

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**

February 1, 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:

1. Proclamation honoring and congratulating Ben Ferencz, the last surviving prosecutor of the Nuremberg trials, for receipt of the Congressional Gold Medal. Enclosed is a copy of the proclamation.
2. Proclamation - March 2023 - Colorectal Cancer Awareness Month. Enclosed is a copy of the proclamation.
3. Pinning Ceremony - Officer Tomas Figueiroa Rego
4. Transfer of Development Rights (TDR's) Report - Marcum, LLP, Town Auditors

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.)

5. Approval of Minutes:
 - A. Budget Workshop - June 29, 2022
 - B. Special Council Meeting - June 29, 2022
 - C. Special Council Meeting - July 27, 2022
 - D. Regular Council Meeting - August 15, 2022
 - E. First Budget Public Hearing - September 14, 2022
 - F. Regular Council Meeting - September 14, 2022
 - G. Second Budget Public Hearing - September 28, 2022
6. **Consideration and Approval** of a Resolution revising Resolution No. 2268 to amend parking meter rates. Enclosed is a copy of the proposed Resolution.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, REVISING RESOLUTION NO. 2268 AMENDING THE TOWN'S PARKING METER RATES; REPEALING OTHER RESOLUTIONS IN CONFLICT, PROVIDING FOR INCORPORATION OF RECITALS AND SETTING AN EFFECTIVE DATE.

7. **Consideration and Approval** of a Memorandum of Understanding (MOU) between Miami-Dade County Association of Chiefs of Police (MDCACP) - First Responder Mental Wellness Initiative and Bay Harbor Islands (Partner Agency) for BHI law enforcement officers participation in the Regional First Responder Peer Support Team Program. Enclosed is a copy of the proposed Memorandum of Understanding.
8. **Consideration and Approval** of a Resolution establishing a rate structure for use of the town's Electric Vehicle Charging Station. Enclosed is a copy of the proposed Resolution.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, ADOPTING FEES FOR USE OF THE ELECTRIC EV CHARGING STATION; PROVIDING FOR INCORPORATION OF RECITALS AND SETTING AN EFFECTIVE DATE.

9. **Consideration and Approval** of a Resolution amending the Building Permit Fee Schedule set by Resolution No. 2270 to establish a reduced fee for applicants that choose to use a "Private Provider" for Building Plan Review and Inspections, as per Florida Statutes, Section 553.791. Enclosed is a copy of the fee schedule and legislation.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AMENDING THE FEE SCHEDULE OUTLINED IN RESOLUTION NO. 2270 TO ESTABLISH A REDUCED FEE FOR APPLICANTS THAT HIRE A “PRIVATE PROVIDER” FOR PLAN REVIEW AND BUILDING INSPECTIONS AS SPECIFIED IN FLORIDA STATUTES, SECTION 553.791; PROVIDING FOR INCORPORATION OF RECITALS AND SETTING AN EFFECTIVE DATE.

10. **Consideration and Approval** of a Resolution awarding an emergency contract to Perkins Roofing Corp. in the amount of \$199,188.00 for the replacement of the Town Hall and Annex Building roof. Enclosed are proposals and other supporting documents.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AWARDED AN EMERGENCY CONTRACT TO PERKINS ROOFING CORP FOR REPLACEMENT OF THE TOWN HALL AND ANNEX BUILDINGS’ ROOFS, 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

ORDINANCES ON SECOND READING:

11. **Consideration and Approval** of an ordinance on Second 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's Discretion

POLL VOTE

12. **Consideration and Approval** of an ordinance on Second 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

ORDINANCES ON FIRST READING:

DEFERRED ITEMS:

TOWN MANAGER ITEMS::

13. Request for approval by Bay Harbor Investment, Inc. for operation of a Sales Center to be located at 1170 Kane Concourse, in connection with the development of a 7-story, 27-unit multifamily residential building at 9740 and 9760 West Bay Harbor Drive; as approved by the Design Review Board on October 18, 2022. Enclosed is a copy of the applicant's "Letter of Intent" .

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

14. **Consideration and Approval** of a Resolution approving a Parking Trust Payment Agreement with Kane BH Property 1, LLC for payment of a fee to the Town's Parking Trust for a portion of the required parking spaces in lieu of the Developer providing all of the project's required on-site parking spaces, pursuant to Section 23-29.1 of the Town Code; for the proposed commercial development to be located at 9555 Bay Harbor Terrace. Enclosed is a copy of the proposal setting forth the terms of the agreement.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

15. Request for approval by 1177 Bay Harbor Islands, LLC for operation of a temporary Sales Gallery to be located at 1160 Kane Concourse, in connection with a mixed-use development (commercial, office, and residential) to be located on the northeast corner of Kane Concourse and West Bay Harbor Drive. Enclosed is a copy of the applicant's "Letter of Intent".

STAFF RECOMMENDATION: Council's Discretion.

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.