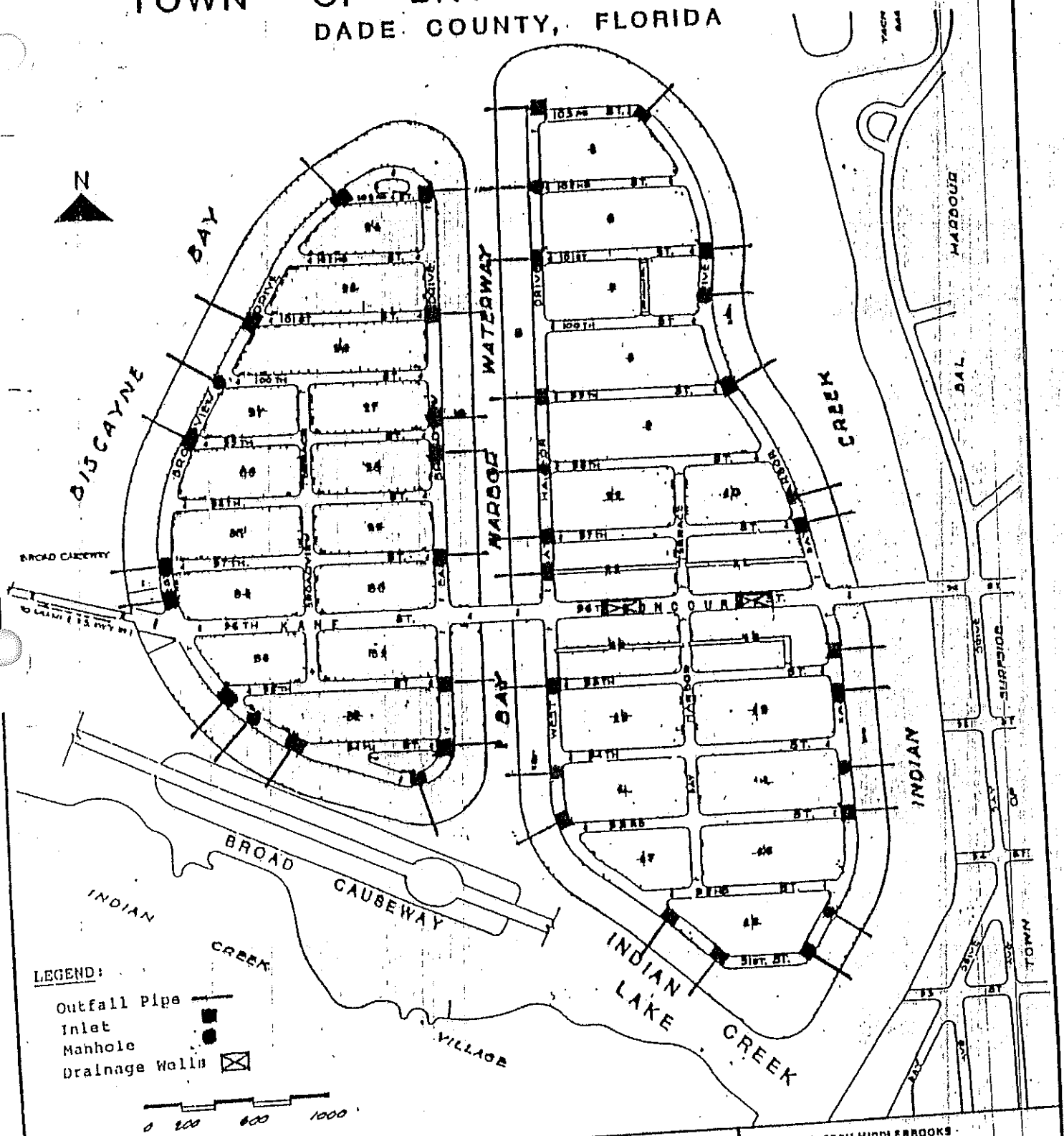
Under the old system, The Town of Bay Harbor Islands residential collects stormwater runoff through inlets and manholes; and directly discharges the stormwater to this district; however, stormwater runoff is discharge to a drainage well, located on Kane Concourse.

In 2002 the Town began construction of improvements to its aging infrastructure, which was known as the Capital Enhancement Program (CEP). These phased improvements were substantially completed by 2012. The CEP started with improvements to the infrastructure on the south side of the West Island, in a project referred to as Phase 1. The scope of work included new roadside valley gutters, new drainage catch-basins, milled and resurfaced roadways and parking lanes, additional landscaped bulb outs, and new decorative streetlights and road signs. In May 2004 work started on Phase 2, which involved the infrastructure on the West Island on the Northern side of Kane Concourse. The scope of work for this phase was similar to Phase 1. This work was completed around March 2011. Phase 3 of the Community Enhancements, upgraded the remainder of the Towns infrastructure all of which was located on the East Island. The scope of the work was again similar to previous phases. One notable difference was a smaller increase in landscaped areas as the parking requirements were different from the West Island. All of the infrastructure upgrades that were proposed where completed in March 2012, except for the lighting on the East Island. New street light fixtures were installed on the new concrete FPL poles on the east island in lieu of the originally proposed decorative street light poles. The locations of municipal drainage facilities are shown on the map entitled, "Municipal Drainage Facilities".

No data is available from the Town on the design capacity of the stormwater drainage system and current demands on the facility capacity,; ~~but the Town Manager states that the design capacity is inadequate, based on the absence of problems, except as stated herein. With the recent repairs and the CEP, the drainage is now adequate. On-site by a civil engineer yielded an estimate of an average capacity per outfall of 6500 GPM, each capable of drainage + 6 acres of BHI developed land. This yields as land coverage of 258 acres for all outfalls (vs. the total Town area of 255 acres). New detention wells are needs on the West Island; in part, because of placement of the existing ones.~~

Figure D-12  
**(figure is current)**

# TOWN OF BAY HARBOR ISLANDS DADE COUNTY, FLORIDA



## LEGEND:

- Outfall Pipe
- Inlet
- Manhole
- Drainage Walls

0 200 400 600 800 1000

Preparation of this Map of  
Document was aided through  
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Comprehensive Planning Act.  
Program authorized by  
Act 10-187, Laws of Florida  
administered by the Florida  
Department of Community Affairs.

## MUNICIPAL DRAINAGE FACILITIES

Figure D-1

JOSEPH MIDDLEBROOKS  
AND  
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ARCHITECTS - URBAN PLANNERS  
INTERIOR DESIGNERS - CONSTRUCTION ADMINISTRATORS

ONE EIGHT ZERO AVENUE, SOUTH BEACH, FLORIDA 33139

### 3. Needs Assessment

Based on the above, it is determined that the existing overall system is adequate. ~~No replacement system is planned.~~ The performance of municipal stormwater drainage facilities is assessed on relation to water quantity (i.e. flooding) and quality problems. In the future, if sea levels continue to rise the Town will need to monitor / address potential impacts on the Town's infrastructure and built environment. The current elevation of the crown of roadways is between 4.5' - 5.5' NGVD. In 2015 the state law was changed to require additional analysis of increased flood perils, sea level rise and community resiliency planning. This is included in the Coastal Management Element as required. In 2020 the Town received a grant and retained a consultant to prepare an Environmental Vulnerability Assessment. The Town is now in the process of preparing a Stormwater Master Plan to serve as a guide for future upgrades to the drainage system.

With respect to water quantity control; ponding, due to moderate storm events, seldom occurs on the Town of Bay Harbor Islands. Due to the configuration of the islands, stormwater, whether caused by tropical storm or moderate intensity rainfall, drains into Biscayne Bay.

According to information from the Town Manager, existing drainage facilities are in good condition. They are constructed of reinforced concrete pipe and do not show any appreciable deterioration; however, most pipes / outfalls are now CIPP lined. ~~Currently, if water stands for more than 48 hours, an abatement program is immediately instituted. The Town does not experience significant flooding or backups during heavy rains. No Improvements expansion to the system are is anticipated at build-out, due to anticipated sea level rise affects the Town. Therefore, it is determined that facility capacity and needs are provided for not only the initial increment of the planning period of 1993, but also for the remaining increment to the year 2000.~~

Countywide, the historical discharge of stormwater runoff directly to surface waters has been a major contributing factor in Miami-Dade County's water pollution problems, although this has occurred mostly on the mainland – not barrier island. Although the present water quality control (as noted before) process of conveying runoff directly to surface water is no longer approvable in most subdivision and road projects. ~~The Town's present system of controlling/managing drainage was built before the adoption of the new regulations.~~

### Stormwater Control Regulations

The Town of Bay Harbor Islands follows Miami-Dade County regulations for stormwater drainage control. Therefore, this section aims to assess the strengths and weaknesses of those regulations in maintaining the functions of the natural drainage features in Bay Harbor Islands.

Currently County regulations for stormwater drainage require full retention of stormwater runoff. Where this is not possible the County requires retention of the first inch of runoff, when the first inch is defined to be that which originates at the farthest point of the drainage system. This definition requires a larger drainage facility than would be needed if runoff were measured at the drainage facility.

DERM reviews permits on an individual basis, and may allow alternate system designs, which may preclude the need to retain the first inch of runoff. However, since 1980, the Department has had a policy of not approving positive drainage, except as emergency overflows for retention or infiltration systems.

The County has also established flood criteria elevations which are the minimum required elevations for land development and road construction. Development permits are approved only where existing land elevations exceed those of the flood criteria. Fill must be added for those areas with elevations lower than the flood criteria.

Bay Harbor Islands is surrounded by the water of Biscayne Bay, which is integrally related to the area's drainage system, i.e. treated water is discharged into the Bay, which also is the recipient of stormwater runoff. Over the years, concerns have been raised as to the subject of these activities on Biscayne Bay, its waters and its entire ecosystem. In the past Miami-Dade County Biscayne Bay Management Committee has been entrusted with addressing these concerns and developing future recommendations. However, currently this task is the responsibility of DERM. The Town coordinates with this Committee DERM, and there is no indication that drainage from the Town is a major concern relative to Bay degradation.

#### Summary and Recommendations

As has been mentioned above, the State of Florida has adopted a stormwater rule; the basic objective of which is to achieve 85-90 80-95 percent removal of stormwater pollutants before discharge into receiving waters. In Miami-Dade County, DERM the Biscayne Bay Management Committee has been making studies concerning oversees the discharge of stormwater runoff directly in the Bay, and is expected to recommend measures regulating stormwater discharge as well as all Bay projects.

In the future, the Town of Bay Harbor Islands may need to participate in, or conduct, studies on how to best solve the problem of stormwater discharge into Biscayne Bay; in order to abide by future restrictions on water discharge into Biscayne Bay, with reference to regulations on water pollution control. Due to lack of space, treatment of stormwater runoff through retention poses some problems. Detention facilities, however, such as the drainage well, located on Kane Concourse, could be applied for treatment of stormwater runoff. The Town will address this as Countywide policies are adopted and coordinate its effort with Miami-Dade County. Explanation or improvements will be coordinated and provided as part of the Countywide drainage system and policies – expansion is not presently planned.

## Potable Water Sub-Element

|                             | Page |
|-----------------------------|------|
| 1. Background               | 42   |
| Terms and Concepts          |      |
| Regulatory Framework        |      |
| 2. Existing Conditions      | 44   |
| 3. Needs Assessment         | 46   |
| Capacity Assessment         |      |
| Performance Assessment      |      |
| Summary and Recommendations |      |

### List of Figures

| Figure | Title                              | Page |
|--------|------------------------------------|------|
| W-1    | Municipal Potable Water Facilities | 43   |
| W-2    | Regional Potable Water Facilities  | 47   |

### List of Tables

| Table | Title                                            | Page |
|-------|--------------------------------------------------|------|
| W-1   | Projected Average and Maximum Daily Water Demand | 48   |



## **Potable Water Sub-Element**

### **1. Background**

#### **Terms and Conditions**

A potable water supply system is generally comprised of: (1) a water supply source; (2) a treatment plant; and (3) a distribution and storage network. The water supply source can be surface water in natural ponds or lakes or man-made reservoirs, or groundwater from wells and natural springs, or some combination of the above-mentioned sources. Most water must be treated to render it suitable for the purposes it is to serve. Polluted and potentially infected water is disinfected, aesthetically unattractive or unpalatable water which is treated to make it attractive or palatable, and impurities are removed to improve the quality of the water.

After treatment, the distribution system conveys the collected and purified water to the community by way of a network of pipes and storage reservoirs. Large transmission lines, called distribution mains, carry water to major demand areas and interconnect with a network of smaller lines which supply individual establishments.

Water is delivered under pressure within the distribution system in order to ensure adequate flow to meet demands. Demand fluctuates during each day, exhibiting peaks during the morning and early evening hours, corresponding to periods of highest and early evening hours, corresponding to periods of residential use. Localized demand peaks also occur when the system is utilized for firefighting purpose. In order to provide adequate quantities and pressure to meet peak use and fire flow demands, storage tanks are linked with the distribution system at strategic locations. During low demand periods these tanks are filled as water is pumped into the system. During peak demand, water flows from the tanks back into the system to augment flows and maintain pressure. Ground level and elevated storage tanks are both commonly used. Many systems also include auxiliary pumps which operate only during peak demand periods.

#### **Regulatory Framework**

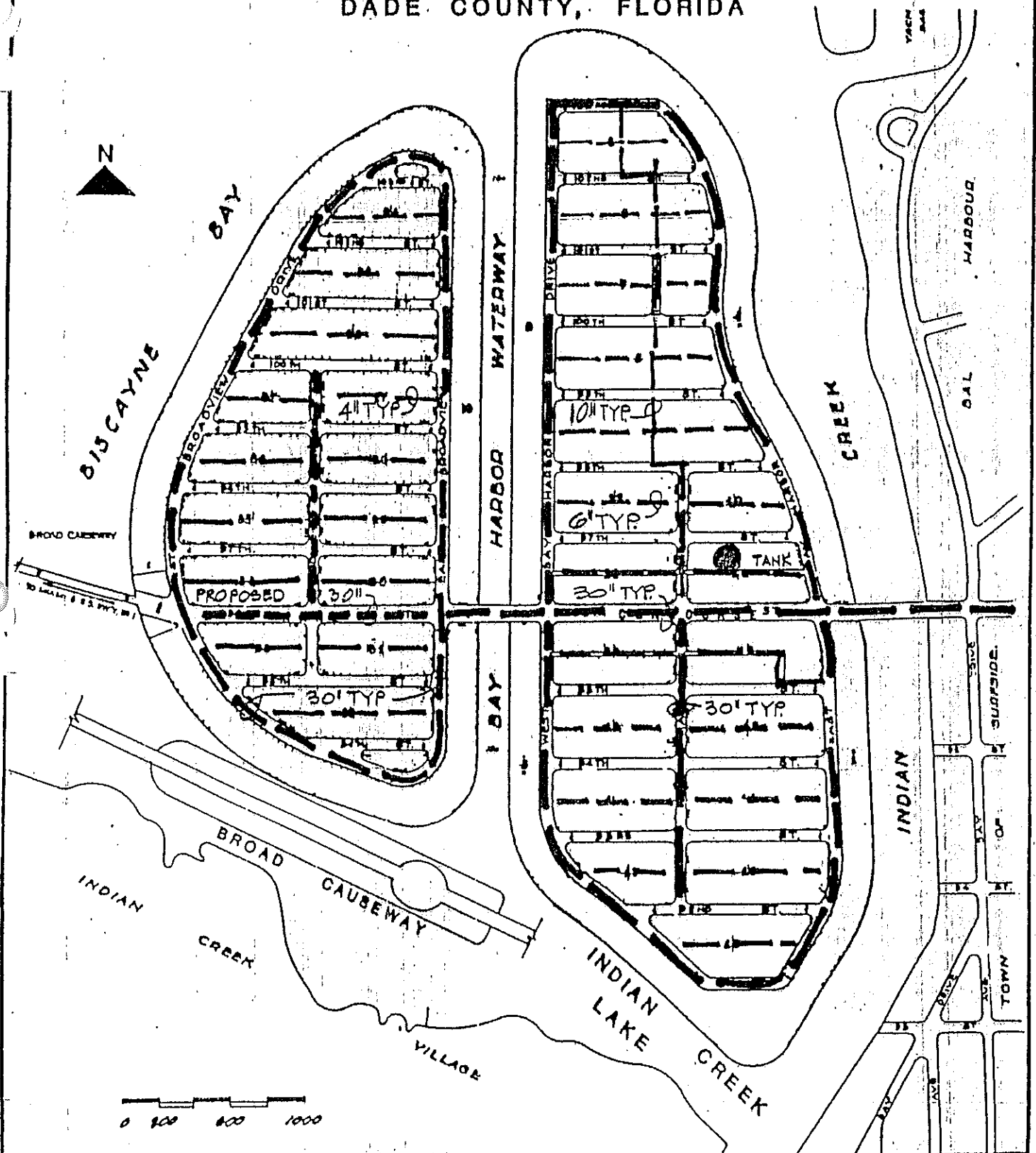
##### **Federal**

The Federal government has established quality standard for the protection of water for public use, including operating standards and quality controls for public water systems. These regulations are provided in the US Safe Drinking Water Act, Public Law 93-523 104-182 last updated in 1996. This law directed the Environmental Protection Agency (EPA) to establish minimum drinking water standards. The EPA standards are divided into "primary" (those required for public health) and "secondary" (recommended for aesthetic quality) categories.

Figure W-1  
Municipal Potable Water Facilities

# TOWN OF BAY HARBOR ISLANDS

## DADE COUNTY, FLORIDA



"Preparation of this Map or document was aided through financial assistance received from the State of Florida, the local Government, Comprehensive Planning Assistance Program authorized by Chapter 88-187, Laws of Florida and administered by the Florida Department of Community Affairs."

### MUNICIPAL POTABLE WATER FACILITIES

FIGURE W - 1

**JOSEPH MIDDLEBROOKS AND ASSOCIATES, P.A.**  
ARCHITECTS / URBAN PLANNERS  
INTERIOR DESIGNERS - CONSTRUCTION ADMINISTRATORS

8480 SW 87TH AVENUE, SOUTH MIAMI, FLORIDA 33155 (305) 661-2881

## **State**

In accordance with Federal requirements, the Florida Legislature has adopted the Florida Safe Drinking Water Act, Sections 403.850-403.864, F.S. The Florida Department of Environmental Regulation Protection (DEPR) is the state agency responsible for implementing this act. In this regard, DEPR has promulgated rules classifying and regulating public water systems under Chapter ~~6247-22~~ of the F.A.C. ~~The primary and secondary standards of the Federal Safe Drinking Water Act are mandatory in Florida.~~

The regional water management district (WMD) is responsible for managing water supplies to meet existing and future demands. Regulation of consumptive use is achieved through a permitting system, through which water resources are allocated among the permitted consumers (See below for more information).

## **County**

The Water Control Division of the Miami-Dade County Department of Environmental Resources Management is responsible for enforcement of the programs required by the DEPR regulations. Water quality and production records are submitted by the Miami-Dade County Public Works Department to the Water Control Division for determination of compliance with DEPR regulations.

## **Local**

The Town of Bay Harbor Islands has jurisdiction over all water systems in place or planned within its boundaries. It owns and operates a small water distribution system, under the maintenance of the Town's Department of Public Works. The Town has adopted regulations regarding water and sewer service connections to ensure that all connections are compatible with the design of the system.

## **Coordination with the Regional Water Supply Plan and Adoption of Water Supply Facilities Work Plan:**

The Florida Legislature has enacted bills in the 2002, 2004, 2005, 2011, 2012, 2015 and 2016 sessions to address the state's water supply needs. These bills, especially Senate Bills 360 and 444 (2005 legislative session), significantly changed Chapter 163 and 373 Florida Statutes (F.S.) by strengthening the statutory links between the regional water supply plans prepared by the water management districts and the comprehensive plans prepared by local governments. In addition, these bills established the basis for improving coordination between the local land use planning and water supply planning.

Miami-Dade County has adopted and updated a 20-Year Water Supply Facilities Work Plan as required by law. The Work Plan contains a capacity analysis of the Miami-Dade County system, service area population projections, historical water use and water demand projections, goals for water conservation and reuse as well as a Water Supply Facilities Work Plan. The plan will be updated by Miami-Dade County every 5 years consistent with the SFWMD Lower East Coast Supply Plan. Included within the Work Plan are capital improvement projects designed not only to meet the projected needs of the service area but also to improve the efficiency/conservation and reuse of the existing service area. As indicated previously the Miami-Dade Plan concludes that adequate capacity for finished water will be available to meet the service area demands, including the Town of Bay Harbor Islands, through the year 2035.

Pursuant to Chapter 163.3177(4)(a) Florida Statutes Local Governments are required to coordinate their Comprehensive Plans with the appropriate Water Management Districts Regional Water Supply Plan. Chapter 163.3177 further requires local governments that are subject to a regional water supply plan to adopt amendments to their Comprehensive Plan addressing specific water supply and planning issues no later than 18 months following adoption of the regional water supply plan by the appropriate water management district. The Town is located within the boundaries of the SFWMD and is subject to the Lower East Coast Water Supply Plan. In accordance with state statutes, to ensure consistency with the Regional Water Supply Plan and ensure that adequate water facilities are available to service the existing and future demand for water in the Town of Bay Harbor Islands, in 2008 the Town has prepared the Bay Harbor Islands Water Supply Facilities Work Plan. The Work Plan covers a 20-year planning period and addresses water supply facilities needed to serve development within the Town and coordination with the regional water supply plan and Miami-Dade County's 20-Year Water Supply Facilities Work Plan in accordance with Chapter 163.3177(6)(c), F.S. The latest *Lower East Coast Water Supply Plan Update* was approved by the South Florida Water Management District (SFWMD) on September 12<sup>th</sup>, 2013. Therefore, local governments within the Lower East Coast jurisdiction must amend their Comprehensive Plans to adopt a Work Plan by March 12<sup>th</sup>, 2015. The Town's Water Supply Work Plan was updated as required.

## **II. Existing Conditions**

The Town does not contain any potable water treatment plants or wells. Rather the Town purchases water, as a "Consecutive User", from the Miami-Dade County Water and Sewer Department (MDWASD) to provide potable water to its residents and non-residential users. In conjunction with Miami-Dade County's application for a Consumptive Use Permit, the SFWMD requested the County to obtain 20-year service agreements with each of its volume municipal water customers. In accordance with this requirement, in July 2007, the Town renewed its contract with Miami-Dade County for a new period of 20 years. The agreement between Miami-Dade County and the Town provides for cost-sharing of maintenance, renewal and replacement costs for Miami-Dade County's regional water distribution system on a pro-rata share based on flow.

The agreement also requires coordination of population projections with Miami-Dade County and participation in the water conservation programs. The Miami-Dade 20-Year Water Supply Facilities Work Plan, adopted in 2014 concludes that adequate capacity for finished water will be available to meet the service area demands, including the Town of Bay Harbor Islands, through the year 2035.

The Town owns the potable water infrastructure system from the MDWASD master meter located on Kane Concourse (96<sup>th</sup> Street) and distributes potable water to all users within the Town. The potable water is received from a MDWASD 30-inch water transmission main which connects to the Town from across the Broad Causeway to Kane Concourse. Water is also supplied to the Bal Harbour Village and the Town of Surfside through the same water transmission main. The Town's water distribution system was updated through a capital enhancement project that was completed in 2013. The Town regularly conducts leak detection exercises and makes repairs as needed.

Prior to the installation of the 30" main from MDWASD, a 24" main in Bal Harbor on 96<sup>th</sup> Street was constructed to provide and improved service from MDWASD through the 75<sup>th</sup> Street pumping station in Miami Beach. This line has increased water pressure in the Town to acceptable levels. The Town's water reticulation system is connected directly to the County's infrastructure and the Town was able to eliminate the 750,000 gallon water tank that the Town needed in order to maintain water pressure during peak periods.

A level of service standard has been developed for the Town of Bay Harbor Islands. The standard is based on historical average day demand expressed in gallons per capita per day. According to data supplied by the Town of Bay Harbor Islands Public Works Department, for the fiscal year ending September 2013 2017, yearly water consumption amounted to ~~303,230~~ 860,000 million gallons (mg). Dividing this value by the BEBR estimated ~~2013~~ 2017 population of ~~5,808~~ 6,006 and converting to daily demand amounts to a water consumption of 143 gallons per capita per day (gpcd). This rate is rounded to 150 gpcd and is adopted as the level of service standard for the Town of Bay Harbor Islands, and is similar to the rate adopted by Miami-Dade County for the Town of 149.38 gpcd.

### **Miami-Dade County Water Facilities Plan**

The Town of Bay Harbor Islands receives its water supply from Miami-Dade County facilities. The tie-in to the county system is as shown in Fig. W-1. The water comes from the Hialeah / John E. Preston Water Treatment Plant, the location of which is depicted in Fig. W-2.

The Miami-Dade Water and Sewer Department (MDWASD) which operates the Miami-Dade County water facilities does not allocate proportional capacities to each municipality. The average gallon per capita per day (gpcd) consumption is set at

149.38. This figure, multiplied by the population served by MDWASD gives the total capacity allocated to the Hialeah/Preston Water Treatment Plant. The reader is referred to the Miami-Dade County 20-Year Water Supply Facilities Work Plan for further information.

### **3. Needs Assessment**

#### **Capacity Assessment**

The distribution system of the municipal water supply system has a design life of fifty years, and are expected to provide adequate capacity beyond the current planning period of ten years. The existing distribution system then represents the final design for the municipal water supply system as related to present policies.

The "Projected Daily Water Demand" Table shows the projected daily water demand for the years 2014 and 2035.

**TABLE W-1  
PROJECTED DAILY WATER DEMAND**

|  | <b>2010</b> | <b>2035</b> |
|--|-------------|-------------|
|--|-------------|-------------|

|                                 |           |          |
|---------------------------------|-----------|----------|
| Level of Service                | 200       | 150      |
| Projected Functional Population | 5,247     | 6,350    |
| Projected Daily Water Demand    | 1.049 mgd | 0.95 mgd |

Source: Town of Bay Harbor Islands and Michael Miller Planning Associates, Inc.

#### **Performance Assessment**

The distribution system within the Town of Bay Harbor Islands is generally in good condition. The Town does conduct regular leak detection exercises and repairs leaks as needed. The Town completed a capital enhancement project in 2013 that updated the water lines throughout the Town. Hydrants were placed every 300' on the perimeter of the multi-family district and every 500' on the single-family residential area.

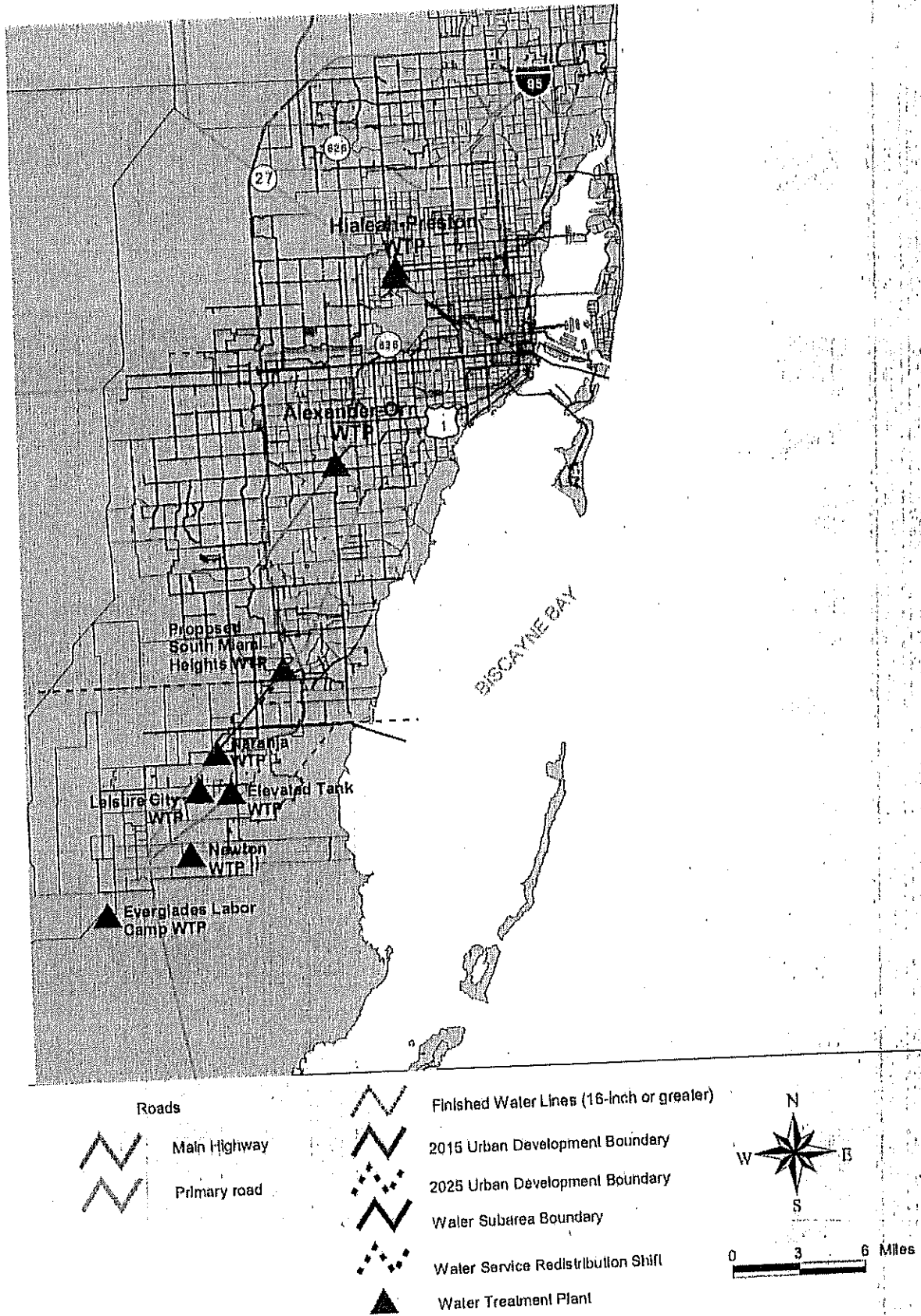
#### **Summary and Recommendations**

As discussed above, various upgrading programs and improvements by MDWASD provided for a two-source system of supply and improve existing service in the Town of Bay Harbor Islands. Since the town is almost totally built up incapacities on the part of the distribution system (mains and distributor lines have been replaced with larger diameter pipes) are highly unlikely since population is not expected to increase considerably.



Figure W-2  
Regional Potable Water Facilities

Figure W-2  
Regional Potable Water Facilities



Source: Miami-Dade County Water Supply Facilities Work Plan, 2008

## Natural Groundwater Aquifer Recharge Sub-Element **(update)**

|                                            |            |
|--------------------------------------------|------------|
| 1. Background                              | Page<br>52 |
| Terms and Concepts<br>Regulatory Framework |            |
| 2. Existing Conditions                     | 54         |

### List of Figures

| Figure          | Title                                       | Page          |
|-----------------|---------------------------------------------|---------------|
| NG-1            | <u>Water Resources in Miami-Dade County</u> | <u>56</u>     |
|                 | <u>Wellfield Protection Areas</u>           |               |
| <del>NG-2</del> | <del>Sheet Flow &amp; Recharge Areas</del>  | <del>57</del> |

### List of Tables

| Table | Title                                                    | Page |
|-------|----------------------------------------------------------|------|
| NG-1  | Significant Provision of Original Cone of Influence Ord. | 55   |

## **Natural Groundwater Aquifer Re-Charge Sub-Element**

### **1. Background**

#### **Terms and Concepts**

An aquifer is an underground layer of porous rock, sand, or other material in which infiltrated water collects and flows between layers of non-porous rock or clay. It is a term given to a rock or soil mass which not only contains water, but from which water can be abstracted in significant quantities.

The source of water in aquifers is precipitation. Under the force of gravity, precipitation percolates downward through porous soils to enter the aquifer strata. The ability of an aquifer to transmit water is governed by its permeability. Due to the variable permeability of different soil types, the rate of aquifer recharge from rainfall may vary from one location to another. Areas of highest recharge potential are called primary recharge areas.

An aquifer is described as unconfined when the water table is open to the atmosphere, i.e., the aquifer is not overlain by material of lower permeability. Conversely, a confined aquifer is one which is overlain by impermeable rocks. Confined aquifers may have relatively small recharge areas as compared with unconfined aquifers and therefore, may yield less water. This is another factor in identifying prime charge areas for the aquifer.

Since aquifer recharge areas are surface features, they are subject to alteration by development. Covering a recharge area with impervious surfaces, such as roads, parking lots and buildings reduces the area available for rainfall percolation altering the total rate and volume of recharge in that area. Increasing the rate of discharge of excess surface water after a rainfall through stormwater drains also diminishes recharge potential by discharging surface waters to the bay and ocean.

A second concern related to development within aquifer recharge areas is the potential for contamination of groundwater within the aquifer. Pollutants picked up by stormwater runoff which enters an aquifer can degrade the quality of the groundwater. Since water flows within an aquifer in a manner similar to surface water flow, downstream portions of the groundwater may be polluted over time. This becomes particularly significant when the aquifer is tapped as a potable water supply downstream.

#### **Regulatory Framework**

## Federal

Many Federal laws and agencies manage groundwater through regulation, technical assistance, research funding and land management. The Federal laws that apply to groundwater protection are discussed below.

Safe Drinking Water Act (42 U.S.C. 3007 et seq.) enacted in 1947, is designed to ensure that public water supplies are safe to drink. Its jurisdiction covers groundwater aquifers when they are the source of drinking water supplies.

1. Drinking Water Standards. The SDWA gave EPA broad authority to establish national standards for drinking water.

2. Underground Injection Control Program. The underground injection control program (UIC) regulates by permit the deep-well injection of waste that might endanger underground sources of drinking water.

3. Sole source Aquifers. The sole source aquifer program authorizes EPA to designate and protect aquifers, on petition from states or at its own discretion, that serve as the principal drinking water supply for an area.

4. Wellhead Protection Areas. States are required to develop programs designed to identify "wellhead areas", and to protect the areas from contaminants which may have adverse impact on the health of persons. Wellhead protection areas are defined to generally include "the surface and subsurface area surrounding a well or wellfield, supplying a public water system.

Resource Conservation and Recover Act. The RCRA is designed to prevent waste disposal practices from threatening the environment through unregulated discharges.

1. Hazardous Waste. Key protection from groundwater includes: site-specific standards for treatment, storage and disposal facilities for hazardous waste; monitoring systems; concentration limits based on maximum contaminant level.

2. Leaking Underground Storage Tanks. Requires owners and operators of underground storage tanks to notify state agencies and to comply with release detection, prevention, and correction regulations.

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 Authorizes EPA to initiate removal and/or cleanup of hazardous substance disposal sites.

## State

In implementing the Florida Safe Drinking Water Act (Ch. 403, F.S.), DEPR has developed rules classifying aquifers and regulating their use (Chapter ~~62-17-22~~, Part III, F.A.C.). ~~These rules are currently being amended to strengthen protection of sole source aquifers and wellfields tapping them.~~ DEPR has also established regulatory requirements for facilities which discharge to groundwater (Section ~~17-4.245~~, F.A.C.) and which inject materials directly underground (Chapter ~~17-28~~, F.A.C.).

## County

Miami-Dade County adopted a wellfield protection ordinance in 1981, imposing special restrictions on land development within certain distances from all public water supply wellfields in the county. The intent of the Wellfield Protection Ordinance is to curb degradation of groundwater quality in urbanized wellfield areas and preserve groundwater quality in non-urbanized wellfield areas. The ordinance established a series of concentric ring-shaped regulatory areas called Wellfield Protection Zones as shown in Figure NG-1. ~~Table NG-1 lists applicable provisions of the ordinance.~~

## Local

The Town of Bay Harbor Islands has not adopted any regulations related to the protection of groundwater quality. All regulatory authority relative to the Biscayne Aquifer is relegated to the county.

## 2. Existing Conditions

Miami-Dade County has specified primary and secondary aquifer recharge areas as shown in figure NG-12. Bay Harbor Islands is not within these primary and secondary recharge areas. Any discharge from the Islands whether through percolation or positive drainage falls directly into Biscayne Bay, therefore, any developments in the Town of Bay Harbor Islands will not have any significant effect on the quality of groundwater in Miami-Dade County, except through the contamination of Biscayne Bay due to stormwater runoff. This issue has already been discussed in detail in the section entitled Drainage Sub-Element.

The Town has not adopted regulations with regards to groundwater recharge areas but coordinates with county, state, and federal agencies. For an assessment of these regulations, the reader is referred to the Miami-Dade County Comprehensive Development Master Plan Year 2000 and 2010.

Table NG-1  
Wellfield Protection Ordinance  
Significant Provisions of Original Cone Influence Ordinance (1981-1983)

| <u>Wellfield Protection Subzone (distance in feet or groundwater travel time from wells)</u> |                    |                            |                              |                            |                            |                                         |
|----------------------------------------------------------------------------------------------|--------------------|----------------------------|------------------------------|----------------------------|----------------------------|-----------------------------------------|
| Regulated activity                                                                           | Less than 100 feet | 100ft-10days               | 10days-30days                | 30—days-100days            | 100days-210 days           | Countywide Regulation (beyond 210 days) |
| New uses Involving Handling of Hazardous Material                                            | Prohibited         | Prohibited                 | Prohibited                   | Prohibited                 | Prohibited                 | Permitted                               |
| Residences/ Septic tanks                                                                     | Prohibited         | 1DU/acre                   | 1-DU/acre                    | 1.7 DU/acre                | 2.4 DU/acre                | 2.9 DU/acre                             |
| Nonres. Use/ Septic tanks                                                                    | Prohibited         | 1400 ft <sup>2</sup> /acre | 3500 ft <sup>2</sup> /acre   | 6000 ft <sup>2</sup> /acre | 8500 ft <sup>2</sup> /acre | 15,000 ft <sup>2</sup> /acre            |
| Residences/ Sewers                                                                           | Prohibited         | 2.4 DU/acre                | 4.6 DU/acre                  | No limit                   | No limit                   | No limit                                |
| Nonres. Use/ Sewers                                                                          | Prohibited         | 8500 ft <sup>2</sup> /acre | 16,000 ft <sup>2</sup> /acre | No limit                   | No limit                   | No limit                                |

— 1 DU = dwelling unit.



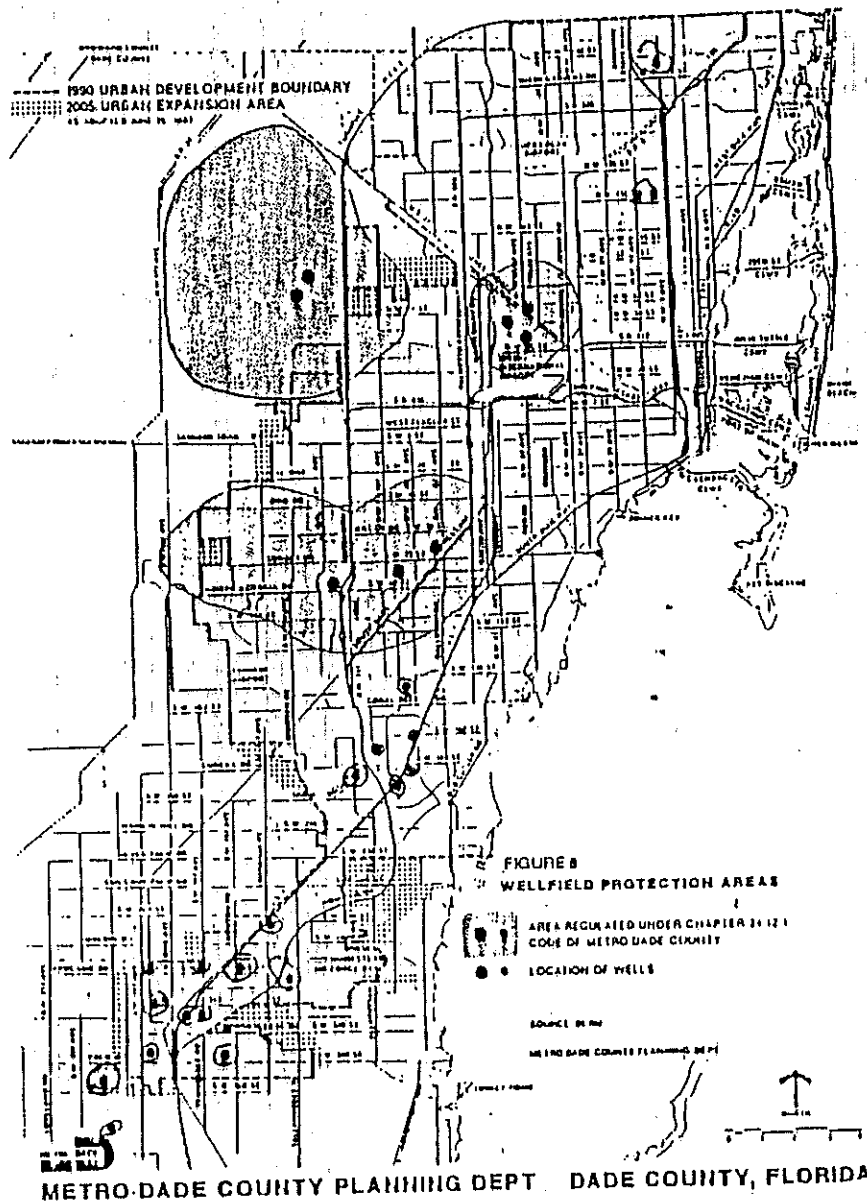
Figure NG-1  
Wellfield Protection Areas

INFRA-50

**EXISTING**

# TOWN OF BAY HARBOR ISLANDS

## DADE COUNTY, FLORIDA



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### WELLFIELD PROTECTION AREAS

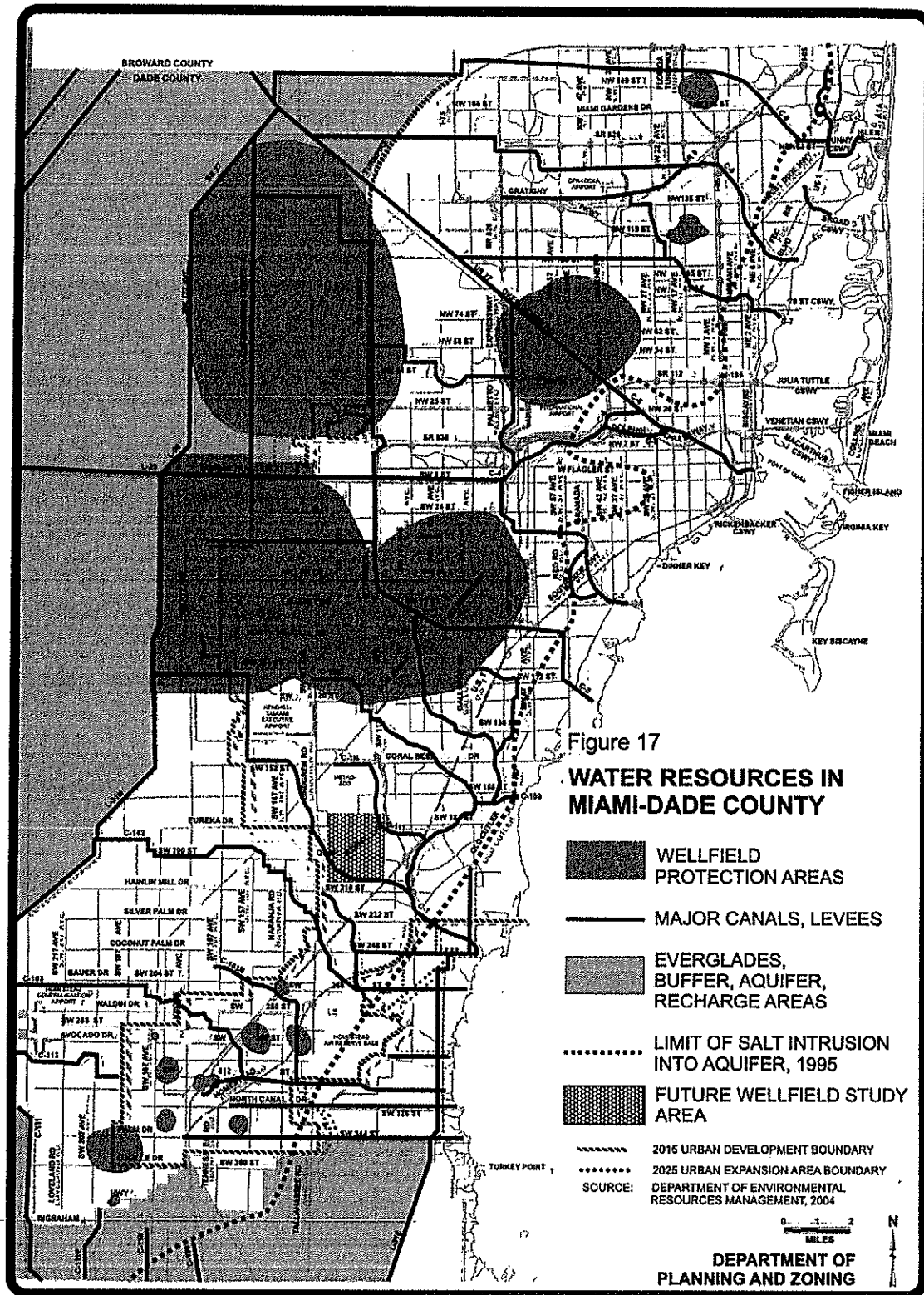
Figure NG-1

**JOSEPH MIDDLEBROOKS  
AND  
ASSOCIATES, P.A.**  
ARCHITECTS - URBAN PLANNERS  
INTERIOR DESIGNERS - CONSTRUCTION ADMINISTRATORS

8400 SW 87th Avenue, South Miami, Florida 33155 (305) 671-7794

**PROPOSED**

Figure NG-1  
Water Resources in Miami-Dade County

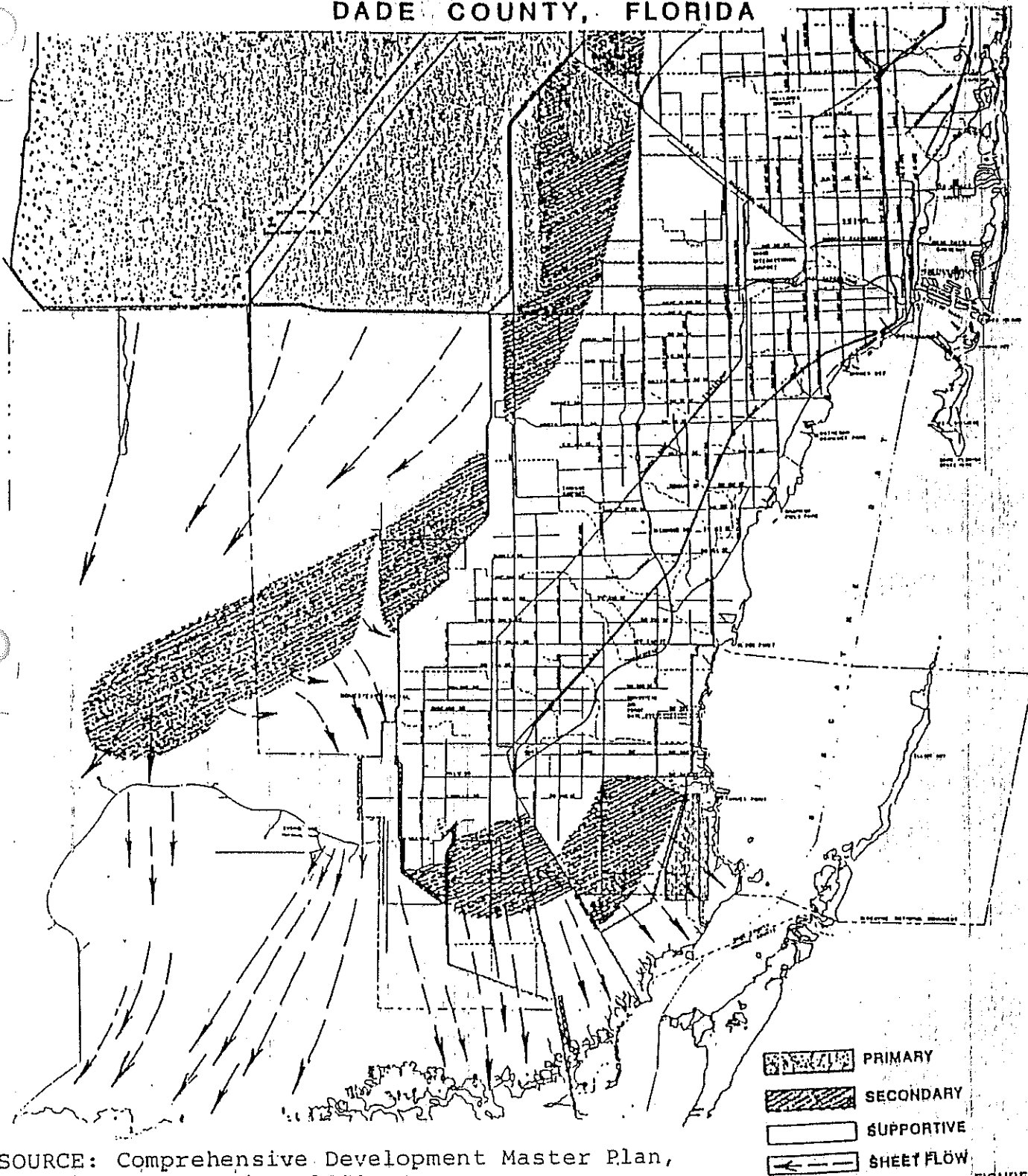


Source: Miami-Dade County, April 2007 CDMP Amendment Cycle

Figure NG-2  
(Delete: included in Figure NG-1)

# TOWN OF BAY HARBOR ISLANDS

## DADE COUNTY, FLORIDA



SOURCE: Comprehensive Development Master Plan,  
Dade County, 1980

FIGURE 39

"Preparation of this Map or Document was aided through financial assistance received from the State of Florida under the local Government Comprehensive Planning Assistance Program authorized by Chapter 86-167, Laws of Florida and administered by the Florida Department of Community Affairs."

### SHEET FLOW & RECHARGE AREAS

Figure NG-2

**JOSEPH MIDDLEBROOKS AND ASSOCIATES, P.A.**  
ARCHITECTS - URBAN PLANNERS  
INTERIOR DESIGNERS - CONSTRUCTION ADMINISTRATION

8130 S.W. 82ND AVENUE, SOUTH MIAMI, FLORIDA 33155 (305) 351-7381



## II. Goals, Objectives, and Policies

**GOAL 1:** PROTECT THE SUBSTANTIAL INVESTMENTS IN EXISTING PUBLIC FACILITIES AND PLAN FOR AND FINANCE NEW FACILITIES TO SERVE RESIDENTS AND BUSINESSES IN A TIMELY, ORDERLY, AND EFFICIENT MANNER.

**OBJECTIVE 1.1:** The Town will implement procedures to ensure that existing deficiencies will be corrected and that adequate facility capacities will be available to meet future needs.

**Policy 1.1.1:** To assure adequate level of service, the following LOS standards are hereby adopted, and shall be used as the basis for determining facility capacity and the demand to meet future development:

| <u>Facility</u>                                    | <u>Level of Service Standards</u>                                                                                                                                           |
|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sanitary Sewer Facilities<br>Peak Flow Coefficient | <del>456</del> 100 gallons per capita per day<br>As shown in Figure S-3.                                                                                                    |
| Solid Waste Facilities                             | <del>0.596</del> .0632 tons per capita per year                                                                                                                             |
| Drainage Facilities                                | Design LOS standard to meet to 10-year storm and as specified by the Miami-Dade County Public Works Manual, Section D-4, 1984; and no ponding water for more than 48 hours. |
| Potable Water<br>Storage Capacity<br>Pressure      | 150 gallons per capita per day<br>One-half of average day demand<br>Shall comply with Miami-Dade County fire flow standards.                                                |

**Policy 1.1.2:** The Town shall prepare annual summaries of capacity, demand, and general performance data for sanitary sewer, potable water, drainage, and solid waste facilities.

**Policy 1.1.3:** All improvements for replacements, expansions, or increase in capacity of public facilities shall conform with the adopted level of service standards.

**Policy 1.1.4:** No development order authorizing new developments or substantial expansion to an existing use shall be issued unless existing sanitary sewer, drainage, potable water, and solid waste facilities meet the adopted level of service standards for

these facilities or will meet these standards concurrent with the completion of the development.

**Policy 1.1.5:** Procedures and programs to monitor level of service for each facility shall be established for use by agencies which issue development orders.

**Policy 1.1.6:** The Town shall adopt by reference the 2014-18 update to the a Water Supply Facilities Work Plan (WSFWP) dated August 2018 which is incorporated herein by reference. In addition, the Town adopts by reference the Miami-Dade Water Supply Facilities Work Plan 2014 Update which is incorporated herein by reference with at least a 10-year planning period that will assess projected water needs and sources for the Town. The WSFWP and any updates will be adopted within 18 months of the adoption of the South Florida Water Management District's regional water supply plan, as required by Chapter 163, Florida Statutes.

**Policy 1.1.7:** The Town shall consider the most current Lower East Coast Water Supply Plan provide by the South Florida Water Management District when updating or proposing any amendments to the Town's WSFWP.

**OBJECTIVE 1.2:** The Town will improve on the level of service of public facilities, through the implementation of those projects listed in the Capital Improvements Element.

**Policy 1.2.1:** Proposed facility improvements will be evaluated and ranked according to the following priority level criteria:

**Level One** includes improvements which are necessary to protect the health, safety, and environmental integrity of the community; improvements necessary to meet existing deficiencies in capacity and performance, and Town's legal commitment to provide facilities and service.

**Level Two** includes improvements to increase efficiency of use of existing facilities; prevention or reduction of improvement costs; extend service to previously unserved developed areas and; promotes in-fill development.

**Level Three** includes improvements which represent a logical extension of facilities and services within a designated service area.

**Policy 1.2.2:** Potable water, sanitary sewer and solid waste facilities improvements shall be implemented in conformance with the schedule provided in the Capital Improvements Element.

**Policy 1.2.3:** The Town shall coordinate scheduled projects to minimize disruption of services and duplication of labor.

**OBJECTIVE 1.3:** The Town shall continue to implement procedures aimed at maximizing the use, effectiveness and efficiency of existing public facilities.

**Policy 1.3.1:** The Town shall continue its preventive maintenance and performance monitoring program for existing sanitary sewer, potable water, solid waste and drainage facilities.

**OBJECTIVE 1.4:** The Town will cooperate and aid in the implementation of regional and county water conservation programs.

**Policy 1.4.1:** The Town will participate in regional campaigns to disseminate information for water conservation strategies.

**Policy 1.4.2:** The Town shall promote an educational program for residential and commercial consumers which will encourage the conservation of water.

**Policy 1.4.3:** The Town shall implement applicable regional and county water conservation programs. Including the following strategies:

- a). Require water reduction devices in new construction and evaluate and incorporate additional advances in water conservation into Town Code as needed;
- b). Require Florida Friendly techniques and native vegetation use when reviewing and approving development applications;
- c). Continue to enforce and maintain regulations of the South Florida Water Management District lawn and irrigation water restrictions;

**GOAL 1-2:** PROTECT THE FUNCTIONS OF THE NATURAL DRAINAGE FEATURES AND NATURAL GROUNDWATER AQUIFER RECHARGE AREAS; AND PREVENT DEGRADATION OF QUALITY OF RECEIVING WATERS AND GROUNDWATER RESOURCES.

**OBJECTIVE 2.1:** ~~By 1990,~~ The Town shall continue to review and amend, if necessary, existing stormwater control regulations to ensure that existing and future developments will be afforded reasonable protection from flooding and to prevent degradation of the quality of receiving waters.

**Policy 2.1.1:** The Town shall review existing regulations to determine their adequacy and prepare needed amendments to the stormwater control provisions of the land development regulations to ensure that:

- a) new developments are required to manage runoff so that post-development runoff rates, volumes, and pollutant loads do not exceed pre-development conditions.

- b) stormwater engineering, design, and construction standards for on-site systems are provided.
- c) Erosion and sediment controls are used during development: and,
- d) Periodic inspection and maintenance of on-site systems is ensured as a conditions of systems permit renewal.

**OBJECTIVE 2.2:** By 1993, ~~the~~ The Town shall continue to implement procedures for the protection of groundwater aquifer recharge areas.

**Policy 2.2.1:** The Town shall cooperate with Miami-Dade County and other public agencies to achieve regional recharge protection objectives.

## Appendix A

### Minimum Criteria Requirements Chapter 9J-5

#### ~~9J-5.011(1). SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER, NATURAL AQUIFER RECHARGE ELEMENT DATA AND ANALYSIS REQUIREMENTS.~~

~~9J-5.011(1) (a). See discussions on "Existing Conditions" for each sub-element.~~

~~9J-5.011(1) (b). Not applicable. The Town does not provide service to areas outside its jurisdiction.~~

~~9J-5.011(1) (c). See discussions on "Existing Conditions" for each sub-element.~~

~~9J-5.011(1) (d) (1). See discussions on "Existing Conditions" for each sub-element.~~

~~9J-5.011(1) (e) (1). See discussions on "Existing Conditions" for each sub-element.~~

~~9J-5.011(1) (e) (2). See figure 1 on p.2.~~

~~9J-5.011(1) (e) (3) -15). See discussions on "Existing Conditions" for each sub-element.~~

~~9J-5.011(1) (f) (1) (a). See discussions on "Existing Conditions" for each sub-element.~~

~~9J-5.011(1) (f) (1) (b) (c). See discussions on "Needs Assessment" for each sub-element.~~

~~9J-5.011(1) (f) (2). See discussions on "Needs Assessment" for each sub-element.~~

~~9J-5.011(1) (f) (3). See discussions on "Needs Assessment" for each sub-element and "Summary Recommendations" for each sub-element.~~

~~9J-5.011(1) (f) (4). Not applicable. There are no areas served by septic tanks within the municipality.~~

~~9J-5.011(1) (g). Not applicable. There are no major natural drainage features and natural groundwater aquifer recharge areas within the local government's jurisdiction.~~

~~9J-5.011(1) (h). See discussion "Stormwater Control Regulations," Drainage Sub-element. For regulations concerning groundwater recharge, the reader is referred to the Dade County Comprehensive Master Development Plan (1988).~~

#### ~~9J-5.011 (2). REQUIREMENTS FOR SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER, NATURAL AQUIFER RECHARGE ELEMENT DATA AND ANALYSIS REQUIREMENTS.~~

### GOALS, OBJECTIVES, AND POLICIES

~~9j-5.011 (2) (a). Goals 1.0 and 2.0~~  
~~9J-5.011 (2) (b) (1). Objectives 1.1, 1.2.~~  
~~9J-5.011 (2) (b) (2). Objectives 1.1, 1.2.~~  
~~9J-5.011 (2) (b) (3). Objective 1.3.~~  
~~9J-5.011 (2) (b) (4). Objective 1.4~~  
~~9J-5.011 (2) (b) (5). Objectives 2.1, 2.2.~~  
~~9J-5.011 (2) (c) (1). Policies 1.2.1, 1.2.2.~~  
~~9J-5.011 (2) (c) (2). Policy 1.1.1.~~  
~~9J-5.011 (2) (c) (3). Policies 1.4.1, 1.4.2, 1.4.3~~  
~~9J-5.011 (2) (c) (4). Policies 2.1.1, 2.2.1.~~

**Note: Rule 9J-5 was repealed.**



## **5 – CONSERVATION ELEMENT**



# CONSERVATION ELEMENT

## TABLE OF CONTENTS

|                                          | PAGE           |
|------------------------------------------|----------------|
| INTRODUCTION                             |                |
| I. INVENTORY AND ANALYSIS                | <u>CON 2</u>   |
| II. GOALS, OBJECTIVES AND POLICIES       | <u>CON 6-7</u> |
| APPENDIX A:                              |                |
| <del>Minimum Criteria Requirements</del> |                |

## CONSERVATION ELEMENT

The Conservation Element is designed to describe and evaluate the existing natural resources with the Town of Bay Harbor Islands and provide guidelines for their conservation, use and protection. The contents of this element are intended to conform to the requirements of Chapter 9J-5, FAC, as well as relevant sections of Chapter 163, Part II, F.S.

### I. INVENTORY AND ANALYSIS

#### A. Environmental Setting

The Town of Bay Harbor Islands is located on Biscayne Bay, in the northeastern portion of Miami-Dade County. The climate is characterized by warm weather, usually abundant rainfall in the summer months and light, but persistent winds.

