

TOWN OF BAY HARBOR ISLANDS

October 13, 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 Members 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://us06web.zoom.us/j/82534801293>
Meeting ID: 825 3480 1293

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: 1 646 558 8656 or 1 301 715 8592 or 1 312 626 6799
Meeting ID: 825 3480 1293
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

CALL TO ORDER: 7:00 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

SPECIAL PRESENTATION:

1. Proclamation designating October 23-31, 2021 as National Red Ribbon Week.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA ITEMS:

TOWN MANAGER'S REPORT:

2. Annual Report of the Town's Transfer of Developments Rights Program.

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:

3. **Report** from the Parks and Recreation Committee.
4. **Consideration and Approval** of appointments/re-appointments to the Parks and Recreation Committee for the Term 2021-2023. Enclosed is a list of residents who are seeking appointment.
5. **Consideration and Approval** of new appointment and re-appointment to the Planning & Zoning Board for the Term 2021-2023. Enclosed is a list of Board Members who are seeking re-appointment and one (1) new request for appointment.

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.)*

6. **Approval** of the following Meeting Minutes:
 - a. August 10, 2021 - Regular Council Meeting
 - b. September 9, 2021 - Regular Council Meeting
 - c. September 13, 2021 - Budget Public Hearing
 - d. September 29, 2021 - Budget Public Hearing
7. **Consideration and Approval** of a resolution authorizing Members of the Town Council to participate in the Town's Employees Group Health Insurance Plans. Enclosed is a copy of the proposed resolution.
8. **Consideration and Approval** of a resolution amending the Employment Agreement with Town Manager Maria Lasday. Enclosed is a copy of the proposed resolution and amended employment agreement.

9. **Consideration and Approval** of a resolution requested by Council Member Yaffe opposing an ordinance that was adopted by the Miami-Dade County Board of County Commissioners related to public works construction and permitting in the incorporated and unincorporated areas of the County. Enclosed are copies of the adopted County Ordinance, supplements, among other documents.
10. **Ratification and Approval** of Change Order #2 by Jones-Benitez Corporation for BC-156 Repair of Snapped Tendons in a Concrete U-Channel under the Indian Creek Bridge in the amount of \$59,455.00 to complete the additional work to repair the extensive delamination on the interior section of the U-Beam discovered after construction started. Enclosed is a copy of the change order and other supporting documents.
11. **Consideration and Approval** of an agreement between the Town and David Caserta Government Relations, Inc. for consulting services related to government relations efforts at the State level. Enclosed is a copy of the proposed agreement.

STAFF RECOMMENDATION: Approval

POLL VOTE

ORDINANCES ON SECOND READING:

12. **Consideration and Approval** of an ordinance on second reading requested by Council Member Yaffe, amending Section 5-19.3 of the Town Code regarding emergency power generators. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES AS RELATED TO EMERGENCY POWER GENERATOR (EPG) LOCATIONS AND SCREENING; AMENDING CHAPTER 5 ENTITLED BUILDING AND CONSTRUCTION; AMENDING SECTION 5-19.3 OF ARTICLE 1 ENTITLED EMERGENCY POWER GENERATORS; INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS, REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

ORDINANCES ON FIRST READING:

13. **Consideration and approval** of an ordinance on first reading requested by Council Member Yaffe and co-sponsored by Council Members Salver and Leonard amending Chapter 24 of the Town Code establishing registration requirements for condominiums and requiring the delivery of engineering reports, which reflect building conditions, including structural and life safety components. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 24 OF THE TOWN CODE, ENTITLED "PROPERTY MAINTENANCE STANDARDS"; BY CREATING SECTION 24-18 ESTABLISHING REGISTRATION REQUIREMENTS FOR CONDOMINIUM, MULTI-FAMILY HOMEOWNERS AND COOPERATIVE ASSOCIATIONS WITHIN THE TOWN; ", BY CREATING SECTION 24-19 TO REQUIRE THE DELIVERY TO THE TOWN BUILDING ENGINEERING REPORTS, WHICH REFLECT BUILDING CONDITIONS, INCLUDING STRUCTURAL AND LIFE SAFETY COMPONENTS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

14. **Consideration and Approval** of an ordinance on first reading approving Budget Amendment No. 3 for the Fiscal Year 2020/2021 Budget. Enclosed is copy of the proposed ordinance and other supporting documents.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING BUDGET AMENDMENT NO. 3 FOR THE FISCAL YEAR 2020/2021 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approval

POLL VOTE

15. **Consideration and Approval** of an ordinance on first reading to increase the monthly charges for water service to \$5.00 per one thousand gallons and to increase the minimum monthly service charges for each water meter to \$23.25. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS AMENDING SECTIONS 20-5 AND 20-6 OF THE CODE OF BAY HARBOR ISLANDS TO INCREASE THE MONTHLY CHARGE FOR WATER SERVICE TO \$5.00 PER ONE THOUSAND GALLONS AND TO INCREASE THE MINIMUM MONTHLY SERVICE CHARGES FOR EACH WATER METER TO \$23.25; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approval

POLL VOTE

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

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

STAFF RECOMMENDATION: Approval

POLL VOTE

DEFERRED ITEMS:

17. **Discussion and Possible Action** requested by Mayor Fuller regarding the Planning and Zoning Board's scope and review process. Enclosed is a copy of Section 5-23.1 of the Town Code.

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

18. **Consideration and Approval** of the Block 11 parking leases for Hippo Land, Inc. and Kane Concourse Enterprise, LLC (formerly known as Bay Harbor Executives Offices, Inc.). Enclosed are copies of the proposed leases.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

DISCUSSION ITEMS:

19. **Discussion** requested by Council Member Leonard and co-sponsored by Vice Mayor Tricoche regarding the use of American Rescue Plan funds to include in part tutoring services.

20. **Discussion** and **possible** action requested by Council Member Leonard regarding the FPL and Utility Undergrounding in the Town. Approval is requested to enter into an Engineering Design Agreement with FPL in the amount of \$56,727 for the preparation of detailed design, and to procure Land Surveying services necessary for FPL to perform the design work at an estimated cost of approximately \$200,000. Enclosed are copies of the non-binding "ballpark" estimate provided by FPL, Town Engineer Memo, presentations from FPL and other supporting documents.
21. **Discussion** requested by Vice Mayor Tricoche to direct staff to research and create a plan to become net zero for emissions.

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.