

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

August 8, 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. The Honorable Senator Shevrin D. Jones
2. Ruth K. Broad Student of the Year - Lara Schamy
3. Introduction of New Police Officer Jesse Whitt

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.)

4. **Consideration and Approval** of revised Memorandums of Understanding (MOU) in substantial conformance, between The School Board of Miami-Dade County and the Town of Bay Harbor Islands regarding funding for the Town of Bay Harbor Islands appointed School Resource Officer at Ruth K. Broad for School Year 23-24. The Town's annual share of the cost is \$21,007.33. Enclosed are copies of the memorandums.
5. **Consideration and Approval** of a proposal from Universal Electric of Florida, Inc. (under the emergency procurement provision, pursuant to Section 2-1.2 of the Town Code) in the amount of \$165,846.20 for installation of the electrical infrastructure for the temporary Town Hall modulars in the 95th Street Parking Lot. Enclosed is a copy of the proposal and resolution.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF BAY HARBOR ISLANDS, FLORIDA, ACCEPTING THE
PROPOSAL FROM UNIVERSAL ELECTRIC OF
FLORIDA, INC. IN THE AMOUNT OF \$165,846.20 TO
INSTALL THE ELECTRICAL INFRASTRUCTURE FOR
THE TEMPORARY TOWN HALL MODULARS IN THE
95TH STREET PARKING LOT; PROVIDING FOR
INCORPORATION OF RECITALS; PROVIDING FOR
EXPENDITURE OF FUNDS; AND AN EFFECTIVE DATE.**

6. **Consideration and Approval** of a contract between the Children's Trust and the Town of Bay Harbor Islands in substantial conformance, accepting grant funds for afterschool and summer camp programs. Enclosed is a copy of the contract.
7. **Consideration and Approval** of a Resolution regarding Amendment No. 3 to the FY 2022-2023 Budget. 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, APPROVING BUDGET AMENDMENT NO. 3 FOR THE ANNUAL BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023, ADJUSTING REVENUES AND EXPENDITURES OF FUNDS ESTABLISHED AND REFLECTED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

8. **Consideration and Approval** to issue a Request for Proposal for a Town Park and Kayak Launch to be located at 9600 West Bay Harbor Drive.
9. **Consideration and Approval** to issue a Request for Proposal (RFP) for installation of an artificial reef and marine park off the north side of the Bay Harbor Causeway Island and at the west side of the 9600 West Bay Harbor Drive proposed park.
10. **Consideration and Approval** to issue a Request for Qualifications (RFQ) for the design of the new Town Hall.

STAFF RECOMMENDATION: Approve

POLL VOTE

PUBLIC HEARING:

11. **Consideration and Approval** of a request for an appeal to the Town Council of the Town of Bay Harbor Islands, Florida of a June 6, 2023 decision of the Design Review Board denying an application by CHBH 103 Street LLC for a multifamily development to be located at 10270-10290 East Bay Harbor Drive, Bay Harbor Islands, Florida. Enclosed are copies of Town Planner's Staff Report, Applicant's Letter regarding appeal, Site Development Plans, and other supporting documents.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

ORDINANCES ON SECOND READING:

12. **Consideration and Approval** of an ordinance on Second Reading regarding Town Elections, amending Section 6-4 of the Town Code to provide for two (2) days 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

ORDINANCES ON FIRST READING:

13. **Consideration and Approval** of an ordinance on First Reading amending Article 1 of Chapter 5 of the Town Code entitled "Buildings and Construction" creating a new Section 5-5.2 related to the monitoring of construction site activities, including demolition, and specified new construction. Sponsored by Council Member Robert Yaffe. Enclosed is a copy of the proposed Ordinance and of the Town Planner's Staff Report.

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 ARTICLE 1 OF CHAPTER 5 ENTITLED BUILDINGS AND CONSTRUCTION, CREATING A NEW SECTION 5-5.2 RELATED TO THE MONITORING OF CONSTRUCTION SITE ACTIVITIES, INCLUDING DEMOLITION AND SPECIFIED NEW CONSTRUCTION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

14. **Consideration and Approval** of an ordinance on First Reading amending Section 23-12 of the Town Code entitled "General Provisions" by revising Section 23-12(26) to include padel and pickle ball to the outdoor recreational game court facilities allowed in the Town, and to modify fencing regulations to accommodate these sports. 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 ZONING AND PLANNING CODE BY AMENDING SECTION 23-12 ENTITLED GENERAL PROVISIONS; AMENDING SECTION 23-12(26) RELATED TO OUTDOOR RECREATIONAL GAME COURT FACILITIES TO CLARIFY AND EXPAND THE TYPES OF GAME COURT FACILITIES ALLOWED AND TO MODIFY FENCING ALLOWANCES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

15. **Consideration and Approval** of an ordinance amending Sections 5-20 and 5-23 of the Town Code related to the submittal requirements for Site Development Plans application. Enclosed is a copy of the proposed ordinance and Town Planner's Staff Report. Sponsored by Council Member Teri D'Amico.