In Miami-Dade County, average temperatures exceed 65 degrees F. and average annual rainfall approaches 60 inches. Mean annual wind speed was 9.1 mph, but average wind speeds along the coast are two times stronger than velocities measured inland.

#### B. Air Quality

~~Figure C-1 shows the location of Dade County air monitoring sites. There was a monitoring station located at Haulover Park on Collins Avenue (No. 49 on the map). According to data supplied by the Department of Environmental Resources, Dade County, the Haulover site showed no violations in 1985 and the average reading was 0.024 ppm. This site was discontinued in 1986. There are two (2) air monitoring sites that are relatively close to the Town of Bay Harbor Islands. One site is located approximately seven miles from Bay Harbor Islands on the campus of the University of Miami (Rosenstiel) and monitors the Ozone. The other site is located approximately five miles southwest of Bay Harbor Islands at Miami Fire Station #5 and monitors Particulate Matter pollution.~~

Air quality in Bay Harbor Islands is consistent with the quality in the metropolitan Miami-Dade County area. The major problem in Miami-Dade County is ozone. The County is an ozone non-attainment area; and plans are being devised to control the precursors of ozone; automobile emissions and volatile organic compounds. There is no evidence that the other five major pollutants (carbon monoxide, nitrogen oxide, sulfur dioxide, particulate matter, lead) are presenting any problems at this time. For a more detailed discussion of air quality in Miami-Dade County, the reader is referred to the Miami-Dade County Comprehensive Development Master Plan, Year 2000 and 2010.

#### C. Water Resources

##### 1. Surface Water

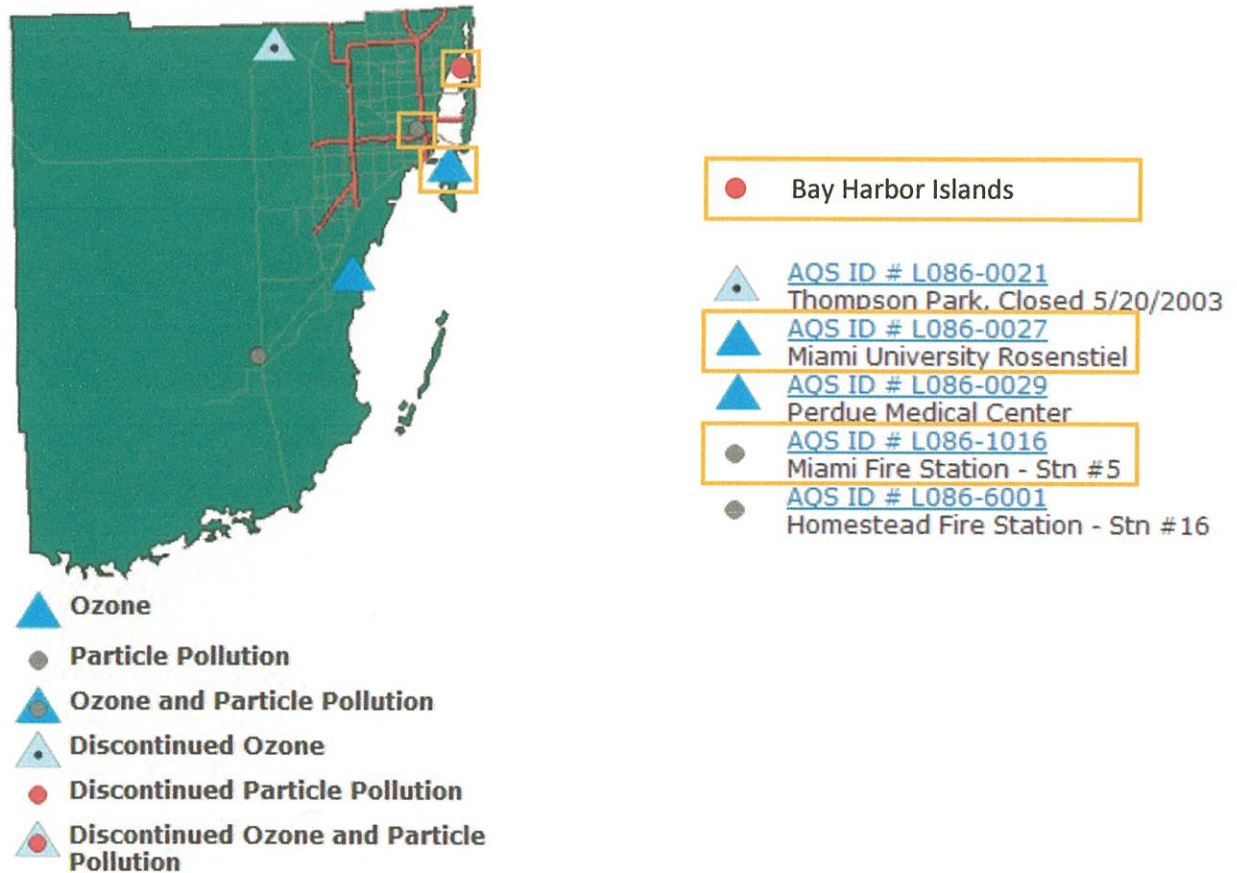
The Town of Bay Harbor Islands is entirely surrounded by Biscayne Bay and water courses directly related to it. Biscayne Bay is under the local jurisdiction of Miami-Dade County.

## FIGURE C-1

Existing Figure C-1 will be deleted and replaced with a new Figure C-1  
Air Quality Monitoring Stations (Miami-Dade County)

Figure C-1

## Air Quality Monitoring Stations (Miami-Dade County)



Sources: Florida Department of Environmental Protection / Michael Miller Planning Associates, Inc. 2018\*

The surrounding waters are used for such recreational purposes as boating and fishing. Many residences located on the waterfront have private boat docks. The Town owns all of the water bodies within the municipal limits adjoining the islands per the Charter creating the Town and subsequent legal opinions. ~~The Town has a municipal-owned fishing pier, located at Broad Causeway.~~ Fishing is currently not permitted from Town owned properties but is allowed from residential private properties within the Town. Fishing from boats is also permitted within surrounding waterways. A State fishing license is required.

For a discussion on water quality and sources of pollution, the reader is referred to the Coastal Management Element of this Comprehensive Plan.

Accumulated contaminants flow with the runoff water over land and through storm drains, canals, lakes and bays – and through infiltration into the shallow water table aquifer. In addition to bacterial contamination, storm outfalls discharge suspended solid micronutrients such as nitrates, oil and grease and toxic chemicals in surface water in many portions of Biscayne Bay. Other contaminants of urban runoff include hydrocarbons and metal from roadways and parking lots, pesticides and fertilizers from landscaping maintenance and an array of household and industrial chemicals. The natural processes that reduce contaminant concentrations in the surface and groundwaters are dispersion and evaporation of chemicals, precipitation, absorption and natural die-off of bacteria. The enhancement and protection of Biscayne Bay is divided among several of the Miami-Dade County's departments with oversight by the Department of Environmental Resources Management (DERM). ~~Biscayne Bay Management Committee has been entrusted with the protection of the Bay from pollutants; and the~~ The Town will does cooperate fully coordinate with the committees and with the County in this regard.

There are no rivers, wetlands and estuarine marshes in the Town of Bay Harbor Islands.

## 2. Floodplains

~~The whole Town is a floodplain~~ The entire Town is located within the coastal floodplain, but flooding due to moderate storms rarely occurs, since the Town has a well maintained drainage system and waters drain directly to the Bay. The whole area, however, is subject to coastal flooding; requiring evacuation for all hurricanes. For more discussion on flooding, the reader is referred to the Coastal Management Element of this Comprehensive Plan.

## 3. Groundwater Resources

There are none in the Town of Bay Harbor Islands.

## D. Vegetation and Wildlife

Most of the vegetation native to the area ~~has been stripped away~~ was eliminated when the land was originally dredged, bulk headed and developed. The hammocks of the coastal ridges, which are characteristic of the unique South Florida ecosystem, no longer remain. Most of the vegetation in the area has been reintroduced as landscaping for residential, commercial and public uses. The Town has about 4.2 acres of recreation and open space land as identified in the Recreation of Open Space Element, which the Town will continue to protect and maintain. Many of the residences and streets, including the main thoroughfare, Kane Concourse, are well landscaped and provide visual enjoyment and environmental benefits.

The Coastal Management Element contains data on plant and animal species that are found, within the Bay Harbor locality, and which have been identified as endangered or rare threatened species within Miami-Dade County.

#### E. Water Use & Conservation

South Florida is extremely dependent on water resources for human consumption and industrial, agricultural, environmental and recreational uses. Large amounts of water are consumed by four primary sectors: agricultural, industrial, environmental and residential. The availability, quantity, and quality of water is of extreme importance to South Florida. The balance between adequate supplies and scarcity is, indeed, a delicate one. The urban complex, which includes the Town of Bay Harbor islands, continually draws water away from the (Biscayne Aquifer) water conservation districts.

The Town gets its water supply from Miami-Dade County; and for more information on water quality, and quantity of water available to meet demands, the reader should refer to the Miami-Dade County Comprehensive Plan and the Miami-Dade County Water Supply Facilities Work Plan (2008 2014 Update). For current and projected water needs for the next ten years, refer to the Potable Water Sub-Element of this Comprehensive Plan.

MDWASD requires wholesale customers to have Water Conservation Plans under the Conserve Florida Program. The Town of Bay Harbor Islands, as a wholesale customer, is coordinating the development of the required Conservation Plan using the web-based tool provided by the Department of Environmental Protection. This tool allows MDWASD to consolidate the Water Conservation Plans of the wholesale customers and combine them with the Plan or Annual Report for reporting to the water management district. The Miami-Dade Board of County Commissioners adopted Ordinance No. 06-177 establishing that a goal-based Water Conservation Plan shall be submitted to MDWASD; said plan shall be updated for the County's approval every five years and annual reports shall be filed with MDWASD within two months following the previous year's implementation.

The Town is coordinating with Miami-Dade County who is undertaking a 20-year water conservation plan to evaluate ways for reducing water consumption. Activities and projected water conservation savings are included in the overall 20 Year Water Supply Work Plan adopted by Miami-Dade County. While, in 2008 2017, there are no specific projects for water conservation proposed by Miami-Dade within Bay Harbor Islands, the Town provides strict enforcement of the limitations on irrigation in accordance with the water restrictions imposed by the SFWMD, the Town is incorporating into its building requirements the use of high efficiency devices including toilets and fixtures in new construction and provides educational materials at the Town Hall and within the Town's newsletter relating to water conservation and programs that Town residents are eligible to participate. Furthermore, the Town will continue to follow conservation guidelines required by the County and SFWMD and will investigate ways to increase water conservation throughout the Town.

#### F. Mineral Resources

There are no mineral resources within the Town.

#### G. Soil Erosion

Currently the Town has no known soil erosion problems. Previously According to the Dade County Comprehensive Development Master Plan, Year 2000 and 2010, additional riprap is required was installed to stabilize portions of Broad Causeway as identified in the County's Development Master Plan; at an estimated cost of \$80,000.

#### H. Hazardous Waste

The Town of Bay Harbor Islands is a residential community with only 4 blocks of commercial use area. Most of these commercial uses are office spaces and retail area. According to the Town's Manager, there has been no incidence of hazardous waste collections from these commercial areas.

## II. GOALS, OBJECTIVES, AND POLICIES

**GOAL:** PROVIDE FOR THE PROTECTION, CONSERVATION AND PROPER UTILIZATION OF NATURAL RESOURCES.

**OBJECTIVE CON-1:** ~~By 1990, the~~ Town shall continue to coordinate and cooperate with other public agencies in meeting air quality standards.

**POLICY CON-1.1:** Cooperate with county and state regulatory agencies in developing policies related to air quality protection.

**POLICY CON-1.2:** The Town shall aid in the dissemination of information provided by other regulatory agencies.

**OBJECTIVE CON-2:** ~~By 1990, the~~ Town shall continue to coordinate and cooperate with other public agencies in protecting the quality of ground and surface waters resources.

**POLICY CON-2.1:** Cooperate with the county and state regulatory agencies in developing and implementing policies related to ground and surface water quality protection.

**POLICY CON-2.2:** The Town shall continue to implement an annual street cleaning program, aimed at reducing pollutant loads at the beginning of the rainy season.

**POLICY CON-2.3:** ~~By 1990, the~~ Town shall ~~amend, adopt and~~ continue to implement land development regulations and policies to ensure that:

- a) Site plans provide measures to assure that water is naturally absorbed in the ground, or that other means of reducing pollutant loads shall be utilized before runoff is discharged into the bay.
- b) General design and construction standards for on-site drainage systems for new developments shall ensure that post-development runoff rates and pollutant loads not exceed pre-development conditions.
- c) Existing developments sufficiently control and abate runoff.

**OBJECTIVE CON-3:** The Town shall continue to implement a water conservation programs and shall coordinate with the water conservation programs of other public agencies.

**POLICY CON-3.1:** The Town shall continue to expand and explore water conservation practices to maintain a low per capita consumption of potable water.

**POLICY CON-3.2:** The Town shall continue to coordinate with Miami-Dade County in implementation of the Town's water conservation programs utilizing the County's Web-Based Conservation Tool.

**POLICY CON-3.3:** The Town shall cooperate with the South Florida Water Management District (SFWMD) in implementing water conservation programs as well as enforcing water restriction imposed by SFWMD.



**POLICY CON-3.4:** The Town will continue to utilize all available resources to disseminate information about water conservation to the Town's residents.

**POLICY CON-3.5:** The Town will coordinate with the Miami-Dade Water and Sewer Department in the development of Alternative Water Supply projects, as needed.

**OBJEVTIVE CON-4:** ~~By 1994, t~~The town shall continue to implement programs aimed at protecting native vegetative communities and the natural functions of existing soils.

**POLICY CON-4.1:** The Town shall consider soils, topographic, hydrologic and vegetative cover factors in the site plan review plan review process of proposed developments.

**POLICY CON-4.2:** The Town shall assist in the application of, and compliance with, all state and federal regulations which pertain to the protection and preservation of native plants.

**POLICY CON-4.3:** The Town shall assist in the implementation of Miami-Dade County's Tree Preservation Program and Landscape Ordinance (Ch.18A) as well as administer the Town's Supplemental Landscape Code.

**POLICY CON-4.4:** Regulations pertaining to landscaping requirements shall address the protection and appropriate use of native plant materials.

**POLICY CON-4.5:** The Town shall cooperate with adjacent municipalities and with Miami-Dade County in the conservation, protection and appropriate utilization of unique vegetative communities.

**POLICY CON-4.6:** The Town shall ~~develop~~ maintain a bank stabilization program for Broad Causeway.

**POLICY CON-4.7:** All soils not suitable for the proposed development shall be excavated and replaced with suitable fill material; or shall be stabilized, as necessary, in order to provide structural integrity of the proposed development for the expected life of the development.

**POLICY CON-4.8:** The Town will continue to protect and maintain the park and recreation sites within the Town.

**OBJECTIVE CON-5:** ~~By 1994, t~~The Town shall continue to coordinate with Miami-Dade County in the implementation of county programs, aimed at protecting and properly managing, fisheries, wildlife, wildlife habitat and marine habitat.

**POLICY CON-5.1:** The Town shall coordinate with Miami-Dade County to assist in identifying ecological communities, fisheries and wildlife that need protection and conservation, and develop programs for their proper management.

**POLICY CON-5.2:** The Town shall coordinate with Miami-Dade County in the preservation of fish and wildlife habitats, including manatee habitats.

**POLICY CON-5.3:** The Town shall assist in the application of, and compliance with, state and federal regulations pertaining to endangered and rare threatened species.

**OBJECTIVE CON-6:** ~~By 1990, the~~ The Town shall continue to assist other public agencies in protecting the natural functions of the 100-year floodplain and surface water resources and coordinate in managing and protecting environmentally sensitive land.

**POLICY CON-6.1:** The Town shall abide by and administer flood control; criteria, as adopted by Miami-Dade County and the South Florida Water Management District.

**POLICY CON-6.3:** The Town shall abide by, and administer, dredge and fill regulations, as adopted by federal, state and regional agencies.

**POLICY CON-6.4:** ~~By 1990, the~~ The town shall continue to assist Miami-Dade County in identifying environmentally sensitive lands located within and adjacent to the municipality, requiring protection, and shall designate or request their designation as environmentally sensitive lands.

**OBJECTIVE CON-7:** The Town shall continue to assist County agencies in the development and implementation of a hazardous waste management program for the proper storage, recycling, collection and disposal of hazardous wastes, ~~by 1992.~~

**POLICY CON-7.1:** The Town shall continue to coordinate with Miami-Dade County in implementing hazardous waste management programs and regulations.

**POLICY CON-7.2:** The Town shall continue to assist the County in the development of emergency response plan to handle accidents involving hazardous wastes.

**POLICY CON-7.3:** The Town shall continue to promote the recycling of hazardous wastes by cooperating with agencies which publicize lists of approved recyclers.

**POLICY CON-7.4:** The Town shall continue to implement an employee training program to properly identify and inspect wastes from selected users.

**POLICY CON-7.5:** Commercial facilities which generate hazardous waste shall continue to be identified ~~by 1992.~~

## APPENDIX

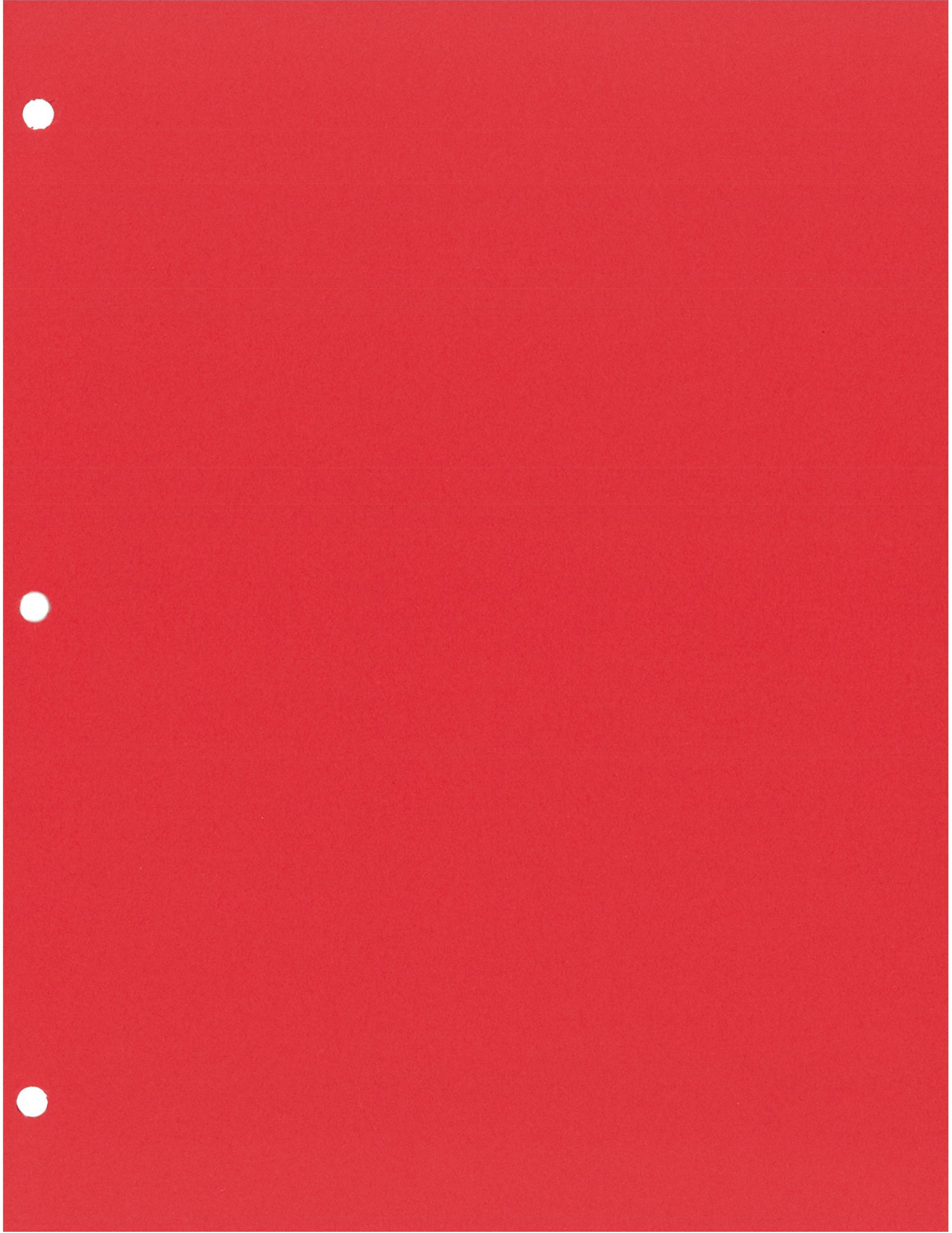
### Minimum Criteria Requirements Chapter 9J-5 And Consistency of the Local Plan with The State Comprehensive Plan

#### ~~9J-5.013(1). CONSERVATION DATA AND ANALYSIS REQUIREMENTS~~

- ~~9J-5.013(1) (A) (1). See discussion on "Surface Waters", p.2. also see Coastal Management Element. There are no rivers, wetlands and estuarine marshes in the town of Bay Harbor Islands. See discussion on "Air Quality", p.2.~~
- ~~9J-5.013(1) (a) (2). See discussion on "Floodplains", p.4~~
- ~~9J-5.013 (1) (a) (3). There are no known sources of commercially valuable minerals in the Town.~~
- ~~9J-5.013 (1) (a) (4). See discussion on "Soil Erosion", p.5~~
- ~~9J-5.013 (1) (a) (5). See discussion on "Vegetation and Wildlife", p.4.~~
- ~~9J-5.013 (1) (b). See discussion on "Hazardous Wastes". P.5, "surface Waters", p.2. See also the Coastal Management Element.~~
- ~~9J-5.013 (1) (c). See discussion on "Water Use". P.4~~

#### ~~9J-5.013 (2). REQUIREMENTS FOR CONSERVATION GOALS, OBJECTIVES AND POLICIES.~~

- ~~9J-5.013 (2) (a). See Goal Statement.~~
- ~~9J-5.013 (2) (b) (1). Objective 1.~~
- ~~9J-5.013 (2) (b) (2). Objective 2 and 3.~~
- ~~9J-5.013 (2) (b) (3). Objective 4. There are no mineral resources in the Town.~~
- ~~9J-5.013 (2) (b) (4). Objective 5.~~
- ~~9J-5.013 (2) (c) (1). Policy 2.3.~~
- ~~9J-5.013 (2) (c) (2). Not applicable.~~
- ~~9J-5.013 (2) (c) (3). Policies 4.1, 4.2, 4.3, 4.4.~~
- ~~9J-5.013(2) (c) (4). Policies 3.1, 3.2.~~
- ~~9J-5.013 (2) (c) (5). Policies 5.1, 5.2, 5.3. See also Policies under Coastal Management Element.~~
- ~~9J-5.013 (2) (c) (6). Policies 4.7, 5.1, 6.1, 6.2, 6.3.~~
- ~~9J-5.013 (2) (c) (7). There are no natural reservations identified in the recreation and open space element.~~
- ~~9J-5.013 (2) (c) (8). Policy 4.5.~~
- ~~9J-5.013 (2) (c) (9). Policy 6.4.~~
- ~~9J-5.013 (2) (c) (10). Policies 7.1, 7.2, 7.3, 7.4, 7.5.~~



## **6 - COASTAL MANAGEMENT ELEMENT**

# COASTAL MANAGEMENT ELEMENT

## TABLE OF CONTENTS

|                                                                                                                                                                              | Page         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| I. LAND USE INVENTORY AND ANALYSIS                                                                                                                                           | 4 <u>4</u>   |
| II. NATURAL RESOURCES OF THE COASTAL AREA                                                                                                                                    | 3 <u>7</u>   |
| III. ARCHAEOLOGICAL AND HISTORIC RESOURCES                                                                                                                                   | 6 <u>8</u>   |
| IV. WATER QUALITY                                                                                                                                                            | 6 <u>9</u>   |
| V. BEACH AND DUNE SYSTEMS                                                                                                                                                    | 8 <u>10</u>  |
| VI. HURRICANE EVALUATION                                                                                                                                                     | 9 <u>10</u>  |
| VII. PUBLIC ACCESS                                                                                                                                                           | 10 <u>12</u> |
| VIII. COASTAL AREA INFRASTRUCTURE                                                                                                                                            | 10 <u>12</u> |
| IX. <u>FLOOD PERILS / RESILIENCY PLANNING</u>                                                                                                                                | 13           |
| X. GOALS, OBJECTIVES AND POLICIES                                                                                                                                            | 14 <u>17</u> |
| APPENDIX A: <u>List of Rare, Endangered and Endemic Plant Species<br/>Federal and State Designated, Threatened and Potentially Endangered<br/>Flora in Miami-Dade County</u> |              |
| APPENDIX B: <u>Representative Birds in the Coastal Area<br/>List of Federal and State Designated, Threatened and Potentially<br/>Endangered Fauna in Miami-Dade County</u>   |              |
| APPENDIX C: <u>Fish and Shellfish Species Present in Biscayne</u>                                                                                                            |              |
| APPENDIX D: <u>Regulatory and Coastal Improvements</u>                                                                                                                       |              |
| APPENDIX E: <u>Minimum Criteria Requirements</u>                                                                                                                             |              |
| APPENDIX D: <u>SLOSH Model Hurricane Sea Rise Scenarios</u>                                                                                                                  |              |

# TOWN OF BAY HARBOR ISLANDS, FLORIDA

## COASTAL MANAGEMENT ELEMENT

### LIST OF FIGURES

| Figure          | Title                                                                               | Page                  |
|-----------------|-------------------------------------------------------------------------------------|-----------------------|
| CM-1            | Existing land Uses; Water Dependent<br>And Water-Related Uses; and<br>Public Access | <del>2</del> <u>5</u> |
| <del>CM-2</del> | <del>Benthic Communities</del>                                                      | <del>4</del>          |
| <del>CM-3</del> | <del>Water Quality Sampling Stations</del>                                          | <del>7</del>          |
| <del>CM-4</del> | <del>Water Quality</del>                                                            | <del>7A</del>         |

# ~~TOWN OF BAY HARBOR ISLANDS, FLORIDA~~

## ~~COASTAL MANAGEMENT ELEMENT~~

### ~~LIST OF TABLES~~

| <del>Table</del> | <del>Title</del>                                                      | <del>Page</del> |
|------------------|-----------------------------------------------------------------------|-----------------|
| <del>CM-1</del>  | <del>Wildlife Associated with Mangrove<br/>Forests, Dade County</del> | <del>5</del>    |



## COASTAL MANAGEMENT ELEMENT

The purpose of this element is to plan for and, where appropriate, restrict development activities in the coastal area where such activities would damage or destroy natural resources; and/or expose human life to the dangers of natural disasters.

The Town of Bay Harbor Islands is located in the northeastern portion of Miami-Dade County. The Town of Bay Harbor Islands is surrounded by Biscayne Bay or water bodies directly related to it; such as the Indian Creek. The whole Town is considered to be a coastal area and henceforth, the boundaries referred to in this element are the same as that of the boundaries of the Town.

### I. LAND USE INVENTORY AND ANALYSIS

#### Existing Land Uses

The existing land uses in the Town of Bay Harbor Islands are as shown in Figure CM-1 of this plan. Refer to Future Land Use Element for a more detailed discussion of existing and future land uses.

#### Water-Dependant and Water-Related Uses

The only water-dependent uses occurring in the Town of Bay Harbor Islands are for recreation; such as private boat docks. For water-related uses, there are those areas used as parks and recreation areas, which offer distinctive views and vistas of the coastal area. Waterfront residential development is also considered as a water-related use. Water-dependent and water-related uses are shown in Figure CM-1.

#### Estimate of the Need for Water-Dependent and Water-Related Uses

Water-dependent and water-related uses are expected to remain primarily as residential and recreational uses. No commercial or industrial water dependent and related uses are expected. The existing water-dependent and water-related sites are sufficient to meet the need for recreational uses and the expected development in the area.

#### Shoreline Land Use Conflicts

Figure CM-1 clearly shows that the predominant shoreline land use is residential, except for the Broad Causeway which has a transportation-related uses (toll plaza / gas station). The Future Land Use Map (FLUM) proposes primarily residential uses on the shoreline. There are also two (2) Town parks at the east end of the Broad Causeway on the West Island, one commercial use (Tauber) and a hotel (Bay Harbor Inn) two new hotel sites (Grand Beach / TRYP Monarch) on the East Island (Refer to Future Land Use Element).

**FIGURE CM-1**  
**EXISTING LAND USES, WATER-DEPENDENT AND WATER – RELATED USES, PUBLIC**  
**ACCESS**  
**(No changes)**

The only commercial shoreline uses within the municipality are the existing ~~Planned Unit Development on the East Bay Harbor Drive, fronting Indian Creek, known as the former Bay Harbor Inn which was approved but never built for a remodeling in 2011 and then received an approval to build a new 96-room Grand Beach Hotel in 2015 (completed in 2018) on the north side of Kane Concourse fronting the Indian Creek, another new 96-room hotel called the Wyndham "TRYP" Hotel (formerly Monarch) on the south side of Kane Concourse at West Bay Harbor Drive on the Bay Harbor Waterway that was completed in 2018 and a commercial site south of Kane Concourse at East Bay Harbor Drive on the Indian Creek most recently utilized for an office and approved for redevelopment in 2011 but not built as yet.~~ The lack of commercial shoreline use does not pose any problems because there are no public marinas in the Town, and none are expected in the future. There are no beaches in Bay Harbor Islands; therefore, conflicts regarding the siting of beach access points and residential uses are not present. However, recently public access points have been required between local streets and the adjacent water bodies on some redevelopment projects on the eastern island as part of Miami-Dade County's Shoreline Development reviews. Although a few access walkways were established the Town / property owners expressed their opposition to this practice due to privacy / security concerns. The County has recognized this and typically requests mitigation (monetary contributions) in lieu of meeting the strict shoreline setbacks and walkways. In addition, beaches ~~on~~ in Bal Harbour Village, Town of Surfside and the City of Miami Beach are easily accessible to residents of the municipality.

#### Areas Needing Redevelopment

Most of the buildings in the Town have been built in the last ~~fifty~~ 70 years. Within the area, there are no concentrations of rundown structures which should be condemned or rehabilitated. Since 1987 Miami-Dade County has required that all buildings over 40 years of age must be inspected and certified by a qualified architect or engineer as being structurally safe. It should be noted, however, that very few buildings in the area have been built since the changes in the State's coastal code requirements were adopted in 1985. Hence it can be assumed that a large percentage of the original structures in the Town could not withstand the storm surges and wind forces that the current Florida Building Code (FBC) has recently established as standards for construction in the area. All new development must meet the current FBC Code standards.

#### Economic Base

The Town's economic base is primarily from real estate and property values and provides for most of the Town's fiscal resources, in the form of ad valorem taxes. The proposed Future Land Uses aim to maintain the existing economic base. Because much of the Town's development occurred many years ago and few undeveloped properties remain, the Town's assessed value ~~stagnated and actually declined between 1984 and 1993~~ remained stable or relatively flat, until the Town modified its Complan / Codes were revised in the early 2000s and new land development began to occur. After the Great Recession in the late 2000s the Town's real estate values have risen due to new redevelopment and overall real estate market increases. Since the mid-1990s, the Town has been encouraging redevelopment by the use of innovative land development techniques and the assessed value has started to increase. ~~The assessed value has increased 20% from \$237,840,454 in 1993 to \$296,587,002 in 2000.~~ Starting in 2012 the Town has seen a steady increase in the property tax base after the Town approved several new redevelopment projects and some were built. The appraised value of real estate in the Town has increased from about \$238 million in 1993 - to \$300 million in 2000 - to just over \$ 1 billion in 2017-18. There are a number of approved but not as yet built redevelopment projects, and several new applications are pending.

## II. NATURAL RESOURCES OF THE COASTAL AREA

### Vegetative Cover

Natural vegetative communities used to cover the whole Town of Bay Harbor Islands, as it used to cover almost the entire area of Miami-Dade County. Mangrove forests were the dominant vegetation of the coastal area. Man-related vegetation cover has now upstaged those natural vegetative communities. Urban landscaping, consisting of exotic trees, shrubs and landscaped lawn areas, are found in the open spaces surrounding residential and commercial developments.

~~A list of rare, endangered, threatened and endemic plant species, which can be found in the coastal area of Miami-Dade County (which includes Bay Harbor Islands), is presented in Appendix A.~~

A list of Federal / State designated endangered, threatened and potentially endangered Flora in Miami-Dade County can be found in Appendix A. A list of Federal / State designated endangered, threatened and potentially endangered Fauna can be found in Appendix B.

### Submerged Communities

~~As depicted in Figure CM-2, b Benthic communities are not present along Broad Causeway and, in the area, surrounding the islands, which is barren and dredged.~~

### **FIGURE CM-2 BENTHIC COMMUNITIES**

### Wildlife Habitats

Vegetative communities can be considered habitat for wildlife; since they provide cover, protection, food, water and nesting materials. As mentioned above, in the discussion on "Vegetative Cover", mangrove forests which used to cover the Town no longer exist; thus, the wildlife associated with habitat are seldom found in the area. The only know wildlife habitats found today in the Town would be the limited tree cover that exists around the Town. ~~Wildlife associated with mangroves are as shown in Table CM-1.~~

### **TABLE CM-4 WILDLIFE ASSOCIATED WITH MANGROVE FORESTS DADE COUNTY**

| <hr/>                  |                         |
|------------------------|-------------------------|
| Representative Mammals | Representative Reptiles |
| <hr/>                  |                         |
| Cotton rat             | Mangrove Terrapin       |
| Cotton Mouse           | Mangrove Water Snake    |
| Roof rat               | Green Anole Lizard      |
| Raccoon                |                         |
| <hr/>                  |                         |

~~Source: Dade County Comprehensive Master Development Plan, Year 2000 and 2010, 1988~~

Birds are among the most conspicuous natural features of the coastal area. ~~Representative birds in the coastal area of Miami-Dade County are listed in Appendix B.~~

Endangered species, such as the manatee, can be found in the Bay Harbor Islands locality and surrounding area. Biscayne Bay north of Key Biscayne, and all adjoining water bodies north to and including Maule Lake, are designated critical habitat for the Florida Manatee by the U.S. Fish and Wildlife Service. The main problem in the bay area is the injury by boat propellers and operations of coastal control structures. For areas where boat injury to Manatees is prevalent, Miami-Dade County has suggested that signs, indicating the presence of Manatees, should be posted and boat speeds moderated, to lessen potential for collision.

#### Living Marine Resources

Since there are no existing benthic communities in the waters surrounding Bay Harbor Islands, no existing benthic organisms are expected to be present in the waters.

Some of the most important living marine resources are the fishes and crustaceans that reside in, and migrate through, the waters of Biscayne Bay and Card Sound. The bay waters surrounding the Town are used for recreational fishing. ~~Appendix C lists fish and shellfish species present in Biscayne Bay.~~

#### Areas Subject to Coastal Flooding

The whole Town is within the area designated by Miami-Dade County as requiring evacuation for all hurricanes.

#### Impacts of Future Land Uses on Coastal Resources

Since the Future Land Use Element of this comprehensive plan projects no extensive changes in the existing land use patterns, no impacts on coastal resources are expected. The Town's ~~recent increased~~ limited residential density redevelopment program will have no impacts on coastal resources as existing residential developments are being replaced by newer buildings with improved structural integrity, flood protection and stormwater retention characteristics and the existing infrastructure can accommodate substantial new growth without falling below adopted LOS standards.

### III. ARCHAEOLOGICAL AND HISTORIC RESOURCES

~~There are no archeological and historic resources in the Town of Bay Harbor Islands. In 2006, assisted by a state grant, the Town completed a Historical Structure Survey for the Town which identified potential historic structures in the Town that were built that exceeded 50-years of age. The study surveyed 312 structures within the Town and identified those resources potentially eligible for local or national recognition as historic structures or landmarks; identified potentially contributing structures to a potential local historic district; and made recommendations for the Town to consider related to historic resources. Due mostly to public opposition no individual structures or areas have been designated by the Town to date (2018); however, one multifamily site was requested to be designated privately. In recent years Miami-Dade County also inventoried some of the Town's structures and areas. As of 2018 none have been designated.~~

#### IV. WATER QUALITY

##### Estuarine and Coastal Water Quality

Water quality sampling stations in the Town of Bay Harbor Islands area (6,7,9 and 10) (AC01, AC02, BB05A, BB06, and BB09), are as shown in Figure CM-3. According to Metro Dade's Department of Environmental Resources Management (DERM) the South Florida Water Management District (SFWMD), who monitors these stations; since 1984, data from these sites have met water quality standards, which were established by Ch. 17-3, F.A.C., as follows: total coliform (1000/100 ml.); fecal coliform (200/100 ml.); dissolved oxygen (4mg/L); turbidity (29NTu); copper (15 mg/L); lead (50 mg/L); and zinc (100mg/L).

Overall water quality in the area has been found by DERM County and SFWMD to be good. For more information refer to the Conservation and Coastal Management Elements of the Miami-Dade County Comprehensive Development Master Plan. Overall water quality was determined by combining the 1979-1983 mean, or median values, for salinity, dissolved oxygen, turbidity, TNR color, phosphate and total coliform. Good water quality is defined as being high in salinity and dissolved oxygen; and low in turbidity TNR color, phosphate and total coliform.

##### Existing Sources of Pollution

The only known possible source of pollution from the Town is stormwater runoff.

The Town implements a regular street cleaning program to reduce contaminants which can flow with runoff water through storm drains and into the bay. The practice of using storm drains to convey runoff directly into surface-waters, is no longer employed in new developments in the municipality. Drainage wells and other methods of detention and retention are now being utilized. Deep stormwater wells have been constructed along the Kane Concourse to reduce the volume of stormwater runoff into public waters. Additionally, individual developments are being required, on occasion, to install deep wells for stormwater discharges.

The U.S. Environmental Protection Agency (EPA) has instituted a program known as the National Pollution Discharge Elimination System (NPDES). Miami-Dade County and all municipalities participate in the program. A permit is issued for the collective agencies and conditions are imposed to construct physical improvements to reduce or eliminate stormwater discharges into public waters. The Town has participated in the NPDES program and has been planning and constructing improvements to the Town's stormwater system.

#### **FIGURE CM-3 WATER QUALITY SAMPLING STATIONS**

#### **FIGURE CM-4 WATER QUALITY**

##### Impacts of Proposed Development and Redevelopment

As has been mentioned before, the Town of Bay Harbor Islands is almost totally developed; and the future land use plan does not propose extensive changes to existing land use patterns. The only anticipated changes will be to individual redevelopment projects; however, studies have revealed that all infrastructure can accommodate the changes with little or no improvements. No extensive changes in the existing infrastructure (i.e. sewer, potable water, transportation

network) are proposed; only minor improvements and repairs are ~~to be implemented~~ anticipated to be needed in the next planning timeframe. Future development and redevelopment will not substantially alter the existing conditions and character of the Town; and hence, are also not expected to impact considerably on water quality, circulation patterns and accumulation of contaminants in sediments. Future proposed improvements to Broad Causeway are for maintenance; and will provide no additional variations to water quality, circulation patterns or contaminated sediments.

#### Actions Needed for Remedy Existing Problems

Most of the development in the Town occurred before present water quality standards and regulations were in effect. The use of stormwater outfalls will be reduced over time; as areas are developed and redeveloped, in accordance with current water quality standards. Miami-Dade County retains jurisdiction over this; and the Town will cooperate with Miami-Dade County in this effort. Miami-Dade County, therefore, will identify relevant programs and agencies in concert with the Town.

#### Existing Regulatory Programs

The Town of Bay Harbor Islands does not have any local regulatory programs aimed at maintaining or improving estuarine environmental quality, since all surrounding waters of Biscayne Bay are under jurisdiction of Miami-Dade County. Hence, all regulatory programs are relegated to county, regional and state authorities and agencies. The Town abides by all these regulatory programs.

~~Appendix D contains textual material on existing regulatory and coastal improvement programs, as excerpted from the Miami-Dade County Comprehensive Development Master Plan, Year 2000 and 2010.~~

### V. BEACH AND DUNE SYSTEM

The Town of Bay Harbor Islands has no beaches and dune systems along its shoreline.

### VI. HURRICANE EVACUATION

Miami-Dade County retains jurisdiction over regulations for hurricane policies and procedures. The whole Town of Bay Harbor Islands is within the coastal area requiring evacuation for all hurricanes. The number of persons requiring evacuation is, then, the total Town population. During a major hurricane, evacuees will have to seek shelter through a variety of means; some will stay with friends and relatives in less vulnerable parts of Miami-Dade County; some will check into hotels and motels and others will have to rely on public shelters. Five shelters in Northeast Miami-Dade County are available to residents of the Town. Residents who do not have their own transportation will have to go to the Town Hall, where a bus will be waiting to take them to the shelters.

The only evacuation route available for Town residents is through Broad Causeway, leading to the mainland. The Kane Concourse and Broad Causeway were substantially rebuilt in recent years and improved the hurricane evacuation route to the mainland. The Town participates in county-wide hazard prevention programs, i.e., the building code, sub-division regulations, public education programs and other approaches.

The projected impact of the anticipated population density proposed in the Future Land Use Element is minimal. The total peak resident and non-resident population in 2000 2010 according to the U.S. Census is estimated to be approximately 5,705 5,628 persons. As of 2017 the permanent population estimate has risen to 6,006 persons. The elderly population in the Town may need special consideration, since most of them do not have vehicles for use in evacuation. ~~As stated, the Town will provide~~ The Town will provide buses for transporting persons without transportation to public shelters.

~~The South Florida Regional Planning Council (SFRPC) has adopted hurricane evacuation time levels of 24 hours for a Category 1 Storm. During the preparation of the Town's 1995 EAR, the SFRPC required the Town to amend the element to include the following evacuation times to the Miami-Dade County Line:~~

|                           |             |
|---------------------------|-------------|
| Category 1 Hurricane      | 8.51 Hours  |
| Category 2 & 3 Hurricanes | 14.41 Hours |

~~The existing SFRPC evacuation times are calculated based on a computer model and are based on certain assumptions and number of dwelling units. The current model groups the communities of Bal Harbour Village, the Town of Surfside, Indian Creek Village and Bay Harbor Islands together and anticipates a total of 10,140 dwelling units will exist in the model area. The model assumes the primary evacuation route will be the Broad Causeway. The 2000 US Census identifies that there are currently 9,350 dwelling units in the model area, 790 less than the model anticipates. This means that significant redevelopment could occur without increasing the currently anticipated evacuation times. Further, since the current evacuation times are far below the adopted evacuation thresholds, the area can accommodate redevelopment activities. Other than Indian Creek Village, the other communities are experiencing a great deal of redevelopment activity in recent years and can be expected to continue in the future as buildings exceed their useful life periods.~~

The Town of Bay Harbor Islands is located within hurricane evacuation zone "A" for Miami-Dade County. The Miami-Dade evacuation zones are drawn based on the coastal high hazard area, which is the area below the elevation of the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. The South Florida Regional Planning Council (SFRPC) has developed hurricane evacuation clearance times for the critical roadway links and overall county clearance. For Bay Harbor Islands, the critical roadway link is Broad Causeway (96<sup>th</sup> Street). Bay Harbor Islands has the following clearance times:

|                                                 |                         |
|-------------------------------------------------|-------------------------|
| <b>Critical Roadway Links for All Scenarios</b> | <b>9.5 - 11.5 Hours</b> |
| <b>Miami-Dade County Clearance Scenario 3B</b>  | <b>28.4 Hours</b>       |

The existing SFRPC critical roadway link clearance times are calculated based on the traffic volume-to-roadway capacity ratio, in hours, for each specified critical link. The county's overall clearance time is defined as the number of hours it takes total evacuating vehicles to traverse that county's most limiting critical link. Scenario "3B" is designed to represent the simultaneous directed evacuation of all three counties under Category 4-5 storm conditions.

Source: 2006 South Florida Regional Hurricane Evacuation Traffic Study, SFRPC



For more discussion on hurricane preparedness and evacuation, the reader is referred to the Miami-Dade County Comprehensive Development Master Plan, Year 2000 and 2010, Coastal Management Element, 1988 as updated in 2000.

#### Post-Disaster Redevelopment

The Town of Bay Harbor Islands is within the Coastal High Hazard Area (CHHA) but not within the Velocity Zone expected by Hurricane force ocean wave actions (FEMA "V" zone), therefore, all development activities are subject to Coastal Building Restrictions. Currently, no structures with a history of repeated damage in coastal storms have been identified. The whole Town is surrounded by vertically bulk headed seawalls. Most of the structures in the Town were built prior to existing development standards. Structures severely damaged by hurricanes (greater than 50% of the replacement value) must be rebuilt to meet existing construction standards.

Redevelopment in the area must also meet current construction and environmental standards of county, state and federal agencies.

Post-disaster redevelopment plans are utilized to guide the permanent recovery of areas severely damaged by storms; and to mitigate the impacts of future hurricanes. Redevelopment plans have been developed, with input from emergency preparedness officials, to adequately mitigate the impact of storm hazards. Miami-Dade County retains jurisdiction over this; and the reader is referred to Miami-Dade County Comprehensive Master Development Plan, Coastal Management Element, 2000. Every year, as part of the Town's hurricane awareness program, a meteorologist gives a talk on hurricane preparedness at the start of the hurricane season. The talks are held at Town Hall.

### VII. PUBLIC ACCESS

Public access to Biscayne Bay from the Town is very minimal. The shoreline on the Islands is mostly occupied by private single and multi-family residential development; except for two lots fronting Broad Causeway, one of which is developed as a Town lot / mini-park.

It is only on the Causeway, where the public can have visual access to the Bay.

Shoreline development patterns have limited public access to the waters surrounding Bay Harbor Islands. However, the limited public access is offset by the presence of three large public parks in nearby areas (Oleta River State Recreational Area, Haulover Park, Greynolds Park) and the Broad Causeway.

In the redesign of Broad Causeway, the Town strived to maximize public visual access to the Bay.

### VIII. COASTAL AREA INFRASTRUCTURE

Information regarding infrastructure is analyzed in the Transportation Element; Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Elements.

Broad Causeway not only serves the Town of Bay Harbor Islands, but also the adjacent communities of Indian Creek Village, Town of Surfside and Bal Harbour Village. The Causeway also provides the only major public access to the bay for Town residents. Re-development efforts were recently completed for the bridge and the Causeway. The Biscayne Bay

Management Plan, prepared by the Miami-Dade County Planning Department, recommended that the Town should cover the rubble edge of the Causeway with riprap boulders and plant mangroves, if feasible. This was accomplished in the redevelopment improvements.

Broad Causeway is owned and maintained by the Town of Bay Harbor Islands. Opened to traffic in 1951, this causeway has a solid fill land base. The Causeway houses a now un-manned electronic Toll Plaza and a gas station. As part of the Causeway improvements, a 30" water main was constructed that ties into the Northeast Miami-Dade Transmission Loop. Also, additional riprap was installed to stabilize portions of Broad Causeway, ~~at an estimated cost of \$80,000.~~ Bay Harbor Islands will actively participate in Miami-Dade County's Biscayne Bay Tributaries Maintenance Dredging Program by the Town's participation on the Miami-Dade County Biscayne Bay Management Committee. Miami-Dade County allocated \$10 million from a bond issue to be used for periodic removal and disposal of prohibited sediments.

Infrastructure within the coastal area includes the causeways and bridges, navigation channels, public shoreline bulkhead structures, marinas and boat ramps, public piers and docks. South of Haulover Inlet, Miami-Dade's Intracoastal Waterway cuts diagonally from east to west, across north Biscayne Bay, to the John F. Kennedy Causeway at N.E. 79<sup>th</sup> Street. Midway, the channel passes under the first of six restricted bridges in Biscayne Bay – the Broad Causeway Bridge, with its 16-foot vertical clearance. The bridge opens on the hour and half hour from 8:00 A.M. to 6:00 P.M. Jurisdiction of objectives and policies are retained by Miami-Dade County.

## **IX. FLOOD PERILS / RESILIENCY PLANNING**

The Town of Bay Harbor Islands is an older (72+ years as of 2018), built-out community that has attempted to address flooding and resiliency planning over the years as needs have arisen. The Town was created in 1946 by bulkheading / filling-in several islands in Biscayne Bay. Bridge connections were made to the barrier island (96<sup>th</sup> Street to SR A1A) and mainland via the Broad Causeway. The average centerline grade of the Town's roadways in 2018 ranges between about 4.5 and 5.5 NGVD. The platted lots were original filled-in to 5.0 to 6.0+/- NGVD. In earlier times the lowest habitable floors had to be at least eighteen (18) inches above the average crown of road abutting the site. As the Federal Flood Control Program has evolved over the years periodic flooding studies / wave action studies were undertaken, and a series of maps (FIRM) were adopted with minimum Base Flood Elevations (BFE). The basis of this effort is related to flood insurance. On the entire West Island, the lowest minimum FIRM floor elevation is 8.0 NGVD. On the East Island the lowest minimum FIRM floor elevation ranges from 8.0 NGVD on most of the west / central portions of the island with a portion 9.0 NGVD across the eastern portion, and a narrow portion along the east edge of the island at 10.0 NGVD (see FLUE Map L-9). Effective January 1<sup>st</sup>, 2018, the Florida Building Code requires the lowest habitable residential floor to be BFE plus 1-foot, unless extraordinary flood proofing is included.

Sea Level Rise – A concern for low lying coastal areas is the possibility of sea level rise, as sea waters could overtake and cover upland land areas. Although some sea level rise has been noted in recent times, the world's seas have risen and declined over time, just as glaciers / snow caps have expanded and receded over time. Considerable study and some mitigation actions have occurred in recent times. No one knows for sure when the seas may rise or fall, or by how much. The Florida Department of Environmental Protection reports in 2018 that the sea level in Miami-Dade has risen about 9.36 inches in the last 100 years. Just to the north at the Boynton Beach Inlet the sea level has risen about 7.75 inches in the same time period. Some models estimate that the seas could rise 1-2 feet by 2060 – but no one knows for sure.

While coastal communities and other low-lying communities should think about and plan for changing sea level conditions, the question is should all governments move forward with expensive retrofits such as raising the land, raising roadways and infrastructure, and requiring buildings to be significantly elevated based on current trends. Some South Florida's land areas are much lower than others – the lowest lands are at the south end of the Florida Peninsula. The Florida Keys, Everglades, South Miami and Miami Beach at the southern tip of the barrier island are quite low with almost no elevated coastal dune system left, due to the natural topography and urban development. However, east of the Town Limits (Bal Harbour) and increasing northerly the coastal barrier island dune systems are more pronounced and have been more protected. There are also areas along Biscayne Bay / Intracoastal Waterway that are very low as well.

Many older developed areas have lower land elevations than newer areas due to flood criteria – those older areas met the minimum land elevation criteria at the time they were built – but if developed today the land would need to be filled much higher prior to development. It is not always possible to raise large areas of low-lying land due to existing development and cost. Some communities now require that if a site is completely / substantially redeveloped, the site elevation must be elevated by installing a retaining wall system around the perimeter of the site and filling the land prior to new construction. Over time if all lands are redeveloped this will have a good result. However, this may have negative effects on unique natural habitats, if they exist, or unique historical areas, if they exist. There are no natural habitats existing in the Town in 2018. Any such features were lost in the 1940s when the land was filled, bulkheads were added, and development occurred. Most new development is required to install extensive foundations / driven piles / beams prior to vertical construction. Much of the original development in the Town occurred during the time-period after WW II when materials were in short supply, air-conditioning did not exist, and incomes were much less. This time-period is known to include a type of architecture known as “mid-century modern” or MiMo, although most development is felt by experts to not be “signature” designs – it was mostly production / tourist housing and that type of architecture style was typical of that time-period. While many of the original complexes / structures remain, some of the original developments have been demolished / replaced by more modern luxury structures. It is unlikely if sea level rises over 4+/- feet that many of the older low-lying structures will survive, without substantial flood proofing or by lifting structures – even the roads and infrastructure may need to be adjusted.

When the main islands were created (East / West), bulkhead seawalls were built around their perimeters (except Causeway Island with rip/rap) by the original developer in the late 1940s ranging in height from about 3.5' to 4.5' NGVD. The seawalls were built generally along the rear property lines that abut the adjoining waterways (Biscayne Bay / Indian Creek / Bay Harbor Waterway). When the lots were sold the individual seawall segments were transferred to the adjoining lot owners. The waterfront property owners are required to maintain the seawalls and any docking facilities. The Town performs periodic inspections and notifies owners if repairs / replacement is needed. Over the years many waterfront owners have repaired / replaced their seawalls and requested to raise their heights, especially along Biscayne Bay, due to frequent boat wave action damage and flooding. To create consistency in appearance and increase community resiliency, in 2009 the Town Code was modified to establish minimum seawall heights of at least 5.0 feet above NGVD around most of the Town, and up to 6.0 feet NGVD along the Biscayne Bay frontage – the highest known to exist in Miami-Dade County. While costly, many property owners have rebuilt their seawalls.

Between 2002 - 2012 the Town rebuilt much of the original 1940s infrastructure, including water and sanitary sewer lines, drainage facilities and roadways (Community Enhancements). Roadways were repaved near their existing elevations. No significant flooding occurs in the Town in 2018 except at isolated locations / times (King Tides / tropical storms) per the Public Works staff. The Town's original / updated drainage system includes many direct outfall pipes to the adjoining waterways. No backflow storm-water preventers exist at present – these could be added as needed in the future. As of 2018 an emergency injection well drainage system exists only on the south side of the West Island.

Hurricane Storm Surges – Rarely have the waterways surrounding the Town raised to totally flood the islands; however, a severe Category 4-5 Hurricane has not directly hit the community in modern times. The Town does not front directly onto the Atlantic Ocean so elevated storm wave surges would be abated by the barrier islands communities of Bal Harbour Village and Surfside. However, inland water bodies including Biscayne Bay could rise and affect the Town. Several governmental agencies have studied potential storm surge sea level rise impacts and prepared models to simulate potential impacts to land areas from of sea level rise and storm surges. A current model used by most agencies is referred to as the Sea, Lake, and Overland Surges from Hurricanes model (SLOSH), that computes probable storm surge water heights using air pressure, storm size, forward speed and other variables. Following is a summary of various current potential storm surge impacts to the Town based on Hurricane Categories. A series of map exhibits illustrating the storm surge impacts are included as exhibits as well.

#### Storm Surge Water Rise

Less than 3-feet  
Greater than 3-feet  
Greater than 6-feet  
Greater than 9-feet

#### Hurricane Category

#### Town Potential Impact

|                   |                                                                 |
|-------------------|-----------------------------------------------------------------|
| <u>Category 1</u> | <u>Minimal impact along a few waterfronts</u>                   |
| <u>Category 2</u> | <u>Approx. 50% of Town with &lt; than 3' of water</u>           |
| <u>Category 3</u> | <u>100% of Town with &lt; 3' of water / minor areas &gt; 3'</u> |
| <u>Category 4</u> | <u>100% of Town &gt; than 3' of water / some areas &gt; 6'</u>  |
| <u>Category 5</u> | <u>Almost 100% &gt; than 6' of water / some area &gt; 9'</u>    |

The Town has reviewed the Florida Resilient Coastline Program information, the South Florida Regional Climate Action Plan, and initiatives by several nearby local governmental agencies. The Town has adopted the latest recommended FEMA Flood Protection Code verbiage and applies the guidelines in reviewing land development activities. The Town has established advisory committees on Sustainability / Disaster Preparedness / Environmental Impacts.

If a major hurricane were to strike the Town, the current desired redevelopment plan would be to allow rebuilding as they exist in 2018, with upgraded flood protection. The entire Town was master-planned and is almost built-out (98%) with occasional redevelopment of older existing development sites. It is not feasible to acquire sites due to their high cost and the loss of tax revenue would negatively impact the Town. There have been no repetitive flood losses noted. If sea levels rise in the future, the Town will implement incremental mitigation / resiliency measures as needed. Measures could include installing stormwater outfall backflow preventers, limiting / fortifying below grade parking areas, limiting ground level occupancies, etc.

## **X. GOALS, OBJECTIVES AND POLICIES**

**GOAL:**THE NATURAL RESOURCES OF THE COASTAL AREA SHALL BE PROTECTED, CONSERVED OR ENHANCED; AND LOSS OF LIFE AND DAMAGE TO PROPERTY SHALL BE MINIMIZED IN BAY HARBOR ISLANDS.

**OBJECTIVE 1:** The Town shall continue to cooperate with Miami-Dade County and other state and regional regulatory agencies in protecting, conserving or enhancing coastal wetlands, living marine resources and wildlife habitats; and maintaining or improving estuarine environmental quality.

**Policy 1.1:** The Town Manager shall coordinate policies and cooperate with county, regional and state agencies in developing and implementing policies related to coastal wetlands, living marine resources, wildlife and estuarine environmental quality.

**Policy 1.2:** The Town shall comply with, and shall assist in, the application of all state and federal regulations pertaining to endangered and rare plant, fisheries and wildlife species.

**Policy 1.3:** Native landscaping materials shall be used to meet at least 80% 50% of the Town's landscaping requirements in new and redevelopment projects and exotic plant species shall be removed from development sites during construction and appropriate measures shall be taken to prevent soil erosion.

**Policy 1.4:** The Town shall maintain any rubble edge of the Broad Causeway with riprap boulders and maintain the native landscaping, and any future landscaping improvements shall include like landscape materials.

**Policy 1.5:** The Town Manager, or designee, shall coordinate with Miami-Dade County and other coastal municipalities, for the purpose of ensuring adequate sites for water-dependent uses, prevention of estuarine pollution, control of surface water-runoff, protection of living marine resources, reduction of exposure to natural hazards and ensuring public access.

**Policy 1.6:** The Town Manager, or designee, shall coordinate existing resource protection plans, such as the Biscayne Bay Management Plan, and other resource planning and management plans, aquatic preserve management plans and estuarine sanctuary plans, by reviewing such plans and presenting applicable provisions to the Town, and acting upon any recommendations made by the plans.

**Policy 1.7:** Areas where mangroves or coastal grasses can be successfully planted, should be identified by the Town with Miami-Dade County.

**Policy 1.8:** Mangrove trees, or other natural vegetative plants which remain, shall be maintained, protected and incorporated into landscaping plans where development or redevelopment is to occur.

**Policy 1.9:** The Town Manager, or designee, shall cooperate with Miami-Dade County and abide by estuarine water pollution regulations; and assist in enforcing these laws.

**Policy 1.10:** All new development and redevelopment shall not utilize stormwater outfalls that convey runoff directly to surface waters unless otherwise approved by the appropriate regulatory agency. Stormwater runoff shall be filtered prior to discharge to estuarine waters.

**Policy 1.11:** In order to reduce non-point source pollutant loadings and improve the functioning of the municipal drainage system, dumping of debris, of any kind including yard clippings and trimmings, into drainage facilities and stormwater control structures is prohibited. The Town shall use fines, modify waste collection schedules, and maintain a public information program to help discourage future illegal dumping in drainage facilities.

**Policy 1.12:** As part of the NPDES program, the Town shall maintain a periodic inspection program for stormwater control structures to insure their proper functioning and maintenance.

**Policy 1.13:** In order to protect manatees, boating speed limits shall be set in designated manatee critical habitat, in waters less than four feet deep and in seagrass beds proximate to the Town.

**Policy 1.14:** The Town shall develop joint planning and management programs with Miami-Dade County and adjacent municipalities for mosquito control, beach renourishment, hurricane evacuation and reconstruction, provision of public access, provision of infrastructure, special area planning, controlling stormwater, and coordinating efforts to protect species with special status.

**OBJECTIVE 2:** The amount of shoreline designated for water-dependent and water-related uses, and existing public access to the shoreline, shall be maintained.

**Policy 2.1:** Existing water-dependent and water-related uses, and public access to the shoreline, shall be maintained through the year ~~2015~~2030.

**Policy 2.2:** The use of Broad Causeway (other than gas station / toll plaza) shall continue to provide public access for water-dependent and water-related passive activities.

**Policy 2.3:** Waterfront structures and landscaping should be appropriately designed to provide views of the water.

**Policy 2.4:** In the case of any redevelopment proposals, appropriate shoreline land uses shall be allowed only for designated recreation, conservation or residential land uses.

**Policy 2.5:** Water-related uses associated with any future redevelopment shall be built on uplands except for docking facilities. Dredging and filling of wetlands or open water in order to accommodate water-related uses shall not be allowed.

**OBJECTIVE 3:** Continue to cooperate and coordinate with Miami-Dade County in maintaining or reducing hurricane evacuation times establishing coastal population density.

