

NOTE: A request form is available from the Deputy Town Clerk or on the Town's website; please fill it in and return it no later than the "Public Comment" section of the meeting, if you would like to address the Town Council. 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

REVISED

AGENDA

January 10, 2024
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.

SPECIAL NOTICE

A Regular Meeting of the Town Council of the Town of Bay Harbor Islands will take place in-person and virtually through the Zoom platform, on Wednesday, January 10, 2024, at 7:00 p.m.

“In an effort to provide greater public access and comment on pending matters, the Town of Bay Harbor Islands is providing a Zoom link to enable members of the public to comment on pending items on the Town Council agenda. Zoom access is provided under the same terms and conditions as in-person access, including length of time and decorum. Anyone desiring to be heard may utilize the Zoom link. However, members of the public must understand that the provision of Zoom access for comments is a courtesy, not a vested right, and that access is provided subject to the availability and functionality of the Town's equipment. There is no guarantee that internet service will be reliable or that the Town's equipment will function as intended. In the event that the Zoom access is unavailable or interrupted for any reason, the Town Council meeting will still proceed forward, and will not be stopped or rescheduled in any regard. Those wishing to be absolutely certain that their comments are heard by the Town Council should present themselves in person at the Council meeting and seek recognition, or alternatively, should submit their comments in advance of the meeting in writing to the Town Clerk, and ask that they be read into the record, subject to the above terms and conditions, such as length and decorum. The validity of any actions taken by the Town Council will in no way be affected by the use or functionality of Zoom access for comments.”

Zoom Meeting Link:

<https://us06web.zoom.us/j/84934858460>

Meeting ID: 849 3485 8460

To request to speak during Public Comment, please utilize the “raise your hand” Zoom feature on your electronic device. You will be recognized at the direction of the Zoom Meeting Host.

In addition, any member of the public who does not wish, or is unable to participate through the Zoom video conferencing platform, but would still like to participate can do so by listening to the meeting as it happens by dialing the Toll-free numbers below:

US Toll Free Numbers: 877 853 5247 or 888 788 0099

For higher quality, dial a number based on your current location):

US: 1 312 626 6799 or 1 646 558 8656 or 1 301 715 8592

Meeting ID: 849 3485 8460

Participant ID: Press the # key.

To request to speak: Dial *9 on your telephone device to activate the “Raise your Hand” feature on the Zoom platform.

Members of the Public can also submit their request to speak and/or comments via email to the Office of the Town Clerk at yhamilton@bayharborislands-fl.gov prior to 4:00 p.m. on the day of the meeting.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

SPECIAL PRESENTATION:

1. Introduction of Deputy Chief of Police Donald Blanchard

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 or on the Town’s website; please fill it in and return it to the Town Clerk no later than the conclusion of the “Public Comment” section of the meeting, if you would like to address the Town Council. 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.*)

2. Approval of the following Council Meeting Minutes:
 - A. Regular Council Meeting - June 14, 2023
 - B. Special Council Meeting - June 28, 2023
 - C. Special Council Meeting - July 27, 2023
 - D. Regular Council Meeting - August 8, 2023
 - E. Special Council Meeting - August 21, 2023
 - F. First Budget Public Hearing - September 13, 2023
 - G. Regular Council Meeting - September 13, 2023
 - H. Final Budget Public Hearing - September 27, 2023
 - I. Special Council Meeting - September 27, 2023
 - J. Regular Council Meeting - October 11, 2023
3. **Consideration** and **Approval** of a proposal in the amount of \$34,626 from WSP Environment & Infrastructure Inc. to assist with lowering the Town's FEMA CRS Classification. Enclosed is a copy of the proposal.
4. **Consideration** and **Ratification of Approval** of an invoice in the amount of \$54,855.00 from Maestre Construction for the repair of a sewer leak on the Town's 16-inch sewer force main in the Town Hall parking lot, under the Emergency Procurement Provision pursuant to Section 2-1.3 of the Town Code. Enclosed is a copy of the proposal.
5. **Consideration** and **Approval** for Renewal of License Plate Reader (LPR) licensing and equipment-Flock for a 60-month term at a total cost not to exceed \$225,000.00. Enclosed is a copy of the supporting documents.
6. **Consideration** and **Approval** of a resolution authorizing publication of required legal notices and advertisements on a publicly accessible website. Enclosed is a copy of the proposed resolution.

