

*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 mute or turn off your cell phone or electronic devices at the start of the meeting. Thank you.*

**TOWN OF BAY HARBOR ISLANDS  
MORRIS N. BROAD COMMUNITY CENTER  
1175 95TH STREET  
BAY HARBOR ISLANDS, FL 33154**

**REGULAR COUNCIL MEETING  
AGENDA**

**REVISED AGENDA**

June 14, 2023  
7:00 PM

**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 in 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. Oath of Office - Chief Noel Lindsley

**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:

2. **Report** from the Parks and Recreation Committee regarding their April 19, 2023 meeting.

**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.*)

3. Approval of the following Council Meeting Minutes:
  - A. February 9, 2023 Special Council Meeting
  - B. April 10, 2023 Organizational Meeting
4. **Ratification of Approval** of Engagement Letter with TriMerge Consulting Group for temporary professional governmental financial, accounting, and audit support, effective April 20, 2023. Enclosed is a copy of the Engagement Letter.
5. **Consideration and Approval** of a Resolution updating the list of authorized signers for the town's accounts with Bank of America. Enclosed is a copy of the Resolution.

**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 INCORPORATION OF  
RECITALS; AND PROVIDING FOR AN EFFECTIVE  
DATE.**

**STAFF RECOMMENDATION:** Approval

**POLL VOTE**

## PUBLIC HEARING

6. Resolution approving or denying a request for approval for a revision for a new mixed-used mid-rise development for "1177 Bay Harbor Islands, LLC" located at 1177 Kane Concourse, Lots 5-14 of Block 21 and Lot 32 of Block 3. On August 20, 2019 (Resolution No 2185) the Board approved the original site plan. The owners have made site modifications that include a reduction in the number of DU from 89 to 54. The residential units will no longer be "rentals" as originally approved but will now be sold via condominiums. Due to the change in the number of DUs, the residential floor layouts have changed, which caused changes to the building's appearance (windows/balconies). Enclosed please find the revised site plan and elevations.

**STAFF RECOMMENDATION:** Council's Discretion

**POLL VOTE**

## ORDINANCES ON SECOND READING:

## **ORDINANCES ON FIRST READING:**

7. **Consideration and Approval** of an ordinance on First Reading regarding Town Elections, amending Section 6-4 of the Town Code to provide for one day of early voting. Sponsored by Council Member Isaac Salver. Enclosed is a copy of the proposed ordinance.

**AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING SECTION 6-4 OF THE TOWN CODE PROVIDING EARLY VOTING FOR MUNICIPAL ELECTIONS, PURSUANT TO SECTION 100.3605, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT AND REPEALER; AND AN EFFECTIVE DATE.**

**STAFF RECOMMENDATION:** Council's Discretion

**POLL VOTE**

8. **Consideration and Approval** of an ordinance on First Reading amending Sections 5-5 of the Town's Code entitled "Construction Site Operations" to create a new subsections 5-5.2, 5-5.3 and 5-5.4 23- 12(12) related to lot regrading and revegetation during demolition and construction activities, and during periods of a site being vacant in anticipation of future construction, and to amend Section 24-15 for similar reason. Introduced by Council Member Robert Yaffe. Enclosed is a copy of the proposed ordinance.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, TO AMEND CHAPTER 5 OF THE TOWN'S ADOPTED CODE OF ORDINANCES ENTITLED BUILDINGS AND CONSTRUCTION CODE; AMENDING SECTION 5-5 ENTITLED CONSTRUCTION SITE OPERATIONS TO MODIFY SECTION 5-5(e) RELATED TO THE VEGETATION MAINTENANCE; CREATING NEW SECTION 5-5.2 ENTITLED REGRADING AND REVEGETATION PLAN; CREATING NEW SECTION 5-5.3 ENTITLED REGRADING AND REVEGETATION BOND; CREATING NEW SECTION 5-5.4 ENTITLED FAILURE TO REGRADE AND REVEGETATE SITE; AMENDING SECTION 24-15 ENTITLED RESPONSIBILITIES OF OWNERS OF VACANT BUILDINGS, VACANT STRUCTURES AND VACANT OR UNIMPROVED LOTS; CREATING NEW SECTION 24-15(j); PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**STAFF RECOMMENDATION:** Council's Discretion

**POLL VOTE**

9. **Consideration and Approval** of an ordinance on First Reading amending Section Article 1, Sections 5- 6 of the Town Code pertaining to development fees to modify Article I, Sections 5-6 entitled “Development Fees, Permits – Required, Fees to be Paid; Penalty of Noncompliance” to modify the provision related to Town actions for noncompliance. Introduced by Council Member Robert Yaffe. 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 BUILDING AND CONSTRUCTION ACTIVITIES; AMENDING CHAPTER 5 ENTITLED BUILDINGS AND CONSTRUCTION, ARTICLE I, SECTION 5-6 ENTITLED DEVELOPMENT FEES, PERMITS – REQUIRED, FEES TO BE PAID; PENALTY FOR NONCOMPLIANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**STAFF RECOMMENDATION:** Council's Discretion

**POLL VOTE**

**DEFERRED ITEMS:**

10. **Request for approval** of the location of a temporary Sales Center at 10301 East Bay Harbor Drive in connection with the development of the properties at 9781 and 9927-9955 East Bay Harbor Drive, by 9781 Bay Harbor Development LLC, 9955 Bay Harbor Development LLC. Duration of the sales center is expected through March 31, 2026. Enclosed are copies of the application materials.

**STAFF RECOMMENDATION:** Council's Discretion

**POLL VOTE**

11. **Discussion** regarding the addition of a Mobile Command Post in the 2023/2024 Capital Improvement Plan. Sponsored by Council Member Stephanie Bruder.
12. **Discussion** regarding the requirements of the Design Review Board submittal package. Sponsored by Council Member Teri D'Amico.
13. **Discussion and Consideration** of Possible Action regarding a study of the perimeter of Bay Harbor Islands East Island’s Seawall shoreline. Sponsored by Council Member Teri D'Amico.

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

14. **Consideration and Approval** of a request from the Florida League of Cities to designate one Voting Delegate for this year’s Annual Business Session, during the 97th Annual Conference from August 10-12, 2023 at the Hilton Orlando Bonnet Creek in Orlando, Florida. Enclosed is correspondence from the Florida League of Cities.

15. **Consideration and Approval** of an extension of the Lease Agreement between the Sunshine Gasoline Distributors, Inc. and the Town of Bay Harbor Islands for operation of a motor fuel service station and convenience store at 1501 Broad Causeway, Bay Harbor Islands, Florida. Enclosed is a copy of the Lease Extension Document.

**STAFF RECOMMENDATION:** Council's Discretion

**POLL VOTE**

**DISCUSSION ITEMS:**

16. Discussion regarding penalties for noncompliance with Hurricane Preparedness regulations. Sponsored by Council Member Stephanie Bruder.

**ADJOURNMENT:** Approximately 11:00 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.*