**Policy 3.1:** The Town shall continue its public awareness program on hurricane emergency preparedness. Prior to each hurricane season, the Town will notify each household of their need to evacuate at various threat levels; hotels, apartments and condominiums shall post this notification in a conspicuous place in each unit.

**Policy 3.2:** The Town shall disseminate information to the public, which includes instructions and maps showing evacuation routes, public shelters and designated safe areas.

**Policy 3.3:** The Town shall participate/coordinate with Miami-Dade County and the South Florida Regional Planning Council in developing coastal population density policies and the County Emergency Operations Plan. The density policies must balance the Town's desire to allow for redevelopment in an economical manner and in furtherance of State, Regional and Town objectives and policies for adequate and safe housing and the need to protect the public at times of a natural disaster.

**Policy 3.4:** The Town shall continue to provide bus transportation for those households without automobiles; and shall provide special attention to the needs of the elderly during evacuation periods.

**Policy 3.5:** The Town shall, periodically, evaluate its entire transportation network; eliminate any deficiencies that might exist in the system.

**Policy 3.6:** The Coastal High-Hazard Area (CHHA) shall encompass the entire Town as currently defined by Florida Statutes.

**Policy 3.7:** The Town shall prohibit any future proposed land use amendment that would increase the adopted intensity of development within the Coastal High Hazard Area unless capacity improvements or operational improvements are identified, programmed and implemented to concurrently offset the additional impacts. This shall not be construed to limit the Town's ability to assign individual project densities exceeding the established land use category base density in the Medium-High category so long as the Town's "Density Averaging" total dwelling unit allotment is not exceeded.

**OBJECTIVE 4:** The Town shall continue to implement hazard mitigation measures, required by Miami-Dade County to minimize exposure of life and property to hurricanes.

**Policy 4.1:** The Town shall review and adopt/abide by hazard mitigation procedures recommended by the County peacetime emergency plan and applicable existing interagency hazard mitigation reports; incorporate, as appropriate, the recommendations in the Town's Comprehensive Plan or other hazard mitigation plans.

**Policy 4.2:** The Town shall ensure that new developments and redevelopments follow the adopted regulations and building code standards for coastal area construction, applicable to Bay Harbor Islands ~~the Town~~.

**Policy 4.3:** The Town shall ~~prepare a survey~~ continue to identify and monitor unsafe structures, and those structures not built to acceptable standards.

**Policy 4.4:** The Town Manager, or designee, shall determine that the required infrastructure for developments shall be consistent with safe evacuation procedures, prescribed by Miami-Dade County.

**OBJECTIVE 5:** The Town of Bay Harbor Islands shall provide immediate response to post-hurricane situations in concert with a post-disaster redevelopment plan that will reduce or eliminate the exposure of human life and public and private property to natural hazards.

**Policy 5.1:** The Town shall maintain a post-disaster redevelopment plan, which will reduce or eliminate the exposure of human life and property to natural disasters.

**Policy 5.2:** The plan shall identify structures where displaced households and businesses can be temporarily relocated.

**Policy 5.3:** During the post-disaster redevelopment period, in cooperation with Miami-Dade County, the Town shall identify the damaged areas requiring redevelopment or rehabilitation.

**Policy 5.4:** Structures with damage exceeding fifty percent (50%) of market value, shall be required to meet all current standards and requirements for developmental activities; if rebuilt.

**Policy 5.5:** The Town shall monitor buildings requiring substantial reconstruction, to ensure that they comply with the Florida Building Code coastal area construction standards and regulations.

**Policy 5.6:** The current Miami-Dade County Hurricane Procedures Plan shall be modified to comply with the policies under this objective and shall contain step-by-step details for post-disaster recovery operations.

**Policy 5.7:** After a hurricane but prior to re-entry of the population into evacuated areas, the Town Council shall meet to hear preliminary damage assessments, appoint a Recovery Task Force and consider a temporary moratorium of building activities not necessary for the public health, safety and welfare.

**Policy 5.8:** The Recovery Task Force shall include the Building Official, Emergency Management Coordinator, Public Works Director and other Town staff members as directed by the Town Council. Staff shall be provided by the departments whose directors sit on the Task Force. The Task Force shall be terminated after implementing its responsibilities.

**Policy 5.9:** The Recovery Task Force shall review and decide upon emergency building permits; coordinate with Miami-Dade County, State and Federal officials to prepare disaster assistance applications; analyze and recommend to the Town Council hazard mitigation options including reconstruction or relocation of damaged public facilities; develop a redevelopment plan; and recommend amendments to the Comprehensive Plan, Miami-Dade Hurricane Procedure Plan, and other appropriate policies and procedures.

**Policy 5.10:** Immediate repair and cleanup actions needed to protect the public health and safety include repairs to potable water, wastewater, and power facilities; removal of buildings and/or vegetation; stabilization or removal of structures about to collapse; and minimal repairs to make dwellings habitable such as minor roof repairs and other weather proofing/security measures. These actions shall receive first priority in permitting decisions. Long term redevelopment activities shall be postponed until the Recovery Task Force has completed its tasks.

**Policy 5.11:** The Recovery Task Force shall propose Comprehensive Plan amendments which reflect the recommendations in any interagency hazard mitigation reports or other reports prepared pursuant to Section 406 of the Disaster Relief Act of 1974 as may be amended from time to time.

**Policy 5.12:** Structures that suffer recurring damage to pilings, foundations, or load-bearing walls shall be required to rebuild or modify the structure to structurally enhance the structure, institute other mitigation measures or delete the areas most prone to damage.



**Policy 5.13:** Following a natural disaster and prior to the implementation of long-term redevelopment, the Town shall do the following: Based upon a damage assessment report, the Town shall consult with its Public Works officials and consultant engineer to evaluate options for damaged public facilities including the abandonment, repair in place, relocation, and repair with structural modification, to determine the most strategic approach to long-term development. The evaluation shall include but not be limited to issues pertaining to damage caused by natural disaster, cost to construct repairs, cost to relocate, cost to structurally modify, limitations of right-of-way, and maintenance costs.

**Policy 5.14:** The physical Post Disaster Redevelopment Plan is to rebuild the Town in general accordance with the original Master Plan as depicted on the plat of Bay Harbor Islands as recorded in Plat Book 46 at page 5 of the Public Records of Miami-Dade County. The operational Post Disaster Plan ~~will be prepared by August 1, 2005 and reviewed and is updated~~ annually prior to each hurricane season as needed.

**Policy 5.15:** The Town shall utilize the following detailed criteria to distinguish between immediate repairs and clean up actions and long-term redevelopment subsequent to a natural disaster. In the interim, immediate repair shall include public infrastructure for public safety such as water, wastewater and roadways.

**Potable Water Facilities:**

Immediate repair shall include: implementation of necessary actions, including but not limited to, repairing or replacing water lines and pumping facilities to insure a closed system, proper disinfections, and sufficient pressure to meet demands for fire flow and domestic water (for consumption purposes only), the utilization of auxiliary pumps and electrical generators.

Long-term redevelopment shall include: implementation of the necessary actions to return the Town's water distribution system to at least its condition prior to the onset of a natural disaster. This may include relocation of facilities, retrofitting, storm-proofing and other structural upgrading.

**Wastewater Facilities:**

Immediate repair shall include: implementation of necessary actions, including but not limited to, repairing or replacing wastewater lines and pumping facilities, utilization of auxiliary pumps and electrical generators, methods to remove and treat raw sewage and prevent discharge of raw sewage into adjacent water bodies and onto land.

Long-term redevelopment shall include: implementation of the necessary actions to return the Town's wastewater sewer system to at least its condition prior to the onset of a natural disaster. This may include relocation of facilities, retrofitting, storm-proofing and other structural upgrading.

**Drainage Facilities:**

Immediate repair shall include: implementation of necessary actions, including but not limited to, removal of sand and debris from drainage structures, pumping of storm-waters, utilization of temporary electrical generators to insure the function of the system to address potential flooding.

Long-term redevelopment shall include: implementation of the necessary actions to return the Town's stormwater system to at least its condition prior to the onset of a natural disaster. This may include relocation of facilities, retrofitting, storm-proofing and other structural upgrading.

#### Roadway Facilities:

Immediate repair shall include: Primary actions shall include, but not limited to, removal of sand and debris from Kane Concourse (96<sup>th</sup> Street) and the Broad Causeway and stabilization to allow access for emergency vehicles. Secondary actions shall include removal of sand and debris from local roadways to facilitate access for emergency vehicles.

Long-term redevelopment shall include: coordination with the appropriate state agencies including Florida Department of Community Assistance (DCA), Division of Emergency Management, and Department of Transportation (FDOT); Miami-Dade County and private property owners to accomplish necessary actions to restore the Town's roadway system to at least its condition prior to the onset of a natural disaster. This may include relocation of facilities, retrofitting, storm-proofing and other structural upgrading.

#### Bridges:

Immediate repair shall include: coordination with FDOT, the federal government and Miami-Dade County to ensure the operation of at least one bridge to facilitate access to the Town.

Long-term redevelopment shall include: coordination with FDOT to analyze the condition of the bridges and restore damaged bridges to at least their condition prior to the onset of a natural disaster. This may include relocation of facilities, retrofitting, storm-proofing and other structural upgrading.

#### Habitable Structures:

Immediate repair shall include: removal of debris and vegetation, stabilization or removal of structures about to collapse and minimal repairs to make dwellings and other structures habitable, such as minor roofing repairs and other weatherproofing / security measures. In these instances, building permits shall not be necessary prior to performing the work but retroactive permits shall be required in accordance with the provisions set forth in Ordinance No. 92-99 of the Miami-Dade, Florida (Exhibit F).

Long-term redevelopment shall include: normal construction activities for rebuilding and/or substantial structural repairs in accordance with the Florida Building Code and other limitations contained within the Town's Comprehensive Plan and Land Development Regulations.

**Policy 5.16:** The process for making long-term redevelopment decisions in post disaster periods shall be consistent with the following general guidelines and principles for the relocation, removal or modification of damaged structures:

1. The Town adopts the following definitions for making decisions pertaining to redevelopment in the CHHA. Based upon the following definitions, all building activities shall be subject to the Florida Building Code Coastal Construction Standards and CHHA limitations:
  - a) "Repair" means the restoration of a portion of the structure, including the foundation of the structure to its original design configuration or an equivalent structural standard. Repair of structure assumes that a significant portion of the structure, including its foundation, remain intact. If the supported structure or its foundation has collapsed to the point that either the supported structure or the foundation requires substantial rebuilding, then the activity shall not constitute a repair. If a structure, as a result of damage to either the supported structure or the foundation, is no longer habitable, such structure shall be presumed to require substantial rebuilding.
  - b) "Rebuilding" means any construction activity, including alteration of an existing foundation, which would result in increased structural stability such that the survivability of the structure during a coastal storm is increased. Rebuilding shall also include any construction activity which, as noted above, involves the substantial rebuilding of either the supported structure or the foundation of the structure.
2. Rebuilding (as defined above) activities will be in accordance with all structural requirements of the Florida Building Code. Further, prior to approving such redevelopment activities, the Town shall require the applicant to provide documentation from a structural engineer that the structure being rebuilt is structurally safe and any improvements will enhance the safety of the structure.
3. The Town shall keep records of all repairs and rebuilding activities. Structures may not be rebuilt (as defined above) more than twice in any 100-year period if the damage exceeds 50% of the replacement value.

**Policy 5.17:** The Town shall maintain a contingency fund in order to cover the FEMA local government's match for disaster assistance funding.

**Policy 5.18:** The Town shall identify land and structures in the CHHA, inventory their assessed value, judge the utility of the land for public use and make recommendations for acquisition when post disaster opportunities arise. Because of the extremely high land and existing structure costs in the Town, should acquisition opportunities arise, the Town will explore funding options such as grants and/or loans.

**Policy 5.19:** When undertaking post-disaster redevelopment activities, development permits may be waived for short term recovery measures such as: emergency repairs to streets, water, electricity or other utilities to restore services; removal of debris; and public assistance matters including temporary shelter or housing.

**Policy 5.20:** In planning post-disaster repair and cleanup redevelopment activities, factors to be considered in order to protect the public health and safety include:

- Repairs to potable water, wastewater and power facilities
- Removal of Debris
- Stabilization or removal of structures in a perilous condition
- Minimal repairs to make structures habitable

These considerations shall receive first priority in determining the appropriateness of emergency building permits. Long-term redevelopment activities shall be postponed until the Recovery Task Force has coordinated immediate repair and clean-up operations.

**Policy 5.21:** The Town adopts the following criteria relating to consideration of relocating public infrastructure, cognizant of the Town's geographic limitations and development status:

- The land upon or under which the infrastructure existed is gone or reconfigured so that replacement is not possible technically or financially as determined by the Town Council.
- The cost of repairs or retrofitting versus relocation costs.
- Opportunities arising out of acquisition of land by the Town or other governmental entity.

**Policy 5.22:** Notwithstanding the preceding policies, no regulation, permitting procedure or post-disaster redevelopment planning shall be approved or applied to property, as the case may be, so as to constitute a taking or inordinately burden an existing use of real property or a vested right to a specific use of real property within the meaning of the Bert J. Harris, Jr., Private Property Rights Act, Chapter 95-181, Laws of Florida, codified as Section 70.001, Florida Statutes.

**OBJECTIVE 6:** The level of service (LOS) standards described elsewhere in the Comprehensive Plan for public facilities and additional standards under this objective shall be applied whenever development orders or permits are requested.

**Policy 6.1:** The LOS standards for infrastructure are as adopted in the Transportation Element, Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge elements.

**Policy 6.2:** All public facilities shall be available at least by the time they are needed to serve new development or redevelopment.

**Policy 6.3:** Public expenditures for infrastructure improvements shall not be used to subsidize development activities except for restoration or enhancement of natural resources.

**OBJECTIVE 7:** Increase the Town's resiliency to the impacts of hurricane storm surges and potential rising sea levels by developing and implementing adaption strategies and measures in order to protect human life, natural systems and resources and adapt public infrastructure, services, and public and private property.

**Policy 7.1:** Based on evolving rising seas data and associated vulnerabilities, to allow for flexible adjustments, preserve future strategic adaption implementation options to maintain maximum resiliency in response to new risks and vulnerabilities. The Town will take advantage of new emerging data and technological opportunities. The Town's basis for measuring sea level rise shall be as per the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact.

**Policy 7.2:** The Town will identify public investments and infrastructure at risk to sea level rise and other climate related impacts. The Town will assess the vulnerability to public facilities and services, including but not limited to water and wastewater facilities, stormwater systems, roads, bridges, governmental buildings, hospitals, transit infrastructure and other assets.

Evaluation Measure: Collaborating with regional partners, the Town shall identify public investments, infrastructure and assets at risk from rising sea levels in 2018. Thereafter, this assessment will be performed every five (5) years.

**Policy 7.3:** As per Section 163.3164(1) and Section 163.3177(6)(g)(10), Florida Statutes, an Adaption Action Area (AAA) is an optional designation within the coastal management element of a local government's comprehensive plan which identifies one or more areas that could experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure and adaptation planning.

The entire Town is hereby designated an AAA, as all areas meet consideration for AAA designation, which include the following:

- a. Areas which experience tidal flooding, storm surge, or both;
- b. Areas which have a hydrological connection to coastal waters;
- c. Locations which are within areas designated as evacuation zones for storm surge;
- d. Other areas impacted by stormwater/flood control issues.

**Policy 7.4:** The Town will develop and implement adaption strategies for areas vulnerable to coastal flooding, tidal events, storm surge, flash floods, stormwater runoff, salt water intrusion and other impacts related to climate change or exacerbated by sea level rise with the intent to increase the community's comprehensive adaptability and resilience capacities.

The Town will include areas which experience tidal flooding, storm surge, or both as the first priority for the development and implementation of strategies. Other areas will be included as the second priority for the development and implementation of adaption strategies.

**Policy 7.5: Adaptation strategies may apply to the following:**

- a. Public infrastructure planning, siting, construction, replacement, operation and maintenance;
- b. Emergency management;
- c. Stormwater management;
- d. Land development regulations;
- e. Building Codes;
- f. Comprehensive planning; and
- g. Other functions.

**Policy 7.6: AAAs adaption strategy options include:**

- a. Protection: Strategies that involve “hard” and “soft” structurally defensive measures to mitigate impacts of rising seas in order to decrease vulnerability while allowing structures and infrastructure to remain unaltered. Two (2) examples are shoreline armoring and beach re-nourishment. Protection strategies may be targeted for areas of a community that are location-dependent and cannot be significantly altered or relocated, such as areas of historical significance, or water-dependent uses.
- b. Accommodation: Strategies that do not act as a barrier, but rather alter the design through measures such as elevation or stormwater improvements, to allow the structure or infrastructure system to stay intact. Rather than preventing flooding or inundation, the strategies aim to reduce potential risks.
- c. Management Strategies: Strategies that involve the actual removal of existing development, their possible relocation to other areas, and/or prevention of further development in high-risk areas.
- d. Avoidance: Strategies that involve ensuring development does not take place in areas subject to coastal hazards associated with seal level rise or where the risk is a low at present but will increase over time.
- e. Other options.

**Policy 7.7: The Town shall pursue funding sources for the implementation of AAA associated adaptation strategies including the following:**

- a. Federal and State grants and technical expertise assistance (in-kind);
- b. Local Stormwater Utility Fees and CIP (Capital Improvement Plan) prioritization;
- c. Public/Private Partnerships;
- d. Other sources

**Policy 7.8** The Town shall integrate AAAs into existing and future Town processes and Town-wide plans and documents which may include:

- a. Strategic Plan;
- b. Sustainability Plan;
- c. Resiliency Plan;
- d. Stormwater Master Plan;
- e. Emergency Management Plan;
- f. Land Development Regulations;
- g. Capital Improvement Plan;
- h. Local Mitigation Strategy;
- i. Agreements with Public or Private Utility and Infrastructure Providers;
- j. Agreements with Public Health Providers;
- k. Interlocal Agreements with Other Government Agencies; and
- l. Other processes, plans and documents

**Policy 7.9:** The Town shall align and be consistent with, to the extent possible, relevant and current national, state, and regional adaptation strategy documents such as the Miami-Dade County GreenPrint, Southeast Florida Regional Climate Action Plan, and The President's Climate Action Plan as well as other regional strategic plans, disaster mitigation plans, water management plans, transportation/transit plans, and climate change plans.

**Policy 7.10:** The Town shall participate in, when appropriate, coordinated government, non-governmental and other appropriate agencies' proposed requests for funding adaption implementation projects.

**Policy 7.11:** The Town will collaborate and coordinate with appropriate local, regional, state, and national governmental agencies, to the extent possible, toward the implementation of Adaption Action Areas adaptation strategies and to identify risks, vulnerabilities and opportunities associated with coastal hazards and the impacts from sea level rise and participate in, when appropriate, coordinated governmental, non-governmental and other appropriate agencies' proposed application requests for funding adaption implementation projects.

## APPENDIX A

### ENDANGERED, THREATENED, RARE AND ENDEMIC PLANTS IN THE COASTAL AREA OF DADE COUNTY

#### EXCEEDINGLY RARE TO ON VERGE OF EXTINCTION

| Plant | Habitat | Status |
|-------|---------|--------|
|-------|---------|--------|

#### FERN FAMILY

|                    |              |                             |
|--------------------|--------------|-----------------------------|
| Pteris Grandifolia | marl prairie | probably extirpated in Dade |
|--------------------|--------------|-----------------------------|

#### ORCHID FAMILY

|                     |  |                      |
|---------------------|--|----------------------|
| Rhypsalis baccifera |  | not recently sighted |
|---------------------|--|----------------------|

#### MORNING GLORY FAMILY

|                      |                      |  |
|----------------------|----------------------|--|
| Jaquemontia repinata | beach ridge location |  |
|----------------------|----------------------|--|

|                     |  |                      |
|---------------------|--|----------------------|
| Rhypsalis baccifera |  | not recently sighted |
|---------------------|--|----------------------|

#### VERY RARE

#### ORCHID FAMILY

|          |                                          |  |
|----------|------------------------------------------|--|
| Oncidium | mangrove forests,<br>Buttonwood hammocks |  |
|----------|------------------------------------------|--|

#### QUASSIA FAMILY

|                     |                        |  |
|---------------------|------------------------|--|
| Picramnia pentandra | musky coastal hammocks |  |
|---------------------|------------------------|--|

#### SPURGE FAMILY

|                  |         |         |
|------------------|---------|---------|
| Croton arenicola | beaches | endemic |
|------------------|---------|---------|

|                     |                                       |                                                         |
|---------------------|---------------------------------------|---------------------------------------------------------|
| Chamaesyce garberri | beaches, ridges,<br>Pinelands/hammock | 1 endemic; taxonomic<br>confusion about this<br>Species |
|---------------------|---------------------------------------|---------------------------------------------------------|

#### MALLOW FAMILY

|               |                                 |                     |
|---------------|---------------------------------|---------------------|
| Pavon spicata | low coastal mangrove<br>forests | questionably native |
|---------------|---------------------------------|---------------------|

| Plant | Habitat | Status |
|-------|---------|--------|
|-------|---------|--------|



## BIGNONIA FAMILY

|                                               |                  |                     |
|-----------------------------------------------|------------------|---------------------|
| Amphitecna latifolia<br>(Enallagma latifolia) | coastal hammocks | questionably native |
|-----------------------------------------------|------------------|---------------------|

## MADDER FAMILY

|                    |                         |   |
|--------------------|-------------------------|---|
| Ernodea littoralis | two varieties, one      | 2 |
|                    | Found only in beaches,  |   |
|                    | The second in pinelands |   |

RARE

## ORCHID FAMILY

|                       |                      |                     |
|-----------------------|----------------------|---------------------|
| Gyrtopodium punctatum | coastal mangrove,    | 1; if left alone    |
|                       | buttonwood hammocks, | will probably       |
|                       | Cypress stands       | reestablish locally |

## BORAGE FAMILY

|                  |                        |                    |
|------------------|------------------------|--------------------|
| Cordia Sebestena | hammocks, shores,      | 2; rare in wild    |
|                  | Biscayne National Park | but widely planted |

## ASTER FAMILY

|                       |                          |         |
|-----------------------|--------------------------|---------|
| Eupatorium frustratum | coastal hammocks,        | endemic |
|                       | Everglades National Park |         |

UNCOMMON TO COMMON

## FERN FAMILY

|                   |                        |   |
|-------------------|------------------------|---|
| Acrostichum aurem | Marl, prairies, shores | 2 |
|                   | of brackish waters,    |   |
|                   | Mangrove forests       |   |

## PINEAPPLE FAMILY

|                     |                    |   |
|---------------------|--------------------|---|
| Tillandsia flexuosa | buttonwood and oak | 2 |
|                     | hammocks           |   |

## MALLOW FAMILY

|                    |                        |                       |
|--------------------|------------------------|-----------------------|
| Gossypium hirsutum | shore hammocks of Dade | 2; has survived       |
|                    | County, Everglades     | extensive eradication |
|                    | National Park          | attempts              |
| Plant              | Habitat                | Status                |

~~BORAGE FAMILY~~

~~Mallotonia gnaphalodes~~ ~~beaches on Elliot Key,~~ ~~1~~  
~~Miami Beach; cannot be~~  
~~moved or seeded~~

~~Note~~

~~1= Endangered (581.185, Florida Statutes)~~

~~2= Threatened (" " " ")~~

~~3= Commercially Exploited (581.185 Florida Statutes)~~

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~~Source: Dade County Comprehensive Plan, 1988.~~

**APPENDIX A**  
**Federal and State Designated Endangered, Threatened and Potentially**  
**Endangered Flora in Miami-Dade County**

| <u>Scientific Name</u>                                             | <u>Common Name</u>                                       | <u>Designated State</u> | <u>Status Federal</u> |
|--------------------------------------------------------------------|----------------------------------------------------------|-------------------------|-----------------------|
| <u>Amorpha crenulata</u>                                           | <u>Crenulate lead plant</u>                              | E                       | E                     |
| <u>Anemia wrightii</u>                                             | <u>Parsley Fern</u>                                      | E                       | NL                    |
| <u>Asimina tetramera</u>                                           | <u>Four-pedal paw paw</u>                                | E                       | NL                    |
| <u>Bouffieria cassiniifolia</u>                                    | <u>Little strongback</u>                                 | E                       | NL                    |
| <u>Brassia caudate</u>                                             | <u>Long-tailed spider orchid</u>                         | T                       | NL                    |
| <u>Brickellia eupatorioides</u> var. <u>floridana</u> (=B mosieri) | <u>Florida brickell-brush;</u><br><u>Florida boneset</u> | E                       | C2                    |
| <u>Calyptanthus zuzygium</u>                                       | <u>Myrtle-of-the-river</u>                               | E                       | NL                    |
| <u>Campanula robiniae</u>                                          | <u>Brooksville bellflower</u>                            | E                       | NL                    |
| <u>Campyloneurum angustifolium</u>                                 | <u>Marrow strap fern</u>                                 | E                       | NL                    |
| <u>Canella winterana</u>                                           | <u>Wild cinnamon bark</u>                                | E                       | NL                    |
| <u>Cassia keysensis</u> (=Chaemecrista)                            | <u>Big Pine partridge pea</u>                            | T                       | NL                    |
| <u>Catopsis berteroniana</u>                                       | <u>Powdery catopsis</u>                                  | E                       | NL                    |
| <u>Centrogenium setaceum</u>                                       | <u>Spurred neottia</u>                                   | E                       | NL                    |
| <u>Cereus eriophorus</u> var. <u>fragrans</u>                      | <u>Fragrant prickly apple</u>                            | E                       | NL                    |
| <u>Cereus robinii</u>                                              | <u>Key tree cactus</u>                                   | E                       | NL                    |
| <u>Chamaesyce deltoidea</u>                                        | <u>Deltoid Spurge</u>                                    | E                       | E                     |
| <u>Chamaesyce garberi</u>                                          | <u>Garber's spurge</u>                                   | E                       | T                     |
| <u>Chionanthus pygmaeus</u>                                        | <u>Pygmy fringe-tree</u>                                 | E                       | NL                    |
| <u>Chrysopsis floridana</u>                                        | <u>Florida golden aster</u>                              | E                       | NL                    |
| <u>Cladonia perforata</u>                                          | <u>Florida perforate cladonia</u>                        | E                       | NL                    |
| <u>Clitoria fragrans</u>                                           | <u>Pigeon wings</u>                                      | T                       | NL                    |
| <u>Conradina brevifolia</u>                                        | <u>Short-leaved rosemary</u>                             | E                       | C2                    |
| <u>Conradina etonia</u>                                            | <u>Etonia rosemary</u>                                   | E                       | NL                    |
| <u>Conradina glabra</u>                                            | <u>Apalachicola rosemary</u>                             | E                       | NL                    |
| <u>Crotalaria avonensis</u>                                        | <u>Avon park harebells</u>                               | E                       | NL                    |
| <u>Cucurbita okeechobeensis</u>                                    | <u>Okeechobee gourd</u>                                  | E                       | E                     |
| <u>Deeringothamnus pulchellus</u>                                  | <u>Beautiful paw paw</u>                                 | E                       | NL                    |
| <u>Deeringothamnus rugelii</u>                                     | <u>Rugel's paw paw</u>                                   | E                       | NL                    |
| <u>Dicerandra christmanii</u>                                      | <u>Garett's mint</u>                                     | E                       | NL                    |
| <u>Dicerandra cornutissima</u>                                     | <u>Longspurred mint</u>                                  | E                       | NL                    |
| <u>Dicerandra frutescens</u>                                       | <u>Scrub mint</u>                                        | E                       | NL                    |
| <u>Dicerandra immaculata</u>                                       | <u>Lakela's mint</u>                                     | E                       | NL                    |
| <u>Erigonum longifolium gnaphalifolium</u>                         | <u>Scrub buckwheat</u>                                   | T                       | NL                    |
| <u>Eryngium cuneifolium</u>                                        | <u>Snakeroot</u>                                         | E                       | NL                    |
| <u>Euphorbia telephioides</u>                                      | <u>Telephus spurge</u>                                   | T                       | NL                    |
| <u>Galactia smallii</u>                                            | <u>Small Milkpea</u>                                     | E                       | E                     |
| <u>Halophila johnsonii</u>                                         | <u>Johnson's seagrass</u>                                | T                       | NL                    |
| <u>Harperocallis flava</u>                                         | <u>Harper's beauty</u>                                   | E                       | NL                    |
| <u>Hypericum cumulicola</u>                                        | <u>Highland scrub hypericum</u>                          | E                       | NL                    |
| <u>Jacquemontia reclinata</u>                                      | <u>Beach Jacquemontia</u>                                | E                       | E                     |
| <u>Justicia cooley</u>                                             | <u>Cooley's water-willow</u>                             | E                       | NL                    |
| <u>Lindera melissifolia</u>                                        | <u>Pondberry</u>                                         | E                       | NL                    |
| <u>Lupinus aridorum</u>                                            | <u>Scrub lupine</u>                                      | E                       | NL                    |
| <u>Macbridea alba</u>                                              | <u>White birds-in-a-nest</u>                             | T                       | NL                    |
| <u>Nolina brittoniana</u>                                          | <u>Britton's Beargrass</u>                               | E                       | NL                    |
| <u>Paronychia chartacea</u>                                        | <u>Papery whitlow-wort</u>                               | T                       | NL                    |

|                                |                              |          |           |
|--------------------------------|------------------------------|----------|-----------|
| <u>Pilosocereus robinii</u>    | <u>Key tree cactus</u>       | <u>E</u> | <u>NL</u> |
| <u>Pinguicula ionantha</u>     | <u>Godfrey's butterwort</u>  | <u>T</u> | <u>NL</u> |
| <u>Polygala lewtonii</u>       | <u>Lewton's Polygala</u>     | <u>E</u> | <u>NL</u> |
| <u>Polygonella basiramia</u>   | <u>Wireweed</u>              | <u>E</u> | <u>NL</u> |
| <u>Polygonella myriophylla</u> | <u>Sandlace</u>              | <u>E</u> | <u>NL</u> |
| <u>Polygala smallii</u>        | <u>Tiny polygala</u>         | <u>E</u> | <u>E</u>  |
| <u>Prunus geniculata</u>       | <u>Scrub plant</u>           | <u>E</u> | <u>NL</u> |
| <u>Rhododendron chapmanii</u>  | <u>Chapman rhododendron</u>  | <u>E</u> | <u>NL</u> |
| <u>Ribes echinellum</u>        | <u>Miccosukee Gooseberry</u> | <u>T</u> | <u>NL</u> |
| <u>Schwalbea Americana</u>     | <u>American chaffseed</u>    | <u>E</u> | <u>NL</u> |
| <u>Scutellaria floridana</u>   | <u>Florida Skullcap</u>      | <u>T</u> | <u>NL</u> |
| <u>Silene polypetala</u>       | <u>Fringed campion</u>       | <u>E</u> | <u>NL</u> |
| <u>Spigelia gentianoides</u>   | <u>Pinkroot gentian</u>      | <u>E</u> | <u>NL</u> |
| <u>Thalictrum cooleyi</u>      | <u>Cooley's meadowrue</u>    | <u>E</u> | <u>NL</u> |
| <u>Torreya taxifolia</u>       | <u>Florida Torreya</u>       | <u>E</u> | <u>NL</u> |
| <u>Warea amplexifolia</u>      | <u>Warea wide-leaf</u>       | <u>E</u> | <u>NL</u> |
| <u>Warea carteri</u>           | <u>Carter's mustard</u>      | <u>E</u> | <u>E</u>  |
| <u>Ziziphus celata</u>         | <u>Florida ziziphus</u>      | <u>E</u> | <u>NL</u> |

Key:

NL = Not Listed

1) Federal Listings:

E = Listed as Endangered Species in the List of Endangered and Threatened Wildlife and Plants under the provisions of the Endangered Species Act. Defined as any species which is in danger of extinction throughout all or a significant portion of its range.

T = Listed as Threatened Species. Defined as any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

C1 = Candidate Species for addition to the List of Endangered and Threatened Wildlife and Plants, Category 1. Taxa for which the US Fish and Wildlife Service (USFWS) currently has substantial information on hand to support the biological appropriateness of proposing to list the species as endangered or threatened.

C2 = Candidate Species, Category 2. Taxa for which information now in possession of the USFWS indicates that proposing to list the species as endangered or threatened is possibly appropriate, but for which conclusive data on biological vulnerability and threat(s) are not currently available to support proposed rules at this time.

2) State Listings:

E = Listed as Endangered Plants in the Preservation of Native Flora of Florida Act. Defined as species plant native to the State that are in imminent danger of extinction within the State, the survival of which is unlikely if the causes of a decline in the number of plants continue, and includes all species determined to be endangered or threatened pursuant to the Federal Endangered Species Act of 1973, as amended.

T = Listed as Threatened Plants in the Preservation of Native Flora of Florida Act. Defined as species native to the State that are in rapid decline in the number of plants within the State, but which have not so decreased in such number as to cause them to be endangered.

CE = Listed as a Commercially Exploited Plant in the Preservation of Native Flora of Florida Act. Defined as species native to the State, which are subject to being removed in significant numbers from native habitats in the State and sold or transported for sale.

Source: Miami-Dade County Comprehensive Development Master Plan

## APPENDIX B

### REPRESENTATIVE BIRDS OF THE COASTAL AREA OF DADE COUNTY

| Habitat/Use          |             |                 |           |                                                                                                         |
|----------------------|-------------|-----------------|-----------|---------------------------------------------------------------------------------------------------------|
|                      | Open Waters | Beaches & Flats | Mangroves | Comments                                                                                                |
| <b>WADING BIRDS</b>  |             |                 |           |                                                                                                         |
| <b>Heron:</b>        |             |                 |           |                                                                                                         |
| Great Blue           | F           | N, R            |           | (p, w)                                                                                                  |
| Great White          | F           |                 |           | Color phase of Great Blue; Restricted to South Fla. and the Caribbean; Common on Virginia Key mud flats |
| Green-backed         | F           | N, F, R         |           | (p, w) formerly called Green Heron                                                                      |
| Little Blue          | F           | N               |           | (p, w)                                                                                                  |
| Tricolored           | F           | N               |           | Formerly called Louisiana                                                                               |
| Yellow-Crowned Night | F           | N, R            |           | Not common, but regular                                                                                 |
| Black-Crowned Night  | F           | F, R            |           | (w, r) Occasional                                                                                       |
| <b>Egrets:</b>       |             |                 |           |                                                                                                         |
| Great                | F           | R               |           | (p, w)                                                                                                  |
| Snowy                | F           | R               |           | (p, w)                                                                                                  |
| Cattle               | F           | R               |           | (p, w) Abundant along Causeways, at Virginia Key sewage plant                                           |
| Reddish              | F           | R               |           | (p, r) Regular visitor At Va. Key                                                                       |
| <b>Ibis:</b>         |             |                 |           |                                                                                                         |
| White                | F           | N, R            |           | (p, w)                                                                                                  |
| Glossy               |             |                 |           | (r) sometimes seen with Ibis at Va. Key sewage Plant                                                    |
| Clapper Rail         | F           | N, F, R         |           | (p) Feeds in mangrove fringes, rarely in open                                                           |
| Roseate spoonbill    | F           | R               |           | (p) Uncommon                                                                                            |

KEY: F = Feeding Habitat/ N = Nesting Habitat/ R = Roosting (Resting) Habitat

- \_\_\_\_\_ (r) = Rarely seen, but known to be in the APM Area
- \_\_\_\_\_ (m) = Migrates through the APM Area
- \_\_\_\_\_ (w) = Winters in the APM Area
- \_\_\_\_\_ (s) = Summers in the APM Area
- \_\_\_\_\_ (p) = Permanent residents (Many species that are here year-round are joined by other of the same species for the winter, considerably enlarging the winter population over the permanent population)

NOTE: This list of representative birds of the Aquatic Preserve Management Area was prepared by Bruce D. Neville and A. Morton Cooper, Jr., Board Members of the Tropical Audubon Society.

## Habitat/Use

|                    | Open Waters | Beaches & Flats | Mangroves | Comments                                                |
|--------------------|-------------|-----------------|-----------|---------------------------------------------------------|
| <b>SHOREBIRDS</b>  |             |                 |           |                                                         |
| <b>Plovers:</b>    |             |                 |           |                                                         |
| Semipalmated       | F, R        |                 |           | (m, w)                                                  |
| Wilson's           | F, N        | R               |           | (p) Nest on Virginia Key                                |
| Black-bellied      | F, R        |                 |           | (m, w)                                                  |
| Piping             | F           |                 |           | (m)                                                     |
| Killdeer           | F, R        |                 |           | (m, w) Most common in sewage plant                      |
| <b>Sandpipers:</b> |             |                 |           |                                                         |
| Spotted            | F, R        |                 |           | (m, w) Sewage plant                                     |
| Solitary           | F, R        |                 |           | (r, m) Sewage plant                                     |
| Pectoral           | F, R        |                 |           | (m) Sewage plant                                        |
| Least              | F, R        |                 |           | (m, w) Sewage plant                                     |
| Stilt              | F, R        |                 |           | (m) Sewage plant                                        |
| Semipalmated       | F, R        |                 |           | (m) Sewage plant                                        |
| Western            | F, R        |                 |           | (m, w) Sewage plant                                     |
| <b>Yellowlegs:</b> |             |                 |           |                                                         |
| Greater            | F, R        |                 |           | (m, w) Sewage plant                                     |
| Lesser             | F, R        |                 |           | (m, w) Sewage plant                                     |
| Ruddy Turnstone    | F, R        |                 |           | (w, m, s) Nests in Artic; Summer birds are not breeding |
| Common Snipe       |             |                 |           | (w) Sewage plant                                        |
| Whimbrel           | F           |                 |           | (r, w)                                                  |
| Willet             | F, R        |                 |           | (p, m, w)                                               |
| Red Knot           | F           |                 |           | (m, w)                                                  |
| Dunlin             | F           |                 |           | (w)                                                     |
| <b>Dowitchers:</b> |             |                 |           |                                                         |
| Short-billed       | F           |                 |           | (w) Sewage plant                                        |
| Long-billed        |             |                 |           | (r, w) Primarily sewage plant                           |
| Marbled Godwit     | F, R        |                 |           | (r, m, w)                                               |
| Sanderling         | F, R        |                 |           | (m, w)                                                  |
| Black-necked Stilt | N, F, R     |                 |           | (s) Nests in sewage plant                               |

## Habitat/Use

|                        | Open Waters | Beaches & Flats | Mangroves | Comments                                                                                                                                                  |
|------------------------|-------------|-----------------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RAPTORS</b>         |             |                 |           |                                                                                                                                                           |
| Bald Eagle             | F           |                 | N         | (r) One pair attempted nesting in Australian Pines near Va. Key last few years, unsuccessfully. Construction on Fisher Island may chase them permanently. |
| Osprey                 | F           | N, F, R         | N, R      | (p, w) may have declined in recent years in APM Area                                                                                                      |
| <b>Hawks:</b>          |             |                 |           |                                                                                                                                                           |
| Red-shouldered         | F           | N, F, R         |           |                                                                                                                                                           |
| Red-tailed             | F           |                 |           | (r)                                                                                                                                                       |
| Broad-winged           | F           | F, R            |           | (m, w)                                                                                                                                                    |
| Sharp-shinned          | F           | F, R            |           | (m, w)                                                                                                                                                    |
| Cooper's               | F, R        |                 |           | (r, m) May not even feed in Bay area on way south                                                                                                         |
| Turkey Vulture         | F           | R               |           | (p, w)                                                                                                                                                    |
| Northern Harrier       | F           |                 |           | (w)                                                                                                                                                       |
| Peregrine Falcon       | F, R        |                 |           | (r, m) Cape Florida is significant migration point                                                                                                        |
| Merlin                 | F           | F, R            |           | (m, w)                                                                                                                                                    |
| American Kestrel       | F           | F, R            |           | (m, w)                                                                                                                                                    |
| Eastern Screech Owl    | F, N        |                 |           | (p, w) Cape Florida                                                                                                                                       |
| <b>WATERFOWL*</b>      |             |                 |           |                                                                                                                                                           |
| Red-breasted Merganser | F           | R               |           | (w)                                                                                                                                                       |
| Northern Shoveler      |             | R               |           | (r, w)                                                                                                                                                    |
| American Coot          | F, R        |                 |           | (m, w) Primarily a freshwater Species                                                                                                                     |
| Blue-winged Teal       | F           | F, R            |           | (m, w)                                                                                                                                                    |

\* Strictly speaking, only ducks, geese and swans are waterfowl

### Habitat/Use

|                          | Open Waters | Beaches & Flats | Mangroves | Comments                                                      |
|--------------------------|-------------|-----------------|-----------|---------------------------------------------------------------|
| <b>SWIMMING BIRDS</b>    |             |                 |           |                                                               |
| Brown Pelican            | R           | R               | N, R      | (p, w)                                                        |
| Magnificent Frigatebird  | F           |                 | R         | (p, s) Does not rest on water                                 |
| Double-crested Cormorant | F           | R               | N, R      | (p, w)                                                        |
| Common Loon              | F, R        |                 |           | (w)                                                           |
| <b>Gulls:</b>            |             |                 |           |                                                               |
| Laughing                 | F, R        | N, F, R         |           | (p, w)                                                        |
| Ring-billed              | F, R        | F, R            |           | (w)                                                           |
| Herring                  | F, R        | F, R            |           | (w)                                                           |
| Great Black-backed       | F, R        | F, R            |           | (r, w)                                                        |
| Bonaparte's              | F, R        | F, R            |           | (r, w)                                                        |
| <b>Terns:</b>            |             |                 |           |                                                               |
| Least                    | F           | N, F, R         |           | (s)                                                           |
| Royal                    | F           | F, R            |           | (p, w)                                                        |
| Forster's                | F           | F, R            |           | (w)                                                           |
| Caspian                  | F           | F, R            |           | (w)                                                           |
| Sandwich                 | F           | F, R            |           | (w)                                                           |
| Gull-billed              | F           | F, R            |           | (r)                                                           |
| Common                   | F           | F, R            |           | (r)                                                           |
| Black Skimmer            | F           | F, R            |           | (w) Feeds in open shallows; does Not rest on water            |
| Pied-billed Grebe        | F, R        |                 |           | (m, w) Primarily freshwater species But found within APM Area |

### Habitat/Use

|                                              | Open Waters | Islands, Beaches, & Flats | Mangroves | Comments                                                                        |
|----------------------------------------------|-------------|---------------------------|-----------|---------------------------------------------------------------------------------|
| <b>PERCHING BIRDS, SONGBIRDS, AND OTHERS</b> |             |                           |           |                                                                                 |
| <b>Warblers:</b>                             |             |                           |           |                                                                                 |
| Prairie                                      |             | N, F, R                   | N, F, R   | (p, m, s)                                                                       |
| (Cuban) Yellow                               |             |                           | N, F      | (s) Formerly nested behind Marine Stadium, the northernmost nest of the species |
| Black and white                              |             | F                         | F         | (w)                                                                             |
| Northern Parula                              |             | F                         | F         | (w)                                                                             |
| Yellow-rumped                                |             | F                         | F         | (w)                                                                             |
| Yellow-throated                              |             | F                         | F         | (w)                                                                             |
| Palm                                         |             | F                         |           | (w)                                                                             |
| Common Yellowthroat                          |             | F                         |           |                                                                                 |
| Cape May                                     |             | F                         |           | (m)                                                                             |
| Black-throated Blue                          |             | F                         |           | (m)                                                                             |
| Blackpoll                                    |             | F                         |           | (m)                                                                             |



|                          |         |                                    |
|--------------------------|---------|------------------------------------|
| Ovenbird                 | F       | (m, w)                             |
| Northern Waterthrush     | F       | (m, w)                             |
| American Redstart        | F       | (m, w)                             |
| Black-whiskered Vireo    | N, F    | N, F (s)                           |
| Belted Kingfisher        | F       | F, R (w)                           |
| Mangrove Cuckoo          | N, F, R | N, F, R (r, s)                     |
| Red-billed Woodpecker    | N, F, R | F (p)                              |
| Yellow-bellied Sapsucker | F       | F, R (w)                           |
| Rock Dove                | F       | common pigeon                      |
| White-crowned Pigeon     | F       | (r)                                |
| Mourning Dove            | F       |                                    |
| Common Ground Dove       | F, N    | Nests on coastal dune at Cape Fla. |

#### Habitat/Use

|        |          |           |          |
|--------|----------|-----------|----------|
|        | Islands, |           |          |
| Open   | Beaches  |           |          |
| Waters | & Flats  | Mangroves | Comments |

#### PERCHING BIRDS, SONGBIRDS AND OTHERS (continued)

|                           |      |      |                                               |
|---------------------------|------|------|-----------------------------------------------|
| Yellow-billed Cuckoo      | F    | F    | (s)                                           |
| Smooth-billed Ani         | F    |      |                                               |
| Common Nighthawk          | F    |      | (s) Aerial feeder; Roosts in trees in daytime |
| Ruby-throated Hummingbird | F    |      | (r)                                           |
| Pileated Woodpecker       | F    |      | (r)                                           |
| Gray Kingbird             | F    | F    | (s) Nests                                     |
| Tree Swallow              | F    | F    | (w)                                           |
| Barn Swallow              | F    | F    | (m)                                           |
| Fish Crow                 | F    |      |                                               |
| Northern Mockingbird      | F    |      |                                               |
| Thrushes:                 |      |      |                                               |
| Swainson's                | F    |      | (m)                                           |
| Gray-cheeked              | F    |      | (m)                                           |
| Veery                     | F    |      | (m)                                           |
| Blue-gray Gnatcatcher     | F    | F    | (w)                                           |
| European Starling         | F    |      |                                               |
| White-eyed Vireo          | F    | F    |                                               |
| House Sparrow             | F    |      |                                               |
| Bobolink                  | F    |      | (m) Common in Va. Key sewage plant            |
| Red-winged Blackbird      | F    |      |                                               |
| Grackles:                 |      |      |                                               |
| Boat-tailed               | F    |      |                                               |
| Common                    | F    |      |                                               |
| Northern Cardinal         | F, N | F, N |                                               |
| Savannah Sparrow          | F    |      | (w)                                           |

**APPENDIX B**  
**Federal and State Designated Endangered, Threatened and Potentially**  
**Endangered Fauna in Miami-Dade County**

| <u>Scientific Name</u>                      | <u>Common Name</u>              | <u>Designated State</u> | <u>Status Federal</u> |
|---------------------------------------------|---------------------------------|-------------------------|-----------------------|
| <b>FISH</b>                                 |                                 |                         |                       |
| <u>Acipenser oxyrinchus</u>                 | Atlantic sturgeon               | SSC                     | T                     |
| <u>Acipenser brevirostrum</u>               | Shortnose sturgeon              | E                       | E                     |
| <u>Cyprinodon variegatus hubbsi</u>         | Lake Eustis pupfish             | SSC                     | NL                    |
| <u>Etheostoma histrio</u>                   | Harlequin darter                | SSC                     | NL                    |
| <u>Etheostoma olmstedii maculaticeps</u>    | Southern tessellated darter     | SSC                     | NL                    |
| <u>Fundulus jenkinsi</u>                    | Salt marsh toadfinch            | SSC                     | NL                    |
| <u>Menidia menidia</u>                      | Key silverside                  | T                       | NL                    |
| <u>Micropterus notius</u>                   | Suwannee bass                   | SSC                     | NL                    |
| <u>Notropis melanostomus</u>                | Blackmouth shiner               | E                       | NL                    |
| <u>Pteronotopis welaka</u>                  | Bluenose shiner                 | SSC                     | NL                    |
| <u>Rivulus marmoratus</u>                   | Mangrove rivulus                | SSC                     | NL                    |
| <u>Starksia starcki</u>                     | Key blenny                      | SSC                     | NL                    |
| <b>AMPHIBIANS &amp; REPTILES</b>            |                                 |                         |                       |
| <u>Ambystoma cingulatum</u>                 | Flatwoods salamander            | SSC                     | T                     |
| <u>Alligator mississippiensis</u>           | American alligator              | SSC                     | T                     |
| <u>Crocodylus acutus</u>                    | American crocodile              | E                       | E                     |
| <u>Drymarchon corais couperi</u>            | Eastern indigo snake            | T                       | T                     |
| <u>Elaphe guttata</u>                       | Red rat snake                   | T                       | T                     |
| <u>Eumeces egregius lividus</u>             | Bluetail mole skink             | T                       | T                     |
| <u>Eumeces egregius egregius</u>            | Florida key mile skink          | SSC                     | NL                    |
| <u>Gopherus polyphemus</u>                  | Gopher tortoise                 | SSC                     | C2                    |
| <u>Graptemys barbouri</u>                   | Barbour's map turtle            | SSC                     | NL                    |
| <u>Haideotriton wallacei</u>                | Georgia blind salamander        | SSC                     | NL                    |
| <u>Hyla andersonii</u>                      | Pine barrens tree frog          | SSC                     | NL                    |
| <u>Rana okaloosae</u>                       | Florida bog frog                | SSC                     | NL                    |
| <u>Rana capito</u>                          | Gopher frog                     | SSC                     | NL                    |
| <u>Kinosternon bauri</u>                    | Striped mud turtle              | E                       | NL                    |
| <u>Lepidochelys kempii</u>                  | Atlantic ridley turtle          | E                       | E                     |
| <u>Macrochelys temminckii</u>               | Alligator snapping turtle       | SSC                     | NL                    |
| <u>Nerodia clarkii taeniata</u>             | Atlantic salt marsh water snake | T                       | T                     |
| <u>Neoseps reynoldsi</u>                    | Sand skink                      | T                       | T                     |
| <u>Pituophis melanoleucus mugitus</u>       | Florida pine snake              | SSC                     | C2                    |
| <u>Pseudobranchius striatus lustricolus</u> | Gulf hammock dwarf siren        | NL                      | C2                    |
| <u>Pseudemys concinna suwanniensis</u>      | Suwannee cooter                 | SSC                     | NL                    |
| <u>Sitlosoma extenuatum</u>                 | Short-tailed snake              | T                       | NL                    |
| <u>Storeria dekayi vici</u>                 | Florida brown snake             | T                       | NL                    |
| <u>Tantilla oolitica</u>                    | Rim rock crowned snake          | T                       | C2                    |
| <u>Thamnophis sauritus sackeni</u>          | Florida ribbon snake            | T                       | NL                    |
| <b>BIRDS</b>                                |                                 |                         |                       |
| <u>Ammodramus maritimus mirabilis</u>       | Cape Sable seaside sparrow      | E                       | E                     |
| <u>Ammodramus savannarum floridanus</u>     | Florida grasshopper sparrow     | E                       | E                     |
| <u>Ammodramus maritimus penninsulae</u>     | Scott's seaside sparrow         | SSC                     | NL                    |
| <u>Ammodramus maritimus junciculus</u>      | Wakulla seaside sparrow         | SSC                     | NL                    |

|                                            |                                     |     |    |
|--------------------------------------------|-------------------------------------|-----|----|
| <u>Aphelocoma coerulescens</u>             | <u>Florida scrub jay</u>            | T   | T  |
| <u>Aramus guarauna</u>                     | <u>Limpkin</u>                      | SSC | NL |
| <u>Athene cunicularia</u>                  | <u>Florida burrowing owl</u>        | SSC | NL |
| <u>Campephilus principalis</u>             | <u>Ivory-billed woodpecker</u>      | E   | E  |
| <u>Caracara cheriway</u>                   | <u>Crested caracara</u>             | T   | T  |
| <u>Charadrius melodus</u>                  | <u>Piping plover</u>                | T   | T  |
| <u>Charadrius alexandrinus</u>             | <u>Cuban snowy plover</u>           | T   | NL |
| <u>Cistothorus palustris marianae</u>      | <u>Marian's marsh wren</u>          | SSC | NL |
| <u>Cistothorus palustris griseus</u>       | <u>Worthington's marsh wren</u>     | SSC | NL |
| <u>Dendroica Kirtlandii</u>                | <u>Kirtland's warbler</u>           | E   | NL |
| <u>Egretta caerulea</u>                    | <u>Little blue heron</u>            | SSC | NL |
| <u>Egretta rufescens</u>                   | <u>Reddish egret</u>                | SSC | C2 |
| <u>Egretta thula</u>                       | <u>Snowy egret</u>                  | SSC | NL |
| <u>Egretta tricolor</u>                    | <u>Tricolored egret</u>             | SSC | NL |
| <u>Eudocimus albus</u>                     | <u>White ibis</u>                   | SSC | NL |
| <u>Falco peregrinus</u>                    | <u>Peregrine falcon</u>             | E   | NL |
| <u>Falco sparverius paulus</u>             | <u>Southern american kestrel</u>    | T   | C2 |
| <u>Grus Canadensis pratensis</u>           | <u>Florida sandhill crane</u>       | T   | NL |
| <u>Grus Americana</u>                      | <u>Whooping crane</u>               | SSC | NL |
| <u>Haliaeetus leucocephalus</u>            | <u>Bald Eagle</u>                   | T   | E  |
| <u>Mycteria americana</u>                  | <u>Wood stork</u>                   | E   | E  |
| <u>Pandion haliaetus</u>                   | <u>Osprey</u>                       | SSC | NL |
| <u>Platalea ajaja</u>                      | <u>Roseate spoonbill</u>            | SSC | NL |
| <u>Picoides borealis</u>                   | <u>Red-cockaded woodpecker</u>      | SSC | E  |
| <u>Rostrhamus sociabilis</u>               | <u>Snail kite</u>                   | E   | E  |
| <u>Rynchops niger</u>                      | <u>Black skimmer</u>                | SSC | NL |
| <u>Sterna antillarum</u>                   | <u>Least tern</u>                   | T   | NL |
| <u>Sterna dougalli</u>                     | <u>Roseate tern</u>                 | T   | T  |
| <u>Vermivora bachmanii</u>                 | <u>Bachman's warbler</u>            | E   | E  |
| <b>MAMMALS</b>                             |                                     |     |    |
| <u>Balaenoptera borealis</u>               | <u>Sei whale</u>                    | E   | NL |
| <u>Balaenoptera physalus</u>               | <u>Finback whale</u>                | E   | E  |
| <u>Blarina carolinensis shermani</u>       | <u>Sherman's short-tailed shrew</u> | SSC | C2 |
| <u>Eumops glaucinus floridanus</u>         | <u>Florida mastiff bat</u>          | E   | C1 |
| <u>Eubalaena glacialis</u>                 | <u>North atlantic right whale</u>   | E   | NL |
| <u>Megaptera novaeangliae</u>              | <u>Humpback whale</u>               | E   | E  |
| <u>Monachus tropicalis</u>                 | <u>Caribbean monk seal</u>          | NL  | NL |
| <u>Neotoma floridana smalli</u>            | <u>Key largo woodrat</u>            | E   | E  |
| <u>Odocoileus virginianus clavium</u>      | <u>Key deer</u>                     | E   | E  |
| <u>Peromyscus polionotus niveiventris</u>  | <u>Southeastern beach mouse</u>     | T   | T  |
| <u>Peromyscus gossypinus allapaticola</u>  | <u>Key largo cotton mouse</u>       | E   | E  |
| <u>Peromyscus polionotus allopshys</u>     | <u>Choctawhatchee beach mouse</u>   | E   | E  |
| <u>Peromyscus polionotus trissyllepsis</u> | <u>Perdido Key mouse</u>            | E   | E  |
| <u>Peromyscus polionotus phasma</u>        | <u>Anastasia island beach mouse</u> | E   | E  |
| <u>Physeter catodon</u>                    | <u>Sperm whale</u>                  | E   | E  |
| <u>Physeter macrocephalus</u>              | <u>Sperm whale</u>                  | E   | NL |
| <u>Podomys floridanus</u>                  | <u>Florida mouse</u>                | SSC | C2 |
| <u>Sciurus niger avicennia</u>             | <u>Big cypress fox squirrel</u>     | SSC | C2 |
| <u>Sciurus niger shermani</u>              | <u>Sherman's fox squirrel</u>       | SSC | C2 |
| <u>Trichechus manatus latirostris</u>      | <u>Florida manatee</u>              | E   | E  |

|                                        |                                     |     |    |
|----------------------------------------|-------------------------------------|-----|----|
| <b>INVERTEBRATES</b>                   |                                     |     |    |
| <b>CRUSTACEANS</b>                     |                                     |     |    |
| <u>Palaemonetes cummingi</u>           | <u>Squirrel chimney cave shrimp</u> | NL  | T  |
| <u>Procambarus econfinae</u>           | <u>Panama City crayfish</u>         | SSC | NL |
| <u>Procambarus erythrops</u>           | <u>Sims sink crayfish</u>           | SSC | NL |
| <u>Procambarus pictus</u>              | <u>Black creek crayfish</u>         | SSC | NL |
| <b>INSECTS</b>                         |                                     |     |    |
| <u>Cyclargus thomasi bethunebakeri</u> | <u>Miami blue butterfly</u>         | E   | NL |
| <u>Heracles aristodemus ponceanus</u>  | <u>Schaus swallowtail butterfly</u> | E   | E  |
| <b>MOLLUSCS</b>                        |                                     |     |    |
| <u>Amblema neislerii</u>               | <u>Fat three-ridge</u>              | NL  | T  |
| <u>Elliptio chipolaensis</u>           | <u>Chipola slabshell</u>            | NL  | T  |
| <u>Elliptio sloarianus</u>             | <u>Purple bankclimber</u>           | NL  | T  |
| <u>Lampsilis subangulata</u>           | <u>Shinyrayed Pocketbook</u>        | NL  | T  |
| <u>Medionidus penicillatus</u>         | <u>Gulf moccasinshell</u>           | NL  | E  |
| <u>Medionidus simpsonianus</u>         | <u>Ochlockonee moccasinshell</u>    | NL  | E  |
| <u>Pleurobema pyriforme</u>            | <u>Oval pigtoe</u>                  | NL  | E  |

Key:

NL = Not Listed

#### 1) Federal Listings:

E = Listed as Endangered Species in the List of Endangered and Threatened Wildlife and Plants under the provisions of the Endangered Species Act. Defined as any species which is in danger of extinction throughout all or a significant portion of its range.

T = Listed as Threatened Species. Defined as any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

C1 = Candidate Species for addition to the List of Endangered and Threatened Wildlife and Plants, Category 1. Taxa for which the US Fish and Wildlife Service (USFWS) currently has substantial information on hand to support the biological appropriateness of proposing to list the species as endangered or threatened.

C2 = Candidate Species, Category 2. Taxa for which information now in possession of the USFWS indicates that proposing to list the species as endangered or threatened is possibly appropriate, but for which conclusive data on biological vulnerability and threat(s) are not currently available to support proposed rules at this time.

#### 2) State Listings:

E = Listed as Endangered Species by the Florida Game and Freshwater Fish Commission (FGFWFC). Defined as species, subspecies, or isolated population which is so rare or depleted in number or so restricted in range of habitat due to any man-made or natural factors that it is in immediate danger of extinction or extirpation from the State, or which may attain such status within the immediate future.

T = Listed as Threatened Species by the FGFWFC. Defined as species, subspecies, or isolated population which is acutely vulnerable to environmental alteration, declining in number at a rapid rate, or whose range or habitat is declining in area at a rapid rate and as a consequence is destined or very likely to become an endangered species within the foreseeable future.

SSC = Listed as Species of Special Concern FGFWFC. Defined as species, subspecies, or isolated population which warrants special protection, recognition, or consideration because it has an inherent significant vulnerability to habitat modification, environmental alteration, human disturbance, or substantial human exploitation which, in the foreseeable future, may result in its becoming a threatened species.