**A RESOLUTION OF TOWN COUNCIL OF THE
TOWN OF BAY HARBOR ISLANDS, AUTHORIZING
PUBLICATION OF REQUIRED LEGAL NOTICES
AND ADVERTISEMENTS ON A PUBLICLY
ACCESSIBLE WEBSITE; PROVIDING FOR
INCORPORATION OF RECITALS; PROVIDING
FOR AN EFFECTIVE DATE.**

7. **Consideration and Approval** of a resolution denouncing the use of sexual violence and rape as a weapon of war by the terrorist group Hamas against women in Israel; doing so in the name of Naama Levi and asking that the International Committee of the Red Cross visit the remaining hostages in Hamas captivity. Introduced by Council Member Isaac Salver. Enclosed is a copy of the proposed resolution.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, DENOUNCING THE USE OF SEXUAL VIOLENCE AND RAPE AS A WEAPON OF WAR BY THE TERRORIST GROUP HAMAS AGAINST WOMEN IN ISRAEL; DOING SO IN THE NAME OF NAAMA LEVI AND ASKING THAT THE INTERNATIONAL COMMITTEE OF THE RED CROSS VISIT THE REMAINING HOSTAGES IN HAMAS CAPTIVITY; PROVIDING FOR INCORPORATION OR RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approve

POLL VOTE

ORDINANCES ON SECOND READING:

ORDINANCES ON FIRST READING:

8. **Consideration and Approval** of an ordinance on first reading amending Chapter 5 of the Town Code, entitled Buildings and Construction, by creating Section 5-26 to provide for Site Development Plan Exemption for Town Projects. 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 BUILDINGS AND CONSTRUCTION, ARTICLE I, BY CREATING SECTION 5-26 ENTITLED "SITE DEVELOPMENT PLAN EXEMPTION FOR TOWN PROJECTS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

9. **Consideration and Approval** of an ordinance on first reading amending Section 5-6 of the Town Code to provide for appeal after payment of code violations. Sponsored 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 RELATING TO APPEAL AFTER PAYMENT OF CODE VIOLATIONS; AMENDING CHAPTER 5 ENTITLED "BUILDINGS AND CONSTRUCTION", ARTICLE I, SECTION 5-6 ENTITLED "DEVELOPMENT FEES, PERMITS – REQUIRED, FEES TO BE PAID; PENALTY FOR NONCOMPLIANCE" RELATING TO APPEAL AFTER PAYMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

10. **Consideration and Approval** of an ordinance on first reading amending Sections 1-2, 2-21, 18-24, 2- 1.1, 53/4-8, 23-16.1, and 18-25 of the Town Code defining "Publication" of Public Notice in order to provide a definition of and remove the requirement for newspaper publication. Enclosed is a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING SECTION 1-2 DEFINING "PUBLICATION" OF PUBLIC NOTICE; AMENDING SECTION 2-21 "NOTICE OF PUBLIC HEARING"; SECTION 18-24 "NOTICE OF PROPERTY OWNER'S FAILURE TO CONVERT FACILITIES"; SECTION 2-1.1 "PROCUREMENT LIMITATIONS; COMPETITIVE BIDDING"; SECTION 5¾-8. "CONTENTS AND SERVICE OF NOTICE"; SECTION 23-16.1 "MORATORIUM"; AND SECTION 18-25 "CONVERSION OF FACILITIES OF THE TOWN CODE; LIEN; RECORDING; REDEMPTION"; AND SIMILAR ORDINANCES OF THE TOWN CODE; IN ORDER TO PROVIDE A DEFINITION OF PUBLICATION AND REMOVE THE REQUIREMENT FOR NEWSPAPER PUBLICATION, PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, INCORPORATION OF RECITALS AND AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

- 10A. **Consideration and Approval** of an ordinance on first reading creating Section 14-18 of the Town Code regarding Hate Crimes – consideration of anti-semitism in enforcing laws, not limited to destruction of posters supporting the Israeli hostages taken by Hamas during the attack of October 7, 2023. Introduced by Council Members Isaac Salver and Stephanie 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 CODE OF ORDINANCES BY ADDING A SECTION TO BE NUMBERED 14-18, ENTITLED "HATE CRIMES - CONSIDERATION OF ANTI-SEMITISM IN ENFORCING LAWS"; TO INCLUDE EXAMPLES OF ANTI-SEMITISM, INCLUDING, BUT NOT LIMITED TO, THE DESTRUCTION OF POSTERS SUPPORTING THE ISRAELI HOSTAGES TAKEN BY HAMAS DURING THE ATTACK OF OCTOBER 7TH; ADOPTING THE UNITED STATES DEPARTMENT OF STATE'S SPECIAL ENVOY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council's Discretion

POLL VOTE

DEFERRED ITEMS:

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

DISCUSSION ITEMS:

11. Discussion and Possible Action regarding the West Relief Bridge No. 87515 - Broad Causeway West Relief Bridge Rehabilitation or Replacement Improvements Report. Enclosed is a copy of the Life-Cycle Cost Analysis (LLC) report.

ADJOURNMENT: Approximately 10:30 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.