

NOTE: A three-minute maximum time limit will be imposed on all comments from the public. A request form is available; fill it in and return to the Clerk prior to the start of the meeting. When you speak, you must come to the podium in the front and clearly state your name and address for the record. Please turn off or mute your cell phone or pager at the start of the meeting.

**TOWN OF BAY HARBOR ISLANDS
9665 BAY HARBOR TERRACE
BAY HARBOR ISLANDS, FL 33154**

**REGULAR COUNCIL MEETING
AGENDA**

September 14, 2022

7:00 P.M.

STATEMENT OF DECORUM

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

CALL TO ORDER at approximately 7:00 P.M.

PLEDGE OF ALLEGIANCE:

ROLL CALL

SPECIAL PRESENTATION:

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND FUTURE AGENDA

ITEMS: TOWN MANAGER'S REPORT:

1. 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:

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.)*

2. **Consideration and Approval** of a property insurance policy for the Shepard Broad Causeway Bridge from AXIS Surplus Insurance Company, Starstone Specialty Insurance Company, and Lloyds of London for a term beginning October 1, 2022 to September 30, 2023, with a total premium not to exceed \$349,262.00.
3. **Consideration and Approval** of annual premiums for health, life, disability, dental and vision insurance providers for the 2022-2023 Fiscal Year. Enclosed is an Executive Summary and insurance premium proposals.
4. **Consideration and Approval** of a proposal for insurance (general, professional, automobile, property, and workers' compensation) from Florida Municipal Insurance Trust (Florida League of Cities) for the 2022-2023 Fiscal Year in the amount of \$343,124. Enclosed is a copy of the proposal.
5. **Consideration and Approval** of Task Order #2 with Atkins North America, Inc. for the amount of \$2,300,000 for the Project Development and Environmental (PD&E) Study Services for the Broad Causeway Drawbridge Replacement Project. Enclosed are copies of the Scope of Services and Fee Estimates.
6. **Consideration and Approval** of a Resolution revising Resolution No. 2108 of the Town Code to increase the parking meter rates and monthly decals for the Town's Parking Facilities. Enclosed is the proposed Resolution and supporting documents.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, REVISING RESOLUTION NO. 2108 INCREASING THE PARKING METER RATES AND MONTHLY DECALS FOR THE TOWN'S PARKING FACILITIES; PROVIDING FOR INCORPORATION OF RECITALS AND SETTING AN EFFECTIVE DATE.

7. **Consideration and Approval** of Resolution No. 2100 revising the fees for the Broad Causeway SunPass Toll, as well as the removal of paragraphs related to exemption no longer under the town's governance or included in Florida Statute 338.155. Outdated language was also revised. Enclosed is a copy of the proposed Resolution with supporting documents.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, REVISING RESOLUTION NO. 2100 REGARDING THE SCHEDULE OF TOLLS ON THE BROAD CAUSEWAY; REPEALING OTHER RESOLUTIONS; INCORPORATING RECITALS; AND SETTING AN EFFECTIVE DATE.

8. **Consideration and Approval** of a Resolution amending Resolution No. 2235 revising the fees for Building Department's activities, as well as the imposition of increased penalties for the performance of new construction and demolition without the required Building Permits and commencing work prior to the time set forth in the Town Code. Enclosed is a copy of the proposed Resolution with supporting documents.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AMENDING RESOLUTION NO. 2235, REVISING CERTAIN FEES CHARGED FOR BUILDING DEPARTMENT ACTIVITIES, IN ACCORDANCE WITH SECTIONS 5-6(b) OF THE TOWN'S CODE OF ORDINANCES; PROVIDING FOR REPEALER; PROVIDING FOR INCORPORATION OF RECITALS AND SETTING AN EFFECTIVE DATE.

9. **Consideration and Approval** to issue a Request for Qualifications (RFQ) to hire an engineering design consulting firm for the planning, preparation of concept designs, final design, permitting and owner's representative services for the Block 11 Parking Garage Structure Project. Enclosed is a copy of the proposed RFQ Packet.
10. **Consideration and Approval** of a Resolution amending Resolution No. 669 pertaining to the Schedule of Civil Penalties, pursuant to Section 5 3/4 of the Town Code, modifying fees related to violations for failure to obtain a Building Permit for new construction and demolition and allowing garbage to remain on the curb.