Source: Miami-Dade County Comprehensive Development Master Plan

## APPENDIX C

### FISH AND SHELLFISH SPECIES

#### RECORDED DURING A 21 MONTH CRELL SURVEY IN BISCAYNE BAY 1982-1983

\_\_\_\_\_ G = important game or food species  
\_\_\_\_\_ R = recreational species  
\_\_\_\_\_ B = bait species  
\_\_\_\_\_ U = undesirable species

\_\_\_\_\_ G Tarpon (*Megalops atlanticus*)  
\_\_\_\_\_ G Bonefish (*Albula vulpes*)  
\_\_\_\_\_ G Snook (*Centropomus*)  
\_\_\_\_\_ G Rock hind (*Epinephelus adscensionis*)  
\_\_\_\_\_ G Red hind (*Epinephelus guttatus*)  
\_\_\_\_\_ G Jewfish (*Epinephelus itajara*)  
\_\_\_\_\_ G Red grouper (*Epinephelus morio*)  
\_\_\_\_\_ G Nassau grouper (*Epinephelus striatus*)  
\_\_\_\_\_ G Black grouper (*Mycteroperca bonaci*)  
\_\_\_\_\_ G Bluefish (*Pomatomus saltatrix*)  
\_\_\_\_\_ G Cobias (fam. *Rachycentridae*)  
\_\_\_\_\_ G Cobia (*Rachycentron canadum*)  
\_\_\_\_\_ G African pompano (*Alectis ciliaris*)  
\_\_\_\_\_ G Greater amberjack (*Seriola dumerili*)  
\_\_\_\_\_ G Florida pompano (*Trachinotus carolinus*)  
\_\_\_\_\_ G Permit (*Trachinotus falcatus*)  
\_\_\_\_\_ G Snappers (fam. *Lutjanidae*)  
\_\_\_\_\_ G Mutton snapper (*Lutjanus analis*)  
\_\_\_\_\_ G School master (*Lutjanus apodus*)  
\_\_\_\_\_ G Gray/mangrove snapper (*Lutjanus friseus*)  
\_\_\_\_\_ G Dog snapper (*Lutjanus jocu*)  
\_\_\_\_\_ G Mahogany snapper (*Lutjanus mahogoni*)  
\_\_\_\_\_ G Lane snapper (*Lutjanus synagris*)  
\_\_\_\_\_ G Yellowtail snapper (*Ocyurus chrysurus*)  
\_\_\_\_\_ G Spotted seatrout (*Cynoscion nebulosus*)  
\_\_\_\_\_ G Sheepshead (*Archosargus probatocephalus*)  
\_\_\_\_\_ G Hogfish (*Lachnolaimus maximus*)  
\_\_\_\_\_ G King mackerel (*Scomberomorus maculatus*)  
\_\_\_\_\_ G Spanish mackerel (*Scomberomorus maculatus*)  
\_\_\_\_\_ G Cero mackerel (*Scomberomorus regalis*)  
\_\_\_\_\_ G Gulf flounder (*Paralichthys albigutta*)  
\_\_\_\_\_ G Spiny lobster (*Panulirus argus*)  
\_\_\_\_\_ G Penaeid shrimp (*Penaeus sp.*)  
\_\_\_\_\_ G Blue crab (*Callinectes sapidus*)

\_\_\_\_\_ R Ladyfish (*Elops saurus*)  
\_\_\_\_\_ R Sand perch (*Diplostrum formosum*)  
\_\_\_\_\_ R Yellow jack (*Caranx bantholomaei*)  
\_\_\_\_\_ R Blue runner (*Caranx crysos*)  
\_\_\_\_\_ R Creville jack (*Caranx hippos*)  
\_\_\_\_\_ R Horse eye jack (*Caranx latus*)

TABLE 2 (continued)

|   |                                                        |
|---|--------------------------------------------------------|
| R | Bar jack ( <i>Caranx ruber</i> )                       |
| R | Rainbow runner ( <i>Elagatis bipinnulata</i> )         |
| R | Lookdown ( <i>Selene vomer</i> )                       |
| R | Black drum ( <i>Pogonias cromis</i> )                  |
| R | Sand drum ( <i>Umbrina coroides</i> )                  |
| R | Black margate ( <i>Anisotremus surinamensis</i> )      |
| R | Margate ( <i>Haemulon album</i> )                      |
| R | Tomtate ( <i>Haemulon aurolineatum</i> )               |
| R | Ceasar grunt ( <i>Haemulon carbonarium</i> )           |
| R | Smallmouth grunt ( <i>Haemulon chrysargyreum</i> )     |
| R | French grunt ( <i>Haemulon flavolineatum</i> )         |
| R | Spanish grunt ( <i>Haemulon macrostomum</i> )          |
| R | Sailor's choice ( <i>Haemulon parrai</i> )             |
| R | White grunt ( <i>Haemulon plumieri</i> )               |
| R | Bluestriped grunt ( <i>Haemulon sciurus</i> )          |
| R | Seabream ( <i>Archosargus</i> )                        |
| R | Grass porgy ( <i>Calamus arcifrons</i> )               |
| R | Jointhead porgy ( <i>Calamus bajonado</i> )            |
| R | Saucereye porgy ( <i>Calamus calamus</i> )             |
| R | Sheephead porgy ( <i>Calamus penna</i> )               |
| R | Spotail pinfish ( <i>Diplodus holbrooki</i> )          |
| R | Bermuda chub ( <i>Kyphosus sectatrix</i> )             |
| R | Atlantic spadefish ( <i>Chaetodipterus faber</i> )     |
| R | Great barracuda ( <i>Sphyrna barracuda</i> )           |
| B | Pilchard ( <i>Merengula jaguana</i> )                  |
| B | Atlantic thread herring ( <i>Opisthonema olignum</i> ) |
| B | Spanish sardine ( <i>Sardinella aurita</i> )           |
| B | Anchovies (fam. <i>Engraulidae</i> )                   |
| B | Bigeye anchovy ( <i>Anchoa lamprotaenia</i> )          |
| B | Bay anchovy ( <i>Anchoa mitchilli</i> )                |
| B | Hardhead halfbeak ( <i>Chriodorus atherinoides</i> )   |
| B | Ballyhoo ( <i>Hemiramphus brasiliensis</i> )           |
| B | Pinfish ( <i>Lagodon rhomboides</i> )                  |
| B | Striped/black mullet ( <i>Mugil cephalus</i> )         |
| B | White mullet ( <i>Mugil curema</i> )                   |
| U | Southern stingray ( <i>Dasyatis Americana</i> )        |
| U | Atlantic guitarfish ( <i>Rhinobatos lentiginosus</i> ) |
| U | Blacknose shark ( <i>Carcharhinus acronotus</i> )      |
| U | Blacktip shark ( <i>Carcharhinus limbatus</i> )        |
| U | Lemon shark ( <i>Negaprion brevirostris</i> )          |
| U | Great hammerhead ( <i>Sphyrna mokarran</i> )           |
| U | Bonnethead ( <i>Sphyrna tiburo</i> )                   |
| U | Inshore lizardfish ( <i>Synodus foetens</i> )          |
| U | Hardhead catfish ( <i>Arius felis</i> )                |
| U | Gulf toadfish ( <i>Arius felis</i> )                   |
| U | Needlefish ( <i>Strongylura</i> sp.)                   |
| U | Houndfish ( <i>Tylosurus crocodilus</i> )              |
| U | Sand tilefish ( <i>Malacanthus plumieri</i> )          |
| U | Skipjack/leather jacket ( <i>Oligoplites saurus</i> )  |

Table 2 (Continued)

|   |                                                      |
|---|------------------------------------------------------|
| U | Silver jenny ( <i>Eucinostomus gula</i> )            |
| U | Yellowfin majarra ( <i>Gerres cinereus</i> )         |
| U | Spotted goatfish ( <i>pseudupeneus maculatus</i> )   |
| U | Porkfish ( <i>Anisotremus virginicus</i> )           |
| U | Pigfish ( <i>Orthopristis chysoptera</i> )           |
| U | Queen angelfish ( <i>Holacanthus ciliaris</i> )      |
| U | Gray angelfish ( <i>Pomacanthus ateuatus</i> )       |
| U | Sergeant major ( <i>Abudefduf saxatilis</i> )        |
| U | Spanish hogfish ( <i>Bodianus rufus</i> )            |
| U | Clown Wrasse ( <i>Halichoeres maculipinna</i> )      |
| U | Blue parrotfish ( <i>Scarus coeruleus</i> )          |
| U | Gauguancho ( <i>Sphyræna guachancho</i> )            |
| U | Doctorfish ( <i>Acanthurus chirurgus</i> )           |
| U | Blue tang ( <i>Acanthurus coeruleus</i> (blue tang)) |
| U | Scorpionfish ( <i>Scorpaena</i> sp.)                 |
| U | Searobin ( <i>Prionotus</i> sp.)                     |
| U | Peacock flounder ( <i>Bothus lunatus</i> )           |
| U | Lined sole ( <i>Archirus lineatus</i> )              |
| U | Gray triggerfish ( <i>Balistes capricus</i> )        |
| U | Queen triggerfish ( <i>Balistes vetula</i> )         |
| U | Black durgon ( <i>Melichthys niger</i> )             |
| U | Planehead filefish ( <i>Monacanthus hispidus</i> )   |
| U | Scrawled cowfish ( <i>Lactophrys quadricornis</i> )  |
| U | Trunkfish ( <i>Lactophrys rigonus</i> )              |
| U | Bandtail puffer ( <i>Sphoeroides Spengleri</i> )     |
| U | Burrfish ( <i>Chilomycterus</i> sp.)                 |
| U | Swimming crab ( <i>Portunus</i> sp.)                 |
| U | Squid (unidentified squid)                           |
| U | Octopus (unidentified octopus)                       |

Source: Berkeley (1984)

## APPENDIX D C

### Miami-Dade County Existing Regulatory and Coastal Improvement Programs

Miami-Dade County departments undertake or regulate activities that may potentially affect estuarine and coastal water quality. The Public Works Department issues drainage and paving permits for projects that impact public right-of-way and maintains the Secondary Canal System. The Planning Department reviews site plans and subdivision plats. The County's Development Impact Committee reviews all applications for proposed developments that have Countywide Impacts or are considered to be of countywide significance. This Committee makes recommendations to the Board of County Commissioners. These often include conditions to minimize any negative environmental impacts of a proposed project. The Shoreline Development Review Committee examines all new projects and improvements to existing developments except for single-family homes and duplexes that are located along the Biscayne Bay area, in both incorporated and unincorporated areas.

The Department of Environmental Resources Management (DERM) regulates all activities directly impacting the embayments and their tributaries, including dredge and fill, surface water discharge, stormwater outfalls, removal or trimming of mangroves, and enforcement of County, State and Federal Regulations relating to flood criteria and coastal construction.

DERM also carries out routine monitoring and enforcement activities throughout the Coastal Area. Under the Bay Restoration and Enhancement Program, DERM administers several projects that directly affect coastal and estuarine waters. These include the placement of riprap and mangrove planters, construction of artificial reefs, and demonstration projects on additional measures to improve coastal systems.

As part of the ongoing Bay Restoration and Enhancement effort, DERM is working with the South Florida Water Management District, the agency charged with administration of the Surface Water Improvement and Management (SWIM) Act for south Florida, continue and improve Bay Restoration and Enhancement activities. State monies appropriated pursuant to this Act are being used to eliminate or improve stormwater outfalls, to maintain water quality monitoring and to improve the level of pollution control enforcement in the Miami River, Little River and Biscayne Bay.

The South Florida Water Management District is also the principal agency with responsibility for the quantity, quality and timing of freshwater deliveries to the estuarine and coastal embayments in Dade County. The water management system is discussed in detail in the Conservation, Aquifer Recharge and Drainage Element.

The South Florida Regional Planning Council has limited control over land development through reviews of local comprehensive plans and developments of regional impacts (DRI). The DRI process examines the potential of regional impacts of large developments that may impact significant regional resources such as the Biscayne Bay Aquatic Preserve; however, most provisions in state law have been repealed as of 2018. The Regional Planning Council can stipulate conditions on the development order issued by the local government to integrate potentially negative impacts. The Department of Environmental Regulation (DERM) and Florida Department of Natural Resources (DNR) are the principal State agencies with jurisdiction over environmental quality. DER regulates dredge and fill activity, discharge of pollutants into water



bodies and commercial developments such as marinas that may impact coastal and estuarine waters. DNR reviews activities occurring on submerged land own by the State. DNR is also responsible for managing the Biscayne Bay Aquatic Preserve, State Parks and Preserves and the State Marine Patrol.

The regulatory programs of local, regional and state agencies are completed by the U.S. Army Corps. of Engineers which issues permits for projects impacting coastal waters and wetlands. In their review process, the Corps receives input from the Fish and Wildlife service, National Marine, Fisheries Service and the Environmental Protection Agency. Through the issuance of a General Permit, the Army Corps of Engineers has delegated to DERM the permitting of certain small projects in coastal waters.

Source: Miami-Dade County Comprehensive Development Master Plan, 7-Year 2000 and 2010

## **APPENDIX D**

### **SLOSH Model Hurricane Sea Rise Scenarios**

# SEA LEVEL RISE VIEWER

Bay Harbor Islands, FL, USA

VIEW BY SCENARIO

VIEW BY YEAR

7

2100 : 6.00ft

2050 : 4.10ft

2050 : 2.50ft

2040 : 1.41ft

2020 : 0.62ft

Extreme

High

Intermediate  
High

Intermediate

Intermediate  
Low

MIAMI BEACH, FL  
FOR INTERMEDIATE HIGH SCENARIO

## SCENARIOS

Scenario Location

Wave Depth

Low-lying Areas

Areas Not Mapped

Leveed Areas









# SEA LEVEL RISE VIEWER

Bay Harbor Islands, FL, USA

VIEW BY: **Scenario**

VIEW BY: YEAR

2100 : 6.00ft

2080 : 4.10ft

2060 : 2.56ft

2040 : 1.41ft

2020 : 0.62ft

Extreme

High

Intermediate  
High

Intermediate

Intermediate  
Low

**MIAMI BEACH, FL**  
FOR INTERMEDIATE HIGH SCENARIO

## SCENARIOS

Scenario Location

Wave Depth

Low-lying Areas

Area Not Mapped

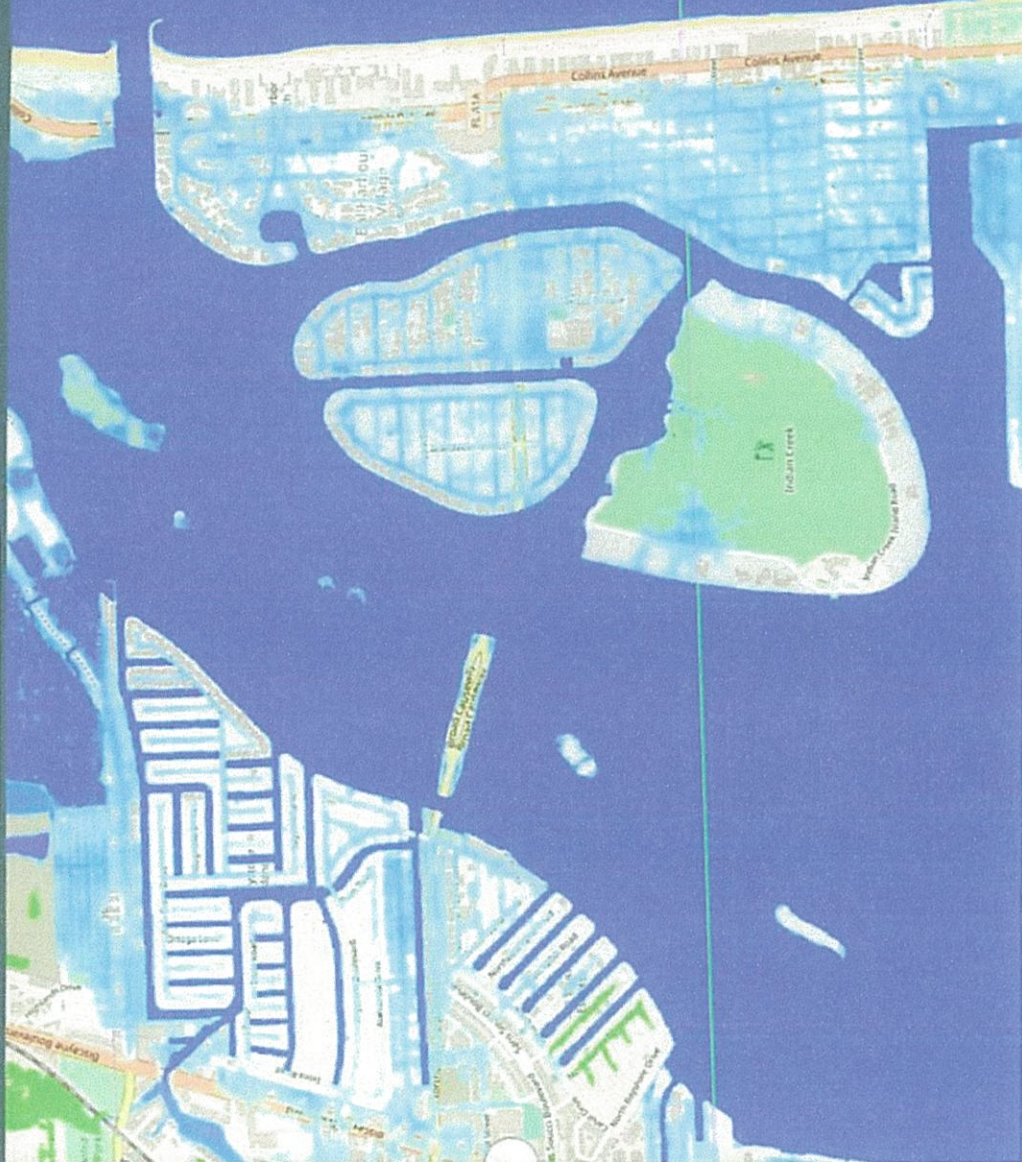
Leveed Areas





# SEA LEVEL RISE VIEWER

Bay Harbor Islands, FL, USA



MIAMI BEACH, FL  
FOR INTERMEDIATE HIGH SCENARIO

## **APPENDIX E**

### **Minimum Criteria Requirements Chapter 9J-5 And Consistency of the Local Plan With the State Comprehensive Plan**

#### **9J-5.012(2). ~~COASTAL MANAGEMENT DATA AND ANALYSIS REQUIREMENTS~~**

- 9J-5.012(2) (a). ~~Existing land uses in the coastal area is discussed in the Future Land Use Element. See discussion on "Land Use Inventory and Analysis," pp. 1-3.~~
- 9J-5.012(2) (b). ~~See discussion on "Natural Resources of the Coastal Area," pp. 3-6.~~
- 9J-5.012(2) (c). ~~Not applicable. There are no historic resources in the Town of Bay Harbor Islands.~~
- 9J-5.012(2) (d). ~~See discussion on "Water Quality," pp. 6-8.~~
- 9J-5.012(2) (e) (1). ~~See discussion on "Hurricane Evacuation," p. 9.~~
- 9J-5.012(2) (e) (2). ~~See discussion on "Post-disaster Redevelopment," p. 9.~~
- 9J-5.012(2) (e) (3). ~~See discussion on p. 9.~~
- 9J-5.012(2) (f). ~~Not applicable. There are no beaches and dune systems in the Town.~~
- 9J-5.012(2) (g). ~~See discussion on "Public Access," pp. 10-11.~~
- 9J-5.012(2) (h). ~~See discussion on "Coastal Area Infrastructure," p. 10.~~

#### **9J-5.012 (3) ~~REQUIREMENTS FOR COASTAL MANAGEMENT GOALS, OBJECTIVES AND POLICIES.~~**

##### **9J-5.012 (3) (a). ~~See Goal Statement.~~**

- 9J-5.012 (3) (b) (1). ~~Objective 1.~~
- 9J-5.012 (3) (b) (2). ~~Objective 1.~~
- 9J-5.012 (3) (b) (3). ~~Objective 2.~~
- 9J-5.012 (3) (b) (4). ~~Not applicable. The Town does not have beaches or dunes.~~
- 9J-5.012 (3) (b) (5). ~~Objective 6, Policy 6.3.~~
- 9J-5.012 (3) (b) (6). ~~Objective 3, Policy 3.7.~~
- 9J-5.012 (3) (b) (7). ~~Objective 3.~~
- 9J-5.012 (3) (b) (8). ~~Objective 5.~~
- 9J-5.012 (3) (b) (9). ~~Objective 2.~~
- 9J-5.012 (3) (b) (10). ~~Not applicable. There are no historic resources in the Town.~~
- 9J-5.012 (3) (b) (11). ~~See Objectives under Traffic Circulation Element and Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Aquifer Recharge Element.~~
- 9J-5.012 (3) (c) (1). ~~Policies 1.3, 1.9, 1.10.~~
- 9J-5.012 (3) (c) (2). ~~Policies 1.4, 1.7, 1.8.~~
- 9J-5.012 (3) (c) (3). ~~Policies 4.1, 4.2, 4.3, 4.4.~~
- 9J-5.012 (3) (c) (4). ~~Policies 3.1, 3.2, 3.3, 3.4.~~
- 9J-5.012 (3) (c) (5). ~~Policies 4.1, 5.1, 5.2, 5.4, 5.5.~~
- 9J-5.012 (3) (c) (6). ~~Policies 4.3, 5.3.~~
- 9J-5.012 (3) (c) (7). ~~Policies 3.6, 3.7.~~
- 9J-5.012 (3) (c) (8). ~~Policies 2.1, 2.2. There are no existing marinas and none are proposed in the Town.~~
- 9J-5.012 (3) (c) (9). ~~Policies 2.1, 2.2, 2.3. Public access to Biscayne Bay from the Town is minimal. See discussion on "Public Access," p. 10.~~

~~9J-5.012 (3) (c) (10). Not applicable. There are no historic resources in the Town.~~  
~~9J-5.012 (3) (c) (11). Not applicable. There are no deepwater ports in the Town.~~  
~~9J-5.012 (3) (c) (12). Policy 4.4. Also see policies under Traffic Circulation Element and Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Aquifer Recharge Element.~~  
~~9J-5.012 (3) (c) (13). Policy 1.5.~~  
~~9J-5.012 (3) (c) (14). Policy 1.6.~~

**Note:** Rule 9J-5 was repealed by the Florida Legislature. All required Comprehensive Plan content requirements were transferred to Chapter 163, Florida Statutes.







## **7 – RECREATION AND OPEN SPACE ELEMENT**

# **RECREATION AND OPEN SPACE ELEMENT**

## **TABLE OF CONTENTS**

|                                                    | PAGE                    |
|----------------------------------------------------|-------------------------|
| INTRODUCTION                                       | 1                       |
| I. INVENTORY                                       |                         |
| A. Existing Recreation Facilities                  | 1                       |
| B. Existing Open Space                             | <del>7</del> <u>10</u>  |
| II. ANALYSIS                                       |                         |
| A. Population Growth and Future Residents          | <del>44</del> <u>13</u> |
| B. Recreation and Open Space Standards             | <del>42</del> <u>14</u> |
| C. Future Recreation Demand                        | <del>44</del> <u>17</u> |
| III. THE PLAN FOR RECREATION AND OPEN SPACE        |                         |
| A. The Plan for Parks & Recreation Facilities      | <del>48</del> <u>22</u> |
| B. The Plan for Open Space                         | <del>48</del> <u>22</u> |
| IV. GOALS, OBJECTIVES, AND POLICIES                | <del>24</del> <u>25</u> |
| APPENDIX: <del>Minimum Criteria Requirements</del> |                         |

# RECREATION AND OPEN SPACE ELEMENT

## LIST OF FIGURES

| <u>Figure</u> | <u>Title</u>                                       | <u>Page</u>               |
|---------------|----------------------------------------------------|---------------------------|
| R-1           | Existing Recreational Sites<br>& Facilities        | 4- <u>6</u>               |
| R-2           | Existing Open Space                                | <del>10</del> - <u>12</u> |
| R-3           | Future <u>Open Space</u> / Recreational Uses       | <del>19</del> - <u>23</u> |
| R-4           | Recreation Opportunities within<br>One-mile radius | <del>20</del> - <u>24</u> |

# RECREATION AND OPEN SPACE ELEMENT

## LIST OF TABLES

| <u>Table</u>   | <u>Title</u>                                                                                                                          | <u>Page</u>   |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------|---------------|
| R-1            | Recreation Opportunities in Bay Harbor Islands                                                                                        | <u>3-5</u>    |
| R-2            | Recreation Opportunities within One <u>Six Miles</u> of Bay Harbor Islands                                                            | <u>5, 6-7</u> |
| R-3            | Inventory of existing Open Space in Town of Bay Harbor Islands: <del>1987</del> <u>2020</u>                                           | <u>9-11</u>   |
| R-4            | <u>Actual &amp; Projected Population 1993, 2000 1970 - 2040</u>                                                                       | <u>44-13</u>  |
| R-5            | Population Composition by Age Group, <del>1970-1980</del> <u>2000 - 2020</u>                                                          | <u>44-13</u>  |
| R-6            | Facility-User Relationship for <u>Town Facilities</u>                                                                                 | <u>13</u>     |
| <u>R-7</u>     | Facility-User Relationship for <u>County/State Facilities</u>                                                                         | 15            |
| <del>R-7</del> | <del>Town Facilities vs. County Standards, 1987</del>                                                                                 | <del>45</del> |
| R-8            | Recreation Facilities Supplied, Demand and Need for Future Recreation Facilities by <del>1993</del> and <del>2000-2020-and 2030</del> | <u>16-19</u>  |
| <del>R-9</del> | <del>Facilities Within one Mile vs. County Standards, 1987</del>                                                                      | 47            |

## RECREATION AND OPEN SPACE

The purpose of the Recreation and Open Space Element (ROSE) is to evaluate the Town's recreation and open space opportunities and present possible solutions to evident problems. The first step was to assemble pertinent information regarding existing recreation sites and open spaces available to the public. The next step includes an analysis of current and projected future needs based on recreation demand and availability. Based on the above analysis, the final step was to review possible ways of solving problems uncovered by the findings, to define goals and to recommend the most appropriate actions.

"Recreation" as used in this report includes land, facilities, and programs to help people enjoy their leisure time. Recreation consists of activities or experiences which are carried on voluntarily in leisure time. They are chosen by the participants either for pleasure or to satisfy certain personal needs.

"Open Spaces" as defined in Chapter 9J-5, F.A.C. used in this report means "undeveloped lands suitable for passive recreation or conservation uses". It may be large or small, public or private, permanent or temporary. It may serve multiple uses or almost no use other than to help shape the character or form of urban development.

### I. INVENTORY OF EXISTING SITES AND FACILITIES

#### A. Recreation and Park Facilities

##### 1. Resource-Based and Activity-Based Sites and Facilities

Resource-oriented recreation includes those forms of outdoor recreation that depend largely upon the utilization of natural resources: camping, fishing, boating, and water skiing. Activity-oriented recreation, sometimes called "community" or "municipal" recreation includes areas, facilities, and programs developed within a community for the citizens of that locality. Activity-oriented recreation often involves performing or the witnessing of performances such as athletics, dramatic arts, music, playground activities, etc. For resource-based sites and facilities, it is the physical or natural resources which determine the types and amounts of recreation opportunities. For activity-based sites, past participation is used to determine what opportunities are needed in the future. The distinction between these two types is not clear-cut since many resource-based sites often contain activity-based facilities.

~~Bay Harbor Islands is located on Biscayne Bay and has the surrounding waters and the Bay Harbor Islands Municipal Fishing Pier as its in 2020 does not have any Town-owned resource-based recreational site. Many waterfront landowners have boats for their personal use. As for activity-based sites and facilities, there are a variety of facilities located within the elementary Ruth K. Broad K-8 school area and several Town-owned parks. The school's outdoor recreational area is used by the Town in coordination with the Miami-Dade County School Board. In addition, via an Interlocal Agreement between the parties, certain indoor areas of the school are also available. The Town's Community Center also has facilities.~~

The inventory of sites and facilities in Bay Harbor Islands is summarized in the "Recreation Opportunities in BHI" Table and their locations are as shown in Figure R-1. Also included is a table listing recreation opportunities within a one-mile radius of the Town (see Figure R-4, p.20). This is to indicate that other sites and facilities outside the Town are easily accessible and are

used by Town residents, but Miami-Dade County includes the Town of Bay Harbor Islands in its service area.

#### **A. Existing Town Facilities**

The Town has various recreation and open space sites / facilities located at nine (9) existing sites including: (1) a large mostly Tot Lot park located north of 96<sup>th</sup> Street and W. Broadview Drive on Biscayne Bay; (2) the 92<sup>nd</sup> Street Park; (3) the Officer Scott A. Winters (98<sup>th</sup> Street) Park; (4) the North Passive Park on 103<sup>rd</sup> Street; (5) the South Passive Park on 94<sup>th</sup> Street, (6) the 95<sup>th</sup> Street Park at W. Bay Harbor Drive next to the Community Center, (7) facilities at the Ruth K. Broad Bay Harbor K-8 Center (tennis courts / basketball courts / open track field), and (8) a newly acquired park at Kane Concourse and W. Bay Harbor Drive adjoining the Bay Harbor Waterway. The Town also has indoor facilities at the Community Center on 95<sup>th</sup> Street.

##### 1. Tot Lot at 96<sup>th</sup> Street and West Broadview Drive

The Tot Lot is located on the West Island on the northwest corner of Kane Concourse and West Broadview Drive and is managed by the Town. Facilities include a playground with three shade structures with ADA accessible components, ADA accessible brick paver walkway, picnic pavilion overlooking Biscayne Bay and a water fountain.

##### 2. 92<sup>nd</sup> Street Park

The 92<sup>nd</sup> Street Park is located on the East Island at 92<sup>nd</sup> Street and E. Bay Harbor Drive and is managed by the Town. Facilities include a large open field, ADA walkway, exercise equipment, picnic tables, and a large dog run area.

##### 3. Officer Scott A. Winters Park (98<sup>th</sup> Street Park)

The Officer Scott A. Winters Park, formerly known as 98<sup>th</sup> Street Park, is located on the East Island just west of Bay Harbor Terrace on 98<sup>th</sup> Street and is managed by the Town. Facilities include: a splash pad, two shaded play structures that separate older and younger children areas and include ADA accessible components, a large open field with Field Turf, benches, a covered picnic pavilion, restrooms with changing tables in both, ADA accessible paver walkway, and a dog park with dog run adjacent to the park.

##### 4. North Passive Park

The North Passive Park is located on the West Island between 103<sup>rd</sup> Street and East / West Broadview Drive and is managed by the Town. There are no facilities on the site, it is only an open passive park.

##### 5. South Passive Park

The South Passive Park is located on the West Island between 94<sup>th</sup> Street and East / West Broadview Drive and is managed by the Town. There are no facilities on site, it is only an open passive park.



#### 6. 95<sup>th</sup> Street Park

The 95<sup>th</sup> Street Park is located at 1185 95<sup>th</sup> Street on the East Island north of 95<sup>th</sup> Street, between W. Bay Harbor Drive and the Town's Parking Garage / Community Center and is managed by the Town. This site was formerly used as Town-owned surface parking lot. There are currently mostly passive park facilities with two covered shade structures over concrete pads, a circular walkway and benches. Outdoor concerts / other events are common.

#### 7. Ruth K. Broad Bay Harbor K-8 Center Recreational Facilities

The Ruth K. Broad Bay Harbor K-8 Center is located at 1155 93<sup>rd</sup> Street and is managed by Miami-Dade County Public Schools. The Town has a long-term lease with the School Board to allow residents to utilize the two (2) tennis courts. The Town also has a joint use agreement for the school's play field and basketball courts and specified indoor uses (computer labs / other) during certain times of the day.

#### 8. Kane Concourse / W. Bay Harbor Drive / Bay Harbor Waterway Park

This newly acquired waterfront park located at 9600 W. Bay Harbor Drive north of Kane Concourse, west of W. Bay Harbor Drive, and fronting the Bay Harbor Waterway was acquired in 2020 via a "community benefit" negotiation for a nearby land development project. The site was formerly used as a parking lot for an office complex. In addition to the land donation, funding was provided to help design / build the park. It is envisioned this park will be primarily passive at this time. A dock exists adjoining the seawall. Water related uses are being studied as well such as kayaking / etc.

#### 9. Morris N. Broad Community Center at the Town Parking Garage on 95<sup>th</sup> Street

In 2016 the Town developed the 8,750+/- square foot Morris N. Broad Community Center on the first floor of the Town Parking Garage on 95<sup>th</sup> Street. The facility provides numerous programs for youths and seniors and is open seven (7) days a week.

### **B. Proposed Town Facilities**

Over the last decade the Town aggressively pursued opportunities to acquire and develop several parks in the Town. Due to the lack of undeveloped land and high acquisition costs most are smaller sites with limited facilities. As mentioned above in 2020 the Town acquired a new donated site at 9600 W. Bay Harbor Drive and funding for design / improvements as part of negotiations for a nearby land development project. Conceptual plans are now being prepared. This site will eventually become a public use park with community desired facilities. As stated above, there are opportunities for developers to provide land / monetary contributions in exchange for additional building height in the Business District through a Code that allows developers to provide "public benefits" to the Town in exchange for the height. For all new residential development park impact fees are required. Finally, land can be given to the Town or parks improved in lieu of paying the Town's park impact fees.



### **C. Regional Facilities**

In addition to the Town parks and recreation facilities, Miami-Dade County and the State of Florida operate several large regional parks and natural areas that are within close proximity to the Town and are available for residents to utilize. Listed below are the most significant nearby regional parks and the list includes the park's location, managing entity and the park facilities available.

1. Haulover Beach Park, Marina and Golf Course (Miami-Dade County).

Haulover Park is a regional park located at 10800 Collins Avenue (SR A1A) located approximately 2 miles northeast from the Town. The park is managed by the Miami-Dade Park and Recreation Department. Facilities include a 1.5 mile stretch of guarded beach, a 9-hole (27-par) golf course, a full-service marina, a restaurant, concession stands, tennis courts, shaded picnic facilities, a sundries shop and a kite shop. Activities include swimming, sunning, surfing, fishing, walking, relaxing, boating, golf, tennis and dining.

2. Greynolds Park (Miami-Dade County).

Greynolds Park is a 249-acre regional park located at 17530 West Dixie Highway within the City of North Miami Beach but managed by the Miami-Dade County Park and Recreation Department. Greynolds Park is approximately 6 miles from the Town. Park facilities include a nature center and trails, a renowned golf course, volleyball courts, a relatively intact hardwood hammock and mangrove forest, picnic tables, camping facilities, parking and restrooms. The park is home to several annual festivals including the Greynolds Park "Love-In" and the "Bluegrass Music Festival". Activities include eco-adventure tours, hiking, camping, playing golf, canoeing and kayaking, and fishing.

3. East Greynolds Park (Miami-Dade County).

East Greynolds Park is approximately 5 miles from Town and is located at 16700 Biscayne Boulevard and is managed by the Miami-Dade County Park and Recreation Department. Park facilities include a native hammock and wetlands area; a fishing pier; a canoe launch; parking and restrooms; and a camping area.

4. Oleta River State Park (Florida State Park).

Oleta River State Park is Florida's largest urban park and is located on Biscayne Bay approximately 4 miles north of the Town at 3400 NE 163 Street in the City of North Miami. The park has an extensive array of facilities and activities but is best known for miles of off-road bicycling trails, ranging from novice trails to challenging trails for experienced bicyclists. Along the Oleta River, at the north end of the park, a large stand of mangrove forest exists and preserves native South Florida plants and wildlife. Canoeists and kayakers can paddle the river to explore the natural area. Additional park facilities include a 1,200-foot long sandy beach, saltwater fishing pier, restrooms, concession stands, parking, picnic tables and grills, and nine pavilions that can be rented. Park visitors can also rent kayaks, canoes, and bicycles. The park also offers rustic, air-conditioned cabins and a youth campground for organized groups.

TABLE R-1

## RECREATION OPPORTUNITIES IN BAY HARBOR ISLANDS

| Map Number | Name                                                                     | Location | Management/ Ownership | Acreage              | Gen. Svc. Facilities Provided*                                                               | Age Group Served | Condition |
|------------|--------------------------------------------------------------------------|----------|-----------------------|----------------------|----------------------------------------------------------------------------------------------|------------------|-----------|
| 1          | <u>Ruth K. Broad Bay Harbor K-8 Center Elem. School (Activity-Based)</u> | Block 18 | <u>DC MDSB</u>        | <u>± 1.25</u>        | 2 tennis courts, <u>large open field</u> ball park, playground, running track, fitness track | 1                | F         |
| 2          | <u>92nd Street Park</u>                                                  | Block 16 | <u>Mn BHI</u>         | <u>0.73</u>          | <u>Large open field, vita-course, dog run area, tot-lot</u>                                  | 1                | F         |
| 3          | <u>Officer Scott A. Winters Park</u>                                     | Block 9  | <u>Mn BHI</u>         | <u>0.78</u>          | <u>Large open field, dog run area, splash pad, play-ground</u>                               | 1                | F         |
| 4          | <u>North Passive Park</u>                                                | Lot G    | <u>Mn BHI</u>         | <u>± 0.50</u>        | Open passive park                                                                            | 1                | F         |
| 5          | <u>South Passive Park</u>                                                | Lot H    | <u>Mn BHI</u>         | <u>± 1.00</u>        | <u>Open passive park</u>                                                                     | 1                | F         |
| 2          | <u>BHI MUNICIPAL FISHING PIER (resource-based)</u>                       | Causeway | <u>Mn BHI</u>         |                      | Fishing pier                                                                                 | 4                | F         |
| 3-6        | <u>Tot Lot (activity-based)</u>                                          | Block 29 | <u>Mn BHI</u>         | <u>± 1.20</u>        | Playground facilities                                                                        | 2                | F         |
| 7          | <u>95th St. Park</u>                                                     | Block 20 | <u>BHI</u>            | <u>.22</u>           | <u>Large open field, shade structures, walkways</u>                                          | 1                |           |
| 8          | <u>Morris Broad Community Center</u>                                     | Block 20 | <u>BHI</u>            | <u>8.746 sq. ft.</u> | <u>Youth and senior programs</u>                                                             | 3 / 5            |           |

Notes: Management / Ownership Code: Mn=Municipal BHI - Bay Harbor Islands; MDCSB - Miami-Dade County School Board

Age Groups Served Code: 1=All; 2=Children; 3=Youths; 4=Adults; 5=Seniors; 6=Children and Youths

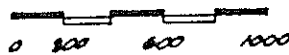
Classification Code: F=Fair; NI=Needs Improvement

\* All facilities provide activity-based recreation.

Source: Department of Parks, Bay Harbor Islands and Joseph Middlebrooks & Associates, Inc., Architects & Planners, 1987 Michael Miller Planning Associates, 2020.

**EXISTING**

N



## EXISTING RECREATIONAL SITES & FACILITIES

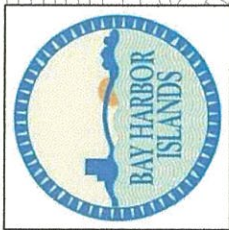
**J** JOSEPH MIDDLEBROOKS  
AND  
ASSOCIATES, P.A.

ARCHITECTS • URBAN PLANNERS  
INTERIOR DESIGNERS • CONSTRUCTION ADMINISTRATORS

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**PROPOSED**

Insert Updated Figure R-1



- TOWN RECREATIONAL SITES AND FACILITIES**
1. Tot Lot at Kane Concourse and West Broadview
  2. 92nd Street Park
  3. Officer Scott A. Winters Park
  4. North Passive Park
  5. South Passive Park
  6. Tennis Court at the Ruth K. Broad Harbor K-8 Center
  7. Morris N. Broad Community Center at the Town Parking Garage on 95th Street



|                                                                                                                                                    |              |               |    |
|----------------------------------------------------------------------------------------------------------------------------------------------------|--------------|---------------|----|
| SHEET NO.<br>1                                                                                                                                     |              | PROJECT<br>00 |    |
| FIGURE R-1<br>EXISTING RECREATIONAL SITES AND FACILITIES                                                                                           |              |               |    |
| PREPARED FOR<br>TOWN OF BAY HARBOR ISLANDS                                                                                                         |              |               |    |
| MICHAEL MILLER PLANNING ASSOCIATES, INC.<br>7522 Miles Rd., Suite B-203<br>Coral Springs, Florida 33067<br>Tel: (954) 751-6508 Fax: (954) 751-7088 |              |               |    |
| Designed<br>MAM                                                                                                                                    | Drawn<br>ACR | Checked<br>CG | BY |
| NO.                                                                                                                                                | DATE         | REVISION      | BY |

**TABLE R-2**  
**RECREATION OPPORTUNITIES WITHIN 6 MILES OF BAY HARBOR ISLANDS**

| <u>Name/Use</u>                                                 | <u>Location</u>                    | <u>Management/<br/>Ownership</u> | <u>Acreage</u> | <u>General Service<br/>&amp; Facilities<br/>Provided</u>                                                                                                                                                                                                          | <u>Age<br/>Group<br/>Served</u> | <u>Classification</u> |
|-----------------------------------------------------------------|------------------------------------|----------------------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-----------------------|
| <u>Haulover<br/>Beach Park<br/>Marina &amp;<br/>Golf Course</u> | <u>10800<br/>Collins<br/>Ave.</u>  | <u>MDC</u>                       | <u>± 232</u>   | <u>1 9-hole golf<br/>course, tot lot,<br/>picnicking areas,<br/>boating &amp; fishing<br/>facilities, including<br/>tennis courts,<br/>beach, boat<br/>ramps, ocean<br/>beach, bicycle<br/>trail, concession<br/>stands, sundries<br/>and kite shop.</u>          | <u>1</u>                        | <u>Regional Park</u>  |
| <u>Greynolds<br/>Park</u>                                       | <u>17530 W.<br/>Dixie Hwy</u>      | <u>MDC</u>                       | <u>± 249</u>   | <u>Nature center &amp;<br/>trails, renowned<br/>gold course,<br/>volleyball courts,<br/>hardwood<br/>hammock and<br/>mangrove forest,<br/>picnic tables,<br/>camping facilities,<br/>parking and<br/>restrooms.</u>                                               | <u>1</u>                        | <u>Regional Park</u>  |
| <u>East<br/>Greynolds<br/>Park</u>                              | <u>16700<br/>Biscayne<br/>Blvd</u> | <u>MDC</u>                       | <u>± 225</u>   | <u>Native hammock<br/>and wetlands<br/>area, fishing pier,<br/>canoe launch,<br/>camping area,<br/>parking and<br/>restrooms.</u>                                                                                                                                 | <u>1</u>                        | <u>Regional Park</u>  |
| <u>Oleta River<br/>State Park</u>                               | <u>3400 NE<br/>163 St</u>          | <u>SF</u>                        | <u>± 930</u>   | <u>Off-road bicycling<br/>trails, mangrove<br/>forest preserves,<br/>canoeing and<br/>kayaking, beach,<br/>fishing pier,<br/>concession<br/>stands, picnic<br/>tables and grills,<br/>pavilions,<br/>equipment rental,<br/>cabins, parking<br/>and restrooms.</u> | <u>1</u>                        | <u>State Park</u>     |

Notes: Management/Ownership Code: SF=State of Florida; MDC=Miami-Dade County  
Age Groups Served Code: 1=All; 2=Children; 3=Youths; 4=Adults; 5=Seniors; 6=Children and Youths  
Source: Michael Miller Planning Associates 2020.



TABLE R-2

## RECREATION OPPORTUNITIES WITHIN 1 MILE OF BAY HARBOR ISLANDS

| Map No. | Name/Use                                                      | Location            | Management/ Ownership | Acreage | General Service & Facilities Provided                                                                                                                    | Age Group Served | Classification    |
|---------|---------------------------------------------------------------|---------------------|-----------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------|
| 53      | HAULOVER BEACH PARK<br>(activity-based; resource-based)       | 10800 Collins Ave.  | DC                    | 177     | 1 9-hole golf course, tot lot, picnicking areas, boating & fishing facilities, including 1 tennis court, beach, 6 boat ramp, ocean beach, bicycle trail. | 4                | Metropolitan Park |
| 54      | 96 ST. PLAYGROUND<br>(activity-based)                         | 96 St. Bay Dr.      | SU                    | —       | 1 Baseball park, 1 basketball & 1 handball court, 1 tot lot, picnic tables, recreation complex                                                           | 6                | Community Park    |
| 55      | SURFSIDE COMMUNITY CENTER<br>(activity-based; resource-based) | 9601 Collins Ave.   | SU                    | 2.00    | 2 Shuffleboard courts, 1 swimming pool, recreation complex, ocean beach.                                                                                 | 5                | Community Park    |
| 56      | SURFSIDE PARK & TOT LOT<br>(activity-based)                   | 88 St. Harding Ave. | SU                    | 0.50    | 1 tot lot                                                                                                                                                | 2                | Municipal Park    |
| 57      | INDIAN CREEK COMMUNITY CENTER                                 | Indian Creek Island | IC                    | —       | N/A                                                                                                                                                      | 4                | Special Area      |

TABLE R-2

## RECREATION OPPORTUNITIES WITHIN 1 MILE OF BAY HARBOR ISLANDS

| MA<br>P<br>No. | Name/Use                                            | Location                                  | Management/Owners<br>hip | Acreag<br>e | General<br>Service &<br>Facilities<br>Provided                                                | Age<br>Group<br>Served | Classificatio<br>n |
|----------------|-----------------------------------------------------|-------------------------------------------|--------------------------|-------------|-----------------------------------------------------------------------------------------------|------------------------|--------------------|
| 124            | STILLWATER PARK<br>(activity-based)                 | Stillwater Dr.<br>85 <sup>th</sup> St.    | MB                       | 1.68        | Recreation Center, tot<br>let, multi-<br>purpose<br>court                                     | 4                      | Community<br>Park  |
| 100<br>0       | INDIAN CREEK<br>(activity-based;<br>resource-based) | Indian<br>Creek<br>Island                 | P                        | 39.5        | 1 Swimming<br>pool, 19-<br>hole golf<br>course, 4<br>tennis<br>courts, 6<br>ship/moorin<br>gs |                        |                    |
| 553            | TENNIS COURTS<br>(activity-based)                   | 9100<br>Collins                           | SU                       | 1.00        | 2 Shuffleboard<br>, 3 tennis<br>courts                                                        | 3,4,5                  | Special Area       |
| 557            | BAY SHORE PARK<br>(resource-based)                  | NE 123<br>St.<br>North<br>Bayshore<br>Dr. | M                        | 1.46        | 1,151 linear<br>feet on bay                                                                   | 4                      | Neighborhood Park  |

Notes: Management/Ownership Code: SU=Surfside; MDC=Dade County; NM=North Miami; NM=North Miami;

Age Groups Served Code: 1=All; 2=Children; 3=Youths; m4=Adults; 5=Seniors; 6=Children and Youths

Condition Code: F=Fair; NI=Needs Improvement

Source: Joseph Middlebrooks & Associates, Inc., Architects & Planners, 1987.

## 2. Recreation for all Age Groups

The Town of Bay Harbor Islands Recreation Department has recognized among different age groups in their preferences for recreational activities, time of facility use and location of facilities. Some parks and facilities are especially designed for older persons, some with pre-schoolers in mind, and still others for all age groups. The "Recreation Opportunities in Bay Harbor Islands" Table indicates the age groups served by each park and facility of the Town.

## 3. Recreation and the Private Sector

While the Town of Bay Harbor Islands has undertaken to provide residents with adequate recreational opportunities, many residents own recreational facilities for private use. Residences located on the waterfront often have their own boat docks, boats, and other water sports facilities. Almost all single-family homes have a private swimming pool, and a few have tennis courts. Almost all new multi-family developments have private facilities (pool / etc.).

#### 4. Recreation for Visitors

Bay Harbor Islands is mainly a private and residential community; therefore, visitors and tourists do not play any major role with regard to land use and recreational requirements.

#### 5. ~~Other Leisure Opportunities~~

~~The public library located at 9304 Collins Avenue, and jointly owned by Bay Harbor Islands, Bal Harbor and Surfside, serves the population with reading and video materials for enjoyment and education, and presents many programs over the course of the year.~~

#### B. Existing Open Space

The different forms of open space are inventoried and classified by their functions: a) pastoral; b) utilitarian; and c) corridor. Some open spaces inventoried serve more than one function. The "Inventory of Existing Open Spaces" Table lists existing open spaces by functional classification, and provides additional information on location, size, uses and ownership.

##### 1. Pastoral Open Space

This classification includes areas established for the protection and conservation of the site's natural resources and/or aesthetic based beauty. Pastoral lands provide resource-based and activity-based recreation. Federal, state, and regional parks, forests, and historic sites are examples of pastoral lands. There are no pastoral spaces in Bay Harbor Islands.

##### 2. Utilitarian Open Space

Areas not suitable for development due to the existence of hazardous conditions are classified under utilitarian open spaces. These areas include floodplains, lakes and rivers, drainage ditches, sinkholes, and airport flight path zones. There are no utilitarian open spaces in Bay Harbor Islands, other than the open water bodies surrounding the Town.

##### 3. Corridor Open Space

Corridors through which people travel need not only be safe and efficient but can be aesthetically pleasing as well. They can provide aesthetic enjoyment and leisure if properly designed to take advantage of the site's natural resource. Examples of these lands are the Kane Concourse and Broad Causeway route and the Bay Harbor Waterway.

##### 4. Other Types of Open Space

Open space can help shape urban form through the use of greenbelts, gardens, plazas and others. It may also be used to differentiate or integrate different types of land uses. Open space can be designed to provide focus, interest or variation in an otherwise monotonous pattern of development. Location and function of open spaces in the Town are summarized in Table R-3.

**TABLE R-3  
INVENTORY OF EXISTING OPEN SPACE  
IN TOWN OF BAY HARBOR ISLANDS: ~~1987~~ 2020**

| MAP NUMBER                       | NAME                | LOCATION                     | FUNCTIONS | OWNERSHIP         |
|----------------------------------|---------------------|------------------------------|-----------|-------------------|
| <u>CORRIDOR</u>                  |                     |                              |           |                   |
| 1                                | KANE CONCOURSE      | <del>96 St.</del>            | C1, C2    | State             |
| 2                                | BROAD CAUSEWAY      |                              | C2        | Municipal         |
| 3                                | BAY HARBOR WATERWAY |                              | C2        | Municipal/Private |
| <u>OTHER TYPES OF OPEN SPACE</u> |                     |                              |           |                   |
| 4                                | OPEN SPACE          | Tract G                      | C1        | Municipal         |
| 5                                | OPEN SPACE          | Tract H                      | C1        | Municipal         |
| 6                                | OPEN SPACE          | Block 29 near Broad Causeway | C1 & C2   | Municipal         |
| 7                                | OPEN SPACE          | Broad Causeway               | C1, C2    | Municipal         |

Key: C1 = Ecological/Environmental/Aesthetic

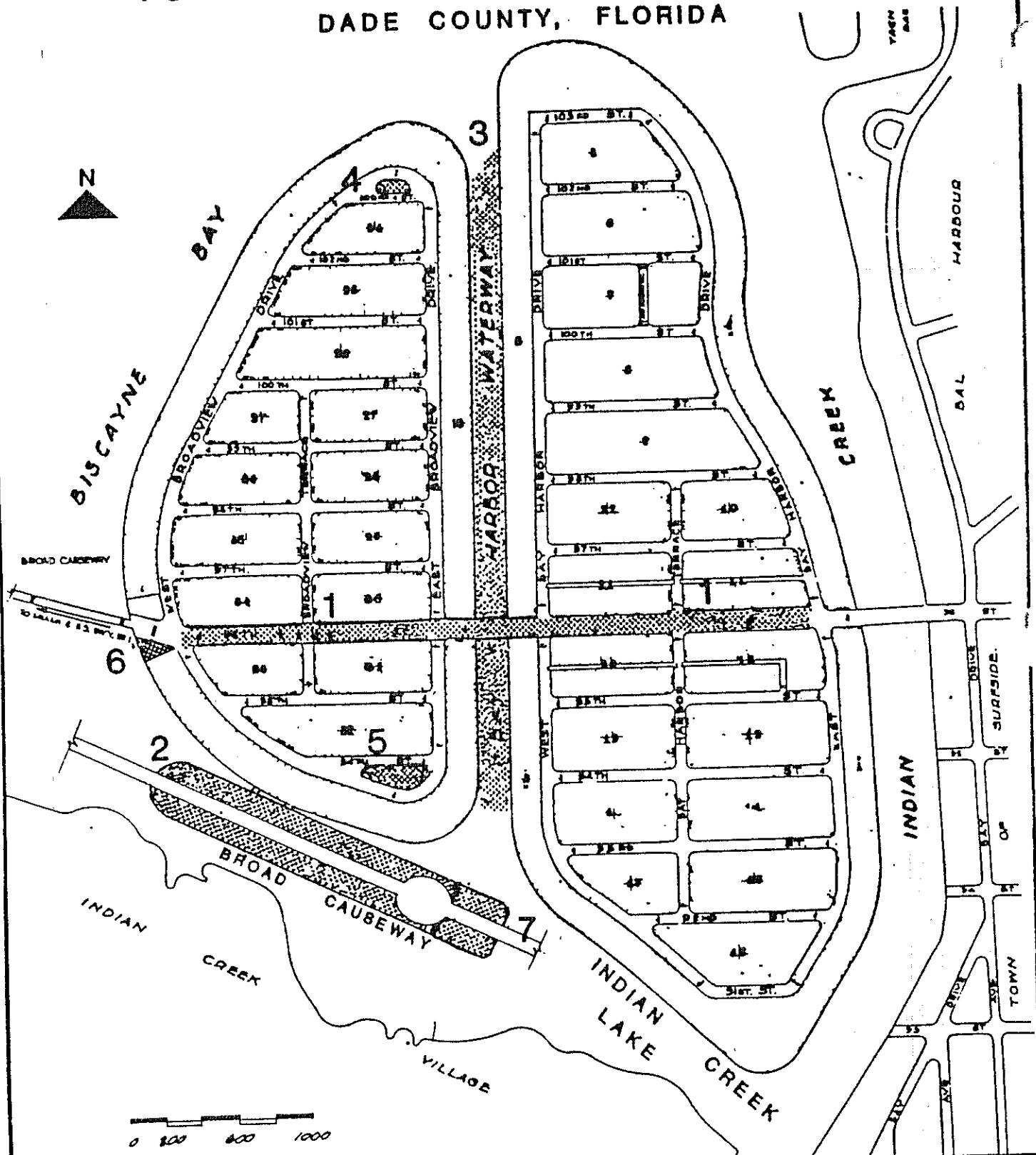
C2 = Public Health and Safety

Source: ~~Joseph Middlebrooks & Associates, Inc. Architects & Planners, 1987~~ Michael Miller Planning Associates, 2020.

**EXISTING**

# TOWN OF BAY HARBOR ISLANDS

## DADE COUNTY, FLORIDA



"Preparation of this Map or Document was aided through financial assistance received from the State of Florida under the Local Government Comprehensive Planning Assistance Program authorized by Chapter 86-167, Laws of Florida and administered by the Florida Department of Community Affairs."

### EXISTING OPEN SPACE

Figure R-2

**JOSEPH MIDDLEBROOKS AND ASSOCIATES, P.A.**  
 ARCHITECTS - URBAN PLANNERS  
 INTERIOR DESIGNERS - CONSTRUCTION ADMINISTRATORS

6440 S.W. 62ND AVENUE, SOUTH MIAMI, FLORIDA 33143 (305) 661-7344

**PROPOSED**

Insert Updated Figure R-2





| EXISTING OPEN SPACE       |                     | LOCATION                     | FUNCTIONS | OWNERSHIP |
|---------------------------|---------------------|------------------------------|-----------|-----------|
| MAP NUMBER                | NAME                |                              |           |           |
| 1-                        | Kane Concourse      |                              | C1, C2    | State     |
| 2-                        | Broad Causeway      |                              | C2        | Municipal |
| 3-                        | Bay Harbor Waterway |                              | C2        | Municipal |
| OTHER TYPES OF OPEN SPACE |                     |                              |           |           |
| 4-                        | Open Space          | Tract G                      | C1        | Municipal |
| 5-                        | Open Space          | Tract H                      | C1        | Municipal |
| 6-                        | Open Space          | Block 29 near Broad Causeway | C1 & C2   | Municipal |
| 7-                        | Open Space          | Broad Causeway               | C1, C2    | Municipal |

| NO. | DATE | REVISION | BY |
|-----|------|----------|----|
|     |      |          |    |
|     |      |          |    |
|     |      |          |    |

Designed: MM  
Drawn: ACR  
Checked: CB

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Miami, Florida 33187  
Tel: (854) 757-0909 Fax: (854) 757-7099

PREPARED FOR  
TOWN OF BAY HARBOR ISLANDS

FIGURE R-2  
EXISTING OPEN SPACE

SCALE

PROJECT

SHEET NO.  
1 / 1

## II. ANALYSIS

### A. Population Growth and Future Residents

The composition by age and sex of the population of Bay Harbor Islands for the years 1970 and 1980 through 2020 are as shown in the tables below (US Census data). The population composition for the years 1993 and 2000 through 2040 is not expected to be much somewhat different from the existing population composition, as the average age in the Town is gradually becoming younger than in years past.

**TABLE R-4**  
**ACTUAL & PROJECTED POPULATION**  
**TOWN OF BAY HARBOR ISLANDS: 1993, 2000-1970 - 2040**

| <u>Year</u>         | <u>Population</u> |
|---------------------|-------------------|
| 1970                | 4,619             |
| 1980                | 4,869             |
| 1987                | 4,892             |
| 1993 (proj.)        | 4,914             |
| 1990 (actual)       | 4,703             |
| 2000 (proj. actual) | 4,938 5,146       |
| 2010 (actual)       | 5,628             |
| 2020 (actual)       | 6,091             |
| 2030 (proj.)        | 6,250             |
| 2040 (proj.)        | 6,448             |

Source: Joseph Middlebrooks & Associates, Inc., Architects & Planners, 1988. U.S. Census Bureau 1990, 2000, 2010 and 2020; BEBR; Florida Housing Data Clearinghouse.

**TABLE R-5**  
**POPULATION COMPOSITION BY AGE GROUP**  
**TOWN OF BAY HARBOR ISLANDS: 1970-2000 & 1980-2020**

| <u>Age Group</u> | <u>1970-2000</u> |                | <u>1980-2020</u> |                |
|------------------|------------------|----------------|------------------|----------------|
|                  | <u>Numbers</u>   | <u>Percent</u> | <u>Numbers</u>   | <u>Percent</u> |
| 0-9              | 499 575          | 4.3 11.2       | 405 1,194        | 2.4 19.6       |
| 10-19            | 556 392          | 42.0 7.7       | 233 646          | 4.8 10.6       |
| 20-64            | 4128 2,981       | 24.4 57.9      | 4743 3,277       | 35.8 53.8      |
| 65+              | 2736 1198        | 59.3 23.2      | 2788 974         | 57.3 16.0      |
| TOTAL            | 4619 5,146       | 100.0          | 4869 6,091       | 100.0          |

Source: 2000, 2010, 2020 U.S. Bureau of Census, BEBR, American Community Survey Joseph Middlebrooks & Associates, Inc., Architects & Planners, 1987.

~~The age group 65 and over will still be the predominant age group. The adult category (20-64) is slightly increasing but this is not expected to affect recreational demand considerably, since there will only be a slight increase in population.~~

The population of the Town has changed considerably since 1990 and has not remained stable as the original element indicated in 1989. The 2020 BEBR reported that the Town had 6,091 residents which was an increase of 22.8% over 1990 US Census total of 4,703. In addition, the composition of the Town's population has changed significantly. As reported previously in this report, residents over 65 years of age declined between 1990 and 2020 by 53.8% and represents only 16% of the total population while school-aged children have increased by 68% since 1990 and now represent 19.6% of the Town's population. This shift in the Town's population has also lowered the Town's median age to 41 years of age. In 1970 the median age of the Town's residents was 60.7 years of age. With the earlier population of the Town being primarily retirees and tourist there was little need for active recreation or organized sports activities. The early residents relied on the beach, passive recreational facilities (swimming pool / golf) and water-based activities to fulfill recreational needs as well as the many recreational facilities that existed in close proximity to the Town. The original design of the Town did not include much park acreage (West Island North & South Passive Parks). Today, with the age of the Town population younger there is a greater need for more active recreation and organized sports activities than in the past. This is a trend being experienced throughout the region.

## B. Recreation and Open Space Standards

Standards have been developed for determining the quantity and design of open space areas and recreational facilities that are provided to the public in large quantity and have comparatively high unit costs. Other areas and facilities do not lend themselves to standardization.

### 1. Recreation Standards

Recreation standards are assumptions that use conditions for recreation facilities and opportunities and are numerical approximations of the number of recreational sites and facilities required to meet the population's needs. They should not be accepted as absolute but adjusted to meet the socio-economic conditions of service areas. Such Level of Service (LOS) standards can be "facility-based" or "land acreage based". The Town's original 1989 element included a "facility-based" LOS due to the lack of vacant land and the high cost of land in the Town. It would be almost impossible to meet the current Miami-Dade "acreage-based" LOS, as substantial lands would need to be acquired – which would not be cost feasible and severely affect the Town's tax base. The original recreation standards for Dade County the Town are as shown in the "Facility-User Relationship" Table (Table R-6) were:

- 1 tennis court for every 2,000 persons, 12-60 years old
- 1 lighted baseball field for every 30,000 persons, 10-40 years old
- 1 open park area for every 10,000 persons, all ages

The "Facility-User Relationship" Table (Table R-6) shows the existing recreational facilities in the Town of Bay Harbor Islands. Miami-Dade County no longer has facility-based standards; therefore, the facility based standards listed are from the National Recreation and Parks Association (NRPA).

## 2. Open Space Standards

The standards developed by the Miami-Dade County Parks & Recreation Department indicate that there should be 4.75 2.75 acres of parks and open space per 1,000 permanent resident population. Of this acreage, 1.25 acres should be in neighborhood parks; 1.5 acres in community parks; and 1.75 acres in mini-parks. The remaining 0.25 acres per 1,000 population would go into specialized recreation areas such as beaches, nature preserves, tennis center complexes and, wayside park. Based on the above permanent resident population, about 16.5 acres of land would need to be acquired, developed and operated (population has increased to 6,091 in 2020). At present the Town has about 5.63 acres of parks and open space (NIC Causeway Island). With the cost of land over \$1 million per inland platted lot (75' X 125') it would be cost prohibitive to attempt to acquire that much additional land in the Town, not to mention the operational costs and loss of taxable real estate. Therefore, the Town recognizes but cannot comply with the Miami-Dade County standard, but rather uses its previously adopted "facility-based" standards. The Town has had to be creative to acquire / develop park lands.

**TABLE R-6**  
**FACILITY-USER RELATIONSHIP FOR SELECTED TOWN FACILITIES**

| <u>Facility</u>               | <u>Primary Age Group Served</u> | <u>NRPA Standard</u> | <u>Town Provided</u> | <u>Deficient</u> | <u>Surplus</u> |
|-------------------------------|---------------------------------|----------------------|----------------------|------------------|----------------|
| <u>Tennis</u>                 | <u>12-60 years</u>              | <u>1 per 2,000</u>   | <u>2</u>             | <u>0.8</u>       |                |
| <u>Tot Lot</u>                | <u>3-12 years</u>               | <u>N/A</u>           | <u>2</u>             |                  | <u>2</u>       |
| <u>Lighted Baseball Field</u> | <u>10-40 years</u>              | <u>1 per 30,000</u>  | <u>0</u>             | <u>0.2</u>       |                |
| <u>Dog Run Area</u>           | <u>All</u>                      | <u>N/A</u>           | <u>2</u>             |                  | <u>2</u>       |
| <u>Vita-course</u>            | <u>12-60 years</u>              | <u>N/A</u>           | <u>1</u>             |                  | <u>1</u>       |
| <u>Open Park Area</u>         | <u>All</u>                      | <u>1 per 10,000</u>  | <u>5</u>             |                  | <u>4.4</u>     |

Source: Michael Miller Planning Associates, 2020; Town of Bay Harbor Islands, 2020

**TABLE R-7**  
**FACILITY-USER RELATIONSHIP FOR SELECTED COUNTY/STATE FACILITIES**

| <u>Facility</u>                                             | <u>Primary Age Group Served</u> | <u>NRPA Standard</u> | <u>Provided</u> | <u>Deficient</u> | <u>Surplus</u> |
|-------------------------------------------------------------|---------------------------------|----------------------|-----------------|------------------|----------------|
| <b><u>COUNTY (within 6 miles of Bay Harbor Islands)</u></b> |                                 |                      |                 |                  |                |
| <u>Tennis</u>                                               | <u>12-60 years</u>              | <u>1 per 2,000</u>   | <u>6</u>        |                  | <u>√</u>       |
| <u>Tot Lot</u>                                              | <u>3-12 years</u>               | <u>N/A</u>           | <u>1</u>        |                  | <u>√</u>       |
| <u>Golf Course</u>                                          | <u>12-60 years</u>              | <u>1 per 25,000</u>  | <u>2</u>        |                  | <u>√</u>       |
| <u>Picnic Area</u>                                          | <u>All</u>                      | <u>N/A</u>           | <u>2</u>        |                  | <u>√</u>       |
| <u>Boating / Canoeing</u>                                   | <u>12-60 years</u>              | <u>N/A</u>           | <u>2</u>        |                  | <u>√</u>       |

|                              |                    |                     |          |          |
|------------------------------|--------------------|---------------------|----------|----------|
| <u>Fishing Area</u>          | <u>All</u>         | <u>N/A</u>          | <u>2</u> | <u>√</u> |
| <u>Beach Area</u>            | <u>All</u>         | <u>N/A</u>          | <u>1</u> | <u>√</u> |
| <u>Bicycle/Nature Trails</u> | <u>12-60 years</u> | <u>1 per Region</u> | <u>3</u> | <u>√</u> |
| <u>Camping Area</u>          | <u>All</u>         | <u>N/A</u>          | <u>2</u> | <u>√</u> |

**STATE (within 6 miles of Bay Harbor Islands)**

|                              |                    |                     |          |          |
|------------------------------|--------------------|---------------------|----------|----------|
| <u>Picnic Area</u>           | <u>All</u>         | <u>N/A</u>          | <u>1</u> | <u>√</u> |
| <u>Boating / Canoeing</u>    | <u>12-60 years</u> | <u>N/A</u>          | <u>1</u> | <u>√</u> |
| <u>Fishing Area</u>          | <u>All</u>         | <u>N/A</u>          | <u>1</u> | <u>√</u> |
| <u>Bicycle/Nature Trails</u> | <u>12-60 years</u> | <u>1 per Region</u> | <u>1</u> | <u>√</u> |
| <u>Camping Area</u>          | <u>All</u>         | <u>N/A</u>          | <u>1</u> | <u>√</u> |

Source: Michael Miller Planning Associates, 2017; Town of Bay Harbor Islands, 2017

TABLE R-6  
FACILITY-USER RELATIONSHIP  
FOR SELECTED FACILITIES

| <u>FACILITY</u>                | <u>PRIMARY AGE GROUP SERVED</u> | <u>POPULATION OF AGE GROUP SERVED</u> |
|--------------------------------|---------------------------------|---------------------------------------|
| Tennis                         | 12-60 years                     | 4,000                                 |
| Light Baseball field           | 10-40 years                     | 6,000                                 |
| Shuffleboard Court             | Over 60 years                   | 1,000                                 |
| Basketball Court               | 12-19 years                     | 5,000                                 |
| Swimming Pool<br>1,800 sq. ft. | 6-12 years                      | 1,000                                 |
| Tot Lot                        | 3-12 years                      | 500                                   |
| 18-hole Golf Course            | All                             | 50,000                                |
| Picnic Area 1-acre             | All                             | 6,000                                 |

Source: Town of Bay Harbor Islands, 1987

### C. Future Recreation Demand

The future recreation demand was calculated by applying the recreation standards in Table R-6 to the projected populations for ~~1993~~ 2020, 2030 and ~~2000~~ 2040 as indicated in Table R-4. Subtracting the number of existing facilities from the existing and projected demands gives the existing need, which is unmet, and projected needs. ~~Tables R-7 and R-8 give supply, demand, and needs data for several types of recreation facilities in Dade County to the year 2000. Table R-6 shows the supply of recreation facilities provided within the Town and Table R-7 shows recreation facilities provided by the County and State within 6 miles of the Town.~~

From Table R-8, it is seen that the Town of Bay Harbor Islands is deficient in the provision of some recreational facilities. Where is physically impossible to achieve these requirements, some trade-off is acceptable. Accessibility to other parks would suffice the recreational needs of the community. For example, within a ~~one~~ six-mile radius, the Town of Bay Harbor Islands also has access to a Miami-Dade County parks and adjacent municipal as well as State parks as shown in ~~Table~~-Figure R-3.

~~Analysis of existing facilities within one mile of the Town shows that recreational facilities are more than adequate when compared to county standards (Table R-9). These facilities can also meet the projected demand for the years 1993-2000.~~

Again, the Town does not and cannot meet the current Miami-Dade County LOS (2.75 acres per 1,000 permanent residents = 16.5 acres), and with the high cost of land, it would be cost prohibitive to attempt to acquire that much land. Therefore, the facility-based standards will continue to be used. Since 2000 the Town has increased acreage used for parks and open space from about 3 acres to about 5.6 acres by acquiring sites and using portions of under-utilized Town parking lot areas. In addition, while few of the older original multi-family complexes had any recreational facilities, almost all new complexes have some form of recreational facilities, such as swimming pools, sun decks, exercise rooms and similar facilities. As land areas are so small often these facilities are located on rooftops or inside the buildings.

TABLE R-7

## TOWN FACILITIES VS. COUNTY STANDARDS, 1987

| FACILITY                        | STANDARD | PROVIDED | ADEQUATE | DEFICIENT | SURPLUS |
|---------------------------------|----------|----------|----------|-----------|---------|
| Tennis Court                    | 4        | 3        |          |           | X       |
| Lighted Base-<br>ball Field     | 4        | 4        | X        |           |         |
| Shuffleboard<br>Court           | 3        | 0        |          | X         |         |
| Basketball<br>-Courts           | 0        | 0        | X        |           |         |
| Swimming Pool<br>-1,800 sq. ft. | 4        | 0        |          | X         |         |
| Tot Lot                         | 4        | 4        | X        |           |         |
| 18-hole Golf<br>-Course         | 0        | 0        | X        |           |         |
| Picnic Area<br>-1 acre          | 0        | 0        | X        |           |         |
| Fishing Pier                    | NA       | 4        | X        |           |         |

Source: Joseph Middlebrooks & Associates, Inc., Architects & Planners, 1987.

**TABLE R-8**  
**RECREATION FACILITIES SUPPLIED, DEMAND AND NEED FOR**  
**FUTURE RECREATION FACILITIES BY 2020 AND 2030 FOR TOWN**

| <u>TOWN<br/>FACILITIES</u>                  | <u>NRPA<br/>STANDARDS</u> | <u>2020<br/>EXISTING SUPPLY</u> | <u>2020<br/>DEMAND/NEED</u> | <u>2040<br/>DEMAND/NEED</u> |
|---------------------------------------------|---------------------------|---------------------------------|-----------------------------|-----------------------------|
| <u>Tennis<br/>Courts</u>                    | <u>1 per 2,000</u>        | <u>2</u>                        | <u>4/2</u>                  | <u>5/3</u>                  |
| <u>Basketball<br/>Courts</u>                | <u>1 per 5,000</u>        | <u>2</u>                        | <u>2/2</u>                  | <u>2/2</u>                  |
| <u>Shuffleboard<br/>Courts</u>              | <u>N/A</u>                | <u>0</u>                        | <u>=</u>                    | <u>=</u>                    |
| <u>Softball/<br/>Baseball<br/>Diamonds</u>  | <u>1 per 5,000</u>        | <u>0</u>                        | <u>2/2</u>                  | <u>2/2</u>                  |
| <u>Picnic Area</u>                          | <u>N/A</u>                | <u>0</u>                        | <u>=</u>                    | <u>=</u>                    |
| <u>Track &amp;<br/>Field<br/>Facilities</u> | <u>1 per 20,000</u>       | <u>1</u>                        | <u>0/0</u>                  | <u>0/0</u>                  |
| <u>18-Hole<br/>Golf Courses</u>             | <u>1 per 50,000</u>       | <u>0</u>                        | <u>0/0</u>                  | <u>0/0</u>                  |
| <u>Tot Lot</u>                              | <u>N/A</u>                | <u>2</u>                        | <u>=</u>                    | <u>=</u>                    |
| <u>Swimming Pool</u>                        | <u>1 per 20,000</u>       | <u>0</u>                        | <u>0/0</u>                  | <u>0/0</u>                  |

Source: Michael Miller Planning Associates, Inc. 2020

Notes: 1) Facility can be located outside of Town via interlocal agreements.  
2) Tennis Courts / Basketball Courts at RKB via Interlocal Agreement



TABLE R-8  
RECREATION FACILITIES SUPPLIED, DEMAND AND NEED FOR  
FUTURE RECREATION FACILITIES BY 1993 AND 2000 FOR TOWN  
OF BAY HARBOR ISLANDS

|                                   | <u>EXISTING<br/>SUPPLY</u> | <u>1987<br/>DEMAND/NEED</u> | <u>1993<br/>DEMAND/NEED</u> | <u>2000<br/>DEMAND/NEED</u> |
|-----------------------------------|----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Tennis<br>Courts                  | 3                          | 1/0                         | 2/0                         | 2/0                         |
| Basketball<br>Courts              | 0                          | 0/0                         | 0/0                         | 0/0                         |
| Shuffleboard<br>Courts            | 0                          | 3/3                         | 3/3                         | 3/3                         |
| Softball/<br>Baseball<br>Diamonds | 4                          | 1/0                         | 1/0                         | 1/0                         |
| Picnic Area                       | 0                          | 0/0                         | 0/0                         | 0/0                         |
| Track &<br>Field<br>Facilities    | 4                          | 0/0                         | 0/0                         | 0/0                         |
| 18-Hole<br>Golf Courses           | 0                          | 0/0                         | 0/0                         | 0/0                         |
| Tot Lot                           | 4                          | 1/0                         | 1/0                         | 1/0                         |
| Swimming Pool*                    | 0                          | 1/1                         | 1/1                         | 1/1                         |

Source: Joseph Middlebrooks & Associates, Inc. Architects & Planners, 1987

\* Based on the adopted standards, there is a demand for at least one swimming pool. However, the Town had a swimming pool for years and it was not patronized. Private swimming pools which abound in Bay Harbor Islands reduce the demand.

TABLE R-9  
FACILITIES WITHIN ONE MILE  
VS. COUNTY STANDARDS, 1987

| FACILITY                       | STANDARD | PROVIDED | ADEQUATE | DEFICIENT | SURPLUS |
|--------------------------------|----------|----------|----------|-----------|---------|
| Tennis Court                   | 4        | 7        |          |           | X       |
| Lighted<br>Baseball Field      | 4        | 2        |          |           | X       |
| Shuffleboard                   | 3        | 2        |          |           | X       |
| Swimming Pool<br>1,800 sq. ft. | 4        | 4        | X        |           |         |
| Tot Lot                        | 4        | 5        |          |           | X       |
| 18-hole Golf<br>Course         | 0        | 4        |          |           | X       |
| Picnic Area<br>1 acre          | 0        | 2        |          |           | X       |
| Basketball<br>Court            | 0        | 4        |          |           | X       |
| Sand &<br>Shoreline            | 4        | 3        |          |           | X       |
| Boat Ramp                      | 4        | 6        |          |           | X       |

Source: Dade County Parks & Recreation Department, 1984 and Joseph Middlebrooks & Associates, Inc.  
Architects & Planners, 1987.

### III. THE PLAN FOR RECREATION AND OPEN SPACE

#### A. The Plan for Parks and Recreation Facilities

From the analysis of existing and projected needs, it was determined that the Town ~~is deficient in the provision of a basketball court and shuffleboard courts~~ meets the current facility-based LOS. The Town of Bay Harbor Islands, however, does not have any available vacant space for new parks. In the last 20+/- years as the population demographics has changed the Town has been able to acquire various previously developed sites and repurposed them for parks. The Town will have continue to coordinate with the county and adjacent municipalities to provide for a new large-scale community and neighborhood parks of additional recreational facilities that can serve some of the needs of the town residents (baseball / football). The municipality on the other hand, can continue to maintain and implement improvements to existing parks and recreational facilities.

All of the existing parks and recreational facilities within the municipality are easily accessible to the public including the handicapped and the elderly. The Town shall continue to provide barrier-free access to the handicapped, the elderly, and the disadvantaged.

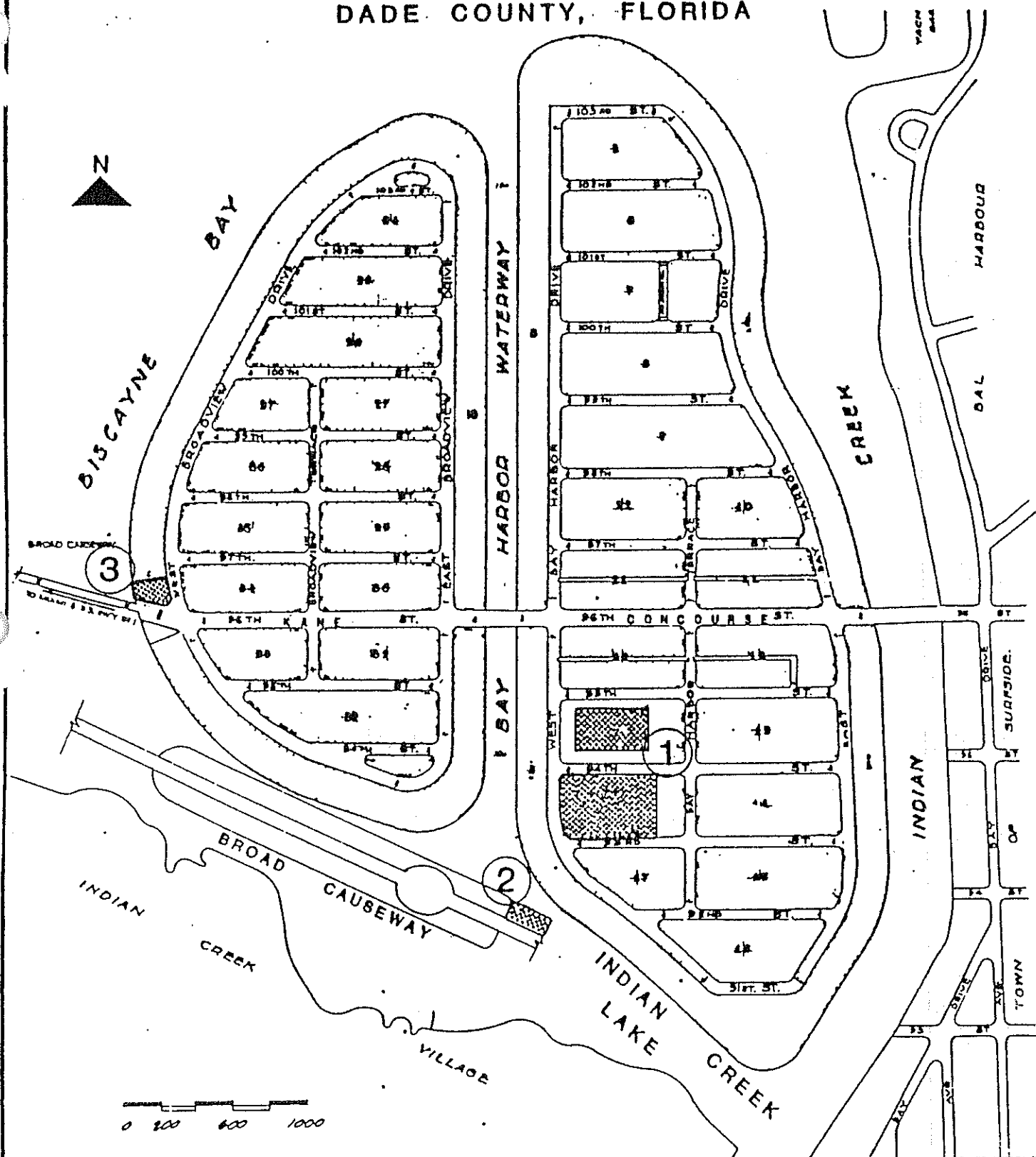
#### B. The Plan for Open Space

Again, as in the plan for parks and recreation facilities, the lack of vacant space in the Town precludes the development of land for open space uses. Maintenance of the corridor open space along Kane Concourse is to be continued. Beautification of existing open spaces on the west island and on the Causeways should be implemented to take full advantage of these limited sites.

**EXISTING**

# TOWN OF BAY HARBOR ISLANDS

## DADE COUNTY, FLORIDA



"Preparation of this Map or Document was aided through financial assistance received from the State of Florida under the Local Government Comprehensive Planning Assistance Program authorized by Chapter 86-167, Laws of Florida and administered by the Florida Department of Community Affairs."

### FUTURE RECREATIONAL USES

Figure 3

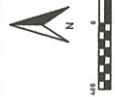
**JOSEPH MIDDLEBROOKS AND ASSOCIATES, P.A.**  
ARCHITECTS - URBAN PLANNERS  
INTERIOR DESIGNERS - CONSTRUCTION ADMINISTRATION

5400 S.W. 87th Avenue, South Miami, Florida 33143 (305) 341-1111

**PROPOSED**



 FUTURE OPEN SPACE  
 FUTURE RECREATIONAL FACILITIES



SHEET NO. 1

PROJECT 00

SCALE

FIGURE R-3  
FUTURE OPEN SPACE AND RECREATIONAL FACILITIES

PREPARED FOR  
TOWN OF BAY HARBOR ISLANDS

MICHAEL MILLER PLANNING ASSOCIATES, INC.  
 7522 Miles Rd., Suite 5-203  
 Fort Lauderdale, FL 33309  
 Tel: (954) 757-5005 Fax: (954) 757-7088

Designed: MM  
 Drawn: ACR  
 Checked: CG

| NO. | DATE | REVISION | BY |
|-----|------|----------|----|
|     |      |          |    |
|     |      |          |    |
|     |      |          |    |
|     |      |          |    |



Figure R-3

Recreation Opportunities within Six-Mile Radius



■ - Town of Bay Harbor Islands

■ - Recreation Opportunity

1. Haulover Beach Park
2. Greynolds Park
3. East Greynolds Park
4. Oleta River State Park

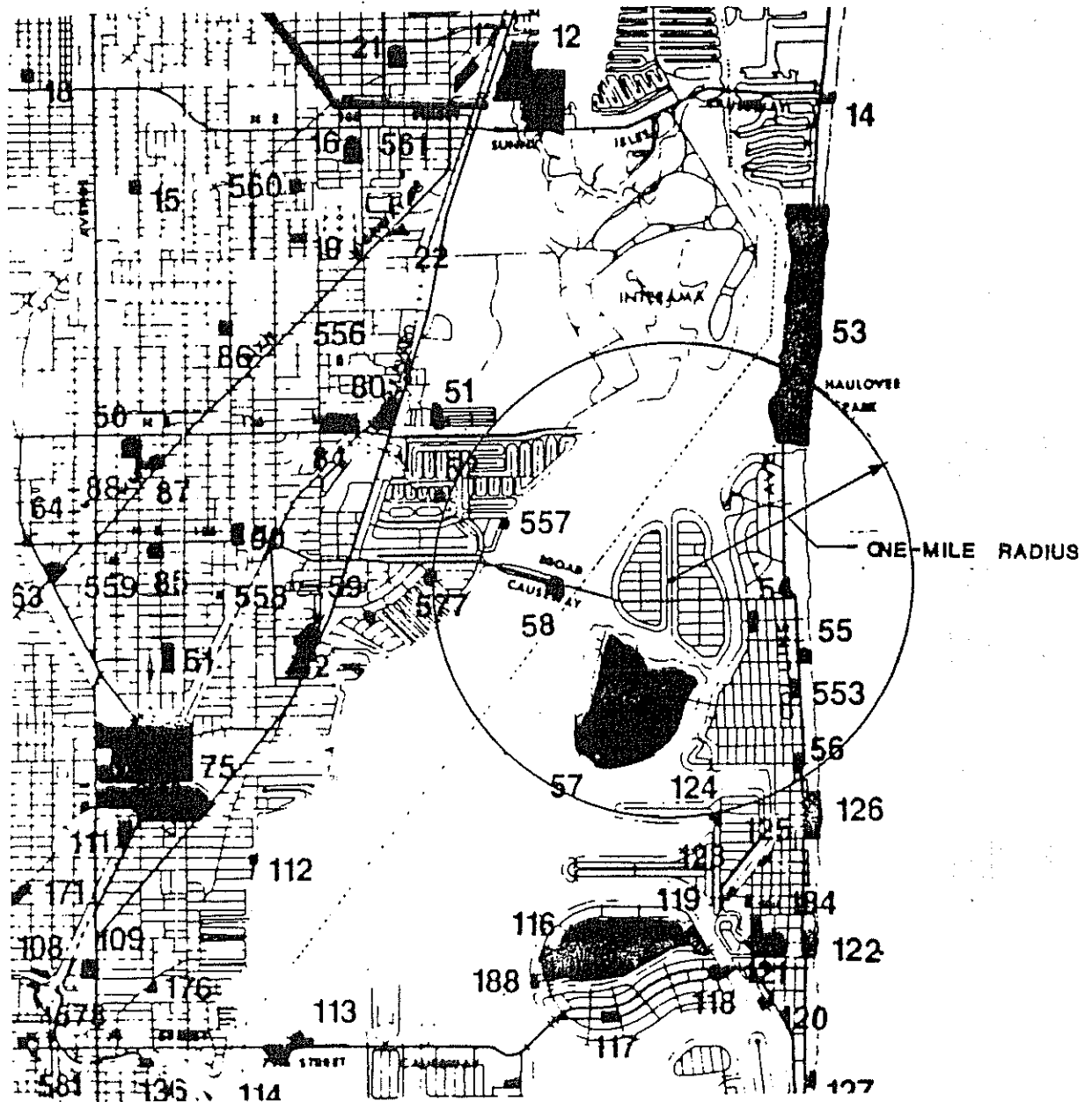


Insert Updated Figure R-4

**EXISTING**

# TOWN OF BAY HARBOR ISLANDS

## DADE COUNTY, FLORIDA



"Preparation of this Map or Document was aided through financial assistance received from the State of Florida under the Local Government Comprehensive Planning Assistance Program authorized by Chapter 86-167, Laws of Florida and administered by the Florida Department of Community Affairs."

RECREATION OPPORTUNITIES  
WITHIN ONE-MILE RADIUS

Figure 4

JOSEPH MIDDLEBROOKS  
AND ASSOCIATES, P.A.  
ARCHITECTS - URBAN PLANNERS  
DESIGNERS - CONSTRUCTION ADMINISTRATION

6400 S.W. 87TH AVENUE, SOUTH MIAMI, FLORIDA 33143 DFB 001 7544

**PROPOSED**

[illegible]

#### IV. GOALS, OBJECTIVES, AND POLICIES

**GOAL:** ENSURE THAT ADEQUATE LEISURE TIME FACILITIES, RECREATIONAL OPPORTUNITIES, AND OPEN SPACE AREAS ARE PROVIDED TO MEET THE HEALTH, SAFETY, AND WELFARE NEEDS OF THE RESIDENTS OF BAY HARBOR ISLANDS.

**OBJECTIVE ROSE-1:** ~~By 1993, Town will continue to~~ establish a program for maintaining the existing system of parks, recreational facilities and open space to better service the population.

**Policy ROSE-1.1:** Preserve and maintain existing parks and recreation facilities through the use of adequate operating budgets and proper management techniques.

**Policy ROSE-1.2:** The following level of service standards for recreational facilities shall be adopted.

- 1 tennis court for every 2,000 persons, 12-60 years old.
- 1 lighted baseball field for every 6,000 persons, 10-40 years old.
- 1 tot-lot for every 500 persons, 3-12 years old.

**Note:** While the above facilities are desired within the Town Limits they may be located elsewhere and credited via an Interlocal Agreement with another governmental agency or private organization (private / public / not-for-profit Sports Clubs).

Open spaces is defined as any natural or made environment free of structures to be used for a specific active or passive activity.

**Policy ROSE-1.3:** Negotiate and cooperate with Miami-Dade County to ensure that county recreational facilities are provided for Town residents.

**Policy ROSE-1.4:** The Town shall survey residents and hold public hearings designed to determine the recreational needs and desires of town residents.

**OBJECTIVE ROSE-1.4:** ~~By 1993, The Town will continue~~ coordination between public and private sectors to provide recreational facilities that will meet citizen's recreational demands shall be established.

**Policy ROSE-2.1:** The Town shall review its regulations and determine needed incentives for developers to provide recreational facilities in their developments.

**Policy ROSE-2.2:** A committee consisting of town residents shall be appointed to coordinate public and private efforts to provide recreational opportunities.

**Policy ROSE-2.3:** Maintain the existing agreement between the Town and the Miami-Dade County School Board for the use of the elementary school recreational facilities by Town residents.

**Policy ROSE-2.4:** Negotiate with Miami-Dade County or adjacent municipalities to include the Town within their service area with the purpose of correcting or improving existing deficiencies in recreational facilities.



**Policy ROSE-2.5:** The Town reserves the right to establish and assess park and open space mitigation in the form of land dedications, monies in lieu thereof impact fees, or combinations, to new developments. Credit shall be given for pre-existing dwelling units.

**OBJECTIVE ROSE-3:** The Town will continue to provide adequate access to all public recreation facilities by 1993.

**Policy ROSE-3.1:** Improved access for the handicapped and the elderly shall be implemented.

**Policy ROSE-3.2:** Parking facilities and bicycle racks shall be provided at recreational facilities.

**Policy ROSE-3.3:** New recreational facilities shall be designed and constructed with accessways which are compatible with the character and quality of adjacent neighborhoods.

**Policy ROSE-3.4:** Develop and implement a publicity program to ensure that all residents are informed of the Town's recreational facilities and opportunities.

**OBJECTIVE ROSE-4:** Preserve and maintain the existing system of open space areas through the year 2000.

**Policy ROSE-4.1:** Open space areas as designated in Table R-3 shall remain functionally intact through the year 2000.

**Policy ROSE-4.2:** The Town shall review its development regulations to determine needed new open space definitions and standards to be implemented.

## APPENDIX A

### Minimum Criteria Requirements Chapter 9J-5

~~9J-5.014(1). RECREATION AND OPEN SPACE DATA REQUIREMENTS FOUND IN: pp. 1-11,~~

~~\_\_\_\_\_ including Tables R-1 to R-3~~

~~\_\_\_\_\_ The Town has no natural reservations, parkways, or beaches.~~

~~9J-5.014(2). \_\_\_\_\_ RECREATION AND OPEN SPACE ANALYSIS REQUIREMENTS~~

~~9J-5.014(2)(a). \_\_\_\_\_ Found in Tables R-7 and R-9.~~

~~9J-5.014(2)(b). \_\_\_\_\_ Found in: p.16, Table R-8.~~

~~9J-5.014(2)(c). \_\_\_\_\_ Found in Figure R-4~~

~~9J-5.014(3). \_\_\_\_\_ REQUIREMENTS FOR RECREATION AND OPEN SPACE GOALS,  
\_\_\_\_\_ OBJECTIVES AND POLICIES. \_\_\_\_\_~~

~~9J-5.014(3)(a). \_\_\_\_\_ Found in p.22.~~

~~9J-5.014(3)(b)(1). \_\_\_\_\_ Objective 3.~~

~~9J-5.014(3)(b)(2). \_\_\_\_\_ Objective 2.~~

~~9J-5.014(3)(b)(3). \_\_\_\_\_ Objective 1.~~

~~9J-5.014(3)(b)(4). \_\_\_\_\_ Objective 4~~

~~9J-5.014(3)(c)(1). \_\_\_\_\_ Policy 4.2~~

~~9J-5.014(3)(c)(2). \_\_\_\_\_ Policy 4.1~~

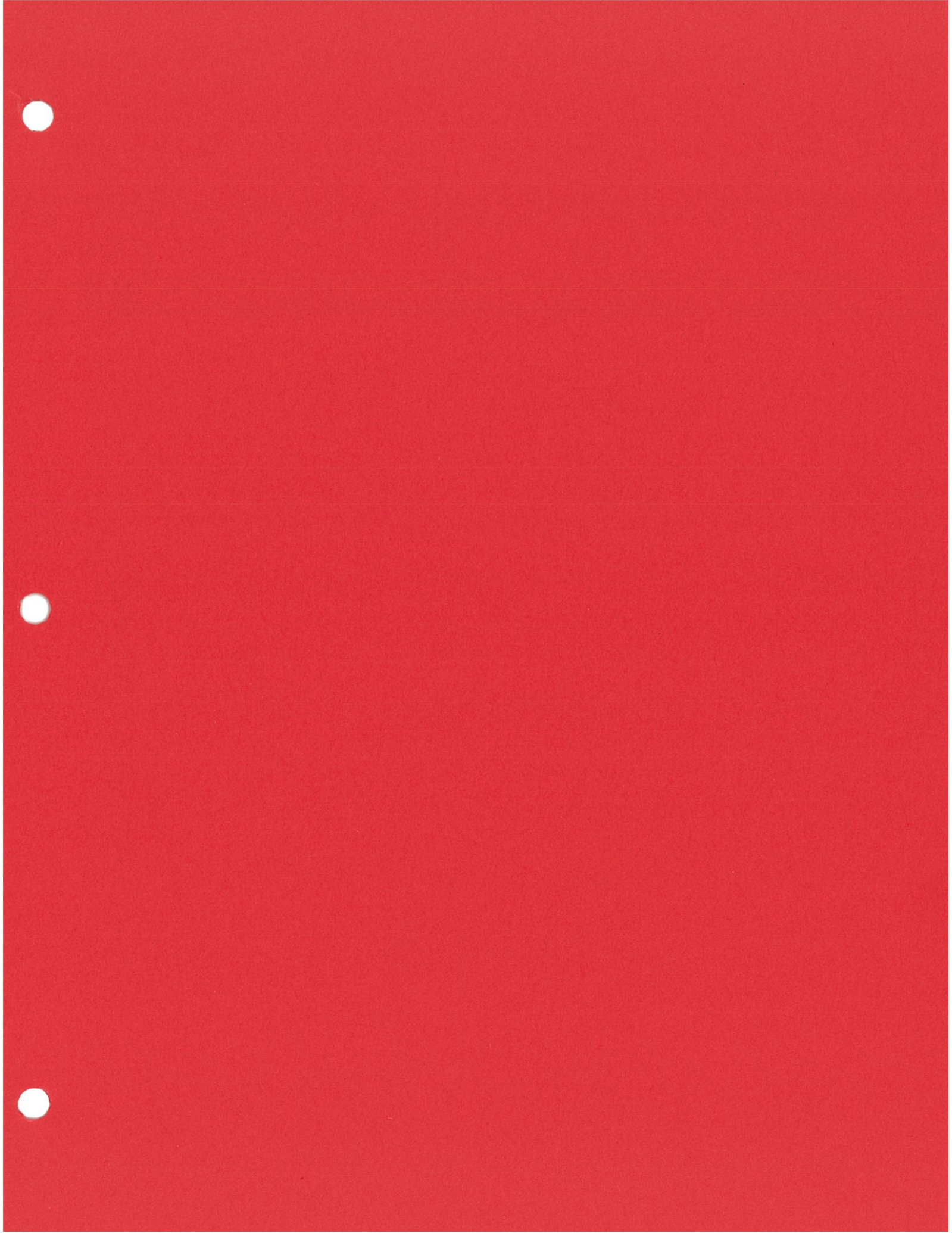
~~9J-5.014(3)(c)(3). \_\_\_\_\_ The Town has no beaches.~~

~~9J-5.014(3)(c)(4). \_\_\_\_\_ Policy 1.2~~

~~9J-5.014(3)(c)(5). \_\_\_\_\_ Policies 1.1, 1.3, 2.4.~~

**Note:** Chapter 9J-5 has been deleted from the Florida Administrative Code (FAC).





## 8 - INTERGOVERNMENTAL COORDINATION ELEMENT

# Intergovernmental Coordination Element

## Table of Contents

|                                         |              |
|-----------------------------------------|--------------|
| 1. Introduction & Purpose               | 4 <u>3</u>   |
| 2. Agencies                             | 2 <u>3</u>   |
| 3. Method of Coordination               | 5 <u>7</u>   |
| A. County Agencies                      | 5 <u>7</u>   |
| B. Areawide Public Agencies             | 6 <u>8</u>   |
| C. State Agencies                       | 6 <u>8</u>   |
| D. Other Levels                         | 7 <u>8</u>   |
| 4. Analysis                             | 7 <u>8</u>   |
| A. Effectiveness of Existing Mechanisms | 7 <u>9</u>   |
| B. Specific Problems with Elements      | 8 <u>9</u>   |
| C. Growth and Developments Proposed     | 9 <u>10</u>  |
| D. Area of Critical Concern             | 9 <u>10</u>  |
| 5. Goals, Objectives & Policies         | 10 <u>11</u> |

~~Appendix: Minimum Criteria Requirements~~

# Intergovernmental Coordination Element

## List of Tables

| Table | Title                         | Page         |
|-------|-------------------------------|--------------|
| I-1   | Agency / Element Relationship | <u>2 4-6</u> |

## **1. INTRODUCTION & PURPOSE**

The purpose of this section of the Comprehensive Plan is to comply with the ~~Local Government Comprehensive Community Planning & Land Development Regulation~~ Act, Chapter 163, Florida Statutes. Another purpose is to assist various public entities and private agencies in working together in a coordinated way, to determine means and responses to the need for coordination processes and procedures with adjacent local governments, regional and state agencies.

## **2. AGENCIES**

### **A. Agency Identification / Coordination**

The provision of quality services to the citizens requires the municipality to coordinate efforts with numerous and diverse agencies within and outside municipality limits. Governmental coordination and responsibilities for services exists at the local, county, regional, state, and national levels. Often, cooperation and shared responsibilities exists with regulatory, semi-public and semi-private agencies with concern themselves with one geographic area of service; and is essential – often mandatory – for quality services to be delivered.

The municipality has and will continue to coordinate with public and/or private agencies on all matters relating to the provision of services to its residents. Table I-1 gives an indication of the coordination efforts made by the municipality for the elements of this comprehensive development plan, and in other areas.

TABLE I-1

## AGENCY/ELEMENT RELATIONSHIP

| ELEMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | TOWN AGENCY                            | COUNTY AGENCY                                                                     | AREAWIDE            | STATE AGENCY                                                                                                                                                     | OTHER                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-----------------------------------------------------------------------------------|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| <b>TRANSPORTATION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                        |                                                                                   |                     |                                                                                                                                                                  |                                                                  |
| Streets and Highways                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Public Works                           | <u>PW; WMD; TPO</u><br>Public Works<br>DOT                                        | SFRPC<br><u>TPO</u> | <u>FDOT</u><br>Department of<br>Transportation<br>(DOT)                                                                                                          | Federal<br>Highway<br>Admin.                                     |
| Public Transit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Public Works                           | <u>MDTA; MDTD</u><br>MTA and OTA                                                  |                     |                                                                                                                                                                  |                                                                  |
| Rapid Transit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                        | <u>MDTA; MDTD;</u><br><u>TPO</u><br>OTA                                           |                     |                                                                                                                                                                  |                                                                  |
| <b>HOUSING</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                        |                                                                                   |                     |                                                                                                                                                                  |                                                                  |
| Low-Moderate Income<br>/ Special Housing<br>Needs                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Town Manager's<br>Office (as needed)   | HUD                                                                               | SFRPC               |                                                                                                                                                                  | HUD                                                              |
| Code Enforcement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Code Enforcement                       | HUD; Building and<br>Zoning Dept.                                                 |                     | <u>Florida Housing</u><br><u>Finance Corp.</u> ,<br>State Housing<br>Finance Agency;<br><u>Dept. of Health &amp;</u><br><u>Rehabilitative</u><br><u>Services</u> |                                                                  |
| <b>RECREATION &amp;<br/>OPEN SPACE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                        |                                                                                   |                     |                                                                                                                                                                  |                                                                  |
| Parks                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <u>Town Manager's</u><br><u>Office</u> | Parks and<br>Recreation<br>Department                                             |                     | <u>FDEP Division of</u><br><u>Natural</u><br><u>Resources;</u><br><u>Bureau of Outdoor</u><br><u>Recreation</u>                                                  |                                                                  |
| Housing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <u>Town Manager's</u><br><u>Office</u> | Historic<br>Preservation<br>Division of<br>Community &<br>Economic<br>Development |                     | Division of<br>Historical<br>Resources, U.S.<br>Dept. of Interior,<br>Dept. of State                                                                             | <u>U.S. Dept. of</u><br><u>Interior, Dept of</u><br><u>State</u> |
| <u>PW WMD - Miami-Dade County Public Works and Waste Management Dept.</u><br><u>TPO - Miami-Dade Transportation Planning Organization</u><br><u>SFRPC - South Florida Regional Planning Council</u><br><u>HUD - U. S. Housing &amp; Urban Development</u><br><u>FDOT - Florida Department of Transportation</u><br><u>MTA - Metropolitan Transit Authority</u><br><u>MDTD - Miami-Dade Transit Dept.</u><br><u>FDEP - Florida Dept. Environmental Protection</u><br><u>FDOE - Florida Dept. of Education</u> |                                        |                                                                                   |                     |                                                                                                                                                                  |                                                                  |
| <u>OTA - Office of Transportation Admin.</u><br><u>SFWMD - S. Florida Water Management District</u><br><u>WASD - Miami-Dade County Water &amp; Sewer Department</u><br><u>MDTA - Miami-Dade Transit Agency</u><br><u>DRER - Miami-Dade Dept. of Regulatory and Economic Resources</u><br><u>EPA - U.S. Environmental Protection Agency</u><br><u>TMD - Miami-Dade County Traffic Management Division</u>                                                                                                     |                                        |                                                                                   |                     |                                                                                                                                                                  |                                                                  |

(continued)

TABLE I-1

AGENCY / ELEMENT RELATIONSHIP

| ELEMENT                     | TOWN AGENCY               | COUNTY AGENCY                                                        | AREAWIDE                           | STATE AGENCY                  | OTHER             |
|-----------------------------|---------------------------|----------------------------------------------------------------------|------------------------------------|-------------------------------|-------------------|
| <b>COMMUNITY FACILITIES</b> |                           |                                                                      |                                    |                               |                   |
| Library                     | Town Manager              | Public Library                                                       |                                    | State Library System          |                   |
| Education                   | Town Manager              | <u>Miami-Dade School Board</u>                                       | <u>Board of Public Instruction</u> | <u>FDOE</u>                   |                   |
| Public Safety               | Police Dept.              | <u>Fire Rescue Dept.</u><br><u>Public Safety Department</u>          | <u>SFRPC</u>                       | Department of Law Enforcement |                   |
| Fire Protection             | Town Manager/Police Dept. | <u>Fire Rescue Department</u>                                        |                                    |                               |                   |
| Civil Defense               | Town Mgr's. Office        | <u>Office of Emergency Management</u><br><u>Civil Defense Center</u> |                                    |                               | Red Cross         |
| Health                      | Code Enforcement          | Health Dept.                                                         | Health Systems Agency              | <u>Dept. of Health HRS</u>    | Private Hospitals |

PW WMD - Miami-Dade County Public Works and Waste Management Dept.

TPO - Miami-Dade Transportation Planning Organization

SFRPC - South Florida Regional Planning Council

HUD - U. S. Housing & Urban Development

FDOT - Florida Department of Transportation

MTA - Metropolitan Transit Authority

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FDEP - Florida Dept. Environmental Protection

FDOE - Florida Dept. of Education

OTA - Office of Transportation Admin.

SFWMD - S. Florida Water Management District

WASD - Miami-Dade County Water & Sewer Department

MDTA - Miami-Dade Transit Agency

DRER - Miami-Dade Dept. of Regulatory and Economic Resources

EPA - U.S. Environmental Protection Agency

TMD - Miami-Dade County Traffic Management Division

(Continued)

TABLE I-1

## AGENCY / ELEMENT RELATIONSHIP

| ELEMENT                                                           | TOWN AGENCY                    | COUNTY AGENCY                                                                                                                     | AREASIDE           | STATE AGENCY                                      | OTHER                                                   |
|-------------------------------------------------------------------|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------------------|---------------------------------------------------------|
| SANITARY<br>SEWER, SOLID<br>WASTE,<br>DRAINAGE &<br>POTABLE WATER |                                |                                                                                                                                   |                    |                                                   |                                                         |
| Sanitary Sewers                                                   | Public Works                   | <u>WASD; DERM</u><br>Miami-Dade<br>Water & Sewer<br>Authority; Dept.<br>Environmental<br>Resources<br>Management;<br>Health Dept. |                    | FDEP Department<br>of Environmental<br>Regulation | City of North<br>Miami; EPA                             |
| Solid Waste                                                       | Public Works                   | <u>Solid Waste Div. of</u><br><u>WASA-PW WD</u>                                                                                   |                    | FDEP Department<br>of Environmental<br>Regulation | Private firm                                            |
| Drainage                                                          | Building Dept;<br>Public works | <u>DRER Department</u><br><u>of Environmental</u><br><u>Resources</u><br><u>Management</u>                                        | SFWMD              | FDEP Department<br>of Environmental<br>Regulation | <u>EPA</u>                                              |
| Potable Water                                                     | Public Works                   | <u>WASD Miami-Dade</u><br><u>Water &amp; Sewer</u><br><u>Authority</u>                                                            | <u>SFWMD; WASD</u> | FDEP Dept. of<br>Environmental<br>Regulation      | EPA; Cities of<br>Hialeah<br>N. Miami<br>N. Miami Beach |

PW WMD - Miami-Dade County Public Works and Waste Management Dept.

MPO - Miami-Dade County Metropolitan Planning Organization

SFRPC - South Florida Regional Planning Council

HUD - U. S. Housing & Urban Development

FDOT - Florida Department of Transportation

MTA - Metropolitan Transit Authority

MDTD - Miami-Dade Transit Dept.

FDEP - Florida Dept. Environmental Protection

FDOE - Florida Dept. of Education

OTA - Office of Transportation Admin.

SFWMD - S. Florida Water Management District

WASD - Miami-Dade County Water & Sewer Department

MDTA - Miami-Dade Transit Agency

DRER - Miami-Dade Dept. of Regulatory and Economic Resources

EPA - U.S. Environmental Protection Agency

TMD - Miami-Dade County Traffic Management Division



### 3. METHOD OF COORDINATION / NATURE OF RELATIONSHIP

In an effort to prevent duplication of services, the municipality utilizes established agencies and mechanisms whenever feasible. For example, cooperative arrangements and the use of the same or similar implementation approaches have led to cooperation with Miami-Dade County for some services, and assistance in the code enforcement program. These relationships have enabled the municipality to provide a larger scope of services to its citizens more effectively and efficiently.

As a member of ~~urban-Metropolitan~~ Miami-Dade County (which includes ~~thirty-four~~ twenty-seven municipalities) and the Miami-Dade County League of Cities, the municipality works with other units of local government in solving common problems. In this regard, the municipality has adopted several resolutions supporting the efforts of other local cities, Miami-Dade County and the State of Florida.

The municipality undertakes several methods to ensure coordination with the various agencies that are identified in Table I-1. Often, the municipality undertakes several methods of coordination simultaneously. Therefore, the indications below are not intended to suggest that the municipality is using only one particular method at a specific point in time. The level had methods of coordination are directly related to the governmental level of the public agency.

#### A. County Agencies

This is the level of government with which the municipality maintains an on-going relationship. The municipality and county agencies have inter-agency agreements. An example of the inter-agency (interlocal) agreement and cooperation which exist is the sharing of police department resources (as needed), the provision for fire department services and emergency hurricane evacuation services to the municipality. These are permitted under the Florida Interlocal Government Act of 1969.

Contracts for specific services is another method of coordination. However, presently there are no contracts for services such a might exist between the ~~County Office of Community & Economic Development~~ and the municipality.

The municipality and county agencies exchange information on an on-going basis. An example of this is the dissemination of information on civil defense.

The sharing of administrative procedures and processes is also a continuous process. An example of this is the city's access to county's purchasing procedures and commodities listing.

Often it is necessary for the agencies to have joint planning/work sessions. An example of this is the number of meetings which are occurring with reference to the Biscayne Bay Management Committee.

The League of Cities is an organization which is comprised of the various municipalities within the county. Overall concerns relative to public agency functions and inter-relationships are discussed, coordinated, and presented at the League of Cities.

## B. Area-wide Public Agencies

This is a less intense level of inter-governmental coordination – though no less significant.

Coordination is not limited to county and municipal governments; regional and state agencies may also be involved. Effective and efficient planning depends on the adoption of complimentary goals and priorities in common issue areas. Normally, those agencies that must cooperate to achieve any given objective will have various procedural responsibilities.

One of the primary methods of coordination at this level is with the exchange of information. An example of this is the various policies and procedures relative to area-wide concerns which the South Florida Regional Planning Council promulgates. The Regional Planning Council is in a unique position to aid the municipality in decisions concerning intergovernmental agreements. Interlocal agreements can provide the tool for the achievement of mutually beneficial goals. The Regional Planning Council also offers services which other public agencies can utilize.

Another level of coordination exists with the Miami-Dade County School Board (an independently elected body). An example of this type of coordination is the use of the school facilities as part of the overall resources available to the municipality's citizens.

## C. State Agencies

The primary method of coordination at this level is through the use of taxes and tax rebate service and information exchange. Also, specific resolutions are often presented to the state expressing specific town positions on issues.

The use of intergovernmental review, which is currently used for local comprehensive plans, specific permit applications (such as those related to Biscayne Bay), grant agency's priorities and goals can be taken into account. The deciding agency can base its decision concerning the project on its own criteria but also on criteria and concerns raised by the municipality.

Work sessions/meetings can also be held with state personnel in an attempt to better coordinate resources and efforts.

## D. Other Levels

There are other agencies and organizations with which the municipality coordinates its efforts in an attempt to provide quality services to its residents.

The municipality has certain service agreements with quasi-public agencies such as Florida Power & Light FPL and ~~Southern Bell~~. This allows them to obtain easements within the municipality, and in turn they remit funds to the municipality.

## 4. ANALYSIS

The various elements of the comprehensive plan require not only inter-governmental coordination, but necessitates the establishment of relationships within the between the elements, and with the appropriate agency for effective implementation.

## A. Effectiveness of Existing Mechanisms

With reference to the inter-governmental coordination with the county, the most effective methods are those which are by contracts or written inter-agency agreements.

The method of coordination which appears to be least effective is that which occurs between mid-government and below staff persons from each agency.

In the various methods of inter-agency coordination, except for the written inter-agency agreements and the specific contracts, problems do exist. Generally, the problems are centered around:

- 1.) Whether the county will have to allocate additional unanticipated dollars to effectuate the desired implementation;
- 2.) The use of county staff for an extended period;
- 3.) The changing of policies or procedures which are financially disadvantageous to the county.

There are other areas where issues overlap and require inter-agency coordination for efficient resolution. Economic development and employment issues can be best addressed with the cooperation of town, county and state agencies. Town, county, and state agencies operate under various planning schedules and through different funding sources, which often hampers effective coordination – through various methods can be explored.

## B. Specific Problems within Elements

### 1.) Transportation

This element contains one of the major problems of inter-governmental coordination for the municipality. The major traffic accessway is not under the jurisdiction of the municipality. It is under the jurisdiction of the state. The municipality has adopted a level of service for this traffic artery – the Miami-Dade TPO's level of service. The municipality historically has had no enforcement authority over the governments of higher levels. The municipality will continue its efforts to ensure that this traffic artery is operates consistent with its policies and procedures.

The municipality presently maintains Kane Concourse, ~~but is desirous of having legal ownership, too~~ via an agreement with FDOT. The Causeway Island toll plaza is owned and operated exclusively by the Town.

### 2.) Housing

The housing within the municipality is generally for middle-high income households. Except for code enforcement and occasional site-specific TDR allocations, the municipality is not involved in the housing delivery process.

### 3.) Recreation and Open Space

The municipality provides limited park and recreational services to its residents, as the original master plan did not include active parks. However, the county also provides specific park and recreational activities for citizens county-wide. Therefore, residents from the municipality may utilize county resources. The municipality may utilize county resources. The municipality also uses the school site in cooperation with the school board. No specific problems are anticipated based on this element.

### 4.) Community Facilities

No specific problems are anticipated under this element. The county and the municipality have a number of cooperative efforts which provide for the use of various facilities by the residents of the municipality. In 2008-09 the Town constructed a parking garage with space for community facilities on 95<sup>th</sup> Street. A Miami-Dade Fire Rescue substation now occupies an area of the building. In addition, the Town constructed and operates a Community Center at the facility.

### 5.) Sanitary Sewer, Solid Waste, Drainage, Potable Water & Natural Groundwater

The City Town has entered into an inter-agency agreements with Miami-Dade County (Miami-Dade County Water & Sewer Authority Department) related to sanitary sewers, drainage and potable water. It is not anticipated that any significant problems will result from this effort. In fact, it is anticipated that the municipality will be able to provide better services to its residents as a result of this agreement. The Town contracts with a private solid waste hauler that takes the refuse to a Miami-Dade facility on the mainland for sorting and disposal. This has proved to be a satisfactory method to deal with solid waste.

### 6.) Conservation

There are no specific problems anticipated under this element. The municipality works in a very cordial way with the various agencies that are involved.

### 7.) Land Use

Since the municipality has almost approached built-out, it is not anticipated that any significant problems will result from land use controls and development regulations. The municipality is desirous of ensuring that maximum benefits accrue to the municipality that simultaneously minimizes adverse impacts.

### C. Growth and Developments Proposed

As indicated above, the municipality is quickly approaching its build-out limits. There are no developments expected which will significantly alter the composition of the municipality. Also, as a percentage of the county and area's population, the municipality's impact on a percentage basis will not increase – most likely it will decrease. Therefore, the municipality intends to coordinate and abide by, as appropriate, the policies and procedures of the County and the South Florida Regional Planning Council.

The municipality has determined that many of the existing methods of coordination between the agencies are sufficient. Though no policy-by-policy comparison with the SFRPC's policy plan are presented, the Town did review the SFRPC plans to ensure compatibility and non-conflicts. Also, the Town reviewed its plan for consistency with the State Comprehensive Plan. The comprehensive plan of the municipality is complimentary of and responsive to the policies and procedures, and the regional and county comprehensive plans.

D. Area of Critical Concern.

Not applicable

## **5. GOALS, OBJECTIVES AND POLICIES**

**GOAL:** THE MUNICIPALITY WILL CONTINUE TO ESTABLISH AND DEVELOP SHORT-TERM AND LONG-TERM OBJECTIVES AND POLICIES WHICH ARE INTENDED TO FOSTER BETTER INTER-GOVERNMENTAL COORDINATION.

**OBJECTIVE ICE-1:** The municipality will coordinate the comprehensive plan with the various levels of government and other agencies to effectuate effective inter-governmental relationships.

**Policy ICE-1.1:** Coordinate with the various levels of government which include the county, the South Florida Regional Planning Council, the Miami-Dade County School Board of Public Instruction, and the various other agencies that are identified in Table I-1 which have regulatory authority with reference to the use of land and other elements in the comprehensive plan.

**Policy ICE-1.2:** The municipality will review developments in the area to ensure that they are compatible with its existing comprehensive plan and the comprehensive plans of adjacent local governments.

**OBJECTIVE ICE-2:** The municipality will work to achieve a high level of coordination with adjacent municipalities, Miami-Dade, Broward, and Monroe counties, the region, and the state with regard to the impacts of land development.

**Policy ICE-2.1:** The municipality will coordinate its development efforts with those of adjacent municipalities, the county, adjacent counties, and the South Florida Regional Planning Council, as appropriate, to ensure that proposed developments do not adversely impact them without their knowledge and to allow them to make input to the municipality with reference to proposed developments.

**Policy ICE-2.2:** Proposed developments will be reviewed to ensure that they are not inconsistent and do not adversely affect the existing comprehensive plans of adjacent local governments.

**Policy ICE-2.3:** The South Florida Regional Planning Council's informal mediation process will be utilized to resolve conflicts, as appropriate.

**Policy ICE-2.4:** The municipality will coordinate efforts in the management of Biscayne Bay and estuaries surrounding the Town.

**Policy ICE-2.5:** The Town shall adopts by reference the ~~2014-15~~ 2018-19 update to the Water Supply Facilities Work Plan (WSFWP) ~~in April 2015~~ with at least a 10-year planning period that will assess projected water needs and sources for the Town. The WSFWP and any updates will be adopted within 18 months of the adoption of the South Florida Water Management District's regional water supply plan, as required by Chapter 163, Florida Statutes.

**Policy ICE-2.6:** The Town shall consider the most current Lower East Coast Water Supply Plan provided by the South Florida Water Management District when updating or proposing any amendments to the Town's WSFWP.

**OBJECTIVE ICE-3:** The municipality will provide data and information to appropriate agencies in order to coordinate programs, activities, and procedures.

**Policy ICE-3.1:** The municipality will coordinate with agencies such as the school board and other units of local governments which provide services within the town but have no regulatory authority.

**Policy ICE-3.2:** The municipality will disseminate information on programs, proposed developments, and services as necessary to other affected public governments and quasi-public agencies.

**OBJECTIVE ICE-4:** The municipality will coordinate with state, regional, county, and other agencies which provide service to the municipality, in establishing level of service standards for public facilities.

**Policy ICE-4.1:** The municipality will work with the county, region, and state agencies to ensure that operational and maintenance responsibilities for facilities are developed and in place.

**OBJECTIVE ICE-5:** The Town of Bay Harbor Islands shall execute the Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County and coordinate the planning and permitting processes with the Miami-Dade County School Board, Miami-Dade County and the non-exempt municipalities consistent with the procedures as established in the adopted Interlocal Agreement (ILA) to assure that all proposed residential development is in compliance with the adopted Level of Service (LOS).

**Policy ICE-5.1** The Town and Miami-Dade County Public Schools shall follow the procedures established in the adopted ILA for Public School Facility Planning for coordination and collaborative planning and decision making on population projections, location and extension of public facilities subject to concurrency, and siting of facilities.

**Policy ICE-5.2** On an annual basis, the Town will request from the Miami-Dade County School Board to provide information from their 5-year Capital Facilities Plan to determine the need for additional school facilities.

**Policy ICE- 5.3** On an ongoing basis the Town shall establish new, and review existing coordination mechanisms that will evaluate and address its comprehensive plan and programs and their effects on the comprehensive plans developed for the adjacent local governments, the School Board and other units of local government providing services but not having regulatory authority over use of land.

~~Policy 5.4 The Town shall amend its planning and Zoning Code no later than December 31<sup>st</sup>, 2008 to require all new residential development proposals to include within their development applications population projections, including school age persons, consistent with the generation rates promulgated by the Miami-Dade School Board.~~

**Policy ICE-5.54** The Town shall notify and/or transmit to the Miami-Dade County School Board all proposed development and redevelopment applications that would add new residential dwelling units within the Town and will include population forecasts and population projects for the proposed development.

**Policy ICE-5.65** The Miami-Dade County Public School system shall submit all proposed school and non-school development projects to the Town for review consistent with the Town's Planning and Zoning Code and Comprehensive Plan.

**Policy ICE-5.6** The Town will collaborate and coordinate with appropriate local, regional, state, and national governmental agencies, to the extent possible, toward the implementation of Adaptation Action Areas adaption strategies and to identify risks, vulnerabilities, and opportunities associated with coastal hazards and the impacts from sea level rise and participate in, when appropriate, coordinated governmental, non-governmental and other appropriate agencies' proposed application requests for funding adaptation implementation projects.

~~Appendix A  
Minimum Criteria Requirements  
Chapter 9J-5  
And Consistency of the Local Comprehensive Plan  
With the State Comprehensive Plan~~

~~9J-5.015 (1). INTERGOVERNMENTAL COORDINATION DATA REQUIREMENTS.~~

~~9J-5.015 (1) (a). See discussion on "Agencies", pp. 1-4, including Table I-1.~~

~~9J-5.015 (1) (b). See discussion on Method of coordination/Nature of Relationship", pp. 5-7~~

~~9J-5.015 (2). INTERGOVERNMENTAL COORDINATION ANALYSIS REQUIREMENTS.~~

~~9J-5.015 (2) (a). See discussion on "Effectiveness of Existing Mechanisms", pp. 7-8.~~

~~9J-5.015 (2) (b). See discussion on "Specific Problems within Elements", pp. 8-9.~~

~~9J-5.015 (2) (c). See discussion on "Growth and Developments Proposed", p.9.~~

~~9J-5.015 (2) (d). Not applicable. There are no areas of Critical Concern in the Town of Bay Harbor Islands.~~

~~9J-5.015 (3). REQUIREMENTS FOR INTERGOVERNMENTAL COORDINATION GOALS, OBJECTIVES AND POLICIES.~~

~~9J-5.015 (3) (A). See GOAL statement.~~

~~9J-5.015 (3) (b) (1). Objective 1.~~

~~9J-5.015 (3) (b) (2). Objective 2.~~

~~9J-5.015 (3) (b) (3). Objective 3.~~

~~9J-5.015 (3) (c) (1). Policies 1.2, 2.1, 3.1.~~

~~9J-5.015 (3) (c) (2). Policy 2.3.~~

~~9J-5.015 (3) (c) (3). Policy 3.2, 4.1.~~

~~9J-5.015 (3) (c) (4). Not applicable. The Town has no intention of annexing any areas.~~

~~9J-5.015 (3) (c) (5). Policy 2.2.~~

~~9J-5.015 (3) (c) (6). Policy 2.4.~~

~~9J-5.015 (3) (c) (7). Policy 1.2, 2.1.~~





## **9 – PUBLIC SCHOOL FACILITIES ELEMENT**

**Town of Bay Harbor Islands  
Public School Facilities Element  
Data and Analysis**

**Table of Contents**

|                                                |   |
|------------------------------------------------|---|
| Introduction                                   | 2 |
| Element Requirements                           | 2 |
| Concurrency Management System                  | 4 |
| Collaborative Planning                         | 5 |
| Level of Service Methodology                   | 6 |
| Problems and Opportunities with Public Schools | 6 |
| Collocation of Schools                         | 7 |

**Data and Analysis**

|                    |    |
|--------------------|----|
| Population Growth  | 9  |
| Student Growth     | 10 |
| Housing Growth     | 14 |
| Future Development | 14 |
| Funding Sources    | 16 |

**List of Attachments**

|                                                                                                 |             |
|-------------------------------------------------------------------------------------------------|-------------|
| Interlocal Agreement                                                                            | Exhibit "A" |
| 5-year Miami-Dade County School Board Work Program                                              | Exhibit "B" |
| Map Series<br>County Wide Existing School Boundaries                                            | Exhibit "C" |
| Map Series<br>Ruth K. Broad-Bay Harbor K-8 Center<br>Nautilus Middle<br>Miami Beach Senior High | Exhibit "D" |
| Map Series<br>Proposed, Existing and Ancillary Facilities                                       | Exhibit "E" |

# PUBLIC SCHOOL FACILITIES ELEMENT

## SUPPORT DOCUMENTS

### Overview of School Facilities Planning

#### 1. Introduction

The 2002 Florida Legislature enacted growth management legislation requiring all school districts, counties, and non-exempt municipalities to enter into an Interlocal Agreement (ILA) to coordinate information on growth and development trends in order to better forecast future school enrollment, determine the need for new facilities and develop a strategy for providing adequate infrastructure to support new schools. In 2003 the Miami-Dade School Board entered into the required ILA with all non-exempt municipalities, including the Town of Bay Harbor Islands.

