

NOTE: A request form is available from the Deputy Town Clerk; please fill it in and return it prior to the start of the meeting if you would like to speak during public comment. 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. Thank you.

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

REGULAR COUNCIL MEETING AGENDA

January 11, 2023

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:

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: Set for approximately 7:55 p.m. (*Consent agenda items are those which are routine, do not require discussion or explanation prior to Town Council action, or have already been discussed and/or explained and do not require further discussion or explanation. Items can be removed from the consent agenda by the request of an individual Council member for independent consideration provided such request is made prior to the vote on the consent agenda.*)

1. Approval of Council Meeting Minutes:
 - A. Regular Meeting - March 19, 2022
 - B. Regular Meeting - April 13, 2022
 - C. Regular Meeting - May 11, 2022
 - D. Special Meeting - June 6, 2022
 - E. Regular Meeting - June 9, 2022
2. **Consideration and Approval** of a Change Order for the purchase of additional gym equipment for the Town Gym located in the Morris Broad Community Center. Enclosed are supporting documents.

STAFF RECOMMENDATION: Approve

PUBLIC HEARING:

3. Discussion and Possible action with respect to an appeal filed by Attorney David E. Sacks, with the law firm of Pathman Schermer Tandy, LLP, on behalf of Carroll Walk Condominium Association, Inc. at 9751 East Bay Harbor Drive, regarding the Design Review Board's November 1st approval of a new multi-family dwelling for 9781 Bay Harbor Development, LLC, concerning property located at 9781 East Bay Harbor Drive, Lot 28 of Block 4, Bay Harbor Islands, Florida. Enclosed are the Letter of Appeal, development application package, and a letter from opposing counsel, Joseph A. Ruiz, Esq., Wernick & Co. Email correspondence was received from Mr. Sacks on November 22nd requesting the appeal be tabled until an appropriate time. The other party whose project was approved by the DRB and appealed, has not agreed to postpone the matter.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

ORDINANCES ON SECOND READING:

4. **Consideration and Approval** of an ordinance on Second Reading amending Sections 23-16.1 and 23-16.2 of the Town Code pertaining to Moratorium and Zoning in Progress. Enclosed is a copy of the proposed ordinance.

Proposed amendment on second reading by Council Member Bruder. The draft has been distributed and is attached for consideration by council.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 23 OF THE TOWN'S ADOPTED CODE OF ORDINANCES ENTITLED ZONING AND PLANNING; AMENDING SECTION 23-16.1 TO BE ENTITLED MORATORIUM AND PROVIDING FOR PROCEDURAL CHANGES; PROVIDING FOR A NEW SECTION 23-16.2 ENTITLED ZONING IN PROGRESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR INCORPORATION OF RECITALS;

PROVIDING FOR CONFLICT AND REPEALER; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

5. **Consideration and Approval** of an ordinance on Second Reading amending the Town Code, by creating a new Section 23-30.1 with provisions for Mechanically Stacked Parking Lifts, introduced by Council Member Bruder. 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 RELATED TO MECHANICAL AND ROBOTIC PARKING SYSTEMS; CREATING SECTION 23-30.1 ENTITLED "MECHANICAL AND ROBOTIC PARKING SYSTEMS"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

ORDINANCES ON FIRST READING:

6. **Consideration and Approval** of an ordinance on First Reading amending Chapter 5, Section 5-23.01(f) of the Town Code pertaining to meetings of the Design Review Board. Sponsored by Council Member Bruder.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AMENDING CHAPTER 5 OF THE TOWN CODE, ENTITLED "DESIGN REVIEW BOARD", BY REVISING SECTION 5-23.01(f) PERTAINING TO MEETINGS; 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

7. **Consideration and Approval** of an ordinance on first reading amending Sections 9-29 and 12-27 of the Town Code to modify civil penalties and repealing Resolution No. 2271, which previously addressed certain civil penalties.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 9, SECTIONS 9-29 AND CHAPTER 12, SECTION 12-27 OF THE TOWN CODE MODIFYING CIVIL PENALTIES TO BE ASSESSED FOR VIOLATION OF THE TOWN CODE, REPEALING RESOLUTION NO. 2271; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; AND SETTING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

DEFERRED ITEMS:

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

8. **Consideration and Approval** of a Resolution ratifying award of an emergency contract to Debon Air for installation of a new air-conditioning system at Town Hall. Enclosed are the proposals and other supporting documents.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, RATIFYING AWARD OF AN EMERGENCY CONTRACT TO DEBON AIR FOR INSTALLATION OF THE AIR-CONDITIONING SYSTEM THAT SERVICES TOWN HALL; PROVIDING FOR INCORPORATION OF RECITALS AND SETTING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approve

POLL VOTE

9. **Consideration and Approval** of a Resolution authorizing the purchase of manhole frames and covers from Fortiline, Inc. in the amount of \$45,810.95, under the Piggyback Purchase Provision, through a contract with the City of Boynton Beach, pursuant to Section 2.1.2(6) of the Town's Procurement Ordinance. Enclosed is a copy of the pricing and RFP information.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AUTHORIZING THE PURCHASE OF MANHOLE COVERS FROM FORTILINE, INC., UNDER THE PIGGYBACK PURCHASE PROVISION, PURSUANT TO SECTION 2.1.2 OF THE TOWN CODE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR EXPENDITURE OF FUNDS; AND SETTING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approve

POLL VOTE

DISCUSSION ITEMS:

ADJOURNMENT: Approximately 10:00 p.m.

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.