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 ARTICLE II OF CHAPTER 5 ENTITLED DESIGN REVIEW BOARD; AMENDING SECTION 5-20 RELATED TO THE MINIMUM CONTENTS OF PRELIMINARY PLANS SUBMITTED TO THE TOWN FOR SITE DEVELOPMENT PLAN REVIEW; ADDITIONALLY, AMENDING SECTION 5-23 RELATED TO TIME FOR SUBMITTING FINAL WORKING PLANS TO RECOGNIZE STATE MANDATED EXTENSIONS; 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

DEFERRED ITEMS:

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

16. Ratification of updates to the Rolledback Rate in Resolution No. 2310 which addresses the proposed millage rate and percentage over the millage rate. The current year rolledback rate, as computed pursuant to Section 200.065, Florida Statutes is 2.730559 mills, which is 2.730559 per \$1,000 of assessed property within the Town of Bay Harbor Islands. The proposed millage rate is 16.5% more than the rolledback rate. Enclosed is a copy of the Resolution.

STAFF RECOMMENDATION: Approve

POLL VOTE

17. **Discussion and Possible** action regarding the acceptance of a donation of art to the Town of Bay Harbor Islands by resident Virginia Praschnik. Enclosed is a rendering.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

18. **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. The requested duration for the Sales Center is not to exceed one year. Enclosed are copies of the application and supporting documents.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

19. **Consideration** and **Approval** of a private Transfer of Development Rights (TDR) transaction for four (4) private dwelling units from 1155 101st Street to 1145 - 1155 - 1167 100th Street development. Enclosed are copies of the Town Planner's Staff Report, the application, Site Development Plans and other supporting documents.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

20. **Consideration** and **Approval** of a private Transfer of Development Rights (TDR) transaction for one (1) private dwelling unit from 10081 West Bay Harbor Drive to 10141-43 East Bay Harbor Drive development. Enclosed are copies of the Town Planner's Staff Report, application, Site Development Plans and other supporting documents. Note: Items 20, 21, 22, and 23 could be addressed simultaneously.
21. **Consideration** and **Approval** of a private Transfer of Development Rights (TDR) transaction for one (1) private dwelling unit from 1050 95th Street to 10141-43 East Bay Harbor Drive development. Enclosed are copies of the Town Planner's Staff Report, application, Site Development Plans and other supporting documents.
22. **Consideration** and **Approval** of two (2) private Transfer of Development Rights (TDR) transaction for two (2) private dwelling units from 1020 93rd Street to 10141-43 East Bay Harbor Drive development. Enclosed are copies of the Town Planner's Staff Report, the application, Site Development Plans, and other supporting documents.
23. **Consideration** and **Approval** of a private Transfer of Development Rights (TDR) transaction for five private (5) dwelling units from 1150 100th Street to 10141-43 East Bay Harbor Drive development. Enclosed are copies of the Town Planner's Staff Report, application, Site Development Plans and supporting documents.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

24. **Consideration** and **Approval** of a TDR transaction request by CHBH 100th Street LLC for the transfer of 15 TDR dwelling units from the Town-owned "pool" of TDR units to the future Multifamily Development project to be located at 1145-1167 100 Street. Enclosed are copies of the Town Planner's Staff Report, TDR application, applicant's Letter of Intent, and Site Development Plans.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

25. **Consideration** and **Approval** of a TDR transaction request by CHBH 103rd Street LLC for the transfer of 36 TDR units from the Town-owned "pool" of TDR units to the future Multifamily Development project to be located at 10200-10290 East Bay Harbor Drive. Enclosed are copies of the Town Planner's Staff Report, TDR application, applicant's Letter of Intent, and Site Development Plans.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

26. **Consideration and Approval** of a Resolution accepting a Dedication of Easement from 9700 W Bay Harbor Drive LLC to the Town of Bay Harbor Islands to use, access, repair, and maintain the Stormwater Drainage Pipe at 9700 West Bay Harbor Drive and entering into a Drainage Easement Agreement in substantial conformance. Enclosed is a copy of the draft Resolution with supporting documents, Sewer Drainage Agreement, and other supporting documents.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

DISCUSSION ITEMS:

27. Discussion regarding BHI-229-9600 West Bay Harbor Drive - Florida International University Concept Design for the Town Park and Kayak Launch Rendering. Based on the attached rendering provided by FIU.

ADJOURNMENT: Approximately 11:00 p.m. *(Any items not addressed by 11:00 PM will be continued to the next meeting.)*

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.