In 2005 the Florida Legislature strengthened the ties between school planning and general land use and comprehensive planning through amendments to Chapters 163 and 1013, Florida Statutes. The 2005 Legislature mandated that the availability of public schools be made a prerequisite for the approval of residential construction and directed a closer integration of planning for school capacity with comprehensive planning. ~~Under the provisions adopted with Senate Bill 360:~~

- ~~• Existing Interlocal Agreements between school boards and local governments must be updated and expanded to comply with the legislation.~~
- ~~• Local governments are to adopt a Public School Facilities Element as part of its Comprehensive Plan.~~
- ~~• Mandates school concurrency.~~
- ~~• Local governments must update their Intergovernmental Coordination Element and Capital Improvements Element to coordinate public school planning.~~
- ~~• Procedures for comprehensive plan amendments.~~
- ~~• Establish a process and uniform methodology for proportionate share mitigation.~~

In 2011 Florida updated the legislation again. The update eliminated the requirement of a Public School Facilities Element (PSFE) in a Comprehensive Plan. Communities may still keep their PSFE as an optional element; however, required criteria was removed. Miami-Dade County and the municipalities that are party to the Interlocal Planning Agreement for Public School Planning decided to keep the system in place.

#### 2. Public School Facilities Element Requirements

The law required that local governments adopt a Public School Facility Element as a part of their Comprehensive Plan to establish a framework for the planning of public schools (s. 163.3177(12), F.S.). Local governments were granted approximately three years to prepare and adopt a Public School Facilities Element. As directed by the



legislation, the Florida Department of Community Affairs (DCA) established a phased schedule for adoption of the elements with each local government adopting no later than December 1<sup>st</sup>, 2008. This schedule established due dates which are staggered throughout the course of the 2008 calendar year. Miami-Dade County and all of the non-exempt municipalities are were required to (1) adopt an element, (2) adopt amendments to the Intergovernmental Coordination Element and Capital Improvement, (3) adopt amendments to the Interlocal Agreement, and (4) implement school concurrency no later than January 1<sup>st</sup>, 2008. While Bay Harbor Islands is a small community with a population of about 5,628 as of April 2010 (2010 Census), the Town is was non-exempt from the statutory requirements, as there is a public K-8 Center within the community.

In addition, the Legislature established enforcement mechanisms should a local government and school district fail to adopt a public school concurrency program. The enforcement mechanism ~~can be found in FS 163.3177(j), which~~ fundamentally prohibited ed local municipalities from adopting amendments to the Comprehensive Plan which increase residential density until the necessary amendments (School Element) have been adopted and transmitted to the state land planning agency. In 2011 the Florida Statutes were amended again and eliminated the requirement of a PSFE. Because the Town is located within the Coastal High Hazard Area (CHHA) of South Florida and the Town's Future Land Use Element provides the maximum allowable density for any residential development, the previously required enforcement mechanism ~~does~~ did not apply to the Town, as density cannot be increased. However, the Town wishes to implement school concurrency in a timely manner to ensure adequate facilities are in place concurrent with development even though a PSFE is no longer required by law.

~~The data and analysis portion of the Public School Facilities Element must address:~~

- ~~✚ How level of service standards will be achieved and maintained;~~
- ~~✚ The Interlocal Agreement adopted pursuant to s. 163.31777 and the 5-year school district facilities work program adopted pursuant to s. 1013.35;~~
- ~~✚ The educational plant survey prepared pursuant to s. 1013.31 and an existing educational and ancillary plant map or map series;~~
- ~~✚ Projected future population and associated demographics, including development patterns year by year for the upcoming 5-year and long-term planning periods; and~~
- ~~✚ Anticipated educational and ancillary plants with land area requirements.~~
- ~~✚ Information on existing development and development anticipated for the next 5 years and the long-term planning period;~~
- ~~✚ An analysis of problems and opportunities for existing schools and schools anticipated in the future;~~
- ~~✚ An analysis of opportunities to collocate future schools with other public facilities such as parks, libraries, and community centers;~~
- ~~✚ An analysis of the need for supporting public facilities for existing and future schools;~~



- ~~✦ An analysis of opportunities to locate schools to serve as community focal points~~

~~The legislation prescribed the following minimum content requirements for goals, objectives, and policies:~~

- ~~✦ Procedure of annual update process;~~
- ~~✦ Procedure for school site selection;~~
- ~~✦ Procedure for school permitting;~~
- ~~✦ Provision of infrastructure necessary to support proposed schools;~~
- ~~✦ Provision for collocation of other public facilities in proximity to public schools;~~
- ~~✦ Provision for location of schools proximate to residential areas and to complement patterns of development;~~
- ~~✦ Measures to ensure compatibility of school sites and surrounding land uses; and~~
- ~~✦ Coordination with adjacent local governments and the school district on emergency preparedness issues.~~

~~In addition, the element is to include one or more future conditions maps which generally depict:~~

- ~~✦ The anticipated location of educational and ancillary plants anticipated over the five-year and long-term planning period.~~
- ~~✦ Depict the anticipated location of educational and ancillary plants, including the general location of improvements to existing schools or new schools anticipated over the 5-year or long-term planning period; and~~
- ~~✦ Out of necessity, the maps will be general for the long-term planning period and more specific for the 5-year period. Maps indicating general locations of future schools or school improvements may not prescribe a land use on a particular parcel of land.~~

### **3. Concurrency Management System (CMS)**

An essential requirement of the State's local government comprehensive planning law has been termed the service "concurrency" requirement. Paraphrasing Section 163.3202, *Florida Statutes*, each county and municipality must amend its development regulations to incorporate specific and detailed provisions which shall provide that public facilities and services meet or exceed the Level of Service (LOS) standards established in the Plan's Capital Improvements Element and are available when needed for the development, or that the development orders or permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development. The term "development order" is defined in Chapter 163.3164, F.S., to include any zoning action, subdivision approval, certification, permit, or any other official action of local government having the effect of permitting the development of land. Many different types of development orders are typically issued by Miami-Dade County governments, agencies and boards. These include zoning district boundary changes, variances and site plan approvals, environmental permits and certifications, tentative and final subdivision plat approvals, building permits, and certificates of use and

occupancy (COs). At progressive stages in the development planning and approval process, concurrency determinations can be made with greater certainty.

In order to effectuate the service concurrency requirements contemplated by Chapter 163, F.S, Miami-Dade County enacted, by ordinance, a concurrency management program which accomplishes the statutory requirements. Administration of the required program necessarily involves the establishment of methods and capabilities to monitor outstanding development commitments and the service demands posed by those commitments, plus the existing, programmed and projected capacities of all pertinent urban service facilities or systems.

In its concurrency management program, Miami-Dade County makes appropriate concurrency determinations in conjunction with the following development approval activities: 1) at the time of zoning actions, site plan approvals and subdivision approvals; 2) prior to the issuance of building permits; and 3) prior to the issuance of certificates of use and occupancy. Consideration is given to effective measures which may be employed to mitigate traditional service impacts of developments. In general, no zoning action authorizing a new use or the expansion of an existing use and no subdivision plat or site plan may be approved unless the facilities necessary to maintain level of service standards exist or are projected to exist when necessary to serve the development. Zoning approvals shall be based on inclusion of necessary facilities in the applicable service elements of the Miami-Dade Comprehensive Development Master Plan (CDMP), in the adopted Capital Improvements Element of the CDMP, in the adopted Miami-Dade County Public Schools Facilities Work Program dated September 2007, for educational facilities or in the plan or work program of the State agency having functional responsibility for provision of the facilities. Such findings must be included in staff recommendations to the Board of County Commissioners, Community Zoning Appeals Board (CZAB), or other applicable board or agency. As to the Town, such findings will be made at the time of a rezoning, site plan approval or the allocation of TDR units. If the foregoing plans and programs indicate a low probability that concurrency will be met, but the necessary facilities are technically feasible, such rezoning action should be preceded by a plan amendment to add the necessary facilities. Alternatively, such development approval may be approved if the applicant executes a written agreement to provide the necessary facilities on a timely basis. All such development approvals will contain a notice reserving the right of the County and/or Town to make its concurrency determination prior to issuance of building permits.

#### **4. Collaborative Planning Process & Intergovernmental Coordination**

The collaborative planning process ~~has~~ was greatly increased with the passage of the 2005 Infrastructure and Planning Act (SB 360) which mandated the adoption of a Miami-Dade County Public School Facility Element and implementation of public school concurrency by January 1<sup>st</sup>, 2008.

In 2005 the Miami-Dade County School Board created a School Board Concurrency Task Force. The Task Force main objective was to meet with government and community stakeholders to engage in a dialogue regarding issues with growth and school facilities and to develop recommendations for the implementation of a Miami-Dade County public school concurrency system. In addition to the Task Force, the Staff Working Group created under the existing ILA provided technical support to the Task Force. The Task Force concluded its work near the end of 2006 and developed numerous recommendations for amendments to the existing Interlocal Agreement and the preparation of a model Public School Facilities Element. The Town, along with 24 other non-exempt municipalities in Miami-Dade County approved the Consensus Inter-local Agreement on December 10<sup>th</sup>, 2007. DCA subsequently found the Consensus Inter-local Agreement consistent with state law. Miami-Dade Public Schools and the municipalities that are party to Consensus Agreement have used the Consensus Inter-local Agreement for implementing school concurrency in the county since that time. However, Miami-Dade County and two municipalities (Hialeah / Hialeah Gardens) did not approve the 2007 Consensus Inter-local Agreement for various reasons. In May of 2009 the Miami-Dade School Board entered into a separate inter-local agreement with Miami-Dade County and the two municipalities that is known as the "Bi-lateral Inter-local Agreement (Bi-lateral ILA)". DCA subsequently also found the "Bi-lateral Inter-local Agreement" consistent with state law. In 2010 Miami-Dade Public Schools offered the original 24 municipalities that were parties to the Consensus ILA the option to approve all or some of the same terms in the Bi-lateral ILA. In May 2010, the Town approved seven changes to the ILA bringing the Town Adopted ILA in close agreement with the aforementioned Bi-Lateral Agreement. While the seven changes the Town made in May 2010 were ministerial in nature, an eighth change as recommended by the School Board and County was not approved.

The seven approved changes are as follows and will be incorporated into the approved ILA attached hereto as Exhibit "A".

1. Section 9.2 (a) Capacity Methodology and Formula for Availability - Add to the end of the section the requirement to assess effects of Geographic Areas within one year.
2. Section 9.2 (b) Level of Service Standard - Add after paragraph 4 that MDCPS is to submit annual reports by 9/30 of each year.
3. Section 9.2 (c) Concurrency Service Areas (CSA) - Amend third paragraph to require that amendments to CSA are to be accomplished in accordance with amendment provisions of the Agreement.
4. Section 9.2 (d) Student Generation Multipliers - Amend first paragraph which amends process for developing Student Generation Multipliers and removes requirement of adoption into CDMP.
5. Section 9.2 (f) Proportionate Share Mitigation - Amend paragraph before listing of options to reiterate that proportionate share mitigation must be approved by the School Board. Add Charter Schools as mitigation option No. 6, subject to conditions set forth therein.



6. Section 9.3 Updates to Public School Concurrency - Amend paragraph two and events 1, 3 and 4 for amending the District Facilities Work Program. Also add to end of section language that explains the actions to be taken when the School Board closes an existing school, or deletes, modifies, or delays a school facility project planned in the first three years of the Work Plan.
7. Section 22 Taking and Vested Rights - Add new section that reinforces the fact that nothing in the ILA shall be construed or applied to affect a permanent or temporary taking of private property in violation of the U.S. Constitution or Florida Constitution.

The eighth change as recommended would have modified the method by which the ILA can be amended. Currently all members to the ILA must approve any changes to the ILA prior the changes becoming effective. Unlike the changes as noted above, which were considered ministerial in nature the proposed change to the modification provision, were controversial and were not approved as required by the ILA. The current approved ILA requires 100% of the signatories to approve changes to the ILA. The proposed change being recommended by the County and the School Board would have changed the 100% requirement to a 2/3 or 66.66% requirement. This change would have altered the dynamic of the ILA from a consensus agreement to one in which a majority of municipalities could have altered the terms of the ILA with little or no input from 33% of the municipalities. Some communities felt this lower threshold was too low and would have the potential to eliminate the need for working with all communities in the county no matter their size. In all 8 municipalities did not approve of the change to the 2/3 or 66.66% so the recommend change was not approved and the 100% threshold remains intact.

## **5. Level of Service Standard Methodology**

The adopted Level of Service (LOS) Standard for all Miami-Dade County Public School Facilities is 100% FISH (Florida Inventory of School Houses) Capacity including Relocatable Classrooms. This LOS Standard, except for Magnet Schools, is applicable in each public school Concurrency Service Area (CSA), defined as the public school attendance boundary established by the Miami-Dade County Public Schools. The adopted LOS Standard for Magnet Schools is 100% of FISH capacity (with Relocatable Classrooms) is determined by the Florida Department of Education guidelines and represents a measure of the physical capacity of the facility itself. While the Miami-Dade school system has adopted a LOS including Relocatables, its stated goal in the ILA is to achieve 100% utilization of Permanent FISH with no Relocatables by January 1<sup>st</sup>, 2018.

Other factors such as students attending schools outside their assigned attendance areas due to reassignments, magnet programs, charter schools and other educational choices are factored into the methodology for enrollment projections and for allocating school capacity.

Student enrollment projections are designated geographically using local development trend data and the school district student enrollment data. School-by-school enrollment projections by concurrency service areas are applied. General locations of future public schools to be constructed within the district over five years are applied to concurrency service areas relative to the location serving the anticipated capacity deficit. The map series attached as Exhibit "E" shows the proposed, existing and ancillary educational facilities for Miami-Dade County Schools by geographic area corresponding to the existing school impact fee benefit zones.

## **6. Problems and Opportunities for Existing and Future Schools**

If district-wide school enrollment continues to decline, the School Board has numerous opportunities at its disposal to offset growth in limited areas of the county. These opportunities include but are not limited to busing, boundary changes, additions to existing schools, magnet programs and charter schools. Declining enrollment has also offered some unique challenges to the district. First and foremost the decline is not uniform in nature as local communities go through their aging cycle at different rates. The district is still experiencing growth in certain areas of the county that has stressed the educational facility capacities in those sub-areas. Planning based on sound enrollment projections has proven to be a crucial component especially in times of financial strain.

Construction costs and revenue sources are another major issue as the district is experiencing shrinking of capital revenue and the rising cost of construction. In the near future construction costs may trend lower as the full impact of the housing building boom levels off which frees up capacity that in the past has been dedicated to this type of construction. The District will continue to be impacted by the current and pending state legislation on tax reform pending before the legislature and at the ballot box. While many of the proposed tax reforms have not impacted school districts, there are currently several proposals that limit taxes or cut taxes in their entirety, thereby potentially having an impact on the Miami-Dade School District.

As noted elsewhere in this report, the Town is ostensibly built-out with little or no room for additional building, except for limited re-development, and in particular to the size and land constraints as required by the School Board. The School District requires certain minimum site sizes for schools to meet all of the various life-safety, athletic fields and parking requirements that cannot be met with very small land parcels as can be found in the Town. Innovative facility designs and shared facilities are common in the older coastal areas of the county, as has occurred at the Ruth K. Broad Elementary School conversion to a K-8 facility which was completed in 2009.

Due to the scarcity of land issue, the School Board is developing strategies to reduce the site size requirement to build new schools and expand an already aggressive collocation model. By designing a tighter building footprint, sharing parking and playfields, as well as exploring the use of parking garages verse surface parking, this will be possible.

## 7. Collocation of Facilities – Community Focal Points

The Town of Bay Harbor Islands is essentially built-out and as such, the available land is very limited for any type of development, including school facilities. For those lots that are available for development, the cost has made anything but high-end development impracticable. According to the Town's current Comprehensive Plan, in ~~2003~~ 2018 there is only about ~~2.39~~ 9.90 acres of vacant land, most of which is vacant ~~commercial multifamily residential land that was previously developed by demolished pending redevelopment~~. In 2007 a windshield survey of the Town was conducted as well as an analysis of aerial maps and Miami-Dade County Property Appraiser information. As of December 2007 it is noted that vacant land within the Town remains at relatively the same at approximately 2.33 acres (not including a few re-development sites or Town park sites).

Between early 2006 and March 2007 the Town and the Miami-Dade School Board collaborated on a plan for the re-development of the Ruth K. Broad Elementary School to a K-8 facility. In addition, the district is also constructing new schools in adjoining communities to accommodate growth that has occurred in those communities. As of ~~2009~~ 2020 almost one-half (~~48% in 2009~~) (50% in 2020) of the school children at the school come from several nearby communities (Indian Creek and Surfside = ~~38~~ 35% / Bal Harbour Village = ~~6~~ 10% / Other = ~~4~~ 5%). The impact on the Town has been significant, mostly related to traffic. However, the daily traffic volumes on roadways near the school have decreased by about 50% since the school was converted to a K-8 facility and other new schools opened. In March 2007 a joint re-development plan was approved by the Town and School Board which included the conversion of the school campus to a K-8 facility, the creation of a shared open space / park facility on the school site, improvements to the traffic circulation / drop-off areas at the school, the removal of almost all on-site parking on the school site. The K-8 facility formally opened for school operations in September 2009; however, the Town's construction of a multi-story parking garage across the street (95<sup>th</sup> Street) from the school, which includes the long-term leasing of 130 parking spaces for school employees and guests, was delayed due to unforeseen construction issues. The Town's parking structure opened in April 2010 and is now operational for the use by the school as well as the general public. The Town and the district entered into a joint use agreement to memorialize the arrangement. The joint use agreement allows for the use by the general public of the recreational facilities and certain portions of the middle school building areas that would not otherwise be available to the citizens of the Town. In addition, the Town has consistently worked with the district to encourage the use of the school facilities for adult and community classes in the evening hours when not in conflict with the ongoing programs of the school activities.

As has been discussed, the need within the Town for future schools and/or sites is limited or non-existent, as future development within the Town is primarily limited to the redevelopment of midrise multi-story residential and commercial buildings. The generation of public school students has been shown to be very low for these types of development / redevelopment projects. The Miami-Dade County School Board

generation rate for these types of development is very low as compared to single-family homes or low-rise multiple-family developments. Finally, as mentioned previously, the district constructed new elementary or K-8 schools in nearby communities that currently attend the Ruth K. Broad Elementary School. Future capacity of the school and future enrollments are projected to be within the acceptable LOS. The renovated school facility and new schools in nearby communities are ~~planned to be operational by between August 2008 and 2009.~~

## DATA AND ANALYSIS

### Population Growth in Bay Harbor Islands

The Town of Bay Harbor Islands was established in 1953 by the Florida Legislature. The Town grew slowly for the first several years and then accelerated in the 1950-60 period. In ~~2007~~ 2020 the Town is essentially built-out with occasional re-development of old duplexes or small multiple-family developments into modern midrise condominiums or townhouse developments. Residential housing in Bay Harbor Islands is limited to private single-family dwellings on the West Island and various forms of multiple-family dwellings on the East Island (rental apartments / condominiums / cooperatives). Residential development is also permitted in the commercial land use areas of the East Island in mixed-use developments; however, none have been constructed as of ~~2007~~ 2020, but one mixed-use project has been approved (1177 KC). Since the number of dwelling units (DU) is substantially fixed by the land use and zoning ordinance, no substantial future population growth need is anticipated. The high cost of acquiring already developed land, demolition of existing structures, new construction costs and financing / insurance costs has resulted in some proposed redevelopment projects being abandoned recently. The modest size of the Town and density limitations in the Comprehensive Plan and Land Development Regulations precludes substantial additional housing since no major vacant land exists that could be used for this purpose. Table 1 shows the historical growth trends in the Town. As can be observed, the incremental growth rate between 2000 and ~~2006~~ 2010 has been ~~minimal~~ moderate with an increase between 2000 and ~~2006~~ 2010 of only ~~1.24~~ 8.6 percent. ~~Since 2006~~ 2000 the Town's population has ~~declined annually due mostly to the demolition of several older multifamily complexes in anticipation of increased~~ due to new re-development that has not occurred as yet due to the poor economic conditions that have existed since 2006. ~~According to the 2010 Census, the Town now has a total population of 5,628. This is an increase over the 2009 estimate of 533 persons or an increase of 10.5 percent.~~ The most recent 2020 BEBR estimated permanent resident population in the Town is about 6,091 persons. The most recent 2020 US Census estimated permanent resident population in the Town is about 5,800 persons.

**Table 1**  
**Bay Harbor Islands**  
**Historical Population Growth**  
**1960 to ~~2010~~ 2020**

| Year | Population | Increase/Decrease (No.) | Increase/Decrease (%) |
|------|------------|-------------------------|-----------------------|
| 1960 | 3,246      | *                       | *                     |
| 1970 | 4,619      | 1,373                   | 42.3                  |
| 1980 | 4,869      | 250                     | 5.4                   |
| 1990 | 4,703      | (166)                   | (3.4)                 |
| 2000 | 5,146      | 443                     | 9.41                  |
| 2006 | 5,208      | 62                      | 1.21                  |
| 2007 | 5,148      | (60)                    | (1.11)                |
| 2008 | 5,135      | (13)                    | (.25)                 |
| 2009 | 5,095      | (40)                    | (.78)                 |
| 2010 | 5,628      | 533                     | 10.5                  |
| 2017 | 6,006      | (378)                   | 6.3                   |
| 2020 | 6,091      | 85                      | 1.4                   |

Sources: United States Census Bureau, 1960 to 2000 & 2010, 2020  
~~BEHR-2006-2009~~

#### School Age Population – Existing School Facilities

The long-range student enrollment projections provide a basis for determining capital needs. Table 2 below summarizes the enrollment by level for the ~~2009-2010~~ 2020-2021 and the long-term planning period ~~2019-2020~~ 2025-2026 school years for the entire Miami-Dade County Public School System by school type. The long-range projections can also be found in the Educational Plant Survey of Miami-Dade County Public Schools. The Educational Plant Survey is a systematic study that aids in the formulation of plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus. The survey, must be conducted at least every five (5) years. A copy of the complete Educational Plant Survey can be found on file with the State Department of Education and the Miami-Dade County School Board.

The enrollment projections are compared to the current enrollment figures for the ~~2009-2010~~ 2020-2021 school year. As indicated in the table, a decrease of ~~21,130~~ 54,081 students in grades K-12 countywide is projected for the ~~2018-2019~~ 2021-2022 time period. While the County as a whole will be experiencing declining enrollment for any number of reasons, there will continue to be those areas in the county experiencing a growth in school age population as new housing units come on line offsetting to some degree an aging population in other parts of the county. The existing school facilities and their Concurrency Service Areas (CSA) for the northeast portion of the County are shown in a series of three (3) maps and are attached hereto as Exhibit "C"

**Table 2**  
**Miami-Dade County**  
**Summary of Enrollment Projections**

| <u>School Type</u>           | <u>2020-2021</u><br><u>COFTE</u><br><u>Enrollment</u> | <u>2020-2021</u><br><u>Capacity – incl.</u><br><u>Re-locatables</u> | <u>2025-2026</u><br><u>Projected</u><br><u>COFTE</u> |
|------------------------------|-------------------------------------------------------|---------------------------------------------------------------------|------------------------------------------------------|
| <b><u>Elementary</u></b>     | <u>82,417</u>                                         | <u>98,900</u>                                                       | <u>94,600</u>                                        |
| <b><u>Middle</u></b>         | <u>97,958</u>                                         | <u>117,550</u>                                                      | <u>74,243</u>                                        |
| <b><u>High</u></b>           | <u>86,859</u>                                         | <u>115,330</u>                                                      | <u>69,453</u>                                        |
| <b><u>Other ESE, etc</u></b> | <u>1,568</u>                                          | <u>N/A</u>                                                          | <u>1,196</u>                                         |
| <b><u>TOTAL</u></b>          | <u>258,803</u>                                        | <u>331,780</u>                                                      | <u>239,492</u>                                       |

| <u>School Type</u>           | <u>2009-2010</u><br><u>COFTE</u><br><u>Enrollment</u> | <u>2009-2010</u><br><u>Capacity – incl.</u><br><u>Re-locatables</u> | <u>2018-2019</u><br><u>Projected</u><br><u>COFTE</u> |
|------------------------------|-------------------------------------------------------|---------------------------------------------------------------------|------------------------------------------------------|
| <b><u>Elem. (PK-3)</u></b>   | <u>120,790</u>                                        | <u>150,981</u>                                                      | <u>112,367</u>                                       |
| <b><u>Middle</u></b>         | <u>92,593</u>                                         | <u>106,560</u>                                                      | <u>86,101</u>                                        |
| <b><u>High</u></b>           | <u>86,231</u>                                         | <u>105,480</u>                                                      | <u>80,061</u>                                        |
| <b><u>Other ESE, etc</u></b> | <u>2,433</u>                                          | <u>13,626</u>                                                       | <u>2,388</u>                                         |
| <b><u>TOTAL</u></b>          | <u>302,047</u>                                        | <u>376,647</u>                                                      | <u>280,917</u>                                       |

COFTE – Capital Outlay Full Time Equivalency

Source: School Board of Miami-Dade County, 9/17/2010-10/11/2020

### Student Population and Schools in Bay Harbor Islands

The Town of Bay Harbor Islands is home to the Ruth K. Broad – Bay Harbor K-8 Center and is serviced by Nautilus Middle School and Miami Beach High School located nearby in other municipalities. The attendance boundaries for the three schools are shown in Exhibit "D", the current 2009-2010 2020-2021 school year attendance boundaries. The School District does not have records of the number of students that reside within a given municipality; therefore, ~~Shimberg data from the Florida Housing Data Clearinghouse 2010 Census data and 2017 American Factfinder data~~ will be used to indicate the estimated number of school age children residing within Town of Bay Harbor Islands. ~~As of March 1, 2011 the detail population counts for school age children were not available for the 2010 Census, therefore the Shimberg Data set of 2005 will be used. According to the most recent Shimberg Data set 2005, the~~ The 2010 Census shows the Town had a population of 5,212 5,628 with an estimated school

age population of 847 960. The 2020 US Census data shows the Town had a population of 6,091 with a school age population of 1,699. This estimate number of school age children includes all persons of the age range from 5 through 19 years of age. The data set does not indicate whether the school age population are attending school, have aged out of school, attend private or charter schools or are home schooled. The population estimates ~~are is~~ useful in determining the potential impact to the School District only in the broadest sense as the actual number of students attending public schools at the three assigned school locations could and probably does vary greatly. Using the assumption that all school age children attend public school at the three assigned schools for the Town, the total impact to the district would be approximately 20% of the current cumulative capacities of the three schools.

The projected future population of school age children for the Town is shown in Table 3 below and is once again based on the Shimberg data as noted above. The projections show an increase in the school age population through the year ~~2015~~ 2040, and then dropping slightly to the year ~~2020~~. These increases in the school age population are in contrast to the current projections by the Miami-Dade County School Board in that they are showing, countywide as well as locally, an overall decrease in the number of school age children. This difference is attributable to the data used as the Shimberg data set is more than ~~two~~ fifteen years old while the Miami-Dade County School District relies on current and actual school enrollment figures.

**Table 3**  
**Town of Bay Harbor Islands**  
**School Age Population**

| <b>Age Cohort</b> | <b>2010</b> | <b>2015</b>  | <b>2020</b>  | <b>2025</b>  | <b>2030</b>  | <b>2035</b>  | <b>2040</b>  |
|-------------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|
| <b>5-9</b>        | <u>384</u>  | <u>382</u>   | <u>351</u>   | <u>386</u>   | <u>412</u>   | <u>441</u>   | <u>452</u>   |
| <b>10-14</b>      | <u>325</u>  | <u>362</u>   | <u>427</u>   | <u>427</u>   | <u>427</u>   | <u>468</u>   | <u>502</u>   |
| <b>15-19</b>      | <u>251</u>  | <u>271</u>   | <u>302</u>   | <u>297</u>   | <u>267</u>   | <u>296</u>   | <u>315</u>   |
| <b>Total</b>      | <u>960</u>  | <u>1,015</u> | <u>1,080</u> | <u>1,110</u> | <u>1,106</u> | <u>1,205</u> | <u>1,269</u> |

| <b>Age Cohort</b> | <b>2005</b> | <b>2010</b> | <b>2015</b>  | <b>2020</b>  |
|-------------------|-------------|-------------|--------------|--------------|
| <b>5-9</b>        | <u>309</u>  | <u>348</u>  | <u>369</u>   | <u>385</u>   |
| <b>10-14</b>      | <u>317</u>  | <u>353</u>  | <u>398</u>   | <u>399</u>   |
| <b>15-19</b>      | <u>194</u>  | <u>270</u>  | <u>345</u>   | <u>245</u>   |
| <b>Total</b>      | <u>817</u>  | <u>974</u>  | <u>1,112</u> | <u>1,029</u> |

Source: Shimberg Center, 2005-2010

### Existing Schools

As can be seen from Table 4 as shown below, the current ~~K-8 Center and middle schools~~ serving the Town are slightly over enrolled, while the ~~high school is slightly under-enrolled~~. The capacity of the schools as shown below is inclusive of the existing relocatable buildings on site. The current school attendance zones for schools in and serving Bay Harbor Islands are shown in Exhibit "D".

**Table 4**  
**Town of Bay Harbor Islands**  
**Enrollment – Current Conditions**

| School                                  | <u>2010/2014</u><br><u>2020/2021</u><br>FISH | Capacity of<br>Relocatables | Total<br>FISH<br>Capacity        | <u>2009/2010</u><br><u>2020/2021</u><br>Enrollment | Over<br>(Under)               | %<br>Utilization                |
|-----------------------------------------|----------------------------------------------|-----------------------------|----------------------------------|----------------------------------------------------|-------------------------------|---------------------------------|
| Ruth K. Broad- Bay<br>Harbor K-8 Center | 997 <u>1,327</u>                             | 0                           | 997 <u>1,327</u>                 | <del>1,128</del><br><u>1,311</u>                   | <del>134</del><br><u>(16)</u> | <del>113%</del><br><u>98.8%</u> |
| Nautilus Middle                         | <del>1,047</del> <u>1,050</u>                | 0                           | <del>1,047</del><br><u>1,050</u> | <del>1,120</del><br><u>1,099</u>                   | <del>73</del><br><u>49</u>    | <del>107%</del><br><u>105%</u>  |
| Miami Beach High                        | <del>2,353</del> <u>2,361</u>                | 0                           | <del>2,353</del><br><u>2,361</u> | <del>2,215</del><br><u>2,350</u>                   | <del>(138)</del><br><u>11</u> | <del>94%</del><br><u>99.5%</u>  |

Source: School Board of Miami-Dade County, 9/17/2010 Dec. 2020

According to the Miami-Dade School Board projections (Table 5) all three schools, the K-8 Center, middle school and high school will either ~~continue to be under-enrolled or become~~ remain near capacity under-enrolled in the short-term planning horizon and meet the LOS. The ~~K-8 Center middle school~~ in the short-term planning horizon will ~~become under~~ is slightly over enrolled and ~~does not~~ meet the LOS. ~~as two contributing factors come into play; as~~ As noted above, the ~~K-8 school has been~~ was converted to a K-8 Center including an additions, bringing the capacity of the school to approximately 997 1,327. There is suspicion that children from outside of the RKB boundaries are attending the school and causing overcrowding. Corrective actions are being pursued.

The School District and the Town entered into a Joint Use Agreement in February 2007 for the use of shared facilities at the Ruth K. Broad school campus, including the relocation of almost all parking spaces off of the school campus lands into a Town parking structure to service the school as well as adjoining commercial uses. The agreement was developed jointly between the Town and the School Board in an effort to increase park and recreational opportunities and reduce parking shortages in the area as well parking opportunities for the school staff and visitors.

**Table 5**  
**Town of Bay Harbor Islands**  
**Enrollment – Future Projections**

| School                                      | Total<br>FISH<br>Capacity        | Capacity<br>Additions | Total<br>FISH with<br>Additions | Projected<br>Enrollment<br><u>2014/2015</u><br><u>2023/2024</u> | Over (Under)<br>2023/2024          | Projected<br>%<br>Utilization |
|---------------------------------------------|----------------------------------|-----------------------|---------------------------------|-----------------------------------------------------------------|------------------------------------|-------------------------------|
| Ruth K. Broad /<br>Bay Harbor K-8<br>Center | 997 <u>1,327</u>                 | 0                     | 997 <u>1,327</u>                | <del>992</del><br><u>1,184</u>                                  | <del>(5)</del><br><u>(143)</u>     | <del>99%</del><br><u>89%</u>  |
| Nautilus Middle                             | <del>1,047</del><br><u>1,050</u> | 0                     | <del>1,047</del> <u>1,050</u>   | <del>892</del><br><u>945</u>                                    | <del>(155)</del><br><u>(105)</u>   | <del>85%</del><br><u>90%</u>  |
| Miami Beach High                            | <del>2,353</del><br><u>2,361</u> | 0                     | <del>2,353</del> <u>2,361</u>   | <del>1,137</del><br><u>2,034</u>                                | <del>(1,216)</del><br><u>(327)</u> | <del>48%</del><br><u>86%</u>  |

Source: School Board of Miami-Dade County, 9/17/2010 2020-2021 Work Plan



## Housing Characteristics

Table 6 indicates that there have been only minor changes to housing and household characteristics in Bay Harbor Islands between 1990 and 2000 and 2019. Most notably is that the percentage increase in the median rent ~~(+48.7%)~~ ~~(+44.0%)~~ and percentage increase ~~decrease~~ in the median price of a single-family home ~~(+53.6%)~~ ~~(-18.4%)~~ which has ~~been~~ ~~outpaced by~~ the percentage increase in the median income ~~(+27.9%)~~ ~~(31.7%)~~ of Bay Harbor Island residents. If this trend continues, housing affordability could become a ~~major problem~~ ~~more reasonable~~ for the Town. Between 2000 and 2006 the real estate market led to significant increases in the price of housing. It is ~~estimated the median value of housing in the table below doubled or tripled between 2000 and 2006, even with recent market adjustments.~~ However, since 2006+/- it is ~~believed~~ the value of dwelling units, especially multifamily units, has declined due to the poor economic conditions that have affected the real estate market. The ~~2010 US Census now being performed will reveal current changes that exist and the element data will be updated as the data becomes available.~~

**Table 6**  
**Town of Bay Harbor Islands**  
**Historical Housing Changes 1990 to 2000-2010**

|                 | 1990 Census | 2000 Census | 2019 Census Est. | 1990—2000 - 2019<br>% Change |
|-----------------|-------------|-------------|------------------|------------------------------|
| Housing Units   | 3,179       | 3,103       | 3,172            | -2.3% +2.2%                  |
| Vacant          | 464         | 491         | 710              | +5.8% +31.0%                 |
| Renters         | 1,344       | 1,233       | 1,352            | -8.3% -8.9%                  |
| Owners          | 1,374       | 1,379       | 1,110            | +0.6% +4.6%                  |
| Average HH Size | 4.73        | 1.97        | 2.38             | +10.4% +17.3%                |
| Median Rent     | \$540       | \$803       | \$1,429          | +48.7% +57.0%                |
| Median Value    | \$249,500   | \$383,300   | \$312,800        | +53.6% -18.4%                |
| Median Income   | \$30,112    | \$38,514    | \$61,225         | +27.9% +37.0%                |

\* For Single-Family Detached Units

Source: 2000 & 2010 & 2020 Census

## LOCATION OF DEVELOPMENT

The Town experienced very little redevelopment prior to 2000. However, since 2004 when the Town last updated portions of its Comprehensive Plan as related to allowable residential density and Land Development Regulations, the Town has begun to experience some redevelopment of older multiple-family parcels on the east island.

Since that time, several proposed multifamily residential projects have been reviewed and approved by the Town. However, due to the 2006-2012+/- Great Recession and more recent sharp increases in land acquisition costs and construction costs only about one-half of those approved have moved forward with construction – the others expired. By the end of December 2020, 392 dwelling units were demolished but only 211 new units were issued building permits – this results in a decrease of 181 units. See Table 7 for yearly multifamily residential activity between 2010-2020.

Since that time twenty-seven proposed residential projects have been reviewed by the Town. However, as of December 2009 all but three have expired with two projects completed and only one under construction. Of the three active (1/10) development orders, if all developments are built a total of 73 dwelling units would result. Each of the active re-development projects had existing dwelling units totaling 32. This would result in a net increase of 41 dwelling units if all are built, which is unlikely in the current real estate market. See Table 7 for individual active projects and location.

**Table 7**  
**Town of Bay Harbor Islands**  
**Major Residential Projects Under Construction / Approved / Proposed**  
**As of December 2009 (Net increase)**

| Project Name    | Address                         | Number of Units | Status                         |
|-----------------|---------------------------------|-----------------|--------------------------------|
| Millennium West | 9400-9420 West Bay Harbor Drive | 25 (+16)        | Under Construction             |
| Monarch         | 9540 West Bay Harbor Drive      | 36 (+17)        | Approved<br>SP Expires 9/1/11  |
| HCD Condo       | 1150 100 <sup>th</sup> Street   | 12 (+8)         | Approved<br>SP Expires 10/1/10 |
|                 | <b>TOTAL</b>                    | <b>73 (+41)</b> |                                |

**Table 7**  
**Town of Bay Harbor Islands**  
**Major Residential Projects Under Construction / Permits Issued**  
**As of September December 31, 2020**

|              |                                            |
|--------------|--------------------------------------------|
| <u>2010</u>  | <u>0 Demo / 0 New DU</u>                   |
| <u>2011</u>  | <u>0 Demo / 0 New DU</u>                   |
| <u>2012</u>  | <u>0 Demo / 0 New DU</u>                   |
| <u>2013</u>  | <u>7 Demo / 62 New DU</u>                  |
| <u>2014</u>  | <u>133 Demo / 0 New DU</u>                 |
| <u>2015</u>  | <u>156 Demo / 42 New DU</u>                |
| <u>2016</u>  | <u>29 Demo / 17 New DU</u>                 |
| <u>2017</u>  | <u>28 Demo / 48 New DU</u>                 |
| <u>2018</u>  | <u>39 Demo / 6 New DU</u>                  |
| <u>2019</u>  | <u>0 Demo / 24 New DU</u>                  |
| <u>2020</u>  | <u>0 Demo / 12 New DU</u>                  |
| <u>Total</u> | <u>392 Demo / 211 New DU = 181 Less DU</u> |

## DEVELOPMENT WITHIN THE LONG-TERM PLANNING PERIOD

While the number of dwelling units noted above include both projects under construction and approved but not yet under construction, it is expected that many of the approved projects will not break ground for some time, if ever, due to the current real estate market. The total number of new units anticipated over the next five years is difficult to estimate. Until the real estate market returns and insurance costs are stabilized, future redevelopment should be slow. Again, the Town is essentially built-out at present.

Even under-utilized or older substandard housing is occupied. Redevelopment will occur only when it is economical. It is estimated that over the next five years the Town will experience a growth of approximately 400 250+/- net new high-end multiple-family residential units, either in midrise buildings or townhouses.

## FUNDING SOURCES FOR CAPITAL IMPROVEMENTS

The Miami-Dade County School District has a total projected revenue and financing sources of ~~\$129,396,387.00~~ \$3,651,835,108 available for public school capital improvements for the five (5) year planning period ending ~~2014/2015~~ 2020 - 2021 as depicted in Table 8. All of the dollars represented in the five-year period are in the current year budget and represent the continuation of existing capital projects underway or basic life safety items. The complete listing of all available funding sources and expeditors can be found in the School Districts five-year work program on file with the State Department of Education and the Miami-Dade County School Board. The specific capital improvements relating to Bay Harbor Islands is attached hereto as Exhibit "B"

**Table 8**  
**Miami-Dade School District**  
**Estimated Revenue**

|                        | <u>2010/2011</u><br><u>2016 - 2017</u>             | <u>2011/2012</u><br><u>2017 - 2018</u> | <u>2012/2013</u><br><u>2018 - 2019</u> | <u>2013/2014</u><br><u>2019 - 2020</u> | <u>2014/2015</u><br><u>2020 - 2021</u> | Total                                              |
|------------------------|----------------------------------------------------|----------------------------------------|----------------------------------------|----------------------------------------|----------------------------------------|----------------------------------------------------|
| Total Capital revenues | <del>\$129,396,387</del><br><u>\$1,487,122,875</u> | <del>\$0</del><br><u>\$516,368,466</u> | <del>\$0</del><br><u>\$519,580,398</u> | <del>\$0</del><br><u>\$549,921,408</u> | <del>\$0</del><br><u>\$578,841,961</u> | <del>\$129,396,387</del><br><u>\$3,651,835,108</u> |
| Total Project Cost     | <del>\$129,396,387</del><br><u>\$1,487,122,875</u> | <del>\$0</del><br><u>\$516,368,466</u> | <del>\$0</del><br><u>\$519,580,398</u> | <del>\$0</del><br><u>\$549,921,408</u> | <del>\$0</del><br><u>\$578,841,961</u> | <del>\$129,396,387</del><br><u>\$3,651,835,108</u> |
| Remaining Funds        | \$0                                                | \$0                                    | \$0                                    | \$0                                    | \$0                                    | \$0                                                |

The Miami-Dade County Public School District's 5-Year Work Program identifies ~~only two (2) minor~~ several major and several minor capital improvement projects to the schools that serve the Town, ~~neither one of which will add 88 seats of capacity to any of the schools~~ the Ruth K. Broad K-8 school in 2017-18 (likely delayed). Several other renovations are planned at all three schools that serve the Town in the next 5-year period. As mentioned previously, the Ruth K. Broad / Bay Harbor Elementary School was converted to a K-8 Center in 2005-06 and is now known as the Ruth K. Broad / Bay Harbor K-8 Center. This improvement has added 451 permanent seats of capacity at that facility. In 2019-20 another 88 permanent seats were added. Given the projected enrollments and expected student capacities shown in Table 5, the ~~recently-completed~~ planned improvements at the Ruth K. Broad / Bay Harbor K-8 Center and at Miami Beach Senior High School, and the completion of new school facilities in Sunny Isles Beach and North Miami, the capacities should be sufficient to provide adequate facilities for current and future residents of the Town and surrounding communities.

**Table 9**  
**Miami-Dade School District**  
**Public School That Serve Bay Harbor Islands**  
**5-Year Capital Plan Projects**

|                           | <u>2017 - 2018</u>        | <u>2018 - 2019</u>      | <u>2019 - 2020</u>        | <u>2020 - 2021</u>      | <u>2021 - 2022</u>      | <u>Total</u>               |
|---------------------------|---------------------------|-------------------------|---------------------------|-------------------------|-------------------------|----------------------------|
| <u>RKB K-8</u>            | <u>\$2,000,000</u>        | <u>\$67,000</u>         | <u>\$72,000</u>           | <u>\$31,700</u>         | <u>\$0</u>              | <u>\$2,170,700</u>         |
| <u>Nautilus Middle</u>    | <u>\$1,472,000</u>        | <u>\$28,000</u>         | <u>\$199,000</u>          | <u>\$509,000</u>        | <u>\$171,000</u>        | <u>\$2,379,000</u>         |
| <u>Miami Beach Senior</u> | <u>\$90,175</u>           | <u>\$728,000</u>        | <u>\$5,074,000</u>        | <u>\$0</u>              | <u>\$60,000</u>         | <u>\$5,952,175</u>         |
| <b><u>Total Funds</u></b> | <b><u>\$3,562,175</u></b> | <b><u>\$823,000</u></b> | <b><u>\$5,345,000</u></b> | <b><u>\$540,700</u></b> | <b><u>\$231,000</u></b> | <b><u>\$10,501,875</u></b> |

Source: Miami-Dade School District 5-Year Capital Plan 2020

The Town of Bay Harbor Islands  
Public School Facilities Element  
Goals, Objectives and Policies

**PUBLIC SCHOOL FACILITIES ELEMENT**

**GOAL 1**

The Town of Bay Harbor Islands in collaboration with the Miami-Dade County School Board and Miami-Dade County will strive to improve the quality and quantity of public educational facilities available to the citizenry of the county and Town of Bay Harbor Islands, Florida.

**OBJECTIVE 1** Work towards the reduction of the overcrowding which currently exists in some facilities of the Miami-Dade County Public Schools System, while striving to attain an optimum level of service by implementing the 5-year Work Program.

**Policy 1.1** Continue to cooperate with the Miami-Dade County Public School System in their efforts to provide new student stations through the Capital Outlay program, in so far as funding is available.

**Policy 1.2** Cooperate with the Miami-Dade County Public Schools System in their efforts to develop and implement alternative educational facilities, such as primary learning centers, which can be constructed on small parcels of land and relieve overcrowding at elementary schools, in so far as funding and rules permit.

**Policy 1.3** The Miami-Dade County Public Schools shall be consulted and comments sought and considered on comprehensive plan amendments and other land use and zoning decisions which could impact the school district.

**Policy 1.4** The Town will, through the Staff Working Group of the Interlocal Agreement for Public School Facility Planning in Miami-Dade County, coordinate with Miami-Dade County Public Schools, Miami-Dade County and applicable municipalities, to review annually the Educational Element and school enrollment projections and recommend amendments to the Educational Element and projections as necessary.

**OBJECTIVE 2** The Town of Bay Harbor Islands in collaboration with The Miami-Dade County School Board will ensure that public school facilities will be available for current and future students consistent with available financial resources and adopted level of service standards (LOS).

**Policy 2.1** Bay Harbor Islands shall coordinate with the Miami-Dade School Board on new residential development impacts to determine if future availability of public school facilities is consistent with the adopted level of service standards for public school concurrency, to ensure the inclusion of those projects necessary to address existing deficiencies in the 5-year schedule of capital improvements, and meet future needs based upon achieving and maintaining the adopted level of service standards throughout the planning period.

The Town of Bay Harbor Islands  
Public School Facilities Element  
Goals, Objectives and Policies

**Policy 2.2** Beginning January 1<sup>st</sup>, 2008, the adopted level of service (LOS) standard for all Miami-Dade County public school facilities is 100% utilization of Florida Inventory of School Houses (FISH) Capacity (With Relocatable Classrooms). This LOS standard, except for Magnet Schools, shall be applicable in each public school concurrency service area (CSA), defined as the public school attendance boundary established by the Miami-Dade County Public Schools. The adopted LOS standard for Magnet Schools is 100% of FISH (With Relocatable Classrooms), which shall be calculated on a district wide basis.

**Policy 2.3** It is the goal of Miami-Dade County Public Schools and the Town for all public school facilities to be at or below 100% utilization of Permanent FISH (No Relocatable Classrooms) by January 1<sup>st</sup>, 2018.

**Policy 2.4** In the event the adopted LOS standard of a CSA cannot be met as a result of a proposed development's impact, the development may proceed provided at least one of the following conditions is met:

- a) The development's impact can be shifted to one or more contiguous CSAs that have available capacity and is located, either in whole or in part, within the same Geographic Areas (Northwest, Northeast, Southwest, or Southeast) as the proposed development; or
- b) The development's impact is mitigated, proportionate to the demand for public schools it created, through a combination of one or more appropriate proportionate share mitigation options, ~~as defined in Section 163.3180 (13)(c)1, Florida Statutes.~~ The intent of these options is to provide for the mitigation of residential development impacts on public school facilities, guaranteed by a legal binding agreement, through mechanisms that include, one or more of the following; contribution of land, the construction, expansion, or payment for land acquisition or construction of a permanent public school facility; or, the creation of a mitigation bank based on the construction of a permanent public school facility in exchange for the right to sell capacity credits.
- c) The proportionate share mitigation agreement is subject to approval by Miami-Dade County School Board, the Miami-Dade County Board of County Commissioners and the Town and must be identified in the Miami-Dade County Public Schools Facilities Work Program.
- d) The development's impacts are phased to occur when sufficient capacity will be available.

The Town of Bay Harbor Islands  
Public School Facilities Element  
Goals, Objectives and Policies

- e) Charter Schools may be considered as a mitigation option only at the sole discretion of the School Board. Criteria associated with this option will be developed by the School Board.
- f) If none of the above conditions are met, the development shall be denied.

**Policy 2.5** Concurrency Service Areas (CSA) shall be delineated to: 1) maximize capacity utilization of the facility, 2) limit maximum travel times and reduce transportation costs, 3) acknowledge the effect of court-approved desegregation plans, 4) achieve socio-economic, racial, cultural and diversity objectives, and 5) achieve other relevant objectives as determined by the School Board's policy on maximization of capacity. Periodic adjustments to the boundary or area of a CSA may be made by the School Board to achieve the above stated factors. Other potential amendments to the CSAs shall be considered annually at the Staff Working Group meeting to take place each year no later than April 30 or October 31, consistent with Section 9 of the Interlocal Agreement for Public School Facility Planning.

**Policy 2.6** The County through the implementation of the concurrency management system and Miami-Dade County Public School Facilities Work Program for educational facilities, shall ensure that existing deficiencies are addressed and the capacity of schools is sufficient to support residential development at the adopted level of service (LOS) standards throughout the planning period in the 5-year schedule of capital improvements.

**Policy 2.7** The Miami-Dade County Public Schools Facilities Work Program will be evaluated on an annual basis to ensure that the level of service standards will continue to be achieved and maintained throughout the planning period.

**Policy 2.8** Development regulations must be adopted to and the Town's approval of any development application shall ensure that no development orders or permits will be issued unless it can be shown that there will be no reduction in the adopted level of services for the affected public facilities below the minimum standards as adopted in this Comprehensive Plan or that new and /or upgraded facilities or other improvements and/or actions are completed concurrently with the impacts of the development or scheduled in to be improved via a Capital Improvement project.

**Policy 2.9** The Miami-Dade County Public Schools will report to the Town of Bay Harbor Islands, schools which do not meet the LOS standards and all annual projects related to school capacity that are due to be completed by the date of the report.

**Policy 3.0** For Concurrency purposes only, the County has been divided into four quadrants to determine school capacity and allocation. The Miami-Dade County School Board shall review the four Geographic Areas within one year of the effective date of the amended ILA to determine the effectiveness of the areas on school concurrency.

The Town of Bay Harbor Islands  
Public School Facilities Element  
Goals, Objectives and Policies

**OBJECTIVE 3** The Town of Bay Harbor Islands will continue to work with the Miami-Dade County School District to obtain suitable sites for the development and expansion of public education facilities.

**Policy 3.1** In the selection of sites for future educational facility development, the Town encourages the Miami-Dade County Public Schools System to consider whether a school is in close proximity to residential areas and is in a location that would provide a logical focal point for community activities

**Policy 3.2** The Town acknowledges and concurs that, when selecting a site, the Miami-Dade County Public School District will consider if the site meets the minimum size criteria as recommended by the State Department of Education or as determined to be necessary for an effective educational environment.

**Policy 3.3** When considering a site for possible use as an educational facility, the Miami-Dade County Public Schools district should review the adequacy and proximity of other public facilities and services necessary to the site such as roadway access, transportation, fire flow and portable water, sanitary sewers, drainage, solid waste, police and fire services, and means by which to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization.

**Policy 3.4** When considering a site for possible use as an educational facility the Miami-Dade County Public Schools district should consider whether the present and projected surrounding land uses are compatible with the operation of an educational facility and the Town must concur.

**Policy 3.5** Cooperate with the Miami-Dade County Public Schools System in their efforts to provide "full service" schools, parent resource centers, adult and community schools and programs as appropriate.

**Policy 3.6** Cooperate with the Miami-Dade County Public Schools System in their efforts to continue to provide opportunities for community and business leaders to serve on committees and task forces, which relate to the development of improved provision of public educational facilities.

**Policy 3.7** The Miami-Dade County Public Schools System is encouraged to continue to improve existing educational facilities, in so far as funding is available, through renovation and expansion to better accommodate increasing enrollment, new educational programs and other activities, both curricular and extra-curricular.

**OBJECTIVE 4** The Town and the School Board shall establish an implementation mechanism(s) for on-going coordination and communication between the School Board,



The Town of Bay Harbor Islands  
Public School Facilities Element  
Goals, Objectives and Policies

the Town and other appropriate jurisdictions, to ensure the adequate provision of public educational facilities.

**Policy 4.1** The Town shall coordinate and cooperate with the Miami-Dade County Public Schools, the State, municipalities and other appropriate agencies to develop or modify rules and regulations in order to simplify and expedite proposed new educational facility developments and renovations.

**Policy 4.2** The location of future educational facilities should occur where capacity of other public facilities and services is available to accommodate the infrastructure needs of the educational facility.

**Policy 4.3** The County shall cooperate with the Miami-Dade County Public Schools System and local governments to eliminate infrastructure deficiencies surrounding existing school sites. The Town shall not be expected to improve or pay for infrastructure necessary to serve a school facility, unless agreed to in advance.

**Policy 4.4** ~~Consistent with Section 163.3177 (12) (g), F.S., the~~ The Bay Harbor Islands PSFE shall include future conditions maps showing existing and anticipated school facilities for the short-term (5 year) and long-term (10 year) planning time frames. Maps as shown on Exhibit "E" depict the short and long term existing and anticipated public school facilities and ancillary plants.

**Policy 4.5** Adopted land development regulations shall contain standards for defining and ensuring the compatibility of adjacent uses and which address buffering and open space requirements.

**Policy 4.6** The Town shall require site plan approval for all physical improvements at school facilities consistent with state law and opinions of the Florida Attorney General that require consistency with local Comprehensive Plans and Land Development Regulations. The Town Council reserves the right to modify development criteria for public school facilities.

**Policy 4.7** The location, design and management of public facilities shall maximize the efficiency of services provided, minimize cost and minimize impacts on the natural environment.

**Policy 4.8** The Town of Bay Harbor Islands shall encourage the continued collocation of public facilities, where appropriate, with existing school facilities. Collocation of public schools shall be considered when:

- Improvements to the Ruth K. Broad-Bay Harbor K-8 Center are funded in the School Board's Capital Budget; or

The Town of Bay Harbor Islands  
Public School Facilities Element  
Goals, Objectives and Policies

- Improvements to existing facilities located adjacent to the Ruth K. Broad-Bay Harbor K-8 Center are funded in the Town's Capital Improvement Plan; or
- Joint-use projects / agreements are created and implemented.

In considering the potential collocation of public facilities with existing public schools, the Town Council shall base a determination of appropriateness upon the following factors:

- Impacts on adjacent properties and existing and future development patterns of the Town of Bay Harbor Islands.
- Location of existing public facilities.
- Adequacy of resources (staff, resource materials, amenities, facilities, etc.) to serve the needs of patrons/visitors/residents to the proposed facility as well as of the students.
- Existing traffic levels on the regional and local roadway network.
- Availability of public utilities.
- Availability of mass transit facilities within ¼ mile of the site.
- Access to the site is convenient for patrons/visitors/residents while insuring safety for students utilizing the facilities. Ingress and egress shall not create detrimental impacts on roads and/or adjacent properties.
- Approaches to the site shall be safe for pedestrians, bicycles, motor vehicles and buses.

**Policy 4.9** All physical improvements at the Ruth K. Broad School site (K-8 Conversion) shall be generally consistent with the Site Plan(s) attached as Exhibit "A" of "B" of the Joint Use Agreement approved by the Town Council on March 12, 2007.

**Policy 4.10** As related to Policy 4.7 the open space / recreational areas located between the RKB middle school wing on West Bay Harbor Drive and the active facilities on the east side of the property shall be maintained and preserved to the extent possible, as one of the main purposes of the Joint Use Agreement and off-site parking garage lease Agreement was to create open space / park facilities to assist the Town in meeting its concurrency requirements for open space / parks acreage.

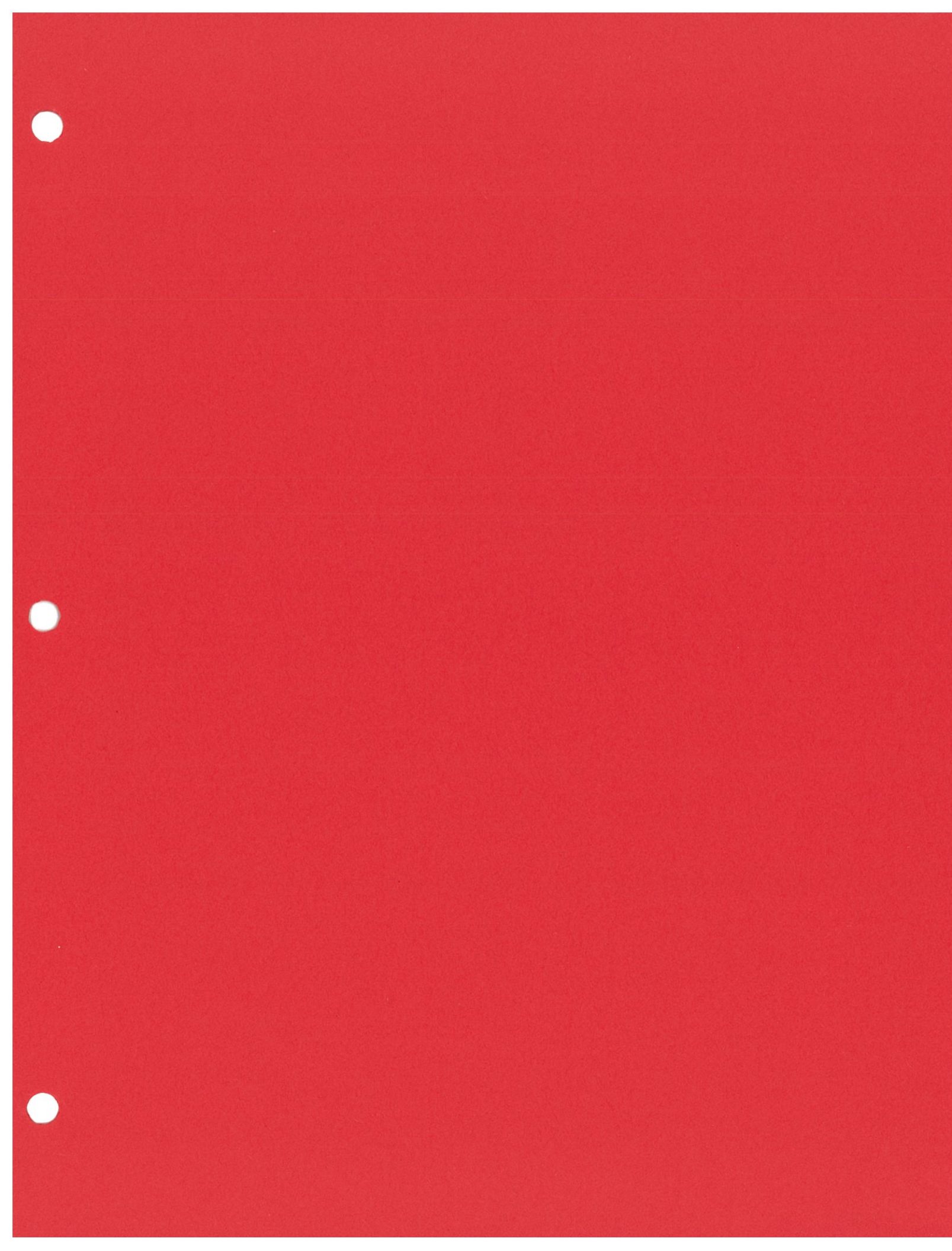
The Town of Bay Harbor Islands  
Public School Facilities Element  
Goals, Objectives and Policies

**Policy 4.11** No structures, including portable or relocatable classrooms, except for their temporary placement during the K-8 conversion, shall be constructed or placed in the open space area or elsewhere on the site without the prior approval of the Town Council.