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF BAY HARBOR ISLANDS, FLORIDA, REVISING
RESOLUTION NO. 669 BY MODIFYING THE SCHEDULE
OF CIVIL PENALTIES TO BE ASSESSED FOR
VIOLATION OF THE TOWN CODE, PURSUANT TO
SECTION 5 3/4- 11; PROVIDING FOR INCORPORATION
OF RECITALS AND SETTING AN EFFECTIVE DATE.**

11. **Consideration and Approval** of a Resolution amending Resolution No. 862 to increase stormwater utility fees, pursuant to Section 20-15 of the Town Code. Enclosed is a draft Resolution and supporting documents.

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF BAY HARBOR ISLANDS, FLORIDA
AMENDING RESOLUTION NO. 862 TO INCREASE
STORMWATER UTILITY FEES, IN ACCORDANCE WITH
SECTION 20-15 OF THE TOWN CODE; PROVIDING
FOR INCORPORATION OF RECITALS AND SETTING AN
EFFECTIVE DATE.**

12. **Consideration and Approval** of a Resolution increasing the Administrative Cost for the Special Magistrate Hearings from \$150 to \$200, under the authority of Section 5 3/4-4 of the Town's Code of Ordinances. Enclosed is the draft Resolution with supporting documents.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, INCREASING THE ADMINISTRATIVE COST FOR THE SPECIAL MAGISTRATE HEARINGS TO \$200.00, UNDER SECTION 5 ¾-4 OF THE TOWN'S CODE OF ORDINANCES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT; AND SETTING AN EFFECTIVE DATE.

13. **Consideration and Approval** to authorize the Town Manager to sign a Grant Agreement with the Florida Department of Environmental Protection (FDEP) for the amount of \$50,000 for the 92nd Street Dog Park Extension Project. Enclosed is a copy of the Grant Agreement and Attachments.
14. **Consideration and Approval** of a Resolution accepting the Dedication of Easement from 9525 BH LLC, to the Town of Bay Harbor Islands to use, access, repair, and maintain the Stormwater Drainage Pipe at 9110 West Bay Harbor Drive. Enclosed is a copy of the draft Resolution with supporting documents.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, PROVIDING FOR ACCEPTANCE OF DEDICATION OF AN EASEMENT FROM 9525 BH LLC, A FLORIDA LIMITED LIABILITY COMPANY, TO THE TOWN OF BAY HARBOR ISLANDS TO USE, ACCESS, REPAIR, AND MAINTAIN THE TOWN'S STORMWATER DRAINAGE PIPE AT 9110 WEST BAY HARBOR DRIVE; AUTHORIZING THE TOWN MANAGER TO EXECUTE INSTRUMENTS CONCERNING THE DEDICATION AND TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; PROVIDING FOR INCORPORATION OF RECITALS; AND SETTING AN EFFECTIVE DATE.

15. **Consideration and Ratification** of Council Chamber Renovation Estimates.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

ORDINANCES ON SECOND READING:

16. **Consideration and Approval** of an Ordinance on Second Reading modifying Section 23-29.1 of the Town Code by revising the existing off-street parking regulations to provide limitations on the use of the Town's Parking Trust System, Section 23-30(f) regarding the regulations pertaining to allowable locations and screening of mechanically stacked vehicles, and clarification of the 2008 action of the Town

Council reassigning the responsibility to consider alternate parking arrangements to the Design Review Board.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S ZONING AND PLANNING CODE TO MODIFY THE EXISTING CODE PROVISIONS GOVERNING OFF-STREET PARKING; MODIFYING SECTION 23-29.1 OF ARTICLE II OF CHAPTER 23 RELATED TO THE TOWN PARKING TRUST; MODIFYING SECTION 23-30(f) OF ARTICLE II OF CHAPTER 23 RELATED TO DETERMINING THE AMOUNT OF PARKING SPACES; MODIFYING THE CODE TO CLARIFY A 2008 TOWN COUNCIL ACTION THAT REASSIGNED THE RESPONSIBILITY TO CONSIDER ALTERNATE PARKING ARRANGEMENTS TO THE PLANNING AND ZONING BOARD (NOW KNOWN AS THE DESIGN REVIEW BOARD); MODIFYING THE EXISTING CODE AS IT RELATES TO MECHANICALLY STACKED VEHICLE LIFTS TO INCLUDE PROVISIONS FOR THE ALLOWABLE LOCATIONS AND SCREENING OF MECHANICALLY STACKED VEHICLE LIFTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT AND REPEALER; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion.

