

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**

September 13, 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:

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. **Consideration and Approval** of the following Town Council Meeting Minutes.
 1. Regular Council Meeting - February 1, 2023
 2. Regular Council Meeting - March 8, 2023
 3. Special Council Meeting - March 14, 2023
2. **Consideration and Approval** of an agreement between the Town and David Caserta Government Relations, Inc. for consulting services related to government relations efforts at the State level. Enclosed is a copy of the proposed agreement.
3. **Consideration and Approval** of a proposal in the amount of \$143,040.00 from BCC Engineering, Inc. to prepare the design for the structural repairs to the Water Way Bridge #875102. Enclosed is a copy of the proposal.
4. **Consideration and Approval** of annual premiums for health, life, disability, dental and vision insurance providers for the 2023-2024 Fiscal Year. Enclosed is an Executive Summary and insurance premium proposals.
5. **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 2023-2024 Fiscal Year in the amount of \$608,401. Enclosed is a copy of the proposal.
6. **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, 2023 to September 30, 2024, with a total premium not to exceed \$471,012.
7. **Consideration and Approval** of a contract with Round Star Southeast, LLC. for the Town's youth recreation soccer program. Enclosed is a copy of the contract.
8. **Consideration and Approval** of a Continuing Services Agreement for Asphalt and Concrete Work With M&M Asphalt Maintenance, Inc. D/B/A All County Paving. Enclosed are supporting documents.
9. **Consideration and Approval** of a Resolution for the second 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.

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, PROVIDING FOR THE APPROVAL OF THE SECOND LEASE EXTENSION AGREEMENT BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND SUNSHINE GASOLINE DISTRIBUTORS, INC., A FLORIDA CORPORATION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

ORDINANCES ON SECOND READING:

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

ORDINANCES ON FIRST READING:

11. **Consideration and Approval** of an ordinance on First Reading amending Section 23-12(15) of the Town Code relating to projections into setback areas. 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 OF THE CODE OF ORDINANCES ENTITLED GENERAL PROVISIONS; AMENDING SECTION 23-12(15) RELATED TO PROJECTIONS INTO SETBACK AREAS; AMENDING VARIOUS PROVISIONS; 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

12. **Consideration and Approval** of an ordinance on First Reading 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 the 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)*

13. **Discussion** and **Possible** action related to the terms of the future lease for the gas station site.

DISCUSSION ITEMS:

14. **Discussion** and **Possible** action regarding Resolution No. 1132, which requires Town Council's approval prior to issuance of Request for Proposals; consideration of a revision to the resolution to provide that the Council's approval will only be required for unbudgeted RFP items. Enclosed is a copy of Resolution No. 1132 and a draft revised resolution. Introduced by Vice Mayor Joshua Fuller.
15. **Discussion** and **Possible** action regarding modification of the Town's Public Comment Procedure for Town Council Meetings. Sponsored by Council Member Robert Yaffe.
16. **Discussion** regarding Town Council term limits. Sponsored by Mayor Elizabeth Tricoche.
17. **Discussion** regarding the possibility of the Town helping residents of condominiums who are being subjected to high special assessments in obtaining available grants to assist them with their payment obligations. 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.