**Policy 4.12** The School Board shall amend the District Educational Facilities Plan (DEFP) on an annual basis to accomplish the following:

1. add a new fifth year;
2. reflect changes in estimated capital revenues, planned capital appropriation cost, planned capital facilities projects, CSA's, school usage and;
3. ensure the DEFP continues to be financially feasible for the five-year planning period.

**Policy 4.13** Annual amendments to the Town's CIE shall be coordinated with adopted updates to the DEFP and the CSA maps. The annual plan amendments shall ensure that the schedule of capital improvements within the CIE continues to be financially feasible and the LOS will be achieved and maintained



## **10 – CAPITAL IMPROVEMENTS ELEMENT**

## CAPITAL IMPROVEMENTS ELEMENT

### TABLE OF CONTENTS

|       |                                     |    |
|-------|-------------------------------------|----|
| I.    | PURPOSE AND FORMAT                  | 1  |
| II.   | INVENTORY                           | 3  |
| A.    | Needs derived from other Elements   | 3  |
| B.    | Financial Resources                 | 6  |
| III.  | ANALYSIS                            | 8  |
| IV.   | GOALS, OBJECTIVES AND POLICIES      | 19 |
| V.    | IMPLEMENTATION                      | 22 |
| I.    | Introduction                        | 3  |
| II.   | Financial Resources                 | 3  |
| III.  | Fiscal Assessment                   | 4  |
| IV.   | Adequacy of Facilities              | 4  |
| V.    | Projected Revenues and Expenditures | 5  |
| VI.   | Level of Service (LOS) Standards    | 7  |
| VII.  | Capital Improvements Program (CIP)  | 8  |
| VIII. | Goals, Objectives, and Policies     | 14 |
| IX.   | Implementation                      | 19 |

## CAPITAL IMPROVEMENTS ELEMENT

### LIST OF TABLES

| Table   | Title                                                  | Page |
|---------|--------------------------------------------------------|------|
| CI-1    | Capital Improvements: 1988-1993                        | 5    |
| CI-2    | Comparison of Budgets, 1983-86                         | 12   |
| CI-3    | Revenue Sources, 1987-88                               | 13   |
| CI-4    | Tax Base & Valuation                                   | 13   |
| CI-5    | Projected Tax Base Valuation                           | 14   |
| CI-6    | Tax Yields                                             | 15   |
| CI-7    | Revenue Projections                                    | 16   |
| CI-8    | Expenditure Projections                                | 18   |
| CI-9    | Fiscal Assessment                                      | 18   |
| Table 1 | 5-Year Projection of Town Revenues                     | 6    |
| Table 2 | 5-Year Projection of Town Operating Expenditures       | 7    |
| Table 3 | 5-Year Capital Improvements Program (CIP) Schedule     | 10   |
| Table 4 | 5-Year CIP Summary by Project Category                 | 12   |
| Table 5 | 5-Year CIP Summary by Funding Source                   | 12   |
| Table 6 | 5-Year CIP Public School Facilities (M-D School Board) | 13   |

## CAPITAL IMPROVEMENTS ELEMENT

**\*Note that previous Sections I, II, and III from the Town's 1989 plan have been deleted in their entirety.**

### I. Introduction

An essential component of the Florida Growth Management laws is the principal of providing the necessary infrastructure to serve development impacts. The word "concurrency" means that infrastructure necessary to serve a development is in place concurrently with the development. For each type of infrastructure, a Level of Service (LOS) standard is adopted. Individual development applications are analyzed for consistency with those standards. If the standards are met, development orders may be granted. If they are not, mitigation may be necessary such as infrastructure improvements or impact fees in lieu thereof. This element contains an analysis of the statutory requirements, the adopted LOS, a 5-year capital improvements program to meet adopted LOS standards as well as other desired capital improvements not necessary to meet LOS standards, financial means to fund projects, projected revenues and expenditures, and those Goals, Objectives, and Policies necessary to apply the standards to development applications.

The Town of Bay Harbor Islands is a relatively small coastal community located in northeastern Miami-Dade County which is essentially fully developed (96.4%). Since there are no existing infrastructure deficiencies in relation to adopted Level of Service (LOS) standards, minimum vacant land, a stable population, and no expected changes to the existing land uses within the Town, the Town does not envision an extensive multi-year capital improvements program. However, for the past several years and for the next few years the Town will be making capital improvements to modernize and upgrade infrastructure, including potable water lines, storm-water facilities, roadways and related improvements and parks.

### II. Financial Resources

The Town has a limited number of revenue sources which provide for its financial resources. Some revenues are received with no restrictions relating to their use while others must be expended for certain types of purposes.

The following is a list of the major revenue sources currently available to the Town. Each of the sources listed could, through action by the Council, be made available to fund some part of the Capital Improvements Program.



## **A. General Fund**

1. Property Tax – Property taxes (or Ad Valorem taxes) are based on a millage rate which applied to the total taxable value of all real and tangible property. State constitutional provisions limit the millage for operations to 10 mills. In addition to the 10 mills for operations, voters may approve additional levies for debt service. The Town's 2020-21 adopted millage rate is 3.6245. Property taxes account for approximately 45.8% of the General Fund operating budget of the Town in Fiscal Year 2020-21 and comprise the largest revenue source available to the Town in the General Fund. The current millage rate is below the constitutional limit of 10-mills. There is no separate voter-approved millage for debt services at this time.

2. Proprietary Funds - The Town's proprietary funds account for approximately 24.9% of General Fund revenues in FY 2020-21. Resources from the Causeway Fund, Parking Meter Fund, Sanitary Sewer Fund, Solid Waste Fund, Stormwater Fund, and Water Fund are used to help fund Town administrative expenses and debt service.

3. Utility, Franchise and Telecommunication Taxes - Together these comprise about 9.6% of General Fund Revenues for FY 2020-21. These are taxes levied on the sale of electricity, gas and communication services to customers within the Town.

4. Intergovernmental Revenues - The Town receives approximately 8.3% of General Fund operating revenues in FY 2020-21 from recurring intergovernmental revenues. There are three primary components of this revenue – sales tax, state revenue sharing, and gasoline taxes. These shared revenues are distributed based on statutory formulae or interlocal agreements based on variables such as population and total tax collections.

5. Other – Other sources of revenue for the General Fund include license and permit fees, fines, charges for services, and investment earnings. In the aggregate, these sources provide about 11.4% of resources for the FY 2020-21 General Fund operating budget.

## **B. Proprietary Funds**

The Town of Bay Harbor Islands operates several proprietary funds to account for the operations of its business-type activities. The Town's proprietary funds include the Potable Water Fund, Sanitary Sewer Fund, Parking Fund, Solid Waste Fund, Causeway Fund, and Stormwater Fund. Revenues for the proprietary funds are primarily charges for services but may include investment earnings and grants.

### **C. General Capital Projects Fund**

The Town has used this fund for major infrastructure projects in the past. Currently there are no projects or funding.

### **III. Fiscal Assessment**

The Town of Bay Harbor Islands serves an area of approximately 268 acres or 0.42 square miles with a population of about 5,800 residents according to the 2020 US Census. The City is primarily a waterfront residential community with limited commercial property along a portion of 96<sup>th</sup> Street / Kane Concourse on the east island. The Town's taxable value of real and personal property for FY 2020-21 is \$1,378,221,700. This makes the Town's taxable value per capita approximately \$229,474.14. The Town is almost completely developed, so construction activity consists primarily of redevelopment and remodeling. The Town does not anticipate any annexations or changes to its boundaries; therefore, it does not expect any significant changes in its residential population in the future.

### **IV. Adequacy of Facilities**

An analysis of building permit activity and projects in the various stages of planning and development indicate that building activity is and will continue to be geared towards similar redevelopment and remodeling activities. The Town's existing infrastructure system is sufficient to meet the current and future needs of its residents and adopted Level of Service (LOS) standards. Capital improvements are mostly complete and will continue to be necessary in the future only to replace, modernize or upgrade existing facilities and infrastructure. Maintenance and rehabilitation of the Town's existing facilities are emphasized in the Town's Capital Improvements Element and proposed 5-Year Capital Improvements Program and Schedule (See Table 3).

Capital improvement needs to be addressed in the current FY 2020-21 Budget include mostly typical stormwater, sanitary sewer, parks, bridge inspections, bridge maintenance and miscellaneous costs totally about \$1,380,000.

The Town will continue to upgrade its existing infrastructure as outlined in the Town's 5-year Capital Improvements Program (CIP). Some of the highest priorities for years 3-5 include continued improvements to the sanitary sewer system and stormwater maintenance and upgrades, upgrades at Town Hall and inspections, repairs and maintenance of the Causeway Bridge.

### **V. Projected Revenues and Expenditures**

As discussed in the Financial Resources section above, the major components of the Town's General Fund revenue base include property taxes, transfers from

the Town's proprietary funds, and utility, franchise and telecommunication taxes. These sources comprise 80.3% of the projected total Fiscal Year 2020-21 General Fund revenues.

Since the Town is essentially fully developed and current conditions in the economy and real estate market seem to indicate flat or increasing taxable values in the near future, some growth in property taxes is anticipated within the Town over the next several years. General economic conditions also lead to the conclusion that it will be difficult to increase transfers from the Town's proprietary funds and that utility, franchise, and telecommunication taxes will also be flat or only increase modestly. Other revenues are projected to increase 3% annually. Table 1 shows the projected revenues of the Town's General Fund and proprietary Funds through the next 5-Year planning period. The revenue projections are based on the recent trends and condictions discussed above.

**Table 1**  
**Town of Bay Harbor Islands**  
**5-Year Projection of Town Revenues**

| <b><u>SOURCES OF FUNDS</u></b>      | <b><u>2020-21</u></b>       | <b><u>2021-22</u></b>       | <b><u>2022-23</u></b>       | <b><u>2023-24</u></b>       | <b><u>2024-25</u></b>       |
|-------------------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| <b><u>A. General Fund</u></b>       |                             |                             |                             |                             |                             |
| 1. Ad Valorem Taxes                 | \$ 4,745,596                | \$ 4,887,964                | \$ 5,034,603                | \$ 5,185,641                | \$ 5,341,210                |
| 2. Franchise/Utility/Telecom. Taxes | \$ 995,000                  | \$ 1,024,850                | \$ 1,055,596                | \$ 1,087,264                | \$ 1,119,882                |
| 3. Licenses & Permits               | \$ 855,000                  | \$ 880,650                  | \$ 907,070                  | \$ 934,282                  | \$ 962,310                  |
| 4. Intergovernmental                | \$ 863,000                  | \$ 888,890                  | \$ 915,557                  | \$ 943,024                  | \$ 971,315                  |
| 5. Charges for Services             | \$ 140,000                  | \$ 144,200                  | \$ 148,526                  | \$ 152,982                  | \$ 157,571                  |
| 6. Fines & Forfeitures              | \$ 87,000                   | \$ 89,610                   | \$ 92,298                   | \$ 95,067                   | \$ 97,919                   |
| 7. Miscellaneous                    | \$ 95,030                   | \$ 97,881                   | \$ 100,817                  | \$ 103,842                  | \$ 106,957                  |
| 8. Transfers from Proprietary Funds | \$ 2,043,829                | \$ 2,105,144                | \$ 2,168,298                | \$ 2,233,347                | \$ 2,300,347                |
| 9. Appropriated Fund Balance        | \$ 535,000                  | \$                          | \$                          | \$                          | \$                          |
| <b><u>SUB-TOTAL</u></b>             | <b><u>\$ 10,359,455</u></b> | <b><u>\$ 10,119,189</u></b> | <b><u>\$ 10,422,765</u></b> | <b><u>\$ 10,735,449</u></b> | <b><u>\$ 11,057,511</u></b> |
| <b><u>B. Water Fund</u></b>         | <b><u>\$ 1,375,000</u></b>  | <b><u>\$ 1,416,250</u></b>  | <b><u>\$ 1,458,738</u></b>  | <b><u>\$ 1,502,500</u></b>  | <b><u>\$ 1,547,575</u></b>  |
| <b><u>C. Sewer Fund</u></b>         | <b><u>\$ 2,475,000</u></b>  | <b><u>\$ 2,549,250</u></b>  | <b><u>\$ 2,625,728</u></b>  | <b><u>\$ 2,704,500</u></b>  | <b><u>\$ 2,785,635</u></b>  |
| <b><u>D. Parking Fund</u></b>       | <b><u>\$ 800,067</u></b>    | <b><u>\$ 824,069</u></b>    | <b><u>\$ 848,791</u></b>    | <b><u>\$ 874,255</u></b>    | <b><u>\$ 900,483</u></b>    |
| <b><u>E. Solid Waste Fund</u></b>   | <b><u>\$ 830,000</u></b>    | <b><u>\$ 854,900</u></b>    | <b><u>\$ 880,547</u></b>    | <b><u>\$ 906,963</u></b>    | <b><u>\$ 934,172</u></b>    |
| <b><u>F. Causeway Fund</u></b>      | <b><u>\$ 8,890,000</u></b>  | <b><u>\$ 9,156,700</u></b>  | <b><u>\$ 9,431,401</u></b>  | <b><u>\$ 9,714,343</u></b>  | <b><u>\$ 10,005,773</u></b> |
| <b><u>G. Stormwater Fund</u></b>    | <b><u>\$ 321,681</u></b>    | <b><u>\$ 331,331</u></b>    | <b><u>\$ 341,271</u></b>    | <b><u>\$ 351,509</u></b>    | <b><u>\$ 62,054</u></b>     |
| <b><u>GRAND TOTAL</u></b>           | <b><u>\$25,051,203</u></b>  | <b><u>\$ 25,251,689</u></b> | <b><u>\$ 26,009,241</u></b> | <b><u>\$26,789,519</u></b>  | <b><u>\$27,593,203</u></b>  |

Future expenditures are expected to grow at a rate of approximately less than 1% per year over the next 5-Year planning period. The estimated projected expenditures for FY 2024-25 are \$21,369,656, an increase of about 4.1% over FY 2020-21. It is anticipated that each year's budget will be balanced with appropriate revenue increases and/or expenditure reductions. Table 2 shows the projected operating expenditures for the next 5-Year planning period.

**Table 2**  
**Town of Bay Harbor Islands**  
**5-Year Projection of Town Operating Expenditures**

| FISCAL YEAR | PROJECTED OPERATING COSTS |
|-------------|---------------------------|
| 2020-21     | \$20,535,819              |
| 2021-22     | \$20,741,177              |
| 2022-23     | \$20,948,589              |
| 2023-24     | \$21,158,075              |
| 2024-25     | \$21,269,656              |

#### **VI. Level of Service (LOS) Standards**

The State of Florida's Growth Management Act - Chapter 163 Florida Statutes (F.S.) require that "Level of Service" (LOS) standards be developed and included as part of the Comprehensive Plan. LOS standards for public facilities in the following areas must be developed: potable water supply and distribution, sanitary sewer collection and treatment, solid waste collection and disposal, park and recreation facilities, public school facilities, stormwater drainage, and transportation. Since the Town is primarily a residential community within the greater Miami-Dade County metropolitan area, many of these required LOS standards are the responsibility of other jurisdictions that the Town has entered into Inter-local Governmental Agreements with. The following chart identifies the different facilities and responsible government agency:

| FACILITY TYPE                   | RESPONSIBLE AGENCY                                                                                                                |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| <u>Sanitary Sewers</u>          | Miami-Dade County – Treatment / Town of Bay Harbor Islands – Collection                                                           |
| <u>Potable Water</u>            | Town of Bay Harbor Islands - distribution system within Town limits; Consecutive User Agreement with Miami-Dade County for supply |
| <u>Stormwater Drainage</u>      | FDOT for Kane Concourse / Town of Bay Harbor Islands other areas                                                                  |
| <u>Solid Waste</u>              | Town contracts with Waste Management for Collection; Miami-Dade County for Disposal                                               |
| <u>Transportation</u>           | Town of Bay Harbor Islands – Local roads only. Miami-Dade County / FDOT for major roads and traffic signals.                      |
| <u>Park and Recreation</u>      | Miami-Dade County - regional / Town of Bay Harbor Islands - local parks                                                           |
| <u>Public School Facilities</u> | Miami-Dade County School Board                                                                                                    |

LOS standards are a tool in the comprehensive planning process to ensure that adequate public facilities are available concurrent with new growth. Under the State regulations, new development cannot be permitted unless appropriate facilities per the adopted standards are in place at the time development occurs. In the comprehensive planning process, the marriage of the LOS standards with CIE results in the relative assurance that the plan is financially feasible and can

be implemented. The following is a list of the LOS standards adopted by the Town. In cases where the Town is not the responsible agency for the facility, the adopted LOS standard of the responsible agency is supplied.

- Potable Water 150 gallons per capita per day
- Sanitary Sewer 156 gallons per capita per day
- Stormwater Management Design storm as LOS standards:  
10-Year storm per Miami-Dade County  
Public Works Manual, Section D-4,  
1988.
- Solid Waste 0/632 tons per capita per day
- Transportation
  - Arterial Roadways LOS "E" at peak hour (M-D County)
  - Local Roadways LOS "B" at peak hour\*  
(\*LOS "C" per FDOT Tables)
- Park and Recreation 1 tennis court for every 4,000 persons  
12-60 years old; 1 lighted baseball field  
for every 6,000 persons, 10-40 years  
old; 1 tot lot for every 500 persons, 3-12  
years old
- Public School Facilities 100% FISH Capacity including  
Relocatable Classrooms

As stated in the Adequacy of Facilities Section above, the Town's existing infrastructure system is sufficient to meet the current and future needs of its residents and adopted Level of Service (LOS) standards. Capital improvements are currently underway and will continue to be necessary in the future to replace, modernize or upgrade existing facilities and infrastructure. In compliance with the State law and regulations, the above LOS standards have been and will continue to be applied to all future development. Based on the application of the LOS standards along with the lack of significant growth potential, it appears that the current facilities will be adequate to meet future population projections for the next five (5) years.

## **VII. Capital Improvements Program (CIP)**

The Capital Improvements Element is required by State regulations to identify specific LOS standards for public facilities. In order to meet and maintain those LOS standards, the State requires all local jurisdictions to prepare a 5-Year Capital Improvements Program (CIP) which identifies projects and funding that will be necessary to meet their needs. The Town's LOS standards and adequacy of public facilities were discussed earlier in this element. The Town is not expected to grow substantially in the next five (5) years and has no possibility to expand or annex land beyond its current boundaries. Therefore, the Town's 5-

Year Capital Improvements Program is based on the need to upgrade and modernize existing infrastructure and improve existing facilities that it has available for the Town residents to utilize. Table 3 is the 5-Year Capital Improvements Program (CIP) for the Town of Bay Harbor Islands. Table 4 is a summary by project category for the CIP and Table 5 is a summary by funding source for the CIP.

#### **Public School Facilities Element Five-Year Capital Improvements Plan (CIP)**

Pursuant to Chapter 163.3177(12) Florida Statutes, local governments are required to coordinate their Comprehensive Plans with the appropriate Public School Board District. Chapter 163.3177 further requires local governments to have a Public School Facilities Element (PSFE) included within their Comprehensive Plan and to include all capital improvement projects proposed by the school board for the public schools that serve the local municipality. The Town of Bay Harbor Islands adopted a Public School Facilities Element in 2008 and it was found "In Compliance" by DCA on September 4<sup>th</sup>, 2008. Table 6 is the current 5-Year Capital Improvements Plan (CIP) of the Miami-Dade County School Board for the public schools that serve the Town of Bay Harbor Islands for FY 2020-21 through FY 2024-25.

**Table 3**  
**Town of Bay Harbor Islands**  
**5-Year Capital Improvements Program (CIP) Schedule**

| <u>CAPITAL PROJECTS</u>                          | <u>Required<br/>for LOS</u> | <u>FY 2020-21</u> | <u>FY 2021-22</u> | <u>FY 2022-23</u> | <u>FY 2023-24</u> | <u>FY 2024-25</u> | <u>Funding<br/>Source</u> |
|--------------------------------------------------|-----------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|---------------------------|
| <b>1. Sanitary Sewer Projects</b>                |                             |                   |                   |                   |                   |                   |                           |
| - Replace Compressor #1                          | No                          | \$0               | \$0               | \$0               | \$0               | \$0               | 4                         |
| - Replace Compressor #2                          | No                          | \$0               | \$0               | \$0               | \$0               | \$0               | 4                         |
| - Re-pipe Intake/Discharge Pipes                 | No                          | \$0               | \$0               | \$0               | \$0               | \$0               | 4                         |
| - Replace 6" Cast Iron Force Main to PVC         | No                          | \$0               | \$0               | \$0               | \$350,000         | \$0               | 4                         |
| - Line Sewer Manholes (10)                       | No                          | \$0               | \$20,000          | \$20,000          | \$20,000          | \$0               | 4                         |
| - Replace Duct Work for Return Air               | No                          | \$0               | \$5,000           | \$0               | \$0               | \$5,000           | 4                         |
| - SCADA                                          | No                          | \$152,000         | \$0               | \$0               | \$0               | \$0               | 4                         |
| <b>Subtotal</b>                                  |                             | <b>\$152,000</b>  | <b>\$25,000</b>   | <b>\$20,000</b>   | <b>\$370,000</b>  | <b>\$5,000</b>    |                           |
| <b>2. Potable Water Projects</b>                 |                             |                   |                   |                   |                   |                   |                           |
| - Water Leak Detection (30" Main) Testing        | No                          | \$0               | \$0               | \$0               | \$0               | \$7,000           | 2                         |
| <b>Subtotal</b>                                  |                             | <b>\$0</b>        | <b>\$0</b>        | <b>\$0</b>        | <b>\$0</b>        | <b>\$7,000</b>    |                           |
| <b>3. Stormwater Projects</b>                    |                             |                   |                   |                   |                   |                   |                           |
| - NPDES Permits                                  | No                          | \$6,000           | \$6,000           | \$6,000           | \$6,000           | \$6,000           | 7                         |
| - Inspect and Repair Stormwater Outfalls         | No                          | \$45,000          | \$50,000          | \$50,000          | \$50,000          | \$50,000          | 7                         |
| - Stormwater Improvement Project                 | No                          | \$130,000         | \$150,000         | \$160,000         | \$170,000         | \$180,000         | 7                         |
| <b>Subtotal</b>                                  |                             | <b>\$181,000</b>  | <b>\$206,000</b>  | <b>\$218,000</b>  | <b>\$226,000</b>  | <b>\$236,000</b>  |                           |
| <b>4. Community Enhancement Projects</b>         |                             |                   |                   |                   |                   |                   |                           |
| Phase III East Island                            |                             |                   |                   |                   |                   |                   |                           |
| - Roads, Drainage, Landscaping, Lighting         | No                          | \$0               | \$250,000         | \$250,000         | \$250,000         | \$250,000         | 3                         |
| <b>Subtotal</b>                                  |                             | <b>\$0</b>        | <b>\$250,000</b>  | <b>\$250,000</b>  | <b>\$250,000</b>  | <b>\$250,000</b>  |                           |
| <b>5. Town Buildings / Park Projects / Other</b> |                             |                   |                   |                   |                   |                   |                           |
| - Town Hall AC System                            | No                          | \$120,000         | \$0               | \$0               | \$0               | \$0               | 1                         |
| - Town Hall Replace Generator                    | No                          | \$0               | \$250,000         | \$250,000         | \$100,000         | \$0               | 1                         |
| - Park Improvements                              | No                          | \$500,000         | \$100,000         | \$100,000         | \$40,000          | \$100,000         | 1                         |
| - Replace 75' of Seawall Cap                     | No                          | \$0               | \$40,000          | \$40,000          | \$0               | \$0               | 6                         |
| <b>Subtotal</b>                                  |                             | <b>\$620,000</b>  | <b>\$390,000</b>  | <b>\$390,000</b>  | <b>\$140,000</b>  | <b>\$100,000</b>  |                           |

**Funding Sources:**

- |                 |                 |                  |                      |
|-----------------|-----------------|------------------|----------------------|
| 1. General Fund | 3. Bond / Loans | 5. Parking Fund  | 7. Stormwater Fund   |
| 2. Water Fund   | 4. Sewer Fund   | 6. Causeway Fund | 8. Florida DEP Grant |

**Table 3 (Continued)**  
**Town of Bay Harbor Islands**  
**5-Year Capital Improvements Program (CIP) Schedule**

| <u>CAPITAL PROJECTS</u>            | <u>Required for<br/>LOS</u> | <u>FY 2020-21</u>  | <u>FY 2021-22</u>  | <u>FY 2022-23</u>  | <u>FY 2023-24</u>  | <u>FY 2024-25</u> | <u>Funding<br/>Source</u> |
|------------------------------------|-----------------------------|--------------------|--------------------|--------------------|--------------------|-------------------|---------------------------|
| <b>6. Road and Bridge Projects</b> |                             |                    |                    |                    |                    |                   |                           |
| Broad Causeway                     |                             |                    |                    |                    |                    |                   |                           |
| ICW Fixed Span Bridges             |                             |                    |                    |                    |                    |                   |                           |
| - Jacketed Cathodic Protection     | No                          | \$20,000           | \$20,000           | \$20,000           | \$20,000           | \$20,000          | 6                         |
| - Spall Repairs to Underdeck       | No                          | \$150,000          | \$50,000           | \$50,000           | \$50,000           | \$50,000          | 6                         |
| - Expansion Joints                 | No                          | \$25,000           | \$5,000            | \$5,000            | \$5,000            | \$5,000           | 6                         |
| - Repair Damaged FPL Conduit       | No                          | \$30,000           | \$0                | \$0                | \$0                | \$0               | 6                         |
| - Repair Spalls on Wing Walls      | No                          | \$65,000           | \$0                | \$10,000           | \$0                | \$0               | 6                         |
| ICW Bascule Bridge                 |                             |                    |                    |                    |                    |                   |                           |
| - Repair Lock Bar / Shim Guides    | No                          | \$10,000           | \$10,000           | \$10,000           | \$10,000           | \$10,000          | 6                         |
| - Various Other Repairs            | No                          | \$200,000          | \$100,000          | \$100,000          | \$100,000          | \$100,000         | 6                         |
| BH Waterway Bridge                 |                             |                    |                    |                    |                    |                   |                           |
| - Clean and Paint Anchorages       | No                          | \$0                | \$25,000           | \$25,000           | \$0                | \$0               | 6                         |
| Indian Creek Bridge                |                             |                    |                    |                    |                    |                   |                           |
| - Cathodic Protection System       | No                          | \$8,000            | \$8,000            | \$8,000            | \$8,000            | \$8,000           | 6                         |
| - Clean and Paint Anchorages       | No                          | \$0                | \$16,000           | \$0                | \$0                | \$0               | 6                         |
| - Remove Failed Tendon             | No                          | \$350,000          | \$0                | \$0                | \$0                | \$0               | 6                         |
| West Relief Bridge                 |                             |                    |                    |                    |                    |                   |                           |
| - Artificial Reef Monitoring       | No                          | \$10,000           | \$10,000           | \$10,000           | \$10,000           | \$10,000          | 6                         |
| Inspections of Bridges & Seawalls  | No                          | \$15,000           | \$15,000           | \$15,000           | \$15,000           | \$15,000          | 6                         |
| <b>Subtotal</b>                    |                             | <b>\$883,000</b>   | <b>\$259,000</b>   | <b>\$253,000</b>   | <b>\$218,000</b>   | <b>\$218,000</b>  |                           |
| <b>Total</b>                       |                             | <b>\$1,836,000</b> | <b>\$1,130,000</b> | <b>\$1,129,000</b> | <b>\$1,204,000</b> | <b>\$816,000</b>  |                           |

**Funding Sources:**

- |                 |                 |                  |                      |
|-----------------|-----------------|------------------|----------------------|
| 1. General Fund | 3. Bond / Loans | 5. Parking Fund  | 7. Stormwater Fund   |
| 2. Water Fund   | 4. Sewer Fund   | 6. Causeway Fund | 8. Florida DEP Grant |



**Table 4**  
**Town of Bay Harbor Islands**  
**5-Year Capital Improvements Program**  
**Summary by Project Category**

| <u>Project Category</u>                  | <u>FY 2020-21</u>  | <u>FY 2021-22</u>  | <u>FY 2022-23</u>  | <u>FY 2023-24</u>  | <u>FY 2024-25</u> |
|------------------------------------------|--------------------|--------------------|--------------------|--------------------|-------------------|
| 1. Sanitary Sewer Projects               | \$152,000          | \$25,000           | \$20,000           | \$370,000          | \$5,000           |
| 2. Potable Water Projects                | \$0                | \$0                | \$0                | \$0                | \$7,000           |
| 3. Stormwater Projects                   | \$181,000          | \$206,000          | \$216,000          | \$216,000          | \$236,000         |
| 4. Community Enhancement Projects        | \$0                | \$250,000          | \$250,000          | \$250,000          | \$250,000         |
| 5. Town Building / Park / Other Projects | \$620,000          | \$390,000          | \$390,000          | \$140,000          | \$100,000         |
| 6. Road and Bridge Projects              | \$883,000          | \$259,000          | \$253,000          | \$218,000          | \$218,000         |
| <b>Total all Projects</b>                | <b>\$1,836,000</b> | <b>\$1,130,000</b> | <b>\$1,129,000</b> | <b>\$1,204,000</b> | <b>\$816,000</b>  |

**Table 5**  
**Town of Bay Harbor Islands**  
**5-Year Capital Improvements Program**  
**Summary by Funding Source**

| <u>Funding Source</u>         | <u>FY 2020-21</u>  | <u>FY 2021-22</u>  | <u>FY 2022-23</u>  | <u>FY 2023-24</u>  | <u>FY 2024-25</u> |
|-------------------------------|--------------------|--------------------|--------------------|--------------------|-------------------|
| 1. General Fund               | \$620,000          | \$350,000          | \$350,000          | \$100,000          | \$100,000         |
| 2. Water Fund                 | \$0                | \$0                | \$0                | \$0                | \$7,000           |
| 3. Community Enhancement Fund | \$0                | \$250,000          | \$250,000          | \$250,000          | \$250,000         |
| 4. Sewer Fund                 | \$152,000          | \$25,000           | \$20,000           | \$370,000          | \$5,000           |
| 5. Parking Fund               | \$0                | \$0                | \$0                | \$0                | \$0               |
| 6. Causeway Fund              | \$883,000          | \$299,000          | \$293,000          | \$258,000          | \$218,000         |
| 7. Stormwater Fund            | \$181,000          | \$206,000          | \$216,000          | \$226,000          | \$236,000         |
| 8. Florida DEP Grant          | 0                  |                    |                    |                    |                   |
| <b>Total all Sources</b>      | <b>\$1,836,000</b> | <b>\$1,130,000</b> | <b>\$1,129,000</b> | <b>\$1,204,000</b> | <b>\$816,000</b>  |

**Table 6**  
**Town of Bay Harbor Islands**  
**5-Year Capital Improvements Program – Public School Facilities Only**  
**The School Board of Miami-Dade County\***

| <u>Public Schools</u>                                                   | <u>FY 2020-21</u> | <u>FY 2021-22</u> | <u>FY 2022-23</u> | <u>FY 2023-24</u> | <u>FY 2024-25</u> | <u>Total</u>     |
|-------------------------------------------------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|------------------|
| <u>Ruth K. Broad/Bay Harbor K-8 Center Improvements and Renovations</u> |                   |                   |                   |                   |                   |                  |
|                                                                         | \$31,700          | \$0               | \$0               | \$0               | \$0               | \$31,700         |
| <u>Nautilus Middle Improvements and Renovations</u>                     |                   |                   |                   |                   |                   |                  |
|                                                                         | \$509,000         | \$171,000         | \$0               | \$0               | \$0               | \$680,000        |
| <u>Miami Beach Senior High Improvements and Renovations</u>             |                   |                   |                   |                   |                   |                  |
|                                                                         | \$0               | \$60,000          | \$0               | \$0               | \$0               | \$60,000         |
| <u>Total all Sources</u>                                                | <u>\$540,700</u>  | <u>\$231,000</u>  | <u>\$0</u>        | <u>\$0</u>        | <u>\$0</u>        | <u>\$771,700</u> |

**Source:** \* Adopted 2020-21 MDPS 5-year District Facilities Work Program

#### VIII. IV. Goals, Objectives, and Policies

**GOAL CIP-1:** ~~THE MUNICIPALITY SHALL UNDERTAKE ACTIONS NECESSARY TO ADEQUATELY PROVIDE NEEDED PUBLIC FACILITIES TO ALL RESIDENTS WITHIN ITS JURISDICTION, IN A MANNER WHICH PROTECTS INVESTMENTS IN EXISTING FACILITIES, MAXIMIZES THE USE OF EXISTING FACILITIES AND PROMOTES ORDERLY COMPACT GROWTH.~~

PROVIDE A COORDINATED LONG-TERM PROGRAM FOR THE EFFICIENT AND TIMELY INSTALLATION OF MUNICIPAL CAPITAL IMPROVEMENTS NECESSARY TO MEET AND MAINTAIN THE TOWN'S MINIMUM LEVEL OF SERVICE (LOS) STANDARDS REQUIRED TO SERVE THE TOWN'S EXISTING AND FUTURE POPULATION.

**OBJECTIVE CIP-1:** ~~Capital improvements will be provided to correct existing deficiencies, to accommodate desired future growth and to replace worn out or obsolete facilities; as indicated in the 5-Year Schedule of Improvements of this element (Table CI-1).~~

The Town will adopt and annually amend a balanced 5-year Capital Improvements Program (CIP) prepared concurrently with and to be implemented with the Town's yearly budget along with anticipated projected expenditures for the following four-year period.

**Policy CIP-1.1:** Each fiscal year budget adopted by the Town Council shall contain an annual 5-year CIP that is financially feasible and takes into consideration the policies of the other elements of the Comprehensive Plan.

**Policy CIP-1.12:** ~~The municipality shall include all capital projects identifies in the other elements of this plan and which are determined to be of relatively large scale and high cost (\$25,000 or greater), as capital improvements projects for inclusion within the 5-Year Schedule of Improvements Capital Improvements Program (CIP) of this element; all capital improvements with costs of less than \$25,000 shall be included on the capital improvement program and the annual capital budget.~~

**Policy CIP-1.23:** ~~The municipality shall, as a matter of priority, schedule and fund all capital improvement projects in the 5-Year Schedule of Improvements, which are designed to correct existing deficiencies listed in the Capital Improvements Element.~~

The 5-year CIP shall address all capital improvements identified in the Comprehensive Plan including existing and estimated deficiencies with estimated cost for replacement, renovation or substituted alternatives.

**Policy CIP-1.34:** The Town Manager will evaluate and rank, in order of priority, projects proposed for inclusion in the 5-Year Schedule of Improvements Capital Improvements Program (CIP) and present the recommendations to the Town Council.

**Policy CIP-1.45:** Proposed capital improvement projects shall be evaluated and ranked, in order of priority, according to the following guidelines:

- a) Whether the project is needed to protect public health and safety, to fulfill the municipality's legal commitment to provide facilities and services or to meet existing facilities and eliminate existing capacity deficiencies
- b) Whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement cost, provides service to developed areas lacking full services or promotes in-fill development; and
- c) Whether the project represents a logical extension of facilities and services within the municipal service area;
- d) Local budget impact and financial feasibility; and
- e) Plans of State agencies and water management districts that provide public facilities within the Town's jurisdiction.

**OBJECTIVE CIP-2:** ~~By 1992, future development will bear a proportionate cost of facility improvements, necessitated by the development, in order to maintain adopted LOS standards.~~

The Town shall approve development or redevelopment proposals that are consistent with existing services availability or coincident with the budgeted provision of additional service at the adopted level of service standards; and that all future development bears a proportionate cost of facility improvements necessitated by the proposed development in order to adequately maintain adopted level of service standards.

**Policy CIP-2.1:** The municipality shall continue to implement its program for mandatory dedications or fees in lieu of as a condition of re-platting approval for the provision of streets, parks / recreation, and open space.

**Policy CIP-2.2:** All development proposals and redevelopment proposals shall be reviewed cognizant of level of service standards, existing levels of service and where appropriate, the timeframe for implementation of additional facility improvements.

**OBJECTIVE CIP-3:** ~~By 1990, t~~The municipality will continue to manage its fiscal resources to ensure the provision of needed capital improvements for previously issued development orders and for future development and redevelopment and shall utilize the Capital Improvement Element as a means to correct existing deficiencies, replace obsolete or worn-out facilities and limit public expenditures that subsidize private development in High Hazard Coastal Areas.

**Policy CIP-3.1:** Prior to the issuance of certificates of occupancy, the municipality shall provide for public facilities needed to serve developments for which development orders were previously issued.

**Policy CIP-3.2:** In providing capital improvements, the municipality shall limit the maximum ratio of outstanding indebtedness to no greater than 25% of the property tax base.

**Policy CIP-3.3:** The municipality shall adopt a 5-Year capital improvement program and annual capital budget, as a part of its budgeting process.

**Policy CIP-3.4:** Efforts shall be made to secure grants, or private funds, available to finance the provision of capital improvements.

**Policy CIP-3.5:** The Town shall annually review the need for providing public facilities to serve developments approved before the adoption of this Comprehensive Plan and replacing existing capital improvements as required in the 5-year CIP.

**Policy CIP-3.6:** The Level of Service (LOS) Standards established in accordance with the other elements of the Comprehensive Plan and identified in Objective 4 shall be maintained and available concurrently with the impact of all new development.

**OBJECTIVE CIP-4:** ~~By 1992, d~~Decisions regarding the issuance of development orders and permits will be based upon coordination of the development regulations, and the availability of necessary public facilities needed to support such development, at the time needed.

**Policy CIP-4.1:** The municipality shall use the LOS standards, as adopted in each element, in reviewing the impacts of new development and redevelopment upon public facilities. The LOS standards are indicated in the following elements:

|                                                                                                                            |                                                                                                                   |
|----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Sanitary Sewer                                                                                                             | 156 gallons capita, per day                                                                                       |
| Solid Waste                                                                                                                | 0/632 tons per capita, per year                                                                                   |
| Drainage                                                                                                                   | Design storm as LOS Standards: 10-year storm <u>per Miami-Dade County Public Works Manual, Section D-4, 1988.</u> |
| Potable Water                                                                                                              | 150 gallons per capita, per day                                                                                   |
| Local Streets                                                                                                              | LOS "B" at peak hour ( <u>*LOS "D" per FDOT Tables</u> )                                                          |
| Arterial Roadway                                                                                                           | LOS "C" <u>"E"</u> at peak hour                                                                                   |
| Recreation Facilities:                                                                                                     | 1 tennis court for every 4,000 persons, 12-60 years old                                                           |
|                                                                                                                            | 1 lighted baseball field for every 6,000 persons, 10-40 years old                                                 |
|                                                                                                                            | 1 tot lot for every 500 persons, 3-12 years old                                                                   |
| <u>Public School Facilities: 100% FISH (Florida Inventory of School Houses) Capacity including Re-locatable Classrooms</u> |                                                                                                                   |

**Policy CIP-4.2:** ~~The municipality shall continue to manage an adequate facilities ordinance to ensure that, the time a development permit is issued adequate facility capacity is available, or will be available, when needed to serve the development.~~

The approval of proposed development or redevelopment projects shall be based on the project related service needs being concurrently available at the adopted level of service standards or that development orders and permits are conditioned on the availability of facilities to serve the proposed development.

**Policy CIP-4.3:** Proposed Plan amendments and requests for new development or redevelopment shall be evaluated according to the following guidelines, as to whether the proposed action would:

- a) Contribute to a condition of public facility deficiencies with reference to hazard; as in the Sanitary Sewer, Solid Waste, Potable Water, and Natural Groundwater Recharge Element; and Recreation and Open Space Element;
- b) Exacerbate, beyond a tolerable, any existing condition of public facility capacity deficits; as described in the Traffic Circulation Element, Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Recharge Element; Public School Facilities; and Recreation and Open Space Element;
- c) Generate public facility demands that may not be accommodated by capacity increases planned in the 5-Year Schedule of Improvements Capital Improvements Program (CIP);
- d) Conform with future land uses, as shown on the future land use map of the Future Land Use Element, and urban service areas, as described in the Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Recharge Element;
- e) Accommodate public facility demands, based upon adopted LOS standards; if public facilities are developer-provided;
- f) Demonstrate financial feasibility, subject to this element, if public facilities are provided, in part or whole, by the municipality; and
- g) Affect state agencies and water management districts facilities plans.

**Objective CIP-5:** The Town shall ensure that future needs for public school facilities are addressed consistent with the adopted Interlocal Agreement and the Level of Service standards for public school concurrency as follows:

**Policy CIP-5.1:** Beginning January 1<sup>st</sup>, 2008, the adopted Level of Service (LOS) Standard for all Miami-Dade County Public School Facilities is 100% FISH (Florida Inventory of School Houses) Capacity including Relocatable Classrooms. This LOS Standard, except for Magnet Schools, shall be applicable in each public school concurrency service area (CSA), defined as the public school attendance boundary established by the Miami-Dade County Public Schools.

**Policy CIP-5.2:** The adopted LOS Standard for Magnet Schools is 100% of FISH (With Relocatable Classrooms) FISH capacity is determined by Florida Department of Education guidelines and represents a measure of the physical capacity of the facility itself.

**Policy CIP-5.3:** The Miami-Dade Public School system in conjunction with the Town will use its best efforts to achieve 100% utilization of Permanent FISH with NO RELOCATABLES by January 1<sup>st</sup>, 2018.

**OBJECTIVE CIP-6:** The Town hereby incorporates by reference the District's 5-Year Facilities Work Program that includes school capacity sufficient to meet anticipated student demands projected by the School Board based on the adopted level of service standards for public schools.

**Policy CIP-6.1:** The Town in coordination with the School Board shall annually update the Capital Improvements Element by adopting by reference the School Board's financially feasible Work Program to ensure maintenance of a financially feasible capital improvements program and to ensure level of service standards will continue to be achieved and maintained during the five-year planning period.

**Policy CIP-6.2:** The Town hereby adopts by reference the Miami-Dade County Public School Facilities Work Program dated September 2007 2020 as written and adopted by the Miami-Dade County School Board.

**Policy CIP-6.3:** The School Board shall amend the District Educational Facilities Plan (DEFP) on an annual basis to accomplish the following:

1. add a new fifth year;
2. reflect changes in estimated capital revenues, planned capital appropriation cost, planned capital facilities projects, CSA's, school usage, and
3. ensure the DEFP continues to be financially feasible for the five-year planning period.

**Policy CIP-6.4:** Annual amendments to the Town's CIE shall be coordinated with adopted updates to the DEFP and the CSA maps. The annual plan amendments shall ensure that the schedule of capital improvements within the CIE continues to be financially feasible and the LOS will be achieved and maintained.

## **IX. V. Implementation**

### **A. 5-Year Schedule of Improvements Capital Improvements Program (CIP)**

The municipality adopts Table CI-4 3, Capital Improvements, as the 5-Year Schedule of Improvements Capital Improvements Program (CIP) Schedule. This Five 5-Year Schedule of Improvements CIP is used to document the economic financial feasibility of the Comprehensive Plan, based on other plan elements.

### **B. Monitoring and Evaluation**

The role of monitoring and evaluation is vital to the effectiveness of any planning program, and particularly for Capital Improvements Element. This is largely because the municipality's revenue and expenditure streams are subject to fluctuations in the market and economy. It is the behavior of these streams which will be used to predict fiscal trends, in order to maintain the municipality's adopted level of service standards for public facilities. Therefore, the Capital Improvements Element requires a continuous program for monitoring and evaluating; and pursuant to Chapter 163, F.S., this element will be reviewed on an annual basis, to ensure that required fiscal resources are available to provide public facilities, which are needed to support adopted LOS standards.

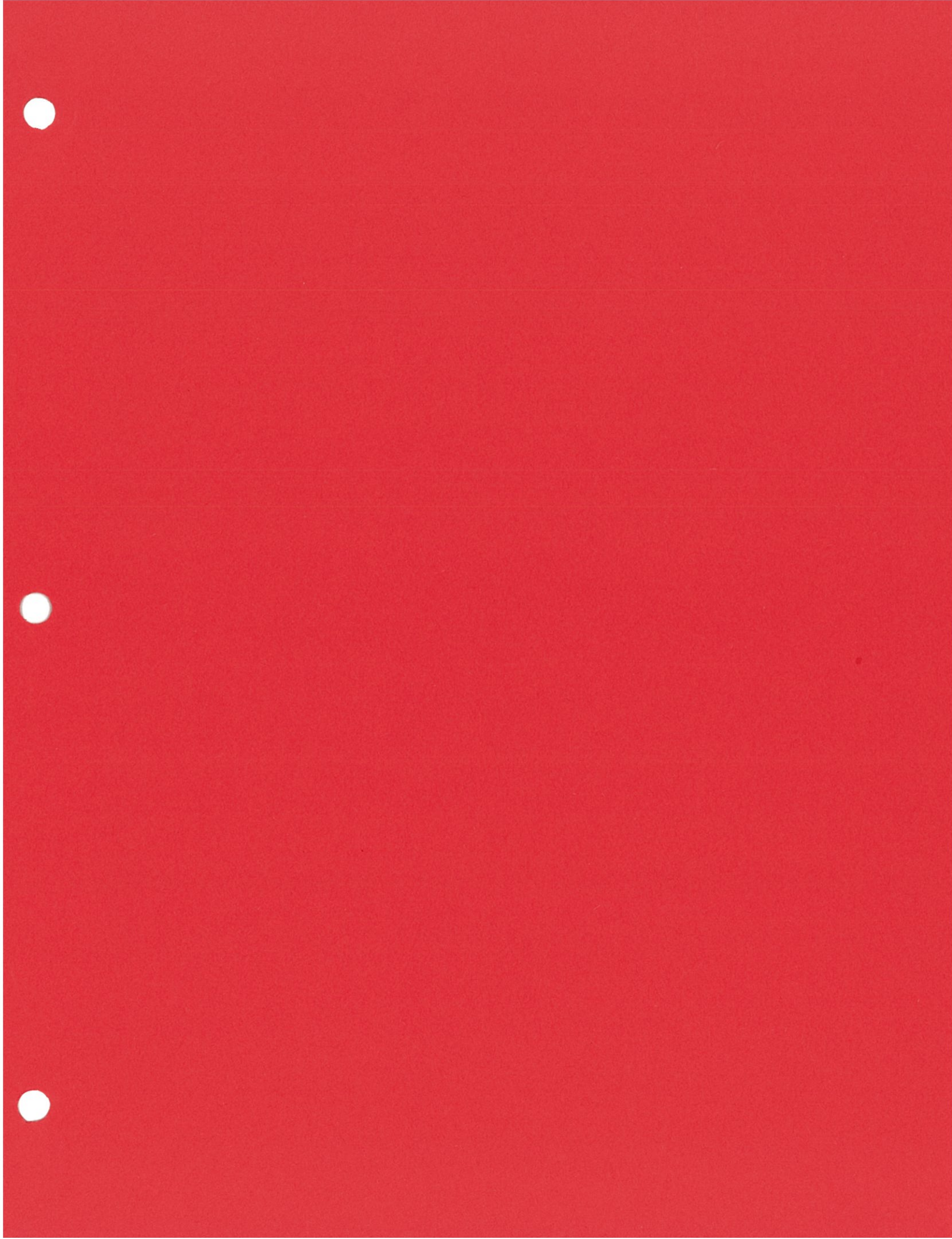
The annual review will be the responsibility of the Town Manager and designated department heads, as members of all formal deliberations related to Capital Improvement monitoring and evaluation. The Manager's findings and recommendations will be presented to the municipality's legislators, at a public meeting. The legislators will direct staff to take actions as deemed appropriate, based upon the Manager's findings and recommendations.

The review will include the following considerations and will include an examination of these considerations. In order to determine their continued appropriateness:

- 1) Any corrections, updates and modifications concerning cost; revenue sources; acceptance of facilities, pursuant to dedications which are consistent with the element; or the date of construction of any facility enumerated in the element;
- 2) The Capital Improvements Element's consistency with the other elements, and its support of the Future Land Use Element;
- 3) The priority assignment of existing public facility deficiencies;
- 4) The municipality's progress in meeting those needs, determined to be existing deficiencies;
- 5) The criteria used to evaluate capital improvement projects; in order to ensure that projects are being ranked in their appropriate order of priority;



- 6) The municipality's effectiveness in maintaining the adopted LOS standards;
- 7) The effectiveness of impact fees and mandatory dedications, or fees in lieu of, for assessing new development, a pro rata share of the improvement costs which they generate;
- 8) The impacts of plans and programs of special districts and any regional facility and service provision upon state agencies, water management districts, and Miami-Dade County that provide public facilities within the Town and the municipality's ability to maintain its adopted LOS standards;
- 9) The ratio of outstanding indebtedness to the property tax base;
- 10) Efforts made to secure grants or private funds, whenever available, to finance the provision of capital improvements;
- 11) The transfer of any unexpended account balances;
- 12) The criteria used to evaluate proposed plan amendments and requests for new developments or redevelopment; and
- 13) Capital improvements needed for the latter part of the planning period; for inclusion in the Five 5-Year Schedule of Improvements CIP.



## **11 – WATER SUPPLY FACILITIES WORK PLAN**

# **THE TOWN OF BAY HARBOR ISLANDS, FLORIDA**

## **2020 UPDATED WATER SUPPLY FACILITIES WORK PLAN**



**Prepared For**  
**Florida Department of ~~Community Affairs~~**  
**Economic Opportunity (DEO), South Florida Water**  
**Management District (SFWMD) and Miami-Dade Water and**  
**Sewer Department**

**Prepared By**  
**Michael Miller Planning Associates, Inc.**  
**Consultant Town Planner**

## **TABLE OF CONTENTS**

### **1.0 INTRODUCTION**

#### **1.1 Statutory History**

##### **1.2 Statutory Requirements**

### **2.0 BACKGROUND INFORMATION**

#### **2.1 Overview**

#### **2.2 Relevant Regional Issues**

### **3.0 DATA AND ANALYSIS**

#### **3.1 Population Information**

#### **3.2 Maps of Current and Future Areas Served**

#### **3.3 Potable Water Level of Service Standard**

#### **3.4 Population and Potable Water Demand Projections by Each Local Government Utility**

#### **3.5 Water Supply Provided by Local Government**

#### **3.6 Water Supply Provided by Other Entities**

#### **3.7 Conservation**

##### **3.7.1 Countywide Issues**

##### **3.7.2 Local Government Specific Actions, Programs, Regulations, or Opportunities**

##### **3.7.3 Identify any Local Financial Responsibilities as Detailed in the CIE or CIS**

#### **3.8 Reuse**

##### **3.8.1 Regional and Countywide Issues**

##### **3.8.2 Local Government Specific Actions, Programs, Regulations, or Opportunities**

### **4.0 CAPITAL IMPROVEMENTS**

#### **4.1 Work Plan Projects**

#### **4.2 Capital Improvements Element/Schedule**

### **5.0 GOALS, OBJECTIVES AND POLICIES**

### **6.0 APPENDIX A**

Miami-Dade County (WASD) Water Supply Facilities Work Plan



## 1.0 INTRODUCTION

The purpose of the Town of Bay Harbor Islands Water Supply Facilities Work Plan (Work Plan) is to identify and plan for the water supply sources and facilities needed to serve existing and new development within the local government's jurisdiction. Chapter 163, Part II, F.S., requires local governments to prepare and adopt Work Plans into their Comprehensive Plans within 18 months after the water management district approves a regional water supply plan or its update. The latest Lower East Coast Water Supply Plan Update (LECWSP) was approved by the South Florida Water Management District (SFWMD) on February 15<sup>th</sup>, 2007 September 12<sup>th</sup>, 2013 January 11<sup>th</sup>, 2019. Therefore, the deadline for local governments within the Lower East Coast jurisdiction to amend their Comprehensive Plans to adopt an updated Work Plan is August 15<sup>th</sup>, 2008 March 12<sup>th</sup>, 2015 was July 11<sup>th</sup>, 2020. The Town prepared an updated WSP that was submitted to DEO / review agencies in February 2015. In March 2015 the Town received correspondence from DEO stating that due to the Town not submitting other Comprehensive Plan amendments (EBA), that adoption of the 2015 WSP update could not be approved. An extension was requested / granted; however, completion of the draft EBA was delayed until late 2018. For several reasons, the Town has delayed processing its last EBA amendments, which included the Town's Water Supply Plan update. SFWMD prepared its most recent 5-year LECWSP update in 2018. The SFWMD adopted its most recent LECWSP on January 11<sup>th</sup>, 2019.

The Town does not contain any potable water treatment plants or wells. Rather the Town purchases water, as a "Consecutive User", from the Miami-Dade County Water and Sewer Department (WASD) to provide potable water to its residents and non-residential users. Approximately 87% of the county's water supply is provided by WASD. In conjunction with Miami-Dade County's application for a new Consumptive Use Permit (CUP), the SFWMD requested the County to obtain 20-year service agreements with each of its volume municipal water customers. In accordance with this requirement, in July 2007, the Town renewed its contract with Miami-Dade County for a new period of 20 years. WASD is, therefore, responsible for ensuring that enough capacity is available for existing and future customers. The agreement between Miami-Dade County and the Town provides for cost-sharing of maintenance, renewal and replacement costs for Miami-Dade County's regional water distribution system on a pro-rata share based on flow. Therefore, the Town pays a share of all costs associated with the maintenance, renewal and replacement costs of the Miami-Dade County system servicing the Town. The agreement also requires coordination of population projections with Miami-Dade County and participation in the water conservation programs. Under this arrangement, the Town's Utilities Department coordinate with WASD to ensure that enough capacity is available for existing and future customers and that supporting infrastructure, such as the water lines, are adequately maintained.

The Town's Water Supply Facilities Work Plan (Work Plan) will reference the initiatives already identified in the County's 20-year Water Supply Facilities Work Plan (See Appendix A) since the Town is a "consecutive user" wholesale buyer of water. According to state guidelines, the Work Plan and any Comprehensive Plan amendments must address the development of traditional and alternative water supplies, bulk sales agreements and conservation and reuse programs that are necessary to serve existing and new development for at least a 10-year planning period. The Town's Work Plan will have the same planning time schedule as the County's 20-year Work Plan.

The Town's Work Plan is divided into five sections:

Section 1 – Introduction

Section 2 – Background Information

## Section 3 – Data and Analysis

## Section 4 – Work Plan Projects/Capital Improvement Element/Schedule

## Section 5 – Goals, Objectives, Policies

### 1.1 Statutory History

The Florida Legislature has enacted bills in the 2002, 2004, and 2005, 2011, 2012, 2015 and 2016 sessions to address the state's water supply needs. These bills, especially Senate Bills 360 and 444 (2005 legislative session), significantly changed Chapter 163 and 373 Florida Statutes (F.S.) by strengthening the statutory links between the regional water supply plans prepared by the water management districts and the comprehensive plans prepared by local governments. In addition, these bills established the basis for improving coordination between the local land use planning and water supply planning.

### 1.2 Statutory Requirements

Each local government must comply with the following requirements:

1. Coordinate appropriate aspects of its comprehensive plan with the appropriate water management district's regional water supply plan, [163.3177(4)(a), F.S.]
2. Ensure that its future land use plan is based upon availability of adequate water supplies and public facilities and services [s.163.3177(6)(a), F.S., effective July 1, 2005]. Data and analysis demonstrating that adequate water supplies and associated public facilities will be available to meet projected growth demands must accompany all proposed Future Land Use Map amendments submitted to the Department for review. The submitted package must also include an amendment to the Capital Improvements Element, if necessary, to demonstrate that adequate public facilities will be available to serve the proposed Future Land Use Map modification.
3. Ensure that adequate water supplies and facilities are available to serve new development no later than the date on which the local government anticipates issuing a certificate of occupancy and consult with the applicable water supplier prior to approving building permit, to determine whether adequate water supplies will be available to serve the development by the anticipated issuance date of the certificate of occupancy [s.163.3180 (2)(a), F.S., effective July 1, 2005]. ~~This "water supply concurrency" is now in effect, and local governments should be complying with the requirement for all new development proposals. In addition, local governments should update their comprehensive plans and land development regulations as soon as possible to address these statutory requirements. The latest point at which the comprehensive plan must be revised to reflect the concurrency requirements is at the time the local government adopts plan amendments to implement the recommendations of the Evaluation and Appraisal Report (EAR).~~
4. For local governments subject to a regional water supply plan, revise the General Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge Element (the "Infrastructure Element"), within 18 months after the water management district approves an updated regional water supply plan, to:

- a. Identify and incorporate the alternative water supply project(s) selected by the local government from projects identified in the updated regional water supply plan, or the alternative project proposed by the local government under s. 373.0361(7) 709(8), F.S. [s. 163.3177(6)(c), F.S.];
  - b. Identify the traditional and alternative water supply projects, bulk sales agreements, and the conservation and reuse programs necessary to meet current and future water use demands within the local government's jurisdiction [s. 163.3177(6)(c)3, F.S.]; and
  - c. Include a water supply facilities work plan for at least a 10-year planning period for constructing the public, private, and regional water supply facilities identified in the element as necessary to serve existing and new development. [s. 163.3177(6)(c)3, F.S.] ~~Amendments to incorporate the water supply facilities work plan into the comprehensive plan are exempt from the twice-a-year amendment limitation. [s. 163.3177(6)(c), F.S.]~~
5. Revise the Five-Year Schedule of Capital Improvements to include any water supply, reuse, and conservation projects and programs to be implemented during the five-year period. [s. 163.3177(3)(a)(4), F.S.]
6. To the extent necessary to maintain internal consistency after making changes described in Paragraph 1 through 5 above, revise the Conservation Element to assess projected water needs and sources for at least a 10-year planning period, considering the appropriate regional water supply plan, the applicable District Water Management Plan, as well as applicable consumptive use permit(s). [s.163.3177 (6)(d), F.S.] The plan must address the water supply sources necessary to meet and achieve the existing and projected water use demand for the established planning period, considering the applicable regional water supply plan [s.163.3167(9), F.S.]  
  
~~If the established planning period of a comprehensive plan is greater than ten years, the plan must address the water supply sources necessary to meet and achieve the existing and projected water use demand for established planning period, considering the appropriate regional water supply plan. [s.163.3167 (13), F.S.]~~
7. To the extent necessary to maintain internal consistency after making changes described in Paragraphs 1 through 5 above, revise the Intergovernmental Coordination Element to ensure coordination of the comprehensive plan with applicable regional water supply plans and regional water supply authorities' plans. [s.163.3177(6)(h)1., F.S.]
8. While formal Evaluation and Appraisal Reports are not required and longer, local governments are encouraged to comprehensively evaluate, and as necessary, update comprehensive plans to reflect changes in local conditions. The evaluation could address the extent to which the local government has implemented the need to update their Work Plan. Address in the EAR, the extent to which the local government has implemented the 10-year water supply facilities work plan, including the development of alternative water supplies, and determine whether the identified alternative water supply projects, traditional water supply projects, bulk sales agreements, and conservation and reuse programs are meeting local water use demands. [s.163.3191(3) (2)(4), F.S.]

## 2.0 BACKGROUND INFORMATION

### 2.1 Overview



The Town of Bay Harbor Islands was incorporated in 1947. The boundaries of the Town encompass an area of approximately 268 acres or 0.42 square miles. Since the Town consists of three (3) islands, it is surrounded on all sides by water. Adjacent municipalities across the waterways surrounding the Town include: the Village of Bal Harbour and the Town of Surfside to the east; the Village of Indian Creek to the south; and the City of North Miami to the west. The Town's two (2) main islands were originally developed with the west island being reserved for single-family housing while the east island was reserved for multi-family housing and commercial activity. A third island (westernmost) was incorporated later that forms a part of Broad Causeway which contains only a gas station and the toll plaza for the Causeway. The Town islands' distinct land uses remain in place today and have not changed since their original incarnation.

The Town is substantially built-out (98.2-97.5%). Between 1990 and 2000, the Town population grew from 4,703 to 5,146, an increase of 9.4%, based on U.S. Census figures. The 2010 U.S. Census indicated that the Town's population had increased to 5,628 representing a 9% increase from 2000. The most recent population projections prepared by the University of Florida Bureau of Economic and Business Research (BEER) in 2007 ~~2020~~ estimated that the Town's population has increased to 5,148 6,091 permanent residents. The 2020 population projection represents a 7.6% increase from 2010. The population growth is attributable mostly to the demolition of older multifamily complexes and redevelopment of new luxury multifamily complexes on the East Island, most with higher densities. As of 2020 not all previously demolished complexes have been rebuilt due to market demands, but a finite number of units is possible due to the Comprehensive Plan density limitations. ~~The 2007-estimated population is virtually the same as the 2000 US Census population. This lack of population change is attributed to redevelopment projects which began several years ago but have been slowed due to the current housing market. As the market begins to pick up and new residentially projects experience occupancy, the population should increase slightly again.~~ Future growth will only include redevelopment activities, as the Town is substantially built-out, with future development potential and population growth limited by the scarcity of vacant and developable land as well as development controls.

In 2008 ~~2020~~, an evaluation of the existing gross acreage by land uses revealed that ~~212.44~~ 210.78 acres or ~~79.4~~ 78.8% of the total gross acreage in the Town is dedicated to residential use. The remaining gross acreages are allocated to non-residential such as commercial (19.85 acres or 7.4%); public (13.38 acres or 5.0%); park and open space (17.02 acres or 6.4%); and vacant (4.94 6.56 acres or ~~1.8~~ 2.5%). The Town does not anticipate any increases in land area in the future nor any changes to the Town boundaries. The residential and non-residential growth rate is anticipated to remain flat or be minimal for the next 10 to 20 years. The only development occurring in the Town in recent years is remodeling or the re-building of older single-family / multi-family structures. According to the 2000 ~~2020~~ US Census, approximately ~~7~~ 8.9% of the residential units in the Town are used as a seasonal residence.

## **2.2 Relevant Regional Issues**

As the state agency responsible for water supply in the Lower East Coast planning area, the SFWMD plays a pivotal role in guiding the region in resource protection, water supply planning, water conservation, and alternative supply development. ~~through criteria used for Consumptive Use Permitting. As pressure increased on the Everglades ecosystem resource, the Governing Board initiated rule making to limit increased allocations dependent on the Everglades system. As a result, the Regional Water Availability Rule was adopted by the Governing Board on February 15, 2007 as part of the SFWMD's water use permit program. This reduced reliance on the regional system for future water supply needs, mandates the development of alternative water~~

supplies, and increasing conservation and reuse. The regional issues identified for 2030 in the Lower East Coast Water Supply Plan 2018 update for the planning area are:

1. Increased withdrawals from both the Surficial Aquifer System and surface water from Lake Okeechobee are limited;
2. Conservation continues to be relied upon to reduce per capita use and a means to potentially delay or perhaps avoid adding capacity;
3. Use of reclaimed water continues to be important alternative source in the region and helps to meet requirements of the 2008 Leah G. Schad Ocean Outfall Program.

The Town will continue to work with its potable water supplier, Miami-Dade County Water and Sewer Department (WASD), to insure that these important regional issues are met.

### **3. DATA AND ANALYSIS**

#### **3.1 Population Information**

As stated above, the Town is substantially built-out (98.2 97.5%). Between 1990 and 2000, the Town population grew from 4,703 to 5,146, an increase of 9.4%. The 2010 U.S. Census indicated that the Town's population had increased to 5,628 representing a 9% increase from 2000. The most recent population projections prepared by the University of Florida BEBR in 2007 2020 estimated that the Town's population has increased to 5,148 6,091 permanent residents. The 2020 population projection represents a 7.6% increase from 2010. As stated above, the recent population increase is believed to be due mostly to the demolition of several older multifamily complexes and the redevelopment of those same lands into new luxury multifamily complexes on the East Island. The 2007-estimated population is virtually the same as the 2000 US Census population. This lack of population change is attributed to redevelopment projects which began several years ago but have been slowed due to the current housing market. As the market begins to pick up and new residentially projects experience occupancy, the population should increase slightly again. Future growth will only include redevelopment activities since the Town is substantially built-out and landlocked. Future development potential and population is growth limited by the scarcity of vacant and developable land. The 2004 EAR-Based Amendments for the Town's Comprehensive Plan estimated the future population for the Town in 2005 to be 5,203, in 2010 to be 5,248, and in 2015 to be 5,343. The 2004 EAR-Base Amendments projections are generally consistent with the current BEBR estimate and the Town's estimates listed below in Table 1.

According to Florida Housing Data Clearinghouse estimates, by 2010 2015 the Town's permanent population is was anticipated to increase to 5,424 5,841; 2015 2020 to 5,594 6,102; and 2025 2030 to 5,829 6,614 (represents an increase of about 43% 17% over the 2007 2010 population). The Miami-Dade County Water Supply Facilities Work Plan contains population projections for all wholesale users served by WASD. The latest Miami-Dade Water Supply Work Plan uses Transportation Analysis Zone (TAZ) data and indicates a 2030 population projection for the Town of 6,205 persons (represents an increase of about 10% over the 2010 population). The following table indicates and compares the population projections prepared by Miami-Dade County, and Florida Housing Data Clearinghouse and Town of Bay Harbor Islands:

**Table 1**  
**Town of Bay Harbor Islands**  
**Comparisons of Projected Permanent Population**

| Source | 2007  | US<br>Census<br>2010 | 2015           | 2020           | 2025           | 2030           |
|--------|-------|----------------------|----------------|----------------|----------------|----------------|
| MDPZ   | 6,200 | 6,379<br>5,628       | 6,678<br>5,772 | 6,965<br>5,917 | 7,253<br>6,061 | 7,540<br>6,205 |
| BHI    | 5,148 | 5,247                | 5,476          | 5,536          | 5,596          | 5,655          |
| FHDC   | n/a   | 5,424<br>5,628       | 5,594<br>5,841 | 5,731<br>6,102 | 5,829<br>6,362 | 5,926<br>6,614 |

MDPZ - Miami-Dade County Water Supply Facilities Work Plan 2008 / 2014 / 2020 Update  
Exhibit C-2 "Water Supply Service Area - Wholesale Customers  
Exhibit "C-3" MDWASD Wholesale Customers Population Projections  
BH - Michael Miller Planning Associates (MMPA), 2008-2020  
FHDC - Florida Housing Data Clearinghouse - University of Florida, Shimerberg Center, 2005

Generally, the population projections prepared by Miami-Dade County and the Florida Housing Data Clearinghouse are similar. Due to limited redevelopment opportunities (limited number of allowable DU) and the landlocked nature of the Town, the Town believes the projections prepared by Miami-Dade County are more in-line with current trends. As can be seen in the table above the Miami-Dade County population projections are much higher than the projections prepared by the Town of Bay Harbor Islands planning staff. The Town questions these estimates as being too high given the build-out nature of the community; however, in accordance with Statutory requirements and consistency with the with the regional water supply plans they are presented herein for discussion purposes. The projections prepared by Town planning staff are based upon a housing unit method similar to the methodology utilized by the University of Florida Bureau of Economic and Business Research (BEBR), in that the projections are derived based upon the anticipated number of housing units that could be constructed with an assumption that the occupancy, persons per unit and percent of units held for seasonal use will be relatively stable as compared with the most recent (2000) decennial census. It should be noted that the projections prepared by the Town planning staff are generally between 2% to 4% different from the estimates prepared by the Florida Housing Data Clearinghouse. According to the projections prepared by MDZP, the Town would experience an approximately 47% increase in the permanent population by the year 2030 which does not seem reasonable given the built-out nature of the Town.

### 3.2 Maps of Current and Future Areas Served

No changes are proposed to the boundaries of the Town, now or in the future. The current and future Town boundaries that will be served by the WASD are provided in Figure 1.

 **Insert map of Town as Figure 1** (at time of PDF conversion)



### 3.3 Potable Water Level of Service Standard

The Town is a "consecutive user" of potable water acquired from WASD. The Town owns the potable water infrastructure system from the Miami-Dade WASD master meter location on Kane Concourse (96<sup>th</sup> Street) and distributes potable water to all properties within the Town. The potable water is received from a Miami-Dade WASD 30-inch water transmission main which connects to the Town from across the Broad Causeway to Kane Concourse (96<sup>th</sup> Street). Water is also supplied to the Village of Bal Harbour and the Town of Surfside through the same water transmission main. The current 30-inch water main replaced the original supply transmission lines to the Town and eliminated the need for the previous ground storage tank. Unbilled water loss has averaged 42% 12.5% over the past 10 years. However, it should be noted with the completion of the Town's Capital Enhancement project, which replaced many of the waterlines throughout the Town, the unbilled water loss has been steadily declining. The Town Engineer would like to establish an unaccounted for water level of service standard of 10% or less.

The adopted Comprehensive Plan for the Town includes a potable water Level of Service (LOS) standard of ~~486.5~~ 200 gallons per capita per day (gpcd). This number was based on the yearly water consumption divided by the estimated Town population and converted to daily demand. In reviewing current water consumption numbers reported by the Town over the last ~~8-year decade~~, dividing by the 2000 US Census population figure of 5,146 for years 2006-2009, the 2010 US Census population figure of 5,628 for years 2010-2012, the 2020 BEBR population projection figure of 6,091 for the year 2020 and converting to daily demand, the current average potable water LOS usage for the Town is ~~143.0~~ 209.3 gpcd. However, the yearly water consumption rates have been falling over the last several years and with increase water restrictions and water conservation programs the Town ~~has adopted a new LOS of 200 gpcd~~ proposes to adopt a revised LOS of 150 gpcd based on current usage and the LOS utilized in the Miami-Dade County 20-Year Water Supply Facilities Work Plan. Land use in the Town is primarily residential and has remained consistent over the last 20 years and is expected to remain consistent for the next 20 years since there is no significant vacant land or area to annex into the Town. The ~~2000~~ 2010 US Census indicated that there were ~~3,103~~ 3,199 housing units within the Town. The 2010 US Census does not indicate the make-up of those housing units; however, the Town keeps detailed records. The 2020 Town records indicate that there were 2,833 housing units of which ~~354~~ 279 were single-family residences and ~~2,752~~ 2,544 were attached / multi-family residences. Other uses within the Town include a small amount of commercial use along Kane Concourse on the East Island, an elementary school, and municipal services complex. Therefore the Town will utilize a single LOS for the entire Town since the Town is primarily residential. At present, the entire potable water system continues to have adequate capacity to meet the current and future projected development within the Town.

### 3.4 Population and Potable Water Demand Projections by Each Local Government or Utility

The population estimates and water demand included in the Table 3 were obtained from the Miami-Dade Water Supply Plan. The Population data was obtained from the Miami-Dade County Department of Regulatory and Economic Resources (RER), Planning Division, based on the 2010 Census, BEBR, and derived from Transportation Analysis Zone (TAZ) which reported a 2007 Town population estimate that is approximately 1,000 persons higher than the actual published BEBR population estimate for the Town (6,200 vs. 5,148). The Town is 98.2% built-out as of 2008 and has been so for many years. The Town believes the estimated 2030 permanent population will be about 5,655 persons or about 1,885 persons less than the county estimate. The Town's actual potable water demand has remained fairly consistent for many years ranging

from about 1.0 MGD to 1.2 MGD been declining in recent years ranging from about 1.1 MGD to 0.8 MGD (See Table 2).

**Table 2**  
**Bay Harbor Islands Historical Water Usage Average Daily Flow (ADF)**  
**Million Gallons Per Day (MGD)**

| <b>FY Year</b> | <b>2000</b> | <b>2001</b>  | <b>2002</b>  | <b>2003</b>  | <b>2004</b>  | <b>2005</b>  | <b>2006</b>  | <b>2007</b>  |
|----------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
|                |             | <b>2014</b>  | <b>2015</b>  | <b>2016</b>  | <b>2017</b>  | <b>2018</b>  | <b>2019</b>  | <b>2020</b>  |
| ADF –          | 1.043       | 0.963        | 1.109        | 1.070        | 1.187        | 1.145        | 1.079        | 1.022        |
|                | MGD         | <u>0.831</u> | <u>0.872</u> | <u>0.743</u> | <u>0.875</u> | <u>0.925</u> | <u>0.876</u> | <u>0.869</u> |
|                |             | MGD          | MGD          | MGD          | MGD          | MGD          | MGD          | MGD          |

Source: Town of Bay Harbor Islands and MMPA

The Miami-Dade County 20-Year Water Supply Facilities Plan demand projections for the Town appear to be are based upon the County's overall average baseline wholesale per capita consumption rate of 155 149.38 gpcd for the Town. This figure appears to be derived based upon a total service area demand divided by service area population and may be appropriate for a service area wide discussion of demand. However, when this average rate is applied on a micro level to the Town of Bay Harbor Islands the result is a projected demand for the Town that is slightly less than the actual demand for water provided to the Town in 2007 (Miami-Dade projected a 2007 demand of 0.96 mgd and actual demand was 1.02 mgd which represents a + 6.25% difference). However, by 2030 the MDWASD projections indicate the Town will need 1.17 mgd while the Town projections indicated a need of 1.13 mgd. The Town projections indicate that the Town believes it will be utilizing 3.33% less water in 2030 than MDWASD has projected that the Town will use. During the same time period (2007 to 2030), the Town projects a 10.5% increase in mgd for the Town while MDWASD projects a 21.9% mgd increase for the Town. Therefore, the data in Table 3 is provided pursuant to state requirements; however, the Town has added its own current / future population and water demand estimates based on realistic conditions including actual demand and projected demand based upon historical usage, known redevelopment activities and continued implementation and enforcement of conservation programs. Unless the community demographics change substantially, the conditions should not change significantly. Table 3 is provided pursuant to State requirements and the Town is in agreement with the Miami-Dade County population projections as stated previously in Table 1. The Miami-Dade 20-Year Water Supply Facilities Work Plan concludes that adequate capacity for finished water will be available to meet the service area demands including the Town of Bay Harbor Islands, through the year 2030 2035.

**TABLE 3 - POPULATION & DEMANDS**  
**TOWN OF BAY HARBOR ISLANDS WATER SUPPLY FACILITIES WORK PLAN**

| WATER SUPPLY UTILITY SERVICE WITHIN LOCAL GOVERNMENT'S JURISDICTION                                                                                                                                |                                      |               |               |               |               |               |                           |              |              |              |              |              |      |      |      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------------------|--------------|--------------|--------------|--------------|--------------|------|------|------|
| UTILITY SERVICE AREA                                                                                                                                                                               | POPULATION PROJECTIONS (medium-BEBR) |               |               |               |               |               | WATER SUPPLY DEMAND (MGD) |              |              |              |              |              |      |      |      |
| YEAR ▶                                                                                                                                                                                             | 2007                                 | 2014          | 2040          | 2015          | 2020          | 2025          | 2030                      | 2035         | 2007         | 2014         | 2015         | 2020         | 2025 | 2030 | 2035 |
| Miami-Dade County Projections from Exhibit C-2 Water Supply Service Area Wholesale Customers from 20-Year Water Supply Facilities Work Plan C-3 MDWASD Wholesale Customers Population Projections* |                                      |               |               |               |               |               |                           |              |              |              |              |              |      |      |      |
| TOTAL Population (BEBR) MDPZ WATER SUPPLY FACILITIES WORK PLAN                                                                                                                                     | 6200<br>5,743                        | 6379<br>5,772 | 6678<br>5,917 | 6965<br>6,061 | 7253<br>6,205 | 7540<br>6,350 | 0.99<br>0.86              | 0.99<br>0.86 | 1.04<br>0.88 | 1.08<br>0.91 | 1.12<br>0.93 | 1.17<br>0.95 |      |      |      |
| "Own Utility"                                                                                                                                                                                      | N/A                                  | N/A           | N/A           | N/A           | N/A           | N/A           | N/A                       | N/A          | N/A          | N/A          | N/A          | N/A          | N/A  | N/A  | N/A  |
| "Another Utility"                                                                                                                                                                                  | 6200                                 | 6379          | 6678          | 6965          | 7253          | 7540          | 0.99                      | 0.99         | 1.04         | 1.08         | 1.12         | 1.17         |      |      |      |
| Miami-Dade WASD                                                                                                                                                                                    | 5,743                                | 5,772         | 5,917         | 6,061         | 6,205         | 6,350         | 0.86                      | 0.86         | 0.88         | 0.91         | 0.93         | 0.95         |      |      |      |
| Self-Served                                                                                                                                                                                        | N/A                                  | N/A           | N/A           | N/A           | N/A           | N/A           | N/A                       | N/A          | N/A          | N/A          | N/A          | N/A          | N/A  | N/A  | N/A  |
| Calculated Total                                                                                                                                                                                   | 6200<br>5,743                        | 6379<br>5,772 | 6678<br>5,917 | 6965<br>6,061 | 7253<br>6,205 | 7540<br>6,350 | 0.99<br>0.86              | 0.99<br>0.86 | 1.04<br>0.88 | 1.08<br>0.91 | 1.12<br>0.93 | 1.17<br>0.95 |      |      |      |
| Town of Bay Harbor Islands Projections**                                                                                                                                                           |                                      |               |               |               |               |               |                           |              |              |              |              |              |      |      |      |
| Total Population and Demand                                                                                                                                                                        | 5148                                 | 5247          | 5476          | 5536          | 5596          | 5655          | 1.022                     | 1.049        | 1.095        | 1.107        | 1.119        | 1.131        |      |      |      |
| "Own Utility"                                                                                                                                                                                      | N/A                                  | N/A           | N/A           | N/A           | N/A           | N/A           | N/A                       | N/A          | N/A          | N/A          | N/A          | N/A          | N/A  | N/A  | N/A  |
| "Another Utility"                                                                                                                                                                                  | 5148                                 | 5247          | 5476          | 5536          | 5596          | 5655          | 1.022                     | 1.049        | 1.095        | 1.107        | 1.119        | 1.131        |      |      |      |
| Miami-Dade WASD                                                                                                                                                                                    | -                                    | -             | -             | -             | -             | -             | -                         | -            | -            | -            | -            | -            | -    | -    | -    |
| Self-Served                                                                                                                                                                                        | N/A                                  | N/A           | N/A           | N/A           | N/A           | N/A           | N/A                       | N/A          | N/A          | N/A          | N/A          | N/A          | N/A  | N/A  | N/A  |
| Calculated Total                                                                                                                                                                                   | 5148                                 | 5247          | 5476          | 5536          | 5596          | 5655          | 1.022                     | 1.049        | 1.095        | 1.107        | 1.119        | 1.131        |      |      |      |

Source: \* Miami-Dade County 20-Year Water Supply Facilities Work Plan

\*\* Town of Bay Harbor Islands and MMPA; projected demand based on LOS of 200 gpcd

| TABLE 4 - OUTSIDE JURISDICTION SERVICE & BULK SALES AGREEMENTS<br>TOWN OF BAY HARBOR ISLANDS WATER SUPPLY FACILITIES WORK PLAN |                                    |               |               |               |               |               |       |      |      |      |
|--------------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------------|---------------|---------------|---------------|---------------|-------|------|------|------|
| BULK SALES TO LOCAL GOVERNMENT UTILITY BY OTHERS                                                                               |                                    |               |               |               |               |               |       |      |      |      |
| UTILITY PROVIDING                                                                                                              | BULK SALES WATER RECEIVED<br>(MGD) |               |               |               |               |               |       |      |      |      |
| YEAR ►                                                                                                                         | 2005                               | 2007          | 2010          | 2015          | 2020          | 2025          | 2030  | 2035 | 2050 | 2055 |
| Miami-Dade WASD                                                                                                                | 1.145<br>0.86                      | 1.022<br>0.86 | 1.049<br>0.88 | 1.095<br>0.91 | 1.107<br>0.93 | 1.119<br>0.95 | 1.134 |      |      |      |
| Calculated Total                                                                                                               | 1.145<br>0.86                      | 1.022<br>0.86 | 1.049<br>0.76 | 1.095<br>0.91 | 1.107<br>0.93 | 1.119<br>0.95 | 1.134 |      |      |      |

Source: Town of Bay Harbor Islands, MMMPA-Miami-Dade County 20-Year Water supply Facilities Work Plan



### **3.5 Water Supply Provided by Local Government**

As a "Consecutive User" the Town of Bay Harbor Islands does not own a water utility, rather it owns only a distribution system to provide water that is purchased from Miami-Dade County WASD and delivered to Town residents.

### **3.6 Water Supply Provided by Other Entities**

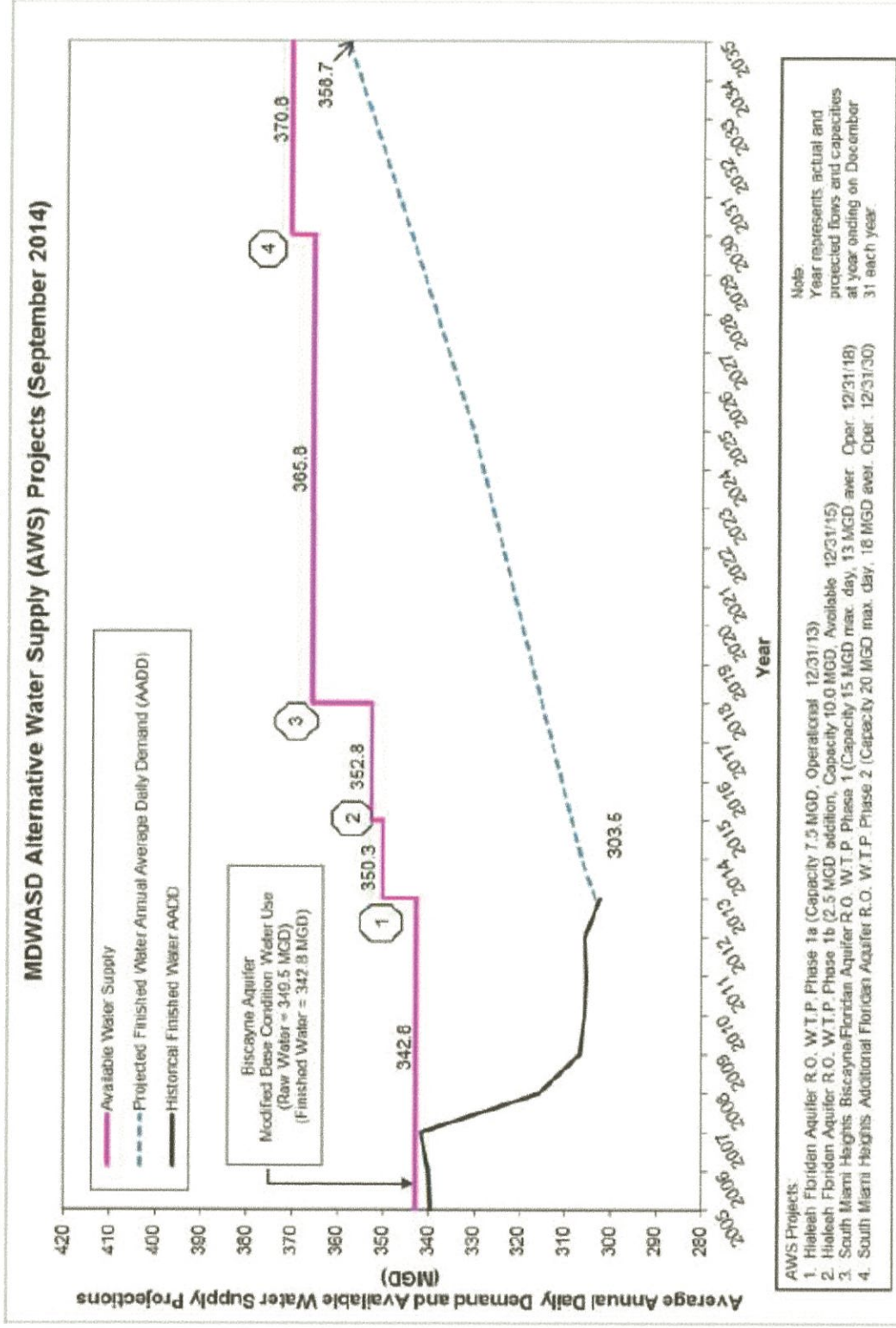
As a "Consecutive User" the Town purchases water to provide to its residents from Miami-Dade County WASD. As referenced previously, in conjunction with Miami-Dade County's application for a new Consumption Use Permit, the SFWMD requested the County obtain 20-year service agreements with each of its volume municipal water customers in order to ensure that the permit contained adequate capacity and improvements necessary to accommodate projected demand for water, that by virtue of the agreements, WASD is contractually obligated to accommodate. In accordance with this requirement, in July 2007, the Town renewed its contract with Miami-Dade County for a new period of 20 years. WASD is, therefore, responsible for ensuring that enough capacity is available for existing and future customers. The following figure (Figure 2) from the Miami-Dade County 20-Year Water Supply Facilities Work Plan indicates that WASD will have adequate capacity to accommodate the water demands of the entire service area through the next 20-years 2035 (Water Use Permit Modification #14-627-12 approved by the SFWMD February 9<sup>th</sup>, 2015.

The agreement between Miami-Dade County and the Town provides for cost-sharing of maintenance, renewal and replacement costs for Miami-Dade County's regional water distribution system on a pro-rata share based on flow. Therefore, the Town pays a share of all costs associated with the maintenance, renewal and replacement costs of the Miami-Dade County system servicing the Town. The Town has no input on what source WASD obtains the water supply from. If WASD is required to alter the water supply source, the Town will be involved only to the extent of increased rates. Future water supply increases are necessary only for newly developing or redeveloping areas wherein additional density or intensity is involved. At this time there are no such increases in density or intensity proposed within the Town of Bay Harbor Islands. The Town has been built out for many years and strictly adheres to the density and intensity standards adopted in the Town Comprehensive Plan. Since the Town has received potable water from WASD or others since its inception and the Town is built out with only a few developable residential lots remaining, the Town has very little impact on water demand. The Town has been experiencing some redevelopment of multi-family residential lots but the redevelopment has been consistent with existing development.

The following information relates to the applicable consumptive use permit for Miami-Dade County: On ~~November 15, 2007~~ February 9<sup>th</sup>, 2015 the South Florida Water Management District issued a permit revision (Permit No. 13-00017W) to the Miami-Dade County Water and Sewer Department. This permit allows for the continuation of the existing use of ground water from the Biscayne Aquifer and Upper Florida Aquifer for public water supply use and allows for an annual allocation of ~~152,741~~ 140,915.50 million gallons with a monthly maximum allocation of ~~13,364~~ 12,330.11 million gallons. The permit is valid through ~~November 15, 2027~~ February 9<sup>th</sup>, 2035.

**Figure 2: MDWASD Finished Water Demand and Supply Projections MDWASD Alternative Water Supply (AWS) Projects**

**Source: Miami-Dade County 20-Year Water Supply Facilities Work Plan**



The Miami-Dade County 20-Year Water Supply Facilities Work Plan is attached as Appendix A. The intent of the County Work Plan is to meet the statutory requirements mentioned in subsection 1.2 of this plan and to coordinate the WASD's water supply initiatives with the SFWMD's *Lower East Coast Water Supply Plan Update*.

The WASD's service area is all portions of Miami-Dade County within the Urban Development Boundary (UDB), excluding all or portions of North Miami, North Miami Beach, Aventura, Sunny Isles, Biscayne Park, Miami Gardens, Homestead and Florida City. The areas within the Urban Expansion are included in the planning horizon after 2015. The following summarizes Miami-Dade County's Work Plan:

- Description of population and water demand projections (~~Exhibit C-1 and C-2, Water Supply Service Area, Retail and Wholesale Customers, respectively,~~ by Municipality provides municipal population projections and projected AADF "Annual Average Daily Flow" finished water based on ~~455~~ 136.9 gallons per capita per day (gpcd). The population information was ~~prepared by~~ derived from Miami-Dade County Department of Regulatory and Economic Resources, Planning Division, ~~and Zoning based on the 2010 US Census, other sources, and derived from~~ Transportation Analysis Zone (TAZ) ~~2004 population data~~. This subsection also provides a brief discussion of WASD's conservation and reuse programs.) ~~In preceding sections of this document, Town staff has presented differing projections of population and water demand than those indicate in the Water Supply Facilities Work Plan. Pursuant to the agreement with Miami-Dade County the Town coordinates with WASD relative to population projections and demand related issues and the Town will therefore continue to address the discrepancies in population projections with staff to insure the most accurate representation of realistic demands.~~
- The Water Supply Facilities Work Plan details the facilities and proposed alternative water supply (AWS) projects that are planned in order to meet the water demands through 2035 ~~2027~~. These projects are expected to be completed in increments consistent with the projected growth set forth in the Plan. The AWS projects and annual average daily demand (AADD) assumes that all current wholesalers will remain in the WASD system through 2035 ~~2027~~, except for the City of North Miami Beach. The AWS projects are included in the County's Capital Improvement Element.

In the 20-Year Work Plan, the WASD is committed to meet the water demand for the municipalities within the service area. The Town of Bay Harbor Islands is located in the Hialeah Preston Sub-Area. According to the Miami-Dade County Water Supply Facilities Work Plan this sub-area is comprised of dedicated low-pressure pipelines, remote storage tanks, pumping facilities and high pressure systems. The system delivers water to Hialeah, Miami Springs, the City of Miami, and other portions of northeastern Miami-Dade County as indicated on Figure 4 which is generally north of Flagler Street.

**Figure 2-1: MDWASD Service Area and Wholesale Customers**





**Figure 4 MDWASD Hialeah-Preston Sub-Area and Water Treatment Plants**  
**Source: Miami-Dade WASD 20-Year Water Supply Facilities Work Plan**



The Hialeah Preston Water Treatment Plants are supplied by four water supply well fields (Hialeah – capacity 12.54 MGD, John E. Preston 53.28 MGD, Miami Springs – capacity 79.30 MGD, Northwest - capacity 149.345 MGD) with a total design capacity of approximately 295 million gallons per day (MGD). In addition to these well fields, four abandoned wells at a Medley well field (capacity 43.20 ~~48.96~~ MGD) have been rehabilitated and would be available on a stand-by- basis in the event of an emergency. Total Storage capacity in the Hialeah-Preston Sub-Area is 56.0 million gallons. Due to lower than anticipated demands from the 2007 County Water Supply Plan, several ambitious and costly Alternative Water Supply (AWS) projects are no longer required. In the current plan several AWS projects are still proposed, but do not affect the Hialeah Preston subarea. As part of the Alternative Water Supply Projects proposed by WASD, in 2008 there are five Upper Floridan Aquifer wells which are proposed to be constructed in the Hialeah-Preston Wellfield. The Upper Florida Wells will be utilized to blend brackish water with fresh water and will have a design capacity of 12.50 MGD. The wells will be used on a first on/last off priority basis.

### **3.7 Conservation**

Miami-Dade WASD requires wholesale customers to have Water Conservation Plans under the Conserve Florida Program. The Town of Bay Harbor Islands, as a wholesale customer, is coordinating the development of the required Conservation Plan using the web-based tool provided by the Department of Environmental Protection. This tool allows WASD to consolidate the Water Conservation Plans of the wholesale customers and combine them with the Plan or Annual Report for reporting to the water management district. This is a strategic advancement in water conservation effectiveness. Due to the fact that historically agencies wholesale water to municipalities and typically are ultimately responsible for the implementation of water conservation measures and Best Management Practices (BMP) and general demand management that are required by the Water Use Permits. Yet these agencies usually have no authority to require their wholesale customers to help them to meet demand management goals. The Miami-Dade Board of County Commissioners adopted Ordinance 06-177 establishing that a goal-based Water Conservation Plan shall be submitted to MDWASD; said plan shall be updated for the County's approval every five years and annual reports shall be filed with WASD within two months following the previous year's implementation.

~~The Town is coordinating~~ continues to coordinate with Miami-Dade County ~~who is undertaking a related to the~~ 20-year water conservation plan to evaluate ways for reducing water consumption. Activities and projected water conservation savings are included in the overall 20-Year Water Supply Work Plan adopted by Miami-Dade County. While there are no specific projects for water conservation proposed by Miami-Dade within Bay Harbor Islands, the Town provides strict enforcement of the limitations on irrigation in accordance with the water restrictions imposed by the SFWMD, requires the use of high efficiency devices including toilets and fixtures in new construction and provides educational materials in Town Hall relating to water conservation and programs that the Town residents are eligible to participate in. Additionally, as part of the Town's continued conservation efforts, the Town will be evaluating the implementation of rate structures that encourage conservation.

#### **3.7.1 County-wide Issues**

##### **The Miami-Dade Water Use Efficiency Plan**

Currently, the WASD is implementing all Best Management Practices (BMPs) included in the 20-year Water Use Efficiency Plan, which was approved by the South Florida Water Management District (SFWMD) in May 2007.

## **Water Conservation Plans and Development Codes**

In addition, as one of the WASD's wholesale customers, the Town coordinates with Miami-Dade County's web-based Conserve Florida Program in the development of a Water Conservation Plan as mandated by County Ordinance 06-177, Section 32-83.1 of the Miami-Dade County Code. The Miami-Dade County Plan will identify BMPs based on population characteristics and type of service for each municipal service area.

In addition, Miami-Dade County has developed recommendations for new development that would achieve higher water use savings than currently required by code. The recommendations were developed by an Advisory Committee and were presented to the Board of County Commissioners (BCC) on June 5, 2007. These water conservation recommendations were adopted by ordinance on February 5, 2008. The Ordinance requires that a manual for implementation of the recommendations be developed by July 2008. These water efficiency recommendations represent an additional 30 percent to the water savings identified in the 20-year Water Use Efficiency Plan. All applicants will be required to comply with these future code requirements. ~~The list of recommendations submitted to the BCC and the ordinance relating to water use efficiency standard are presented in Appendix D and are also posted in the Miami-Dade Water Conservation Portal.~~

### **Per Capita Consumption**

WASD is evaluating per capita consumption for all municipalities including those in its retail customer service area. Based on this data, the WASD will work with the municipalities to address those with higher than average per capita and will target programs for those areas. When discussing per capita consumption in Bay Harbor Islands several factors are important to consider. Due to the fact that the Town is a series of islands surrounded by the Biscayne Bay, the groundwater is brackish and is not suitable for irrigation. With no planned or existing reuse facilities available to the Town, residents are forced to use potable water for irrigation. Some Town residents have a second meter that is dedicated to irrigation only. The County anticipates that the implementation of the BMPs identified in the 20-year Water Use Efficiency Plan will result in an adjusted system wide per capita of ~~147-82~~ 133.29 gpcd by ~~2027~~ 2033.

### **3.7.2 Local Government Specific Actions, Programs, Regulations, or Opportunities**

The Town will coordinate future water conservation efforts with the WASD and the SFWMD to ensure that proper techniques are applied. In addition, the Town will continue to support and expand existing goals, objectives and policies in the comprehensive plan that promotes water conservation in a cost-effective and environmentally sensitive manner. The Town will continue to actively support the SFWMD and Miami-Dade County in the implementation of new regulations or programs that are design to conserve water during the dry season.

### **3.7.3 Identify any Local Financial Responsibilities as Detailed in the CIE or CIS**

As stipulated in the Service Agreement with Miami-Dade WASD, Bay Harbor Islands shares in the cost of maintenance and improvement of the water supply facilities serving the Town which are owned by Miami-Dade County. These costs are assessed on a pro-rata share based upon flow in the rates charged to the Town. Due to the fact that there are no supply facilities (other than a distribution system) located in the Town of Bay Harbor Islands and none of the system wide alternative water supply projects proposed by Miami-Dade WASD are located in the Town, the Town does not have an ability to complete any of the water supply projects proposed by

Miami-Dade County. The Town will share in the costs of system improvements pursuant to the executed service agreement.

### **3.8 Reuse**

At this time there are no existing or planned reuse facilities proximate to the Town. Pursuant to the agreement with WASD the Town is required to accept and utilize reuse water in lieu of potable water, if such water is provided by the County through a distribution system installed in the Town at the County's expense.

#### **3.8.1 Regional and County-wide Issues**

State law supports reuse efforts. For the past years, Florida's utilities, local governments, and water management districts have led the nation in implementing water reuse programs that increase the quantity of reclaimed water used and public acceptance of reuse programs. Section 373.250(1) F.S. provides that "water reuse programs designed and operated in compliance with Florida's rules governing reuse are deemed protective of public health and environmental quality." In addition, Section 403.064(1), F.S., provides that "reuse is a critical component of meeting the state's existing and future water supply needs while sustaining natural systems."

The Town of Bay Harbor Islands supports water reuse initiatives under consideration by both the SFWMD and Miami-Dade County. In 2013, WASD reported a total of 117.5 MGD of reuse would be implemented, out of that 27.6 MGD of reclaimed water would be used to recharge the Floridan Aquifer. The County has committed to implement a total of 170 MGD of water reuse as noted in the County's 20-year water use permit. In the 20-year Work Plan, the County identified a number of water reuse projects and their respective schedule. According to the Plan, reuse projects to recharge the aquifer with highly treated reclaimed water will be in place before additional withdrawals over the base condition water use are made from the Alexander Orr and South Dade subarea wellfields. Miami-Dade WASD will not exceed its base allocation from the Biscayne Aquifer as included in the County's 20-year Water Use Permit Modification issued by SFWMD on February 9<sup>th</sup>, 2015 (expires February 9<sup>th</sup>, 2035). In addition, reuse irrigation projects are anticipated for the North and Central District Wastewater Treatment Plants. ~~These projects will be implemented in the Cities of North Miami and North Miami Beach, and are currently under construction for Key Biscayne."~~

#### **3.8.2 Local Government Specific Actions, Programs, Regulations, or Opportunities**

The Town will support the SFWMD and Miami-Dade County water reuse projects, and implementation of new regulations or programs designed to increase the volume of reclaimed water used and public acceptance of reclaimed water.

### **4.0 CAPITAL IMPROVEMENTS**

#### **4.1 Work Plan Projects**

The following table (Figure 5) is excerpted from the Miami-Dade County WASD 20-Year Water Supply Facilities Work Plan and includes alternative water supply projects proposed to be completed by Miami-Dade County WASD to meet the anticipated demands of service. As the Town is located within the Hialeah Preston service area, not all of these projects will impact the supply facilities serving the Town of Bay Harbor Islands. However, for consistency purposes the entire table has been included.



**Figure 5**

**Proposed Alternative Water Supply Projects**

**Source: Miami-Dade County 20-Year Water Supply Facilities Work Plan**

Table 5-1: MDWASD) Proposed Alternative Water Supply Projects From Alternative Water Supply Project Development Submitted to SFWMD June 2014

| Year  | Annual Average Finished Water Quantity<br>in MGD and Source |                                                                                        |     |
|-------|-------------------------------------------------------------|----------------------------------------------------------------------------------------|-----|
| 2013  | 7.5                                                         | Hialeah Floridan Aquifer RO WTP-Phase 1-a,<br>10 MGD & 6 Floridan Aquifer supply wells | AWS |
| 2015  | 2.5                                                         | Hialeah Floridan Aquifer RO WTP-Phase 1-b, 4<br>Floridan Aquifer supply wells          | AWS |
| 2018  | 12.45                                                       | South Miami Heights WTP Phase 1(RO portion)                                            | AWS |
| 2030  | 5.0                                                         | South Miami Heights WTP Phase 2(RO portion)                                            | AWS |
| Total | 27.45                                                       |                                                                                        |     |

**4.2 Capital Improvements Element/Schedule**

As referenced in preceding sections the Town is built out and it is anticipated that redevelopment activities that will occur will not significantly impact the Town's demand for water through 2030 2035. Furthermore, due the Town's conservation efforts and enforcement of water restrictions, demand for potable water has been reduced from at peak in FY 2004 2006 of 4.187 1.079 MGD to 4.022 0.93 MGD in FY 2007 2020 representing a 44% 31.1% reduction. In the near future, the Town would like to partner with MDWASD to conduct system-wide leak detection and remedy any problems discovered to further reduce consumption rates. The Town had previously considered ~~is also considering~~ installing additional meters at Town entry points to more accurately measure water being used within the Town. However, this activity is not currently in the Capital Plan.

Although the Town has projected some redevelopment of its multi-family residential areas, the Town believes its potable water usage will remain at current usage levels or continue to decrease as it has since 2004 2006 due to conservation efforts, system-wide improvements, and water use restrictions imposed by the SFWMD. ~~The Town projections for water demand (see Table 4) indicate that the Town will see a 10.6% increase in demand between 2007-2030 which is below the 21.9% demand increase that MDWASD has projected.~~

Due to the fact that the Town's demand for water has been reduced over the past several years and is projected to remain below historical consumption rates and that Miami-Dade County has identified that there will be adequate capacity to meet the needs of the service area throughout 2030 2035, there are no capital improvements to the Town's Water System deemed necessary for the Town to maintain adopted level of service.

~~The following table (Table 5) is provided for referenced purposes and lists the Capital Improvements benefiting the Hialeah-Preston Service Area that are proposed to be completed by WASD as part of their 20-Year Water Supply Facilities Work Plan. Due to a reduction of population projections and the success of water conservation efforts, the Miami-Dade County 20-Year Water Supply Facilities Work Plan has reduced or eliminated alternative water supply projects that had previously been proposed. The current Miami-Dade County 20-Year Water Supply Facilities Work Plan is proposing several projects to address demands through 2033. A~~

review of these projects indicates that none of the proposed projects are located the Town of Bay Harbor Islands. Please see the Miami-Dade County 20-Year Water Supply Facilities Work Plan for further details.

**TABLE 5--PROJECTS & PROGRAMS from the MIAMI-DADE WASD WATER SUPPLY FACILITIES WORK PLAN**

| ALL PUBLIC, PRIVATE & REGIONAL UTILITY PROJECTS & PROGRAMS SERVING THE LOCAL GOVERNMENT |                                                           |                      |                                     |                     |               |                                       |  |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------|----------------------|-------------------------------------|---------------------|---------------|---------------------------------------|--|
| UTILITY SERVING LOCAL GOVERNMENT'S JURISDICTION                                         | FUTURE PROJECT OR PROGRAM PROVIDING WATER TO JURISDICTION | FINISHED WATER (MGD) | WATER SOURCE FOR PROJECT OR PROGRAM | DATE PROJECT ONLINE | CAPITAL COST  | POPULATION SERVED WITHIN JURISDICTION |  |
| Miami-Dade WASD                                                                         | Hialeah-Floridan Aquifer R.O.-WTP                         | -                    | -                                   | -                   |               | -                                     |  |
|                                                                                         | Phase 1                                                   | 10                   | Floridan Aquifer                    | 2012                | 93            | 3058                                  |  |
|                                                                                         | Phase 2                                                   | 5                    | Floridan Aquifer                    | 2018                | 25            | 3058                                  |  |
|                                                                                         | Phase 3                                                   | 2.5                  | Floridan Aquifer                    | 2028                | 9.7           | 3058                                  |  |
|                                                                                         |                                                           |                      |                                     |                     |               |                                       |  |
| Miami-Dade WASD                                                                         | Hialeah/Preston-Florida Aquifer-Blending                  | 4.7                  | Floridan Aquifer                    | 2010                | 1.03          | 3058                                  |  |
|                                                                                         |                                                           |                      |                                     |                     |               |                                       |  |
| Miami-Dade WASD                                                                         | North District W.W.T.P.-Reuse Projects                    | 2                    |                                     | 2012                | 26.8          | 3058                                  |  |
|                                                                                         |                                                           |                      |                                     |                     |               |                                       |  |
| Miami-Dade WASD                                                                         | Conservation 20-Year Water Use Efficiency Plan            | 19.62                |                                     | ongoing             | 25.2          | 3058                                  |  |
|                                                                                         |                                                           |                      |                                     |                     |               |                                       |  |
|                                                                                         |                                                           |                      |                                     |                     |               |                                       |  |
|                                                                                         |                                                           |                      |                                     |                     |               |                                       |  |
|                                                                                         |                                                           |                      |                                     |                     |               |                                       |  |
| <b>TOTAL</b>                                                                            |                                                           | <b>43.92</b>         |                                     |                     | <b>180.73</b> |                                       |  |

Source: Miami-Dade County 20-Year Water Supply Facilities Work plan.

## **5.0 GOALS, OBJECTIVES AND POLICIES**

In order to comply with the statutory requirements, the Town will be adopting the Town of Bay Harbor Islands Water Supply Facilities Work Plan by reference into the Town's Comprehensive Plan. Goals, Objectives and Policies of the Town's adopted Comprehensive Plan which support the Town's water supply planning efforts are provided herein. ~~The following draft a~~Amendments to pertinent sections of the Town's Comprehensive Plan have been prepared and are shown in strikethrough and underline, based upon the statutory requirements to insure coordination of the Town's Comprehensive Plan with the latest updated SFWMD Lower East Coast Water Supply Plan, the Miami-Dade County 20-Year Water Supply Facilities Work Plan and the updated Bay Harbor Islands Water Supply Facilities Work Plan.

## EXHIBIT "A"

### TOWN OF BAY HARBOR ISLANDS WATER SUPPLY FACILITIES WORK PLAN PROPOSED AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN

#### THE FOLLOWING AMENDMENTS ARE PROPOSED TO BE INCORPORATED INTO THE SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER & NATURAL GROUNDWATER AQUIFER RECHARGE ELEMENT (INFRASTRUCTURE ELEMENT):

**Note:** Text with strikethrough formatting represents existing text to be removed.  
Text which is underlined represents new text proposed for adoption.

#### POTABLE WATER SUB-ELEMENT

##### Coordination with the Regional Water Supply Plan and Adoption of Water Supply Facilities Work Plan

The Florida Legislature has enacted bills in the 2002, 2004, and 2005, 2011, 2012, 2015 and 2016 sessions to address the state's water supply needs. These bills, especially Senate Bills 360 and 444 (2005 legislative session), significantly changed Chapter 163 and 373 Florida Statutes (F.S.) by strengthening the statutory links between the regional water supply plans prepared by the water management districts and the comprehensive plans prepared by local governments. In addition, these bills established the basis for improving coordination between the local land use planning and water supply planning.

~~In April of 2008~~ Miami-Dade County has adopted and updated a 20-Year Water Supply Facilities Work Plan as required by state law. The Work Plan contains a capacity analysis of the Miami-Dade County system, service area population projections, historical water use and water demand projections, goals for water conservation and reuse as well as a Water Supply Facilities Work Plan. The plan will be updated by Miami-Dade County every 5 years consistent with the SFWMD Lower East Coast Supply Plan. Included within the Work Plan are capital improvement projects designed not only to meet the projected needs of the service area but also to improve the efficiency/conservation and reuse of the existing service area. As indicated previously the Miami-Dade Plan concludes that adequate capacity for finished water will be available to meet the service area demands, including the Town of Bay Harbor Islands, through the year ~~2030~~ 2035.

Pursuant to Chapter 163.3177(4)(a) Florida Statutes Local Governments are required to coordinate their Comprehensive Plans with the appropriate Water Management Districts Regional Water Supply Plan. Chapter 163.3177 further requires local governments that are subject to a regional water supply plan to adopt amendments to their Comprehensive Plan addressing specific water supply and planning issues no later than 18 months following adoption of the regional water supply plan by the appropriate water management district. The Town is located within the boundaries of the SFWMD and is subject to the Lower East Coast Water Supply Plan ~~(adopted February 15<sup>th</sup>, 2007)~~. In accordance with state statutes, to ensure consistency with the Regional Water Supply Plan and ensure that adequate water facilities are available to service the existing and future demand for water in the Town of Bay Harbor Islands, in 2008 the Town has prepared the Bay Harbor Islands Water Supply Facilities Work Plan. The Work Plan covers a 20-year planning period and addresses water supply facilities needed to serve development within the Town and coordination with the regional water supply plan and Miami-Dade County's 20-Year Water Supply Facilities Work Plan in accordance with Chapter 163.3177(6)(c), F.S. The latest Lower East Coast Water Supply

Plan Update was approved by the South Florida Water Management District (SFWMD) on January 11<sup>th</sup>, 2019. Therefore, local governments within the Lower East Coast jurisdiction were required to amend their Comprehensive Plans to adopt a Work Plan by July 11<sup>th</sup>, 2020. The Town prepared an updated WSP that was submitted to DEO / review agencies in February 2015. In March 2015 the Town received correspondence from DEO stating that due to the Town not submitting other Comprehensive Plan amendments (EBA), that adoption of the 2015 WSP update could not be approved. An extension was requested / granted; however, completion of the draft EBA was delayed until late 2018. For several reasons, the Town has delayed processing its last EBA amendments, which included the Town's Water Supply Plan update. SFWMD prepared its most recent 5-year LECWSP update in 2018. The SFWMD adopted its most recent LECWSP on January 11<sup>th</sup>, 2019.

## **II. EXISTING CONDITIONS**

The Town does not contain any potable water treatment plants or wells. Rather the Town purchases water, as a "Consecutive User", from the Miami-Dade County Water and Sewer Department (MDWASD) to provide potable water to its residents and non-residential users. In conjunction with Miami-Dade County's application for a Consumptive Use Permit, the SFWMD requested the County to obtain 20-year service agreements with each of its volume municipal water customers. In accordance with this requirement, in July 2007, the Town renewed its contract with Miami-Dade County for a new period of 20 years. The agreement between Miami-Dade County and the Town provides for cost-sharing of maintenance, renewal and replacement costs for Miami-Dade County's regional water distribution system on a pro-rata share based on flow. The agreement also requires coordination of population projections with Miami-Dade County and participation in the water conservation programs. The Miami-Dade 20-Year Water Supply Facilities Work Plan, adopted in ~~2008~~ 2014 concludes that adequate capacity for finished water will be available to meet the service area demands, including the Town of Bay Harbor Islands, through the year ~~2030~~ 2035.

The Town owns the potable water infrastructure system from the MDWASD master meter located on Kane Concourse (96<sup>th</sup> Street) and distributes potable water to all users within the Town. The potable water is received from a MDWASD 30-inch water transmission main which connects to the Town from across the Broad Causeway to Kane Concourse. Water is also supplied to the Bal Harbour Village and the Town of Surfside through the same water transmission main. The Town's water distribution system was updated through a capital enhancement project that was completed in 2013 ~~consists of C900 PVC pipe and there is one section that is the original cast iron pipe.~~ The Town regularly conducts leak detection exercises and makes repairs as needed.

Prior to the installation of the 30" main from MDWASD, a 24" main in Bal Harbour on 96<sup>th</sup> Street was constructed to provide and improved service from MDWASD through the 75<sup>th</sup> Street pumping station in Miami Beach. This line increased water pressure in the Town to acceptable levels. The Town's water reticulation system is connected directly to the County's infrastructure and the Town was able to eliminate the 750,000 gallon water tank that the Town needed in order to maintain water pressure during peak periods.

A level of service standard has been developed for the Town of Bay Harbor Islands. The standard is based on historical average day demand expressed in gallons per capita per day. According to data supplied by the Town of Bay Harbor Islands Public Works Department, for the fiscal year ending September ~~2007~~ 2020, yearly water consumption amounted to ~~372,982~~ 860,000 million gallons (mg). Dividing this value by the BEBR estimated ~~2007~~ 2020 population of ~~5,148~~ 6,091 and converting to daily demand amounts to a water consumption



of ~~198.5~~ 141 gallons per capita per day (gpcd). This rate is rounded to ~~200~~ 150 gpcd, and is adopted as the level of service standard for the Town of Bay Harbor Islands, and is similar to the rate adopted my Miami-Dade County for the Town of 149.38 gpcd.

### **Miami-Dade County Water Facilities Plan**

The Town of Bay Harbor Islands receives its water supply from Dade County facilities. The tie-in to the county system is as shown in Fig. W-1. The water comes from the Hialeah / John E. Preston Water Treatment Plants, the location of which is depicted in Fig. W-2.

The Miami-Dade Water and Sewer Department (WASD) which operates the Miami-Dade County water facilities does ~~not~~ allocate proportional capacities to each municipality. ~~Rather demand is calculated and projected using service zones.~~ The average gallon per capita per day (gpcd) consumption is set at ~~455~~ 149.38. This figure, multiplied by the population served by WASD gives the total capacity allocated to the Hialeah / Preston Water Treatment Plant. The reader is referred to the Miami-Dade County 20-Year Water Supply Facilities Work Plan (2008) for further information.

## **3. NEEDS ASSESSMENT**

### **Capacity Assessment**

The distribution system of the municipal water supply system has a design life of fifty years, and are expected to provide adequate capacity beyond the current planning period of ten years. The existing distribution system then represents the final design for the municipal water supply system as related to present policies.

The "Projected Average & Maximum Daily Water Demand" Table shows the projected daily water demand for the years ~~2010 and 2020~~ 2014 through 2035.

**The following amendments are proposed in the Infrastructure Element.**

**Note:** Text with ~~strikethrough~~ formatting represents existing text to be removed.  
Text which is underlined represents new text proposed for adoption.

**TABLE W-1  
PROJECTED  
DAILY WATER DEMAND**

|                                 | 2010      | <del>2020</del> <u>2035</u>      |
|---------------------------------|-----------|----------------------------------|
| Level of Service                | 200       | <del>200</del> <u>150</u>        |
| Projected functional Population | 5,247     | <del>5536</del> <u>6,350</u>     |
| Projected Daily Water Demand    | 1.049 mgd | <del>1.107</del> <u>0.93</u> mgd |

Source: Town of Bay Harbor Islands and Michael Miller Planning Associates, Inc. 2017

## Performance Assessment

The distribution system within the Town of Bay Harbor Islands is generally in good condition. The Town does conduct regular leak detection exercises and repairs leaks as needed. The Town completed a capital enhancement project in 2013 that updated some of the water lines throughout the Town. In 2020 an updated leak detection study was prepared (USA) which identified several new leaks. The Town has begun to repair some of the new leaks identified and is scheduling the others for repair. ~~In the 1980's, perimeter lines on the east island were replaced with 10" diameter pipes while on the west island 6" diameter pipes were replaced with 8" pipes.~~ Hydrants were placed every 300' on the perimeter of the multi-family district and every 500' on the single-family residential area.

**The following GOP amendments are proposed in the Infrastructure Element.**

**Note:** Text with ~~strikethrough~~ formatting represents existing text to be removed.  
Text which is underlined represents new text proposed for adoption.

## GOALS, OBJECTIVES, AND POLICIES

**GOAL: PROTECT THE SUBSTANTIAL INVESTMENTS IN EXISTING PUBLIC FACILITIES AND PLAN FOR AND FINANCE NEW FACILITIES TO SERVE RESIDENTS AND BUSINESSES IN A TIMELY, ORDERLY, AND EFFICIENT MANNER.**

**OBJECTIVE 1.1:** The Town will implement procedures to ensure that existing deficiencies will be corrected and that adequate facility capacities will be available to meet future needs.

**Policy 1.1.1:** To assure adequate level of service, the following LOS standards are hereby adopted, and shall be used as the basis for determining facility capacity and the demand to meet future development:

| Facility                                           | Level of Service Standards                                                                                                                                            |
|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sanitary Sewer Facilities<br>Peak Flow Coefficient | 156 gallons per capita per day<br>As shown in Figure S-3.                                                                                                             |
| Solid Waste Facilities                             | 0.632 tons per capita per year                                                                                                                                        |
| Drainage Facilities                                | Design LOS standard to meet to 10-year storm and as specified by the Dade County Public Works Manual, Section D-4, 1984; and no ponding water for more than 48 hours. |
| Potable Water<br>Storage Capacity<br>Pressure      | <del>200</del> <u>150</u> gallons per capita per day<br>One-half of average day demand<br>Shall comply with Miami-Dade County fire flow standards.                    |



**Policy 1.1.6:** The Town shall adopts by reference the SFWMD 2018 update to the a Water Supply Facilities Work Plan (WSFWP) dated January 11<sup>th</sup>, 2019 which is incorporated herein by reference. In addition, the Town adopts by reference the Miami-Dade Water Supply Facilities Work Plan 2019 Update which is incorporated herein by reference with at least a 10-year planning period that will assess projected water needs and sources for the Town. The WSFWP and any updates will be adopted within 18 months of the adoption of the South Florida Water Management District's regional water supply plan, as required by Chapter 163, Florida Statutes.

**OBJECTIVE 1.4:** The Town will cooperate and aid in the implementation of regional and county water conservation programs.

**Policy 1.4.3:** The Town shall implement applicable regional and county water conservation programs. Including the following strategies:

- a). Require water reduction devises in new construction and evaluate and incorporate additional advances in water conservation into Town Code as needed;
- b). Require ~~xeriscaping~~ Florida Friendly techniques and native vegetation use when reviewing and approving development applications;
- c). Continue to enforce and maintain regulations of the South Florida Water Management District lawn and irrigation water restrictions;

### **THE FOLLOWING AMENDMENTS ARE PROPOSED TO BE INCORPORATED INTO THE CONSERVATION ELEMENT**

**Note:** Text with ~~strikethrough~~ formatting represents existing text to be removed.  
Text which is underlined represents new text proposed for adoption.

#### **E. Water Use & Conservation**

South Florida is extremely dependent on water resources for human consumption and industrial, agricultural, environmental and recreational uses. Large amounts of water are consumed by four primary sectors: agricultural, industrial, environmental and residential. The availability, quantity and quality of water is of extreme importance to South Florida. The balance between adequate supplies and scarcity is, indeed, a delicate one. The urban complex, which includes Bay Harbor islands, continually draws water away from the (Biscayne Aquifer) water conservation districts.

In recent years the Town replaced all irrigation controllers (web-based) to help conserve potable water that is used for irrigation. There is no other source of water for irrigation in the Town other than localized on-site retention systems.

**THE FOLLOWING AMENDMENTS ARE PROPOSED TO BE INCORPORATED  
INTO THE CAPITAL IMPROVEMENTS ELEMENT:**

**Note:** Text with ~~strikethrough~~ formatting represents existing text to be removed.  
Text which is underlined represents new text proposed for adoption.

**Policy 4.1:** The municipality shall use the LOS standards, as adopted in each element, in reviewing the impacts of new development and redevelopment upon public facilities. The LOS are indicated in the following elements:

|                  |                                                                                                           |
|------------------|-----------------------------------------------------------------------------------------------------------|
| Sanitary Sewer   | 156 gallons capita, per day                                                                               |
| Solid Waste      | 0/632 tons per capita, per year                                                                           |
| Drainage         | Design storm as LOS Standards:<br>10 year storm<br>Dade County Public Works Manual,<br>Section D-4, 1988. |
| Potable Water    | <del>200</del> <u>150</u> gallons per capita, per day                                                     |
| Local Streets    | LOS "B" at peak hour                                                                                      |
| Arterial Roadway | LOS "C" at peak hour                                                                                      |

**THE FOLLOWING AMENDMENTS ARE PROPOSED TO BE INCORPORATED  
INTO THE INTERGOVERNMENTAL COORDINATION ELEMENT:**

**Note:** Text with ~~strikethrough~~ formatting represents existing text to be removed.  
Text which is underlined represents new text proposed for adoption.

**TABLE I-1  
AGENCY / ELEMENT RELATIONSHIP**

**Agency Acronyms**

|                                                 |                                                     |
|-------------------------------------------------|-----------------------------------------------------|
| SFRPC – South Florida Regional Planning Council | OTA – Office of Transportation Admin.               |
| HUD – Housing & Urban Development               | SFWMD – S. Florida Water Management District        |
| DOT – Department of Transportation              | WASD – Water & Sewer Department                     |
| MTA – Metropolitan Transit Authority            | <del>DERM – Dept. of Environmental Regulation</del> |
|                                                 | <u>RER – Regulatory and Economic Resources</u>      |

**The following amendments are proposed to the GOPs in the  
Intergovernmental Coordination Element.**

**Note:** Text with ~~strikethrough~~ formatting represents existing text to be removed.  
Text which is underlined represents new text proposed for adoption.

**GOALS, OBJECTIVES AND POLICIES**

**GOAL: THE MUNICIPALITY WILL CONTINUE TO ESTABLISH AND DEVELOP SHORT-TERM AND LONG-TERM OBJECTIVES AND POLICIES WHICH ARE INTENDED TO FOSTER BETTER INTER-GOVERNMENTAL COORDINATION.**

**Policy 1.1:** Coordinate with the various levels of government which include the county, the South Florida Regional Planning council, the Miami-Dade County Board of Public Instruction, and the various other agencies that are identified in Table I-1 which have regulatory authority with reference to the use of land and other elements in the comprehensive plan.

**OBJECTIVE 2:** The municipality will work to achieve a high level of coordination with adjacent municipalities, Miami-Dade, Broward, and Monroe counties, the region, and the state with regard to the impacts of land development.

**Policy 2.5:** The Town shall ~~adopts~~ by reference the 2014-18 update to the a Water Supply Facilities Work Plan (WSFWP) dated August 2018 which is incorporated herein by reference. In addition, the Town adopted by reference the Miami-Dade Water Supply Facilities Work Plan 2014 Update which is incorporated herein by reference with at least a 10-year planning period that will assess projected water needs and sources for the Town. The WSFWP and any updates will be adopted within 18 months of the adoption of the South Florida Water Management District's regional water supply plan, as required by Chapter 163, Florida Statutes.