POLL VOTE

17. **Consideration and Approval** of an ordinance on Second Reading amending Chapter 5, Section 5 3/4- 16 of the Town Code clarifying and amending the authority of the Litigation Committee.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA RENAMING AND AMENDING SECTION 5 ¾-16 OF THE TOWN CODE TO CLARIFY THE AUTHORITY OF THE TOWN'S LITIGATION COMMITTEE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion.

POLL VOTE

ORDINANCES ON FIRST READING:

18. **Consideration and Approval** of an ordinance on first reading amending the Town Code by creating Chapter 25, entitled "Environment", pertaining to stormwater management and treatment regulations; to safeguard persons, protect property, and prevent damage to the environment, Bay Harbor Islands' surface waters, and Biscayne Bay through the regulation of non-stormwater discharges and pollutants into the Town's municipal separate storm sewer system (MS4), Biscayne Bay, and surface waters, to the maximum extent practicable. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AMENDING THE TOWN'S CODE OF ORDINANCES BY CREATING CHAPTER 25, ENTITLED "ENVIRONMENT"; PERTAINING TO STORMWATER MANAGEMENT AND TREATMENT REGULATIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT AND REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approve.

POLL VOTE

19. **Consideration and Approval** of an Ordinance on First Reading amending Section 20-9 of the Town Code to increase the monthly base and flow charges for sewer service. Enclosed is a copy of the proposed Ordinance and supporting documents.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AMENDING SECTION 20-9 OF THE TOWN CODE TO INCREASE THE MONTHLY BASE AND FLOW CHARGES FOR SEWER SERVICE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT AND REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

DEFERRED ITEMS:

20. **Discussion** and **Possible** action regarding the appointment of a member to the Litigation Committee and name of Committee.
21. **Consideration** and **Approval** of a Resolution amending Section 23-22.2 of the Town Code to modify the percentage of Town-owned Transfer of Development Right Dwelling Units that may be allocated to each project. Introduced by Council Member Stephanie Bruder. A copy of the draft Resolution is enclosed.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, MODIFYING THE PERCENTAGE OF TOWN-OWNED TRANSFER OF DEVELOPMENT RIGHT DWELLING UNITS THAT MAY BE ALLOCATED TO EACH PROJECT PURSUANT TO SECTION 23-22.2 OF THE TOWN'S CODE OF ORDINANCES; SETTING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion. **POLL VOTE**

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

22. **Consideration** and **Approval** of a Resolution amending the Transfer of Development Right Dwelling Unit price. Public Meeting on methodology, Public Input, and Council vote. A copy of the draft Resolution is enclosed.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, REVISING RESOLUTION NO. 2171 UPDATING AND ADOPTING NEW VALUES FOR THE TOWN-OWNED TDR DWELLING UNITS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion. **POLL VOTE**

23. **Reconsideration and Approval** of a TDR transaction for the transfer of two (2) TDR units from the Town-owned “pool” of TDR units to the future Clara BH Multiple-Family Residential project to be located 10281 West Bay Harbor Drive. Enclosed are copies of the application and other supporting documents.

STAFF RECOMMENDATION: Council's Discretion. **POLL VOTE**

24. **Consideration and approval** of a private TDR transaction of the transfer of five (5) dwelling units from 10150 East Bay Harbor Drive to 10290 East Bay Harbor Drive. Enclosed is a copy of the application, contract, plans, and other supporting documents.

STAFF RECOMMENDATION: Council's Discretion. **POLL VOTE**

DISCUSSION ITEMS:

25. Discussion regarding single lot development on the East Island. Sponsored by Council Member Isaac Salver
26. Presentation and report on the Town Investment portfolio performance for the 2nd Quarter 2022. Presentation will be provided by Gerardo Rodriguez of BNY Mellon Bank Wealth Manager. Attached are the Town of Bay Harbor Islands General, Causeway and Water Fund performance reports provided by BNY Mellon Bank.
27. Discussion regarding the Town's 75th Anniversary Celebration